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39CD-09509 / T. Grawey  
 SP09-007974 / L. McDougall

<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE</b>
<b>FROM:</b>	<b>D. N. STANLAKE DIRECTOR, DEVELOPMENT PLANNING</b>  <b>DAVID AILLES MANAGING DIRECTOR, DEVELOPMENT APPROVALS BUSINESS UNIT</b>
<b>SUBJECT:</b>	<b>APPLICATION BY: 1767127 ONTARIO LIMITED</b>  <b>LOCATION: 567 ROSECLIFFE TERRACE (FORMER ADDRESS: 633 COMMISSIONERS RD. WEST)</b>  <b>PUBLIC PARTICIPATION MEETING ON MONDAY, JANUARY 16, 2012</b>

<b>RECOMMENDATION</b>
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That the following actions **BE TAKEN** in response to the December 7<sup>th</sup>, 2011 resolution of Municipal Council directing the Development Approvals Business Unit process and circulate the revised application for a Zoning By-law Amendment, Draft Plan of Vacant Land Condominium and Site Plan Approval on property located at 567 Rosecliffe Terrace (formerly 633 Commissioners Road West) and Blocks 66 and 73, Plan 33M-119:

- (a) the Ontario Municipal Board **BE ADVISED** that a geotechnical study, hydrogeological evaluation, conceptual grading plan, storm drainage/stormwater management study and tree preservation report have been received by the City, circulated for public review, evaluated and considered at a public participation meeting on January 16, 2012;
- (b) if Council supports the revised development application, the Ontario Municipal Board **BE ADVISED** the Municipal Council **RECOMMENDS** to the Board that the conditions of Draft Plan Approval attached as Appendix "A", form the basis for draft approval and will satisfactorily address the issues previously raised with this development application; and
- (c) any additional reports, comments and information received with the revised application, and at the meeting on January 16, 2012, **BE PROVIDED** to the Ontario Municipal Board for consideration.

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
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**September 14, 2009** - Report to a Public Participation meeting at Planning Committee on application at 633 Commissioners Rd. West for amendment to the Zoning By-law and Draft Plan of Vacant Land Condominium.

**October 19, 2009** – Information Report to Planning Committee regarding the geotechnical investigation and hydro-geological evaluation.

**March 22, 2010** – Report to Planning Committee in response to the fact that requested background studies have not been provided by the applicant.

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39CD-09509 / T. Grawey  
 SP09-007974 / L. McDougall

**March 7, 2011** – Report to the Built and Natural Environment Committee from the City Solicitor’s Office, providing background information on the adjournment of the hearing conducted by the OMB in January 2011, pending further consideration of the site access and other matters by City Council.

**June 13, 2011** – Report to the Built and Natural Environment Committee from the Environmental and Engineering Services Department, recommending closure of the untravelled portion of the Baseline Road Allowance abutting the subject property.

**PURPOSE AND EFFECT OF RECOMMENDED ACTION**

The purpose and effect of this report is to provide an update on the status of issues that were identified by City Council with the original application; and, to formulate potential conditions for the revised application that can be considered by Council, and ultimately addressed by the Ontario Municipal Board.

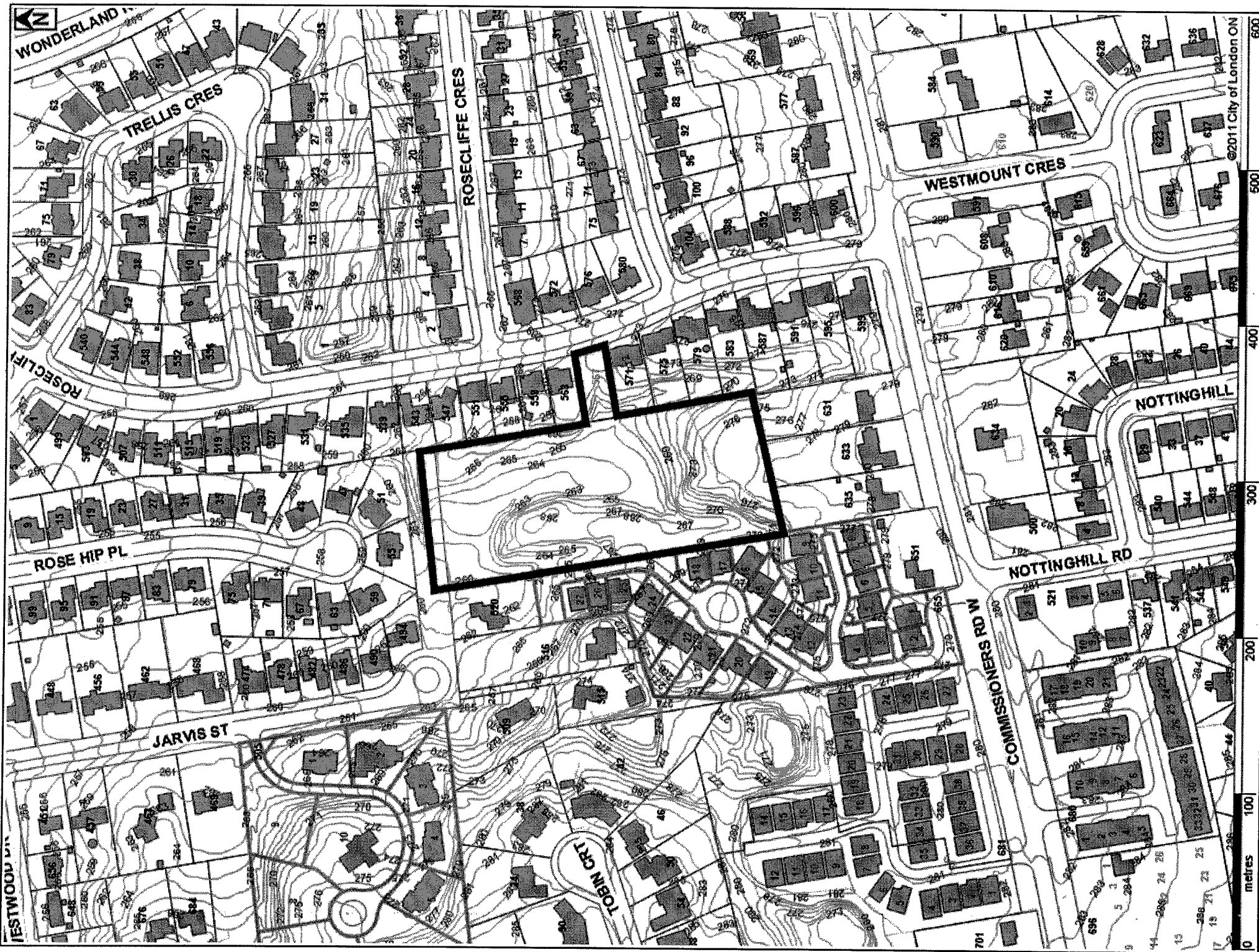
**RATIONALE**

1. The proposed vacant land condominium provides for a form of residential infill that is consistent with the Low Density Residential policies of the Official Plan and compatible with the surrounding residential development.
2. A revised development proposal and new information has been provided to address the issues that were previously identified by the Ontario Municipal Board and this new information forms a basis for the conditional approval of the application.
3. The issues and requirements that have been identified with this proposal, including driveway access design, site grading, landscaping and tree preservation, privacy fencing, groundwater impacts and surface drainage, will be addressed through conditions of Draft Plan of Condominium Approval, and the Site Plan / Development Agreement.






**BACKGROUND**

<b>Revised Application Submitted:</b> October, 2011	<b>Agent:</b> Michelle Doornbosch, Zelinka Priamo Ltd.
<b>REQUESTED ACTION:</b> Consideration of a revised plan of vacant land condominium and site plan application for a 21 unit cluster housing development at 567 Rosecliffe Terrace and Blocks 66& 73 Plan 33M-119 (former address: 633 Commissioners Rd. West)	

<b>SITE CHARACTERISTICS:</b>
<ul style="list-style-type: none"> <li>• <b>Current Use</b> – vacant and undeveloped, with a variable topography and vegetation consisting primarily of young to mid-aged trees.</li> <li>• <b>Frontage</b> - The subject property has no existing frontage on a public road, save and except 10 metres (33 ft.) of frontage on the unopened Baseline Road Allowance. City-owned Block 73, Plan 33M-119 has a frontage of 20 metres (65.6 ft.) Rosecliffe Terrace.</li> <li>• <b>Depth</b> - 327 metres (1,073 ft.)</li> <li>• <b>Area</b> - 1.9887.5 ha. (4.9 acres)</li> <li>• <b>Shape</b> - Rectangular on a north-south alignment</li> </ul>



**LEGEND**

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

**LOCATION MAP**

Subject Site: 567 Rosecliffe Terrace  
 (formerly 633 Commissioners Rd. West)

Applicant: 1767127 Ontario Limited  
 File Number: 39CD-09509

Planner: Terry Grawey  
 Date: 2011-12-05  
 Scale: 1:3000

Corporation of the City of London  
 Prepared By: City Managers Department



0 metres 100 200 300 400 500 600 ©2011 City of London ON

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

<b>OFFICIAL PLAN DESIGNATION:</b> (refer to map on page 5)
<ul style="list-style-type: none"> <li>• Low Density Residential</li> </ul>
<b>EXISTING ZONING:</b> (refer to map on page 6)
<ul style="list-style-type: none"> <li>• Residential R1 (R1-9)</li> </ul>

<b>PLANNING HISTORY</b>
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The application for vacant land condominium and zoning by-law amendment was accepted on June 17, 2009 (File Z-7673 & 39CD-09509). The application for Site Plan Approval was accepted on March 18, 2009 (File SP09-007974).

On September 14, 2009, Planning Committee held a public participation meeting relating to an application for draft plan of vacant land condominium and application for zoning by-law amendment affecting the vacant portion of lands located to the rear of 633 Commissioners Road West. A previous application to the Consent Authority was granted to sever the rear lands from the front portion of the property containing an existing dwelling.

The proposed development identified 22 vacant land units (or lots) and a common element for the internal driveway and services, with access from Rosecliffe Terrace. To facilitate the proposed plan of condominium, an amendment to the zoning by-law is required to permit cluster housing in the form of single detached dwellings. The present zoning is Residential R1 (R1-9) which permits single detached dwellings on individual freehold lots.

Planning staff were generally supportive of the application because the recommended zoning was compatible with the surrounding single family residential area, and the draft plan of vacant land condominium was in conformity with Official Plan and condominium guidelines. Special provisions were recommended for minimum lot frontage, maximum number of dwelling units, and interior side and rear yard setback at the interface with existing residential uses consistent with the current R1-9 zone standards. Mitigation measures to address concerns of residents regarding impacts of this development, including measures to protect perimeter trees, site grading, perimeter fencing, and privacy screening would be implemented through conditions of Draft Plan Approval and Site Plan Approval.

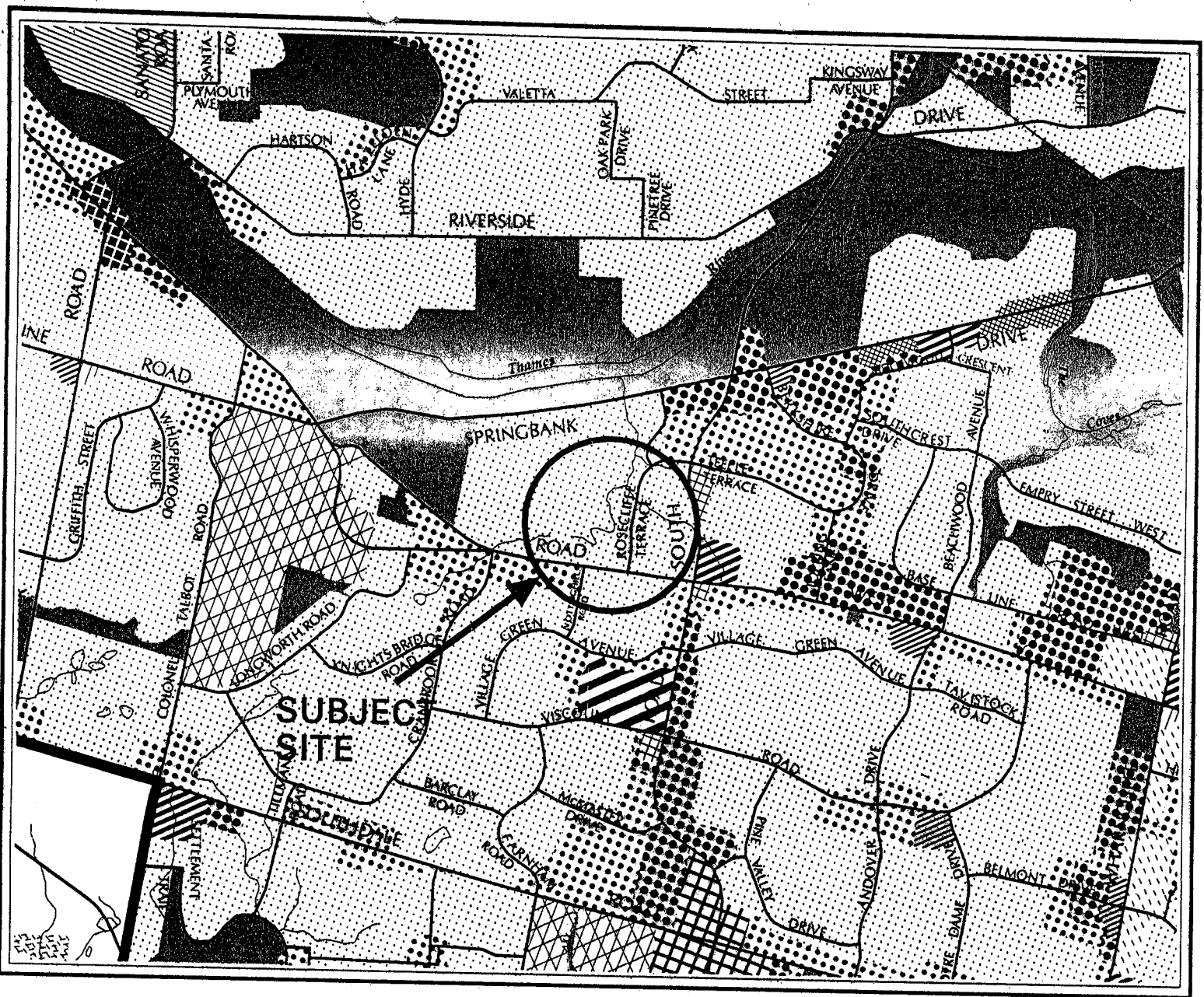
On September 21, 2009, Municipal Council endorsed the following resolution:

*That the following actions be taken with respect to the application of C. Shuttleworth for the property located at 633 Commissioners Road West and Blocks 66 and 73, Plan 33M-119:*

(a) *Consideration of the application BE DEFERRED until such time as the following studies have been received:*

- i) *a Geotechnical Study;*
- ii) *a Hydro geological Evaluation*
- iii) *a conceptual grading plan consistent to the two studies noted in (i) and (ii) above;*
- iv) *a storm drainage and storm water management study; and,*
- v) *a tree preservation report.*

(b) *Developers for the above-noted properties BE ENCOURAGED to consult and meet with the surrounding community to solicit their continued input*



### LEGEND

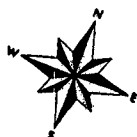
- |  |  |  |                                   |  |                    |
|--|--|--|-----------------------------------|--|--------------------|
|  | DOWNTOWN AREA                              |  | OFFICE AREA                       |  | DEFERRED AREAS     |
|  | REGIONAL SHOPPING AREA                     |  | OFFICE/RESIDENTIAL                |  | AREAS UNDER APPEAL |
|  | COMMUNITY SHOPPING AREA                    |  | OFFICE BUSINESS PARK              |  |                    |
|  | NEIGHBOURHOOD SHOPPING AREA                |  | GENERAL INDUSTRIAL                |  |                    |
|  | ASSOCIATED SHOPPING AREA COMMERCIAL        |  | LIGHT INDUSTRIAL                  |  |                    |
|  | BUSINESS DISTRICT                          |  | REGIONAL FACILITY                 |  |                    |
|  | ARTERIAL MIXED USE DISTRICT                |  | COMMUNITY FACILITY                |  |                    |
|  | HIGHWAY SERVICE COMMERCIAL                 |  | OPEN SPACE                        |  |                    |
|  | RESTRICTED/HIGHWAY SERVICE COMMERCIAL      |  | URBAN RESERVE - COMMUNITY GROWTH  |  |                    |
|  | RESTRICTED SERVICE COMMERCIAL              |  | URBAN RESERVE - INDUSTRIAL GROWTH |  |                    |
|  | COMMERCIAL POLICY AREA                     |  | RURAL SETTLEMENT                  |  |                    |
|  | MULTI - FAMILY, HIGH DENSITY RESIDENTIAL   |  | ENVIRONMENTAL REVIEW              |  |                    |
|  | MULTI - FAMILY, MEDIUM DENSITY RESIDENTIAL |  | AGRICULTURE                       |  |                    |
|  | LOW DENSITY RESIDENTIAL                    |  | URBAN GROWTH BOUNDARY             |  |                    |

THIS IS AN EXCERPT FROM THE PLANNING DIVISION'S WORKING CONSOLIDATION OF SCHEDULE A TO THE CITY OF LONDON OFFICIAL PLAN, WITH ADDED NOTATIONS

## CITY OF LONDON

DEPARTMENT OF PLANNING AND DEVELOPMENT

OFFICIAL PLAN  
SCHEDULE A - LAND USE



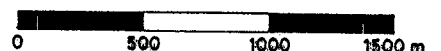
PREPARED BY: Graphics & Information Services

FILE NO.

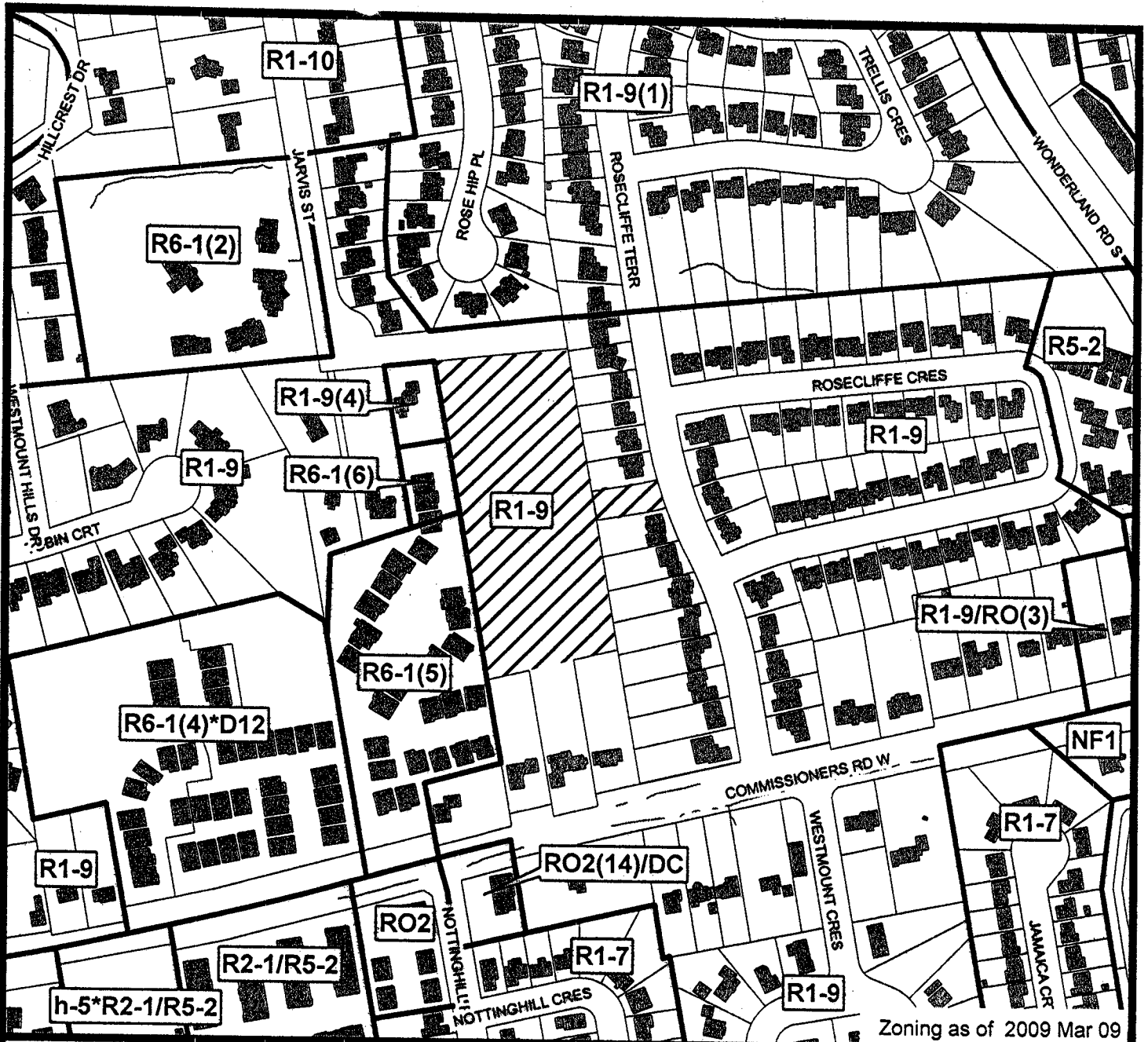
39CD-09509, Z-7673 LM

MAP PREPARED:

August 25, 2009 DT



SCALE 1:30,000



**COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: R1-9**

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

- 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
  
- 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

2)  **ANNEXED AREA APPEALED AREAS**

**CITY OF LONDON**

DEPARTMENT OF PLANNING AND DEVELOPMENT

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

**SCHEDULE A**

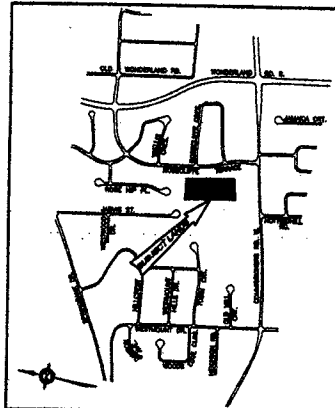


FILE NO:  
39CD-09509 / Z-7673 LM

MAP PREPARED:  
2009/08/12 DT

1:4,000  
0 20 40 80 120 160  
Meters

# Revised Draft Plan of Vacant Land Condominium



**DRAFT PLAN OF VACANT LAND CONDOMINIUM**  
**LOT 38, CONCESSION 1**  
**ROAD ALLOWANCE BETWEEN**  
**CONCESSION 1 AND BROKEN**  
**FRONT CONCESSION "B"**  
**CITY OF LONDON**  
**COUNTY OF MIDDLESEX**

RECEIVED BY  
 OCT 13 2011  
 CITY OF LONDON  
 DEPARTMENT APPROVALS/REGISTRATION

**SURVEYORS CERTIFICATE:**  
 I HEREBY CERTIFY THAT THE DIMENSIONS OF THE LOTS AS SHOWN ON THIS PLAN AND THE SHOWN RELATIONSHIP TO ADJACENT LOTS ARE ACCURATELY AND CORRECTLY SHOWN.

*October 13, 2011*  
 DATE

*[Signature]*  
 SURVEYOR

**OWNERS CERTIFICATE:**  
 I HEREBY AUTHORIZE THE SUBMISSION OF THIS PLAN IN DRAFT FORM.

1787127 ONTARIO INC.  
 DATE: *Oct 5/2011*

**ADDITIONAL INFORMATION REQUIRED UNDER SECTION 51 (17) OF THE PLANNING ACT:**

(1) AS SHOWN ON PLAN ( )  
 (2) AS SHOWN ON PLAN ( )  
 (3) AS SHOWN ON PLAN ( )  
 (4) AS SHOWN ON PLAN ( )  
 (5) AS SHOWN ON PLAN ( )  
 (6) AS SHOWN ON PLAN ( )  
 (7) AS SHOWN ON PLAN ( )  
 (8) AS SHOWN ON PLAN ( )  
 (9) AS SHOWN ON PLAN ( )  
 (10) AS SHOWN ON PLAN ( )

**LAND USE SCHEDULE**

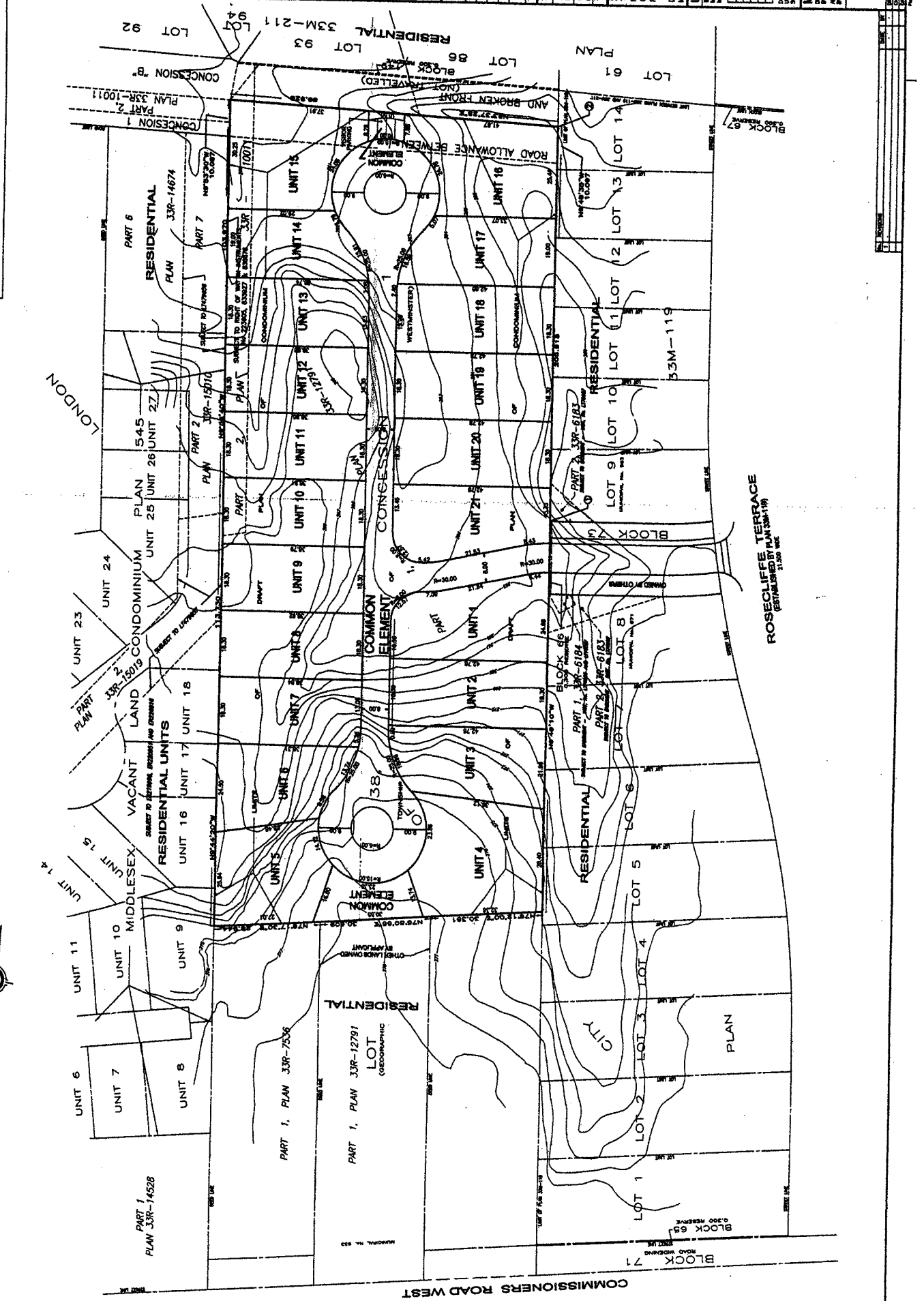
UNITS TO BE BUILT	16471.8 sq. m
COMMON ELEMENT (ROADWAYS)	3415.7 sq. m
TOTAL AREA	19887.5 sq. m
<b>SITE DATA</b>	
AREA	19887.5 sq. m
NUMBER OF UNITS	21
COVERAGES	23% MAXIMUM
PARKING SPACES	44 MINIMUM 42 (2 MINIMUM)
DENSITY	4 VISITOR SPACES
MUNICIPAL ADDRESS	ROSECLIFFE TERRACE

**UTM GRID NOTE:**  
 BOUNDARY POINTS ARE LISTED IN METERS AND ARE DERIVED FROM THE NATIONAL CONTROL NETWORK. POINTS ARE LISTED IN METERS AND ARE REFERRED TO CONTROL NETWORK BY THE UTM GRID NUMBER AND LETTERING.

**METRIC:**  
 DISTANCES SHOWN ON THIS PLAN ARE IN METERS AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.  
 AREAS SHOWN ON THIS PLAN ARE IN SQUARE METERS AND CAN BE CONVERTED TO ACRES BY DIVIDING BY 4046.8564.  
 VOLUMES SHOWN ON THIS PLAN ARE IN CUBIC METERS AND CAN BE CONVERTED TO CUBIC FEET BY MULTIPLYING BY 35.3146667.

UNITS TO BE BUILT	21
COVERAGES	23% MAXIMUM
PARKING SPACES	44 MINIMUM 42 (2 MINIMUM)
DENSITY	4 VISITOR SPACES

**File No.** \_\_\_\_\_  
 Subject to the conditions, if any, set forth in our letter dated \_\_\_\_\_, 2011, this draft plan is approved under Section 51 of the Planning Act and Section 9 of the Condominium Act 1998, this \_\_\_\_\_, 2011.



Agenda Item #	Page #

39CD-09509 / T. Grawey  
SP09-007974 / L. McDougall

On October 19, 2009, an information report was received by Planning Committee regarding the geotechnical and hydrogeological evaluation component, and the method that would be employed to undertake this work. Planning Committee also heard a delegation from the consultant and was provided with an overview of the impact of the technical work on the subject site, noting that while it was their intention to have minimal adverse impact on the site, the route that must be taken into and on the site is dependent upon topographical challenges.

On October 26, 2009, Municipal Council endorsed the following resolution:

*That the application of Carole Shuttleworth relating to the property located at 633 Commissioners Road West and Blocks 66 & 73, Plan 33M-119 BE REFERRED to the Civic Administration to bring this application forward to the Planning Committee (PC) for its final consideration at the next possible date; it being noted that the PC heard a delegation from D. Young, Stantec Consulting, providing an overview of the impacts on the subject site from the geotechnical and hydrogeological work to be undertaken; noting that while it is their intention to have minimal adverse impacts on the site, the route that must be taken into and on the site is dependant upon topographical challenges.*

The Site Plan Review Group meeting took place on April 2, 2009. The first green line plan and comments were provided to the applicant's agent at the meeting on April 2, 2009. Engineering comments were received on May 1, 2009 and forwarded to the applicant on May 2, 2009. Revised Site Plans were received on May 14, 2009. A second green line plan and comments were provided to the applicant on May 25, 2009. Servicing and Grading plans, Landscape Plans and a Tree Preservation Report have not been provided to date. The plans did not comply with the current zoning. As such, site plan approval could not be granted until the rezoning process was completed.

On January 20, 2010 letters of appeal were filed with the Ontario Municipal Board with respect to the applications for plan of condominium, zoning by-law amendment, and site plan approval for reasons given as follows:

1. Application for Approval of a Vacant Land Plan of Condominium  
Reason: Approval Authority has failed to make a decision on the proposed plan within 180 days in accordance with the Planning Act (Sect. 51(34)).
2. Application for Zoning By-law Amendment  
Reason: Municipal Council has neglected to make a decision on the application within 120 days in accordance with the Planning Act (Sect. 34(11)).
3. Application for Site Plan Approval  
Reason: Municipality has failed to make a decision on the application within 30 days in accordance with the Planning Act (Sect. 41(12)).

A report was presented to the Planning Committee meeting on March 22, 2010, outlining options for Council to consider in response to the Ontario Municipal Board appeals. The courses of action that were considered included taking no action; recommending support for the applications; and, recommending refusal.

City Council endorsed the following actions at its meeting on March 29<sup>th</sup>, 2010,

*That, on the recommendation of the General Manager of Planning and Development in response to the letters of appeal to the Ontario Municipal Board, submitted by Patton Cormier and Associates on behalf of 1767127 Ontario Limited, relating to the applications by Carole Shuttleworth for Draft Plan of Vacant Land Condominium, Zoning By-law Amendment, and Site Plan Approval for lands located at the rear of 633 Commissioners Road West and Blocks 66 and 73, Plan 33M-119:*

- (d) *The Ontario Municipal Board BE ADVISED that Municipal council, at its session held on September 21, 2009 resolved that consideration of the application be deferred until such time as the following studies have been received:*
- i) *a geotechnical study;*
  - ii) *a hydrogeological evaluation;*



Agenda Item #	Page #

**39CD-09509 / T. Grawey  
SP09-007974 / L. McDougall**

- iii) *conceptual grading plan consistent with the two studies noted in (i) and (ii) above;*
- iv) *a storm drainage and storm water management study; and*
- v) *a tree preservation report;*

*and whereas the requested studies have not been received to date by the Municipal Council, and whereas the application has now been appealed to the Board, the Municipal Council sees no reason to support the application for draft plan of vacant land condominium and refuses the request to pass a Zoning By-law amendment, notwithstanding the recommendation of the General Manager of Planning and Development, and further, that the application should be refused for the following additional reasons:*

- i) *the application lacks the means for a second access to the site; and*
  - ii) *the application does not reflect the principles of good land use planning;*
- (e) *the Ontario Municipal Board BE ADVISED that the application for site plan approval is refused for the reason that the zoning was not approved to permit the proposed use, and a new application for site plan approval will be required; and*
- (f) *the City Solicitor BE DIRECTED to provide legal representation at the Ontario Municipal Board hearing to support the decision of Municipal Council and to retain experts as required to provide evidence at the Ontario Municipal Board hearing to support the position of the Municipal Council with respect to both the vacant land condominium and site plan applications, as well as the refusal to pass a zoning by-law amendment.*

Counsels for the parties jointly requested that the Ontario Municipal Board adjourn the hearing, to allow them an opportunity to seek advice and clarification from City Council that they believe is important to the application. In Interim Decision and Order issued on January 12, 2011, the Board adjourned the hearing for a period of six (6) months, noting that upon resumption of the hearing, the Board is prepared to hear evidence arising from the comments of Council along with final arguments.

At its meeting on March 21, 2011, as the result of neighbourhood concerns about the potential of a second access from the proposed development site to Jarvis Street, City Council adopted the following resolution:

- (a) *the Ontario Municipal Board BE ADVISED that the subject (development) lands do not require a second access to Jarvis Street; and*
- (b) *the unopened road allowance BE CLOSED and BE DECLARED surplus.*

The intention of this action was to ensure that the closure & sale of the Baseline Road allowance eliminated the potential for vehicular access to Jarvis Street.

A telephone conference was convened on August 3, 2011, following a request by the Parties for an adjournment to seek advice and clarification from City Council, noting that the subject property had recently been sold, and a revised plan was being prepared incorporating an abutting 10 metre (33 ft.) wide road allowance from the City. In a further decision issued on September 14, 2011, the Board Ordered:

1. A two day continuation hearing be scheduled for January 19 and 20, 2012;
2. The Parties have agreed that at the hearing the Board will hear evidence on Zoning, a revised Draft Plan of Condominium and Site Plan along with closing submissions; and
3. No further notice shall be given.

A revised application was submitted to the City in October 2011, for an expanded site that incorporates the abutting 10 metre wide former Baseline road allowance at the north end of the site, with 21 cluster single detached dwelling units and a reconfigured internal access road. The following supporting documents were submitted with the revised application:

- Revised Draft Plan of Condominium and revised Site Plan;
- Preliminary Site Servicing Report, including servicing and grading plans;
- Hydrogeological Report;
- Geotechnical Report; and
- Tree Preservation Report

Agenda Item #	Page #

**39CD-09509 / T. Grawey  
SP09-007974 / L. McDougall**

In response to the receipt of revised application and previous direction from the OMB, the Built and Natural Environment Committee considered a report from the City Solicitor at its meeting on November 28<sup>th</sup>, 2011 and the following resolution was adopted by London City Council on December 6<sup>th</sup>, 2011:

*That the Development Approvals Business Unit BE DIRECTED to process and circulate the revised application and provide advice to a future public participation meeting of the Planning and Environment Committee as it relates to the Ontario Municipal Board appeal by 176127 Ontario Limited relating to the properties located at 633 Commissioners Road West and Blocks 66 & 73, Plan 33M-119.*

In accordance with the direction from Council, notice of the revised plans and associated background studies was liaised to members of the public and review agencies for review and comment. The liaison included notice of a public participation meeting scheduled at the Planning and Environment Committee on Monday January 16, 2012.

<b>PUBLIC LIAISON:</b>	A combined Notice of the <b>Revised Application</b> & Notice of Public Meeting was circulated to area residents and review agencies on December 8 <sup>th</sup> , 2011. Notice of the Revised Application was published in the "Living in the City" section of the London Free Press on December 10 <sup>th</sup> , 2011	Two (2) telephone calls and 15 written/e-mail responses received to date.
<b>Nature of Liaison:</b>		
<p>The <u>revised</u> application proposes a vacant land plan of condominium consisting of 21 detached dwelling units, and a common element for the driveway and services. The site plan application (SP09-007974) addresses the physical form of development for the proposed plan of condominium.</p> <p>The revised applications are being considered within the context of the proposed Residential R6 Special Provision (R6-1( )) Zone, which permits cluster housing in the form of single detached dwellings at a maximum density of 15 units per hectare (6 units/acre) and a maximum height of 10.5 metres (34.5 ft.), with a special provision for a minimum lot frontage of 20 metres (65.6 ft.).</p> <p>The liaison identified the following reports as being submitted with the revised application:</p> <ul style="list-style-type: none"> <li>• Site Plan and Draft Plan of Vacant Land Condominium</li> <li>• Preliminary Servicing Report (AGM surveying &amp; Engineering, Oct. 6, 2011)</li> <li>• Preliminary Grading and Servicing Plans, Drainage Area Plan, Sanitary Design Areas Plan, Storm Design Areas Plan and Site Grading Plan</li> <li>• Tree Retention Report and Tree Preservation Plan (Ron Koudys Landscape Architects Inc., October 2011)</li> <li>• Hydrogeological Investigation (EXP Services Inc., October 11, 2011)</li> <li>• Geotechnical Investigation (EXP Services Inc., October 11, 2011)</li> </ul>		

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**Responses:** All of the responses cited concerns or objections to the revised development proposal. The key issues and concerns identified by members of the public are summarized as follows:

- **Entrance Driveway** – the driveway access from Rosecliffe Terrace will be difficult to navigate for emergency vehicles due to the steep grade that is being proposed; and, there is no provision for emergency vehicles to back-up or turn-around within the site.
- **Site Access** – previous City Council direction required two access points to the site and the proposal to provide one point of access will impede the ability of emergency vehicles to service the development.
- **Building Height** – the proposed maximum height of 10.5 metres (34.4 ft.) is excessive and would detract from the amenity/value of existing development in the surrounding area. The height of residential units in the proposed development should be restricted to one storey.
- **Landscaped Buffer** – a specific number of trees should be planted to provide a naturalized buffer strip of not less than 6 metres adjacent to existing residential properties. This would provide an area for both vegetation retention and wildlife habitat. The buffer should be maintained by the Condominium corporation.
- **Financial Security** – in the event the developer runs into financial difficulties, adequate security should be required by the City to ensure that any damages to existing homes in the area from site drainage problems or defective retaining walls can be addressed.
- **Wildlife Habitat and Tree Removal** – the development will result in the loss of natural vegetation and land that provides habitat for wildlife. Approval of this development would be contrary to the image of London as the “Forest City”. Of specific concern is that a portion of the retaining wall is within the drip line of a red oak tree located on the property at 575 Rosecliffe Terrace and the wall should be offset so that it avoids the zone of influence.
- **Water Management** – the development could negatively impact the downstream capacity of storm drainage infrastructure, and create the potential for flooding on adjacent residential properties. The hydrogeological and geotechnical reports have not adequately addressed this potential concern.
- **Development Density & Traffic Generation** – the development will result in an increase in traffic on Rosecliffe Terrace and adjoining streets in the neighbourhood. The density should be based on the existing Residential (R1-9) zoning, which would limit development to 13 or 14 units and provide for preservation of the ravine on the site.
- **Neighbourhood Character** – the development will negatively impact the character of the existing residential neighbourhood by eliminating the buffer of natural vegetation and create a “hard edge” of development adjacent to the existing residential properties.
- **UTRCA Regulation** – most of the site is under regulation of the Upper Thames River Conservation Authority and the proposed development is not consistent with the objective of protecting conservation lands. *(Note: the UTRCA has confirmed in recent comments that the subject lands are not regulated but notes that a remnant valley slope exists and recommends a geotechnical investigation be completed, to the satisfaction of the City)*

**Departmental and Agency Comments:**

Departmental and agency comments that have been received in response to the notice of revised application are appended to this report.

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**ANALYSIS**

**Revised Proposal:**

Revisions to the original plan of condominium include the following changes:

1. The site configuration no longer includes the existing dwelling and residential lot located at 633 Commissioners Road West, which was severed from the balance of the site in 2009 (Consent Application B.-051/08) and is now in separate ownership.
2. The revised application shows access to the site from the City owned block leading to Rosecliffe Terrace (Block 74, 33M-119), which is municipal address 567 Rosecliffe Terrace. The revised development site also includes the south half of the former Baseline Road allowance, which has been closed and transferred to the applicant.
3. The internal road alignment has changed from a "hammerhead" configuration at the north end of the site to a cul-de-sac, resulting in a revised lotting pattern with all units oriented east/west. A common element has been identified at the north end of the bulb for visitor parking.
4. The number of proposed units has been reduced from 22 to 21, to based on the revised internal road alignment and lot layout design.

Supporting studies that were submitted with the revised plan include a revised Draft Plan of Condominium and revised Site Plan; a Preliminary Site Servicing Report with conceptual servicing and grading plans; a Hydrogeological Report; a Geotechnical Report; and a Tree Preservation Report. These studies have been considered in the evaluation of issues to be addressed.

In reviewing and evaluating this revised proposal, the Development Approvals Business Unit has received legal advice from City Solicitor's Office on the issue of access over Blocks 66 and 73, Plan 33M-119. Also, peer reviewers retained by the City Solicitor's Office have commented on the technical information and findings in the Hydrogeological and Geotechnical investigations that were submitted with the revised development proposal.

**Proposed Zoning:**

The subject property is currently zoned Residential R1 (R1-9), which permits single detached dwellings on lots having a minimum frontage of 18 metres (59.0 ft.), a minimum lot area of 690 square metres (7,427 sq. ft.) and a maximum height of 12 metres (39.4 ft.),

The application that has been submitted for the proposed development would change the zoning to Residential R6 (R6-1( )), which would permit cluster housing in the form of single detached dwellings at a maximum density of 15 units per hectare (6 units per acre) and a maximum height of 10.5 metres (34.5 ft.), with a special provision for a minimum lot frontage of 20 metres (vs. the standard lot frontage requirement of 22 metres).

Councils refusal to enact the proposed Zoning By-law amendment (as well as the associated site plan application and draft plan of condominium application) was appealed to the Ontario Municipal Board. A continuation of the hearing has been scheduled for January 19<sup>th</sup> and 20<sup>th</sup>, 2012.

The revised draft plan of condominium and site plan proposal is based on the same zoning that was requested with the original application (Z-7673). As has been noted, the requested Residential R6 Special Provision (R6-1( )) would permit cluster housing in the form of single detached dwellings, at a maximum density of 15 units per hectare and a maximum height of 10.5 metres, with a special provision for a minimum lot frontage of 20 metres (in place of 22 metres required in the R6-1 Zone).

**Issues to be Addressed:**

Several issues were identified with the initial application and evidence was subsequently

Agenda Item #	Page #

39CD-09509 / T. Grawey  
 SP09-007974 / L. McDougall

provided at the Ontario Municipal Board hearing. At the request of Counsels for the parties, the Board adjourned the hearing to provide an opportunity to seek advice and further clarification of the issues from City Council. Specific issues that have been identified by Council, based on previous public input, include the need for additional information in the form of a geotechnical study; a hydrogeological evaluation; a conceptual grading plan consistent with these two studies; a storm drainage and storm water management study; and a tree preservation report. Additional issues have been identified by area residents in response the notice of revised application.

The key issues are categorized and discussed below, within the context of the revised plan of condominium, site plan and associated background studies that were received by the City.

- **Site Access:** Initially, City Council had expressed concern that the proposed development lacks the means for a second access to the site. However, it was subsequently determined that a second access was not required and Council closed the unused portion of the Baseline Road allowance for disposition to the adjacent property owners.

While it is common practice to limit development on a single public road access to a maximum of 80 units (based primarily on water servicing and emergency access provisions), there is no definitive requirement for condominiums and each project is considered on its merits. The subject development, with 21 units is well within the generally accepted standard and a second access is not warranted. Examples of other developments in the vicinity that are served by a single access include the vacant land condominium to the west (665 Commissioners Rd. West), which is accessed by 27 units; Rose Hip Court/Place to the north, which is accessed by 33 single detached units; and Quinella Place to the north/east, which is accessed by 22 single family & townhouse units.

With the recent closure and transfer of the adjacent Baseline Road allowance, and severance of the single detached residence at 633 Commissioners Road West and the only feasible option for access into the condominium site is from Rosecliffe Terrace through Blocks 66 & 73, Plan 33M-119. This parcel is currently owned by the City of London and must either be dedicated as a public road allowance, or deeded back to the original subdivider in accordance with the conditions of the subdivision agreement.

Retention of the access corridor (Block 66 & 73) by the City is not the preferred option, since it only serves one development and does not comply with municipal public road standards. Ongoing maintenance and liability would also be a concern if the driveway access remains in City ownership. To address this issue, it is recommended that the block be consolidated with the condominium site that it serves. The zoning should include a special provision to recognize the reduced lot frontage requirement of 20 metres instead of the standard 22 metres required in the R6-1 Zone variation.

- **Grading & Slope Stability:** The steepness of the grade at the entranceway to the site has been identified as a potential constraint for vehicular access. The Preliminary Site Servicing Report submitted with the revised plan (AGM Surveying & Engineering, October 6, 2011) included a preliminary grading design for the development site showing the existing boundary grades, proposed finished grades for the lots/internal roads, and surface drainage flows. This report states that the preliminary grading design is in accordance with municipal standards and the City's consolidated 2009 Site Plan Control Area By-law.

The preliminary grading plan has been reviewed within the context of Municipal design guidelines for entrance driveways. A minor revision is required at the entranceway to ensure that there is a maximum grade of 1% to 3% for the section of the access driveway from the road surface on Rosecliffe Terrace to 3 metres beyond the right-of-way limit and this section cannot have a negative slope. The maximum downgrade beyond this point (into the site) should be no more than 4%, if possible, but steeper downgrades may be permitted, subject to the approval of Transportation Engineering. The recommended revisions to the site grading design are considered feasible and can be implemented through a condition of draft approval. The final approved design will form part of the site plan development agreement.

Proposed finished lot grades, surface drainage flows and retaining wall locations are also identified on the preliminary grading plan. The design and construction of retaining walls was addressed in the Geotechnical Report (EXP Services Inc., October 11, 2011). The retaining

Agenda Item #	Page #

**39CD-09509 / T. Grawey  
SP09-007974 / L. McDougall**

walls/terraces have been proposed along the southern and eastern boundaries of the site to ensure slope stability. Similar walls & terraces were included in the Rosecliffe Valley condominium development to the west. It is noted in the report that a detailed stability analysis should be performed once the final design is available. This can be required as a condition of draft approval and the final design can be implemented as part of the site plan/development agreement. Security will be required to ensure that all required works are completed in accordance with the approved designs.

- **Hydrogeology:** The hydrogeological report submitted with the revised proposal (exp Services Inc., October 11, 2011), indicates that the subject property is located in pocket of sand and gravel, with glacial till being the predominant soil type. The report indicates that the depth water was found in the existing wells indicates the presence of intermediate and deep aquifers. It is further stated that no long-term impact is anticipated on the existing wells in the vicinity, both quantitatively and qualitatively, since the proposed sewer inverts are not deep enough to penetrate into the underlying intermediate or deep aquifers. At the lowest invert levels, the botto of the excavations may contact shallow perched water conditions. Any temporary dewatering operations which may be required to deal with minor seepage are not expected to cause any long-term impact to the aquifers which supply the nearby potable wells.

The report recommends that native backfill be used, where possible to minimize the change in hydraulic conductivity within the service trenches. In the event the sewer excavations extend below the stabilized shallow groundwater table, clay collars may be installed at strategic locations, if necessary, as part of the contingency plan. This can best be assessed at the early stages of construction by a geotechnical engineer.

The hydrogeological report was peer reviewed by a consultant retained by the City of London (MTE Consultants Inc.), which concluded that the report has the same deficiencies as the previous hydrogeologic report (prepared for the original application), as follows:

- i) Monitoring wells are not located on the site to measure the depth to groundwater
- ii) Certain MOE water well records are cited in the reports but not field verified
- iii) A door to door survey has not been undertaken to identify neighbouring wells in the area
- iv) We are aware of a well close to the site that has not been documented

The peer review indicated that the noted deficiencies can be addressed by conducting a door-to-door well survey in the area. A draft plan condition should be applied, requiring completion of the survey and sign-off of the findings in the hydrogeological report (to the satisfaction of the City) prior to final approval.

An issue related to groundwater quality is the presence of fill material on the site, which was previously documented. A condition of draft approval has been identified to require confirmation that the fill material has been tested and determined to be within acceptable Ministry of Environment (MOE) criteria.

- **Drainage & Stormwater Management:** Stormwater management and site drainage was addressed in the Preliminary Site Servicing Report and overland flow routes were identified in the Preliminary Grading Plan submitted with the revised development proposal. Surface drainage from the development (and some adjacent properties on Commissioners Rd. West and Rosecliffe Terrace) will flow from south to north, outletting through a municipal easement at the north-west corner of the site, which also receives surface flows from the adjacent Rosecliffe Valley condominium.

Storm drainage flows will be directed to internal road and rear yard catch basins, and conveyed via an internal storm sewer to the existing 1500mm diameter pipe located in the municipal easement at the northwest corner of the site. It is confirmed in the report that the receiving municipal storm sewer has more than adequate capacity to accommodate post development flows from the subject lands. It is also stated that sewers have been designed such that maximum permissible pipe velocities are not exceeded and manhole drop structures can be included in the design, as required. Plans confirming the finished grade elevations, overland drainage flows and catch basin locations, would form part of the site plan development agreement that is executed with the City.

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**39CD-09509 / T. Grawey**  
**SP09-007974 / L. McDougall**

- **Density & Traffic:** The proposed development constitutes a residential infill development comprised of 21 single detached cluster units within the Low Density Residential Designation. The Low Density Residential policies permit single detached, semi-detached and duplex dwellings as well as multiple attached dwellings such as row houses or cluster houses, up to a maximum density of 30 units per hectare.

The proposed development, as revised, would have a net residential density of 10.5 units per hectare, which is well within the upper density limit for the Low Density Residential designation. The condominium unit sizes are comparable to the adjacent single detached residential lots on Rosecliffe Terrace and larger than the units in the Rosecliffe Valley Condominium abutting on the west, which has a net residential density of 13.5 units per hectare.

While the proposed development would generate some additional traffic on Rosecliffe Terrace, the volumes would be no greater than for a similar number of single detached units. Overall, the amount of traffic generated by the proposed development is considered to be within acceptable volumes for existing municipal roads in the area the Transportation Division has not identified any concerns or required infrastructure improvements for this development.

- **Tree Retention:** The subject property is designated Low Density Residential and currently zoned Residential R1 (R1-9). While the lands are not identified as a "Significant Woodland" on Schedule "B1" of the Official Plan (Natural Heritage Features) and not under the jurisdiction of the Tree Conservation By-law, a tree preservation plan is required to be prepared pursuant to Section 15.4.14 of the Official Plan, to assess the potential for vegetation retention within the context of the development application.

The revised development proposal submission included a "Tree Retention Report and Landscape Plan" (Roun Koudys Landscape Architect Inc., October 2011). These documents provided an inventory and evaluation of existing vegetation within the context of the proposed development plan, noting that all vegetation within the interior of the site would have to be removed due to the impact of construction activity. For the perimeter of the site, the report identified trees to be removed and provided recommendations on the trees being retained, including measures to be applied pre-construction, during construction activity and post-construction to protect existing trees along the perimeter of the development site and adjacent properties. The Landscape Plan also recommends areas for proposed plantings and armourstone placement on the perimeter of the development site.

While the landscape plan and tree retention plan have been found to be generally acceptable, some issues of concern have been identified, which can be addressed by the following recommendations:

- i) Add tree preservation fencing around the dripline of the Norway Maple in front of 571 Rosecliffe Terrace which is very close to the south side of Block 73.
- ii) Contact the City Forestry Division regarding a consensual removal of the tree on City Property in front of Block 73 as per Boulevard Tree Protection By-law.
- iii) Significant planting of Trees, Perennials and shrubs is proposed in the Tree Preservation Barrier areas according to the Landscape Plan also by RKLA. This planting should not be done as it may damage the roots of existing trees to be preserved and it directly conflicts with the recommendation of the Tree Preservation Report Section C Post Construction Recommendation items 5; *"It is recommended that the existing ground layer vegetation remain intact so as not to disturb the virgin soil around the base of the existing trees"*.

A condition of draft plan approval would provide for the implementation of the Tree Preservation Report and Landscape Plan through the site plan development agreement. It would also be appropriate to require security, to ensure the landscaping works and tree protection measures are completed in a satisfactory manner.

- **Building Height:** Several comments from the public stated that the proposed maximum height of 10.5 metres is excessive and if the development proceeds, the height of buildings should be restricted to one storey, so it will not detract from the amenity/value of existing development in the surrounding area.

The maximum building height that is permitted under the R1-9 Zoning that currently applies

Agenda Item #	Page #

39CD-09509 / T. Grawey  
SP09-007974 / L. McDougall

to the subject property is 12 metres. The R6-1 Zoning being requested for the cluster housing development would result in a reduction in maximum building height to 10.5 metres, which is the same maximum height that currently applies to the Rosecliffe Valley condominium development to the west.

The areas of existing development to the north, south and east are zoned R1-9, which permits a building height of up to 12 metres. While the maximum building height identified on the Site Plan Data Sheet for the proposed development is (+/-) 7 metres, the standard requirement of 10.5 metres is considered reasonable for this location and it is not considered necessary to further limit the building height.

- **Neighbourhood Character:** the issue of “neighbourhood character” and compatibility was raised by some area residents. While the proposed development site currently provides some aesthetic value to the abutting properties, the site is privately-owned and not accessible or visible to the general public (although there is evidence of unauthorized access/activity). The proposed single detached cluster units are similar in nature to the units in the adjacent condominium to the west and the density of development is comparable with the existing single detached residential properties to the east.

Compatibility with existing residential development immediately adjacent to the site can be addressed through building setbacks, privacy fencing and landscape plantings. While there will be some increase in local traffic, this can be accommodated by the existing public roads infrastructure and will not substantively affect overall traffic volumes in the area. Conditions of draft approval have been proposed to ensure that the development is compatible with the built form and character of the surrounding residential neighbourhood.

#### **Conditions of Approval:**

If approval is considered for this revised application, the issues and requirements that have been identified can be addressed through conditions of Draft Plan of Condominium Approval. The standard conditions address administrative requirements that are common to all vacant land condominiums (i.e. municipal addressing, payment of taxes, completion of a condominium declaration), and require the execution of a Site Plan Development Agreement. Detailed site design, drainage, grading, landscaping and tree preservation plans would form part of the development agreement and implementation of these plans would be ensured through the posting of securities in an amount that is deemed by the Approval Authority to be acceptable.

In addition to the standard conditions and plans that form part of the Site Plan Development Agreement, several additional conditions are required to ensure the issues that are specific to this revised application will be addressed to the satisfaction of the Approval Authority. These conditions address issues including:

- i) groundwater recharge;
- ii) slope stability;
- iii) site grading/retaining walls;
- iv) landscaping;
- v) stormwater drainage;
- vi) safe driveway access;
- vii) provision for suitable security to ensure completion of site works;
- viii) zoning of development site and entranceway access;

Some conditions would be implemented prior to final approval of the Draft Plan of Condominium and others would be enacted as requirements of the Site Plan Development Agreement. Suitable security would be required to ensure that the plans and requirements are completed, in accordance with the approved development agreement. Final approval would only be granted if and when the Conditions of Draft Approval have been satisfied.


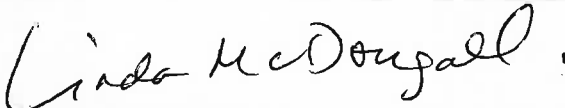

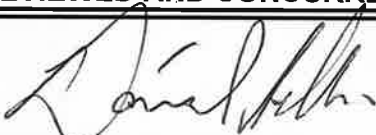


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<b>CONCLUSION</b>
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The revised Draft Plan of Vacant Land Condominium at 567 Rosecliffe Terrace, was submitted to the City in an effort to address several issues that were identified by the Ontario Municipal Board and Municipal Council, including geotechnical/site grading issues, hydrogeology, storm drainage, site access and tree preservation. The revised plans and supporting studies have been circulated for review by public agencies and area residents.

The revised development proposal is in conformity with the policies of the Official Plan and should be considered for approval, subject to appropriate conditions of approval. This evaluation indicates that the site specific issues previously identified with the development can be effectively addressed through Conditions of Draft Plan Approval, and implemented through requirements of the Site Plan Development Agreement. The application represents good land use planning and can be conditionally supported on this basis.

<b>PREPARED BY:</b>	<b>PREPARED BY:</b>
	
<b>TERRY GRAWEY SENIOR PLANNER – DEVELOPMENT PLANNING</b>	<b>LINDA MCDUGALL LANDSCAPE PLANNER – DEVELOPMENT PLANNING</b>
<b>RECOMMENDED BY:</b>	<b>REVIEWED AND CONCURRED BY:</b>
	
<b>D. N. STANLAKE DIRECTOR OF DEVELOPMENT PLANNING</b>	<b>DAVID AILLES, P.ENG. MANAGING DIRECTOR OF DEVELOPMENT APPROVALS</b>

January 6, 2012  
TG/tg

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**Responses to Public Liaison Letter and Notice in “Living in the City”  
(for the Revised Application)**

**Telephone**

Nancy Moser  
555 Commissioners Rd. West  
London, ON N6K 1B6

Carole Shuttleworth  
633 Commissioners Rd. West  
London, ON N6K 1B6

**Written**

Bruce Bowman  
75 Rosecliffe Crescent  
London, ON N6K 3Y1

Kenneth Mark Watts  
543 Rosecliffe Terrace  
London, ON N6K 3X8

Margaret & Bill Albrecht  
# 10 – 665 Commissioners Rd. West  
London, ON N6K 4Y2

**Written**

Donald Ambrose  
547 Rosecliffe Terrace  
London, ON N6K 3X8

J. Clark & Carol Ann Leith  
12 Rosecliffe Terrace  
London, ON N6K 4Y2

Dawn & John Mannen  
# 11 – 665 Commissioners Rd. West  
London, ON N6K 4Y2

Barry & Jo-Anne Shortt  
#1 – 665 Commissioners Rd. West  
London, ON N6K 4Y2

Donald & Catherine Pearson  
# 24 – 665 Commissioners Rd. West  
London, ON N6K 4Y2

Mary Lou Hamblin  
(no address provided)

Helen & Blane Humphreys  
# 25 – 665 Commissioners Rd. West  
London, ON N6K 4Y2

Art Goad & Heidi Williams  
575 Rosecliffe Terrace  
London, ON N6K 3Y2

Freeman Sheppard  
# 20 – 665 Commissioners Rd. West  
London, ON N6K 4Y2

Joyce & Ray Lewin  
# 16 – 665 Commissioners Rd. West  
London, ON N6K 4Y2

Paul & Ginette Finlay  
(no address provided)

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**Significant Department and Agency Comments  
 (for the Revised Application)**

**Development Approvals Unit – Development Planning:**

*Site Plan Greenline Comments*

1. Clear title, access issues and any easements for servicing must be resolved for the site with the City and the sub divider, specifically the owner must purchase Block 73.
2. The site will not have legal lot frontage on a street for zoning compliance unless the owner purchases Block 73.
3. Please provide a legal survey of the land covered by the Site Plan and letter of authorization from the owners of the land to act as their agent.
4. Site Plan Approval cannot be granted until the proposed zoning by-law is in full force and effect.
5. Privacy fencing, 1.8m in height is required around the site *including the sides of block 73 on north and south property lines while allowing for sight lines for the access driveway*. Show any existing fencing on Site Plan *including the sides of block 73 on north and south property lines* noting height and style.
6. 1% to 3% is the maximum permitted grade for the section of the access driveway from the road surface on Rosecliffe to 3 m beyond the right-of-way limit, and, this section cannot have a negative slope. The maximum downgrade beyond this point should be no more than -4%, however, steeper downgrades may be permissible if approved by ESD.

*Landscape Plan Greenline Comments*

1. Show relocation of community mailbox out of driveway access from Rosecliffe
2. Show pedestrian walkway into the site as per Site Plan.
3. Add large deciduous shade trees to both sides of driveway access into the site from Rosecliffe, add three or four trees on each side.
4. Privacy fencing, 1.8m in height is required around the site *including the sides of block 73 on north and south property lines while allowing for sight lines for the access driveway*. Show any existing fencing on Site Plan *including the sides of block 73 on north and south property lines* noting height and style.
5. Tree Preservation fencing locations must be identified on all plans including Landscape Plan.
6. Significant planting of trees, perennials and shrubs is proposed on the Landscape Plan in the Tree Preservation Barrier areas shown on the Tree Preservation Plan. Planting should not be proposed in the Tree Preservation Barrier areas as it may damage the roots of existing trees to be preserved. This planting would directly conflict with the recommendation of the Tree Preservation Report by RKL in Section C Post Construction Recommendation items 5; *“It is recommended that the existing ground layer vegetation remain intact so as not to disturb the virgin soil around the base of the existing trees”*.
7. The naturalization mixture for the seeded areas is not provided on the Landscape Details page L2 identify the naturalization seed mix details, and, also refer to comment above regarding appropriateness of proposing seed mixture in the Tree Preservation Barrier areas.

*Tree Retention Report/Tree Preservation Plan Greenline Comments*

1. Add tree preservation fencing around the dripline of the Norway Maple in front of 571 Rosecliffe Terrace which is very close to the south side of Block 73.
2. Contact Rick Postma, City Forester at Ext. 8480 regarding a consensual removal of the tree on City Property in front of Block 73 as per Boulevard Tree Protection By-law.
3. Significant planting of Trees, Perennials and shrubs is proposed in the Tree Preservation Barrier areas according to the Landscape Plan also by RKL. This planting should not be done as it may damage the roots of existing trees to be preserved and it directly conflicts with the recommendation of the Tree Preservation Report Section C Post Construction Recommendation items 5; *“It is recommended that the existing ground layer vegetation remain intact so as not to disturb the virgin soil around the base of the existing trees”*.

Agenda Item #	Page #

39CD-09509 / T. Grawey  
SP09-007974 / L. McDougall

4. Given the significant lengths of retaining walls required, large number of units and services required on this site I concur in general with the findings and recommendations of the Tree Retention Report if (and only if) all the recommendations of the Tree Retention Report are followed, and, as long as Comments #1, #2 & #3 above are shown on revised Landscape Plan and Tree Preservation Report and Plan. This includes proper installation and maintenance of all proposed tree preservation fencing, implementing all of the Section A, Pre-Construction recommendations items 1 through 7 inclusive, implementing all of the Section B Recommendations Related to the Construction Process items 1 through 5 inclusive, and, implementing all of the Section C Post Construction Recommendations in the Tree Retention Report items 1 through 6 inclusive. Security will be taken and a clause will appear in the development agreement regarding Tree Preservation as shown below;

*Tree Preservation*

*The Owner and the City acknowledge that all existing trees identified to be preserved within the "tree preservation barrier" areas located along the north, south, west and east property lines, as shown on Schedule "E" attached hereto shall be conserved substantially in their natural condition.*

*The Owner hereby covenants and agrees that the use and/or maintenance of the land within the "tree preservation barrier" areas shown on Schedule "E" attached hereto shall be subject to the following conditions;*

- (i) The removal or destruction of trees, grading, excavation, filling construction staging, material storage, equipment maintenance or storage, or any such similar use, disturbance or alteration shall be prohibited within the said tree preservation barrier area. Should any such use, alteration or disturbance occur within the tree preservation barrier area the Owner shall immediately advise the City and have its qualified consultant provide and have approved by the City a plan for restoring the area or any portion of the area to its natural condition. The Owner shall implement the recommendations of the restoration plan at its sole cost and the Owner's consultant shall certify to the City upon completion of the restoration that the work was completed in accordance with the approved plan.*
- (ii) Tree removal or pruning within this area shall be undertaken only as may be required in accordance with the Tree Preservation Plan as shown on Schedule "E".*

**Development Approvals – Engineering Review**

*Draft Plan of Condominium - Access*

- Access for the proposed condominium is being proposed over block 66 and blocks 73, Plan 33M-119 which are currently owned by the City of London. This access issue remains unresolved at this stage.
- The proposed road is the responsibility of the condominium and is to be operated and maintained privately by the condominium corporation at no cost to the City.
- Garbage, snow storage and removal must be considered. City trucks should not be expected to use the private road for snow or garbage management activities.
- According to the preliminary site servicing report as proposed the driveway and the grades are too steep. There should be a section from the Rosecliffe Terrace road surface to 3 m beyond the right-of-way limit with a 1% to 3% maximum grade. This section cannot have a negative slope. The maximum downgrade beyond this point should be no more that -4%, all as per Access Management Guidelines. Additional detail will be required and may be addressed at the Site Plan Application stage and drawing submission stage

*Draft Plan of Condominium - Sanitary*

- Sanitary sewer as is being proposed is adequate.

*Draft Plan of Condominium - Water*

- Potable water is being proposed to connect to the watermain on Rosecliffe Terrace. Existing ground elevations at the south end of the site are higher than 275m which would require a high level watermain connection. The existing low level watermain (200mm stub on Rosecliffe Terrace) may still be used if the site is graded to below 275m. This appears to be the intent from the provided preliminary grading plan. Please confirm when submitting the formal site grading plan.

Agenda Item #	Page #

**39CD-09509 / T. Grawey  
SP09-007974 / L. McDougall**

- Detailed hydraulic calculations are to be provided to verify the minimum City water pressure requirements will be provided for this development. Ensure the minimum diameter for all water service connections is 25mm by clearly noting on the servicing drawings.

*Draft Plan of Condominium - Stormwater*

- The subject lands are located in the Thames River Central Area Subwatershed. The Owner's professional engineer must apply the proper stormwater practices to ensure that the SWM targets and criteria are met.
- The Owner is to provide confirmation that the proposed overland flow route located off Rose Hip Place has adequate capacity to convey major flows for the 250 year event, providing supporting information.
- Verify that total post-development overland flows to Rose Hip Place (not just increased flows from this development) will not adversely affect adjacent properties, in particular proposed unit 23 and 55 & 59 Rose Hip Place.
- Any re-grading on external lands is to be to the satisfaction of the City Engineer. Permission from adjacent owners may be required.
- The Owner agrees to provide all adequate easements, if required, at no cost to the City, as it relates to stormwater/drainage, storm servicing and rear yard catchbasins as proposed on the subject lands.

*Other Comments*

- Due to the topography of the site and the proposed use of retaining walls, provide cross-sections with the site servicing drawings to illustrate the scale of the proposed site grading.
- These, among other issues may be addressed in greater detail through future site plan application.
- Aspects of the proposed design involve joint use and will need to be addressed through common elements, joint usage agreements, easements etc. as applicable.

**Upper Thames River Conservation Authority:**

The subject lands are not regulated by the UTRCA. There is a remnant valley slope on the property and it is recommended that a geotechnical investigation be completed.

**London Hydro:**

London Hydro has adequate 27.6kV underground distribution in place along Rosecliffe Terrace for this development. The internal servicing of this development should present no foreseeable problems. The applicant will be responsible for the cost associated with the underground system expansion within the development, but may receive rebates from London Hydro based on connected load over a five year connection window. Transformation lead times are minimum 16 weeks. London Hydro recommends you contact their engineering department to confirm transformer requirements and availability. The applicant will be responsible for the cost associated with the relocation of any existing infrastructure as a result of this development. London Hydro will require a blanket easement over the entire property. London Hydro has no objection to this proposal to the zoning amendment.

**MTE Consultants Inc.:**

The revised Hydrogeological Investigation Report (EXP Services Inc., October 11, 2011) is substantially the same as the original Trow Report and the issues that remain outstanding include: the need to locate monitoring wells on the site to measure the depth to groundwater; field verification of MOE water well records; completion of a door-to-door well survey to confirm neighbouring wells in the area; and, documentation of a known private well in the vicinity of the site (*Note: the outstanding issues identified by MTE are proposed to be addressed through a condition of draft approval.*)

Agenda Item #	Page #

39CD-09509 / T. Grawey  
SP09-007974 / L. McDougall

### APPENDIX "A"

The Approvals Authority's conditions and amendments to final approval for registration of this plan of condominium, File No. 39CD-09509 are as follows:

No.	Conditions
1)	This approval applies to the revised draft plan submitted by 1767127 Ontario Limited, prepared by Archibald Gray & McKay Engineering Ltd., certified by Bruce S. Baker OLS, File No. 39CD-09509, drawing no. L08080D4C3D.dwg, dated September 22, 2011, which shows a 21 unit draft plan of vacant condominium development located at 567 Rosecliffe Terrace.
2)	This draft approval is for a vacant land plan of condominium of the <u>Condominium Act, 1998</u> .
3)	The development is to be registered as one condominium corporation.
4)	The plan shall be amended in red to establish a common element block which includes retaining walls and landscape areas, as shown on the attached draft plan.
5)	This approval of the draft plan shall apply for a period of three (3) years, and if final approval is not given within that time, the draft approval shall lapse, except in the case where an extension has been granted by the Approval Authority.
6)	Prior to final approval for the registration of any condominium corporation, the Director of Development Planning, City of London shall be advised in writing by the Building Division, City of London that <ul style="list-style-type: none"> <li>i) if site works in the common elements are substantially complete, the owner's consulting engineer has submitted a final lot grading certificate which has been accepted by the City;</li> <li>ii) the proposed plan of condominium showing any "as constructed" buildings and structures has been submitted and accepted by the City as in compliance with all applicable zoning by-law regulations;</li> <li>ii) the fire route and fire route signs have been installed to the satisfaction of the City;</li> <li>iii) a condominium/site plan Development Agreement has been entered into and registered on title; and</li> <li>iv) all obligations of the owner, pursuant to the Development Agreement with the City are substantially complete.</li> </ul>
7)	The owner shall submit a digital file of the plan to be registered in a format compiled to the satisfaction of the City of London and referenced to the NAD83 UTM horizontal control network for the City of London mapping program;
8)	Prior to final approval for the registration of any condominium corporation within this development, a plan showing the door point numbers to be displayed on the exterior of each unit in the entire development has been submitted to the satisfaction of the Director of Development Planning;
9)	Prior to final approval for the registration of the development as a condominium corporation by the Director of Development Planning, the City of London shall be advised in writing by the Finance Department, City of London that all financial obligations/encumbrances on the said lands have been paid in full, including property taxes and local improvement charges.
10)	Prior to final approval by the Director of Development Planning, the City of London shall be advised in writing, by London Hydro Inc., that its requirements with respect to

Agenda Item #	Page #

**39CD-09509 / T. Grawey  
SP09-007974 / L. McDougall**

easements and rights-of-way for services have been met.

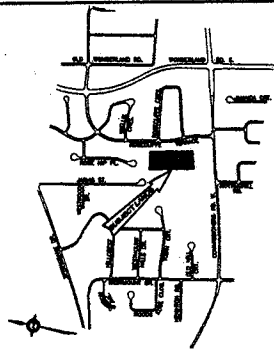
- 11) Prior to final approval, the Director of Planning Development shall be advised in writing by Bell Canada, that its requirements with respect to easements and rights-of-way for telecommunication services have been met.
- 12) Approval of the draft plan applies to the development of single detached dwellings, only.
- 13) Prior to final approval an external easement to accommodate the storm outlet along the west boundary of the property shall be in place, to the satisfaction of the City.
- 14) Prior to final approval the zoning on the subject property, including the proposed entranceway access from Rosecliffe Terrace, shall be amended to a Residential R6 Special Provision (R6-1( )) Zone which permits cluster housing in the form of single detached dwellings, with a special provision for a minimum lot frontage of 20 metres, and a maximum of 21 dwelling units.
- 15) Prior to final approval the proposed entranceway access, comprised of Blocks 66 & 73, Plan 33M-119, shall be acquired by purchase in its entirety by the applicant, and consolidated with the development site as one parcel.
- 16) Prior to final approval the Tree Retention Report and Landscape Plan (Ron Koudys Landscape Architect Inc., October 2011) shall be modified to reflect comments to be provided within 90 days of draft approval from the City of London Landscape Planner, and implemented as part of the Site Plan Development Agreement.
- 17) The Hydrogeological Investigation (exp Services Inc., October 11, 2011) be updated to address the deficiencies that have been identified, including: the installation of monitoring wells on site to measure the depth to groundwater; field verification of MOE water well records; undertaking a door-to-door survey to identify neighbouring wells in the area; and, documentation of known wells in the vicinity. The hydrogeological investigation shall be completed and recommendations implemented to the satisfaction of the City prior to final approval. The developer shall pay for any costs incurred by the City to undertake a peer review of this investigation.
- 18) Prior to final approval, the owner's professional engineer shall provide confirmation to the Approval Authority that the fill materials and soils on the site have been tested and are within acceptable Ministry of Environment (MOE) soils quality criteria.
- 19) Prior to final approval a detailed slope stability analysis shall be prepared based on the final design which confirms, to the satisfaction of the Approval Authority, that the site grading, retaining walls and building foundations will not have any detrimental impacts on slope stability and groundwater recharge function.
- 20) Prior to final approval a detailed drainage plan shall be prepared based on the final design which confirms, to the satisfaction of the City that the site grading and development design will not result in any detrimental impacts on surface drainage on the site and adjacent residential properties.
- 21) Prior to final approval a revised site grading plan shall be prepared which ensures that the entranceway and internal access road is designed in a safe manner for residential and emergency vehicular access, to the satisfaction of the Director of the City Transportation Division.
- 22) Prior to final approval for the Director of Development Planning is to be satisfied that the proposed plan of condominium showing any "as constructed" buildings and structures has been submitted and accepted by the City as in compliance with Subsection 155(1) of the Condominium Act, 1998;
- 23) The description of the Common Elements in the Condominium Declaration shall indicate that:

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- i) the Condominium Corporation is responsible for repairs and maintenance of the retaining walls and landscape areas located in the common element block adjacent to Units 1 to 5 and 16 to 21 inclusive; the internal driveway; and any fencing around the perimeter of the development; and, for all units within this development;
  - ii) an easement shall be provided to ensure unobstructed access to maintain and repair the retaining walls and landscape areas and fencing around the perimeter of the development;
  - iii) the Condominium Corporation shall be responsible for the repairs and ongoing maintenance of the access driveway (and adjacent landscaping) from Rosecliffe Terrace into the development; and
- 24) The Condominium Declaration shall contain appropriate provisions setting out the responsibility for maintaining, repairing, and replacing services which serve:
- i) more than one unit, whether or not those services are within the common elements or within a unit;
  - ii) the owner's unit only, that are located within the owner's unit or another unit; and
  - iii) the owner's unit only, that are located within the common elements.
- 25) All buildings and structures, if any, shown in the declaration and description to be included in the common elements such as retaining walls/terraces shall be constructed prior to final approval.
- 26) Prior to final approval, the owner's professional engineer shall provide certification to the Director of Development Planning that all buildings, structures, facilities and services (including landscaping and grading) shown in the declaration and description to be included in the common elements have been completed, installed and provided in accordance with the requirements of the Condominium Act, 1998.
- Should all facilities and services (including landscaping and grading) not be installed and provided prior to final approval, the owner's engineer shall have his professional engineer provide a written, detailed estimate of 100% of the cost to install and provide the facilities and services shown in the declaration and description to be included in the common elements, to the City's satisfaction, and provide security in the accepted amount plus 25% for administration and contingencies in a form acceptable to the City Treasurer. Should security already being held by the City under the authority of Section 41 of the Planning Act be partially or fully sufficient in form and amount to meet this requirement, the Condominium security requirement may be reduced or waived by the City. The City will not hold security for amenities such as pools, tennis courts, or clubhouses.
- Should security be provided, the owner shall enter into a condominium agreement with the City to be registered on title prior to final approval.
- 27) Prior to final approval, for the purposes of satisfying any of the conditions of draft approval herein contained, the Owner shall file with the Director of Development Planning a complete submission consisting of all required clearances, fees, and final plans, and to advise the Director in writing how each of the conditions of draft approval has been, or will be, satisfied. The Owner acknowledges that, in the event that the final approval package does not include the complete information required by the Approval Authority, such submission will be returned to the Owner without detailed review by the City.



Proposed Red Line Modifications



**DRAFT PLAN OF VACANT LAND CONDOMINIUM**  
**LOT 38, CONCESSION 1**  
**ROAD ALLOWANCE BETWEEN**  
**CONCESSION 1 AND BROKEN**  
**FRONT CONCESSION "B"**  
**CONCESSION "B"**  
**CONCESSION "B"**  
**CITY OF LONDON**  
**COUNTY OF MIDDLESEX**  
 SCALE: 1:500  
 DATE: 11/11/11  
 SHEET 1 OF 1

**SURVEYOR'S CERTIFICATE:**  
 I HEREBY CERTIFY THAT THE DIMENSIONS OF THE LOTS, AREAS, AND DISTANCES SHOWN ON THIS PLAN AS APPROVED BY ME, AND THE POSITION OF THE BOUNDARIES, ARE TRUE TO THE SURVEY AND TO THE RECORDS OF THE SURVEY.

**OWNERS CERTIFICATE:**  
 I HEREBY CERTIFY THAT THE DIMENSIONS OF THIS PLAN AS SHOWN ON THIS PLAN ARE TRUE TO THE SURVEY AND TO THE RECORDS OF THE SURVEY.

**ADDITIONAL INFORMATION REQUIRED UNDER SECTION 51(17) OF THE PLANNING ACT:**

(a) AS SHOWN ON PLAN	(b) AS SHOWN ON PLAN
(c) AS SHOWN ON PLAN	(d) AS SHOWN ON PLAN
(e) AS SHOWN ON PLAN	(f) AS SHOWN ON PLAN
(g) AS SHOWN ON PLAN	(h) AS SHOWN ON PLAN
(i) AS SHOWN ON PLAN	(j) AS SHOWN ON PLAN
(k) AS SHOWN ON PLAN	(l) AS SHOWN ON PLAN
(m) AS SHOWN ON PLAN	(n) AS SHOWN ON PLAN
(o) AS SHOWN ON PLAN	(p) AS SHOWN ON PLAN
(q) AS SHOWN ON PLAN	(r) AS SHOWN ON PLAN
(s) AS SHOWN ON PLAN	(t) AS SHOWN ON PLAN
(u) AS SHOWN ON PLAN	(v) AS SHOWN ON PLAN
(w) AS SHOWN ON PLAN	(x) AS SHOWN ON PLAN
(y) AS SHOWN ON PLAN	(z) AS SHOWN ON PLAN

**LAND USE SCHEDULE**

RESIDENTIAL	16471.8 sq. m
COMMERCIAL	3415.7 sq. m
TOTAL AREA	19887.5 sq. m

**SITE DATA**

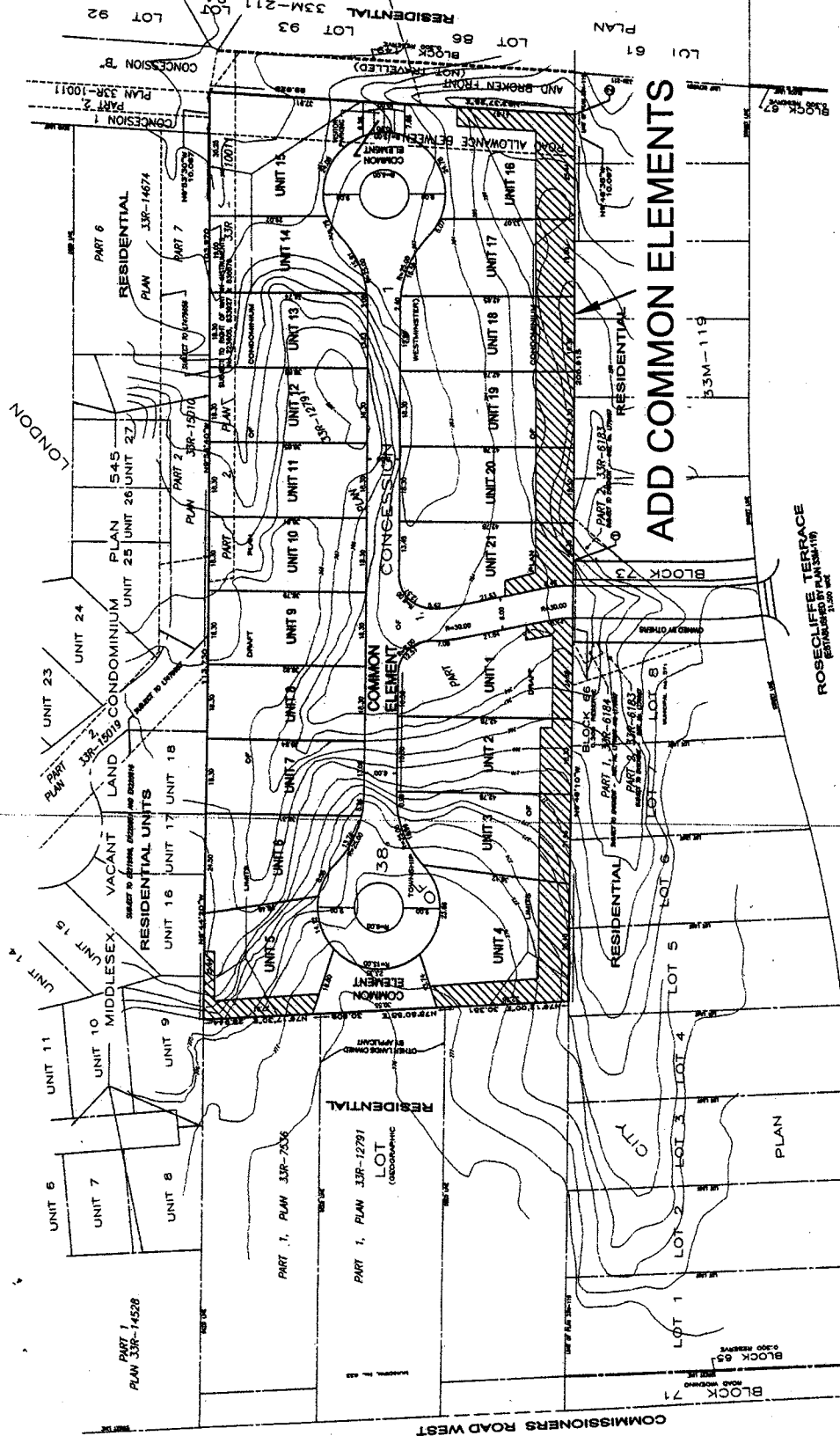
REG. NO. 1-1887 (4) (19887.5 sq. m)  
 TOTAL AREA - 19887.5 sq. m  
 CONCRETE OF UNITS - 224 M<sup>2</sup> MAXIMUM  
 PARKING SPACES - 45 MINIMUM  
 4 VISITOR SPACES  
 4 UNIT STAIRWAYS  
 4 UNIT STAIRWAYS  
 4 UNIT STAIRWAYS  
 4 UNIT STAIRWAYS

**UTM GRID NOTE:**  
 THE UTM GRID SHOWN ON THIS PLAN IS BASED ON THE CANADIAN NATIONAL MAPPING SYSTEM (NAD 83) AND IS SUBJECT TO THE ACCURACY OF THE SURVEY DATA AND THE DATA PROVIDED BY THE USER.

**AGM**  
 AGRI-METRIC INC.  
 1000 SHEPPARD AVENUE EAST, SUITE 100  
 SCARBOROUGH, ONTARIO M1S 1T7  
 TEL: (416) 291-1111  
 FAX: (416) 291-1112  
 WWW.AGM-CANADA.COM

**File No.** \_\_\_\_\_  
 Subject to the conditions, if any, and both to our files dated \_\_\_\_\_ by \_\_\_\_\_ of \_\_\_\_\_, 2011, the said plan is approved under Section 51 of the Planning Act and Section 9 of the Condominium Act, 1998, s. 94, of the City of \_\_\_\_\_, 2011.

PROPOSED RED LINE MODIFICATIONS



ADD COMMON ELEMENTS

ROSECLIFFE TERRACE  
 (ESTABLISHED BY PLAN 33M-119)  
 11.000 MET