

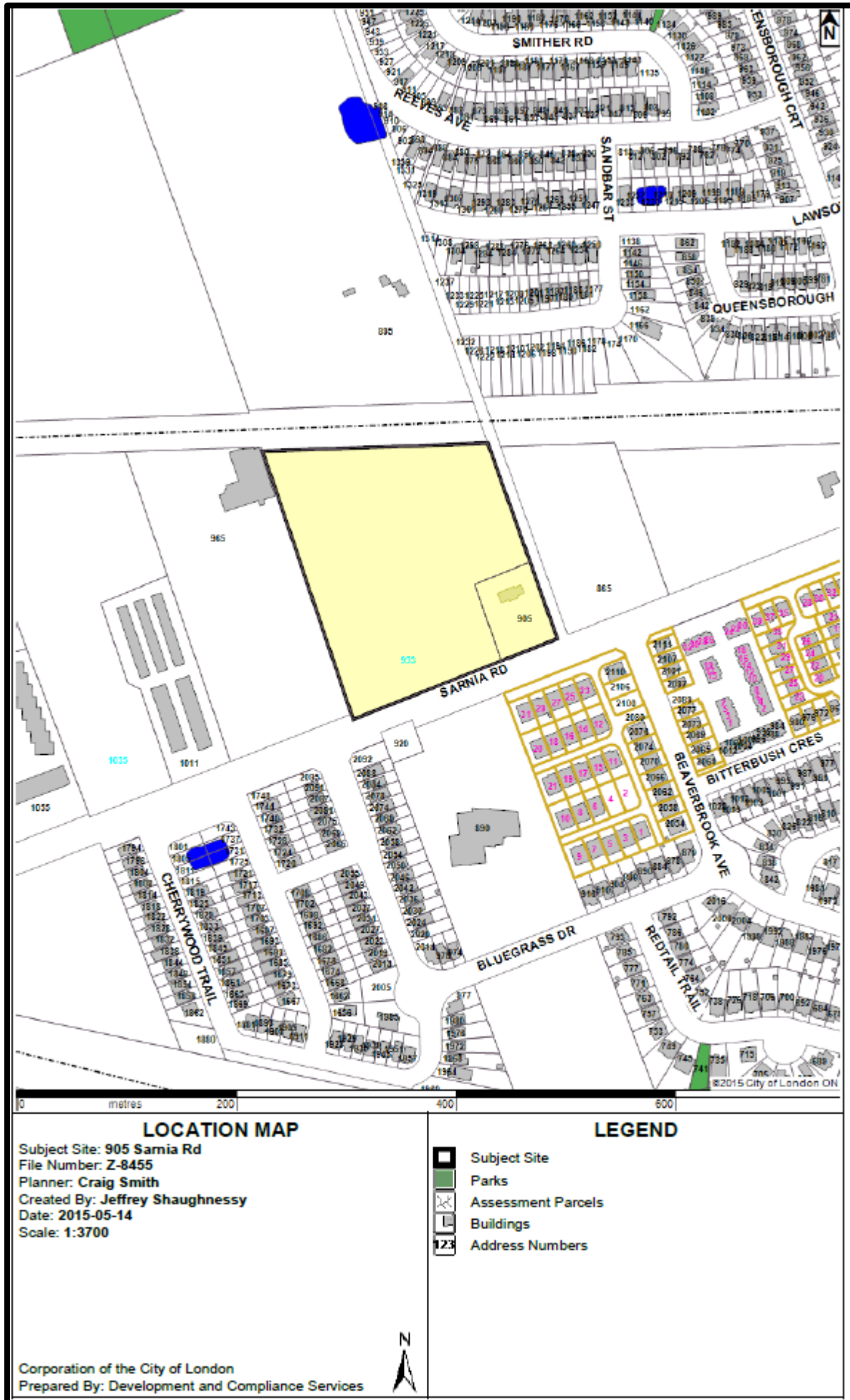
<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE</b>
<b>FROM:</b>	<b>G. KOTSIFAS DIRECTOR OF BUILDING CONTROLS AND CHIEF BUILDING OFFICIAL</b>
<b>SUBJECT:</b>	<b>APPLICATION BY:  905 SARNIA ROAD INC. 895 AND 905 SARNIA ROAD SOUTH PORTION  PUBLIC PARTICIPATION MEETING ON JUNE 1, 2015</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of the Senior Planner, Development Planning, the following actions be taken with respect to the application of 905 Sarnia Road Inc. relating to the property located at 895 and 905 Sarnia Road:

- a) the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on June 10, 2015 to amend Zoning By-law No. Z.-1 in conformity with the Official Plan, to change the zoning of the subject lands **FROM** an Urban Reserve (UR1) Zone, which permits uses such as existing dwellings; agricultural uses except for mushroom farms, commercial greenhouses livestock facilities, manure storage facilities; kennels; private outdoor recreation clubs; and riding stables **TO** an Open Space (OS1) Zone to allow for passive recreational uses including a pedestrian path system; and a Holding Residential R6 Special Provision (h.\*h-34\*h-65\*h-100\*R6-5( )) Zone to permit cluster townhouse dwelling units with a special provision to include a minimum front yard setback of 4.0 metres, a minimum east interior side yard of 4.0 metres, and a maximum density of 40 units per hectare (161 units) subject to holding provisions requiring the developer to enter into a development agreement with the City, that noise walls be discouraged and buildings are oriented to Sarnia Road, implement noise and vibration attenuation measures, and to ensure that there is water looping and a second public access when more than 80 units are developed;
- b) Planning and Environment Committee **CONDUCT** a public meeting on behalf of the Approval Authority for the proposed draft Vacant Land Condominium application relating to the property located at 895-905 Sarnia Road and **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to this application;
- c) Planning and Environment Committee **CONDUCT** a public meeting on behalf of the Approval Authority for the proposed Site Plan Approval application relating to the property located at 895-905 Sarnia Road and **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to this application;
- d) Council **SUPPORTS** the Approval Authority's issuing draft approval to the vacant land condominium as redline amended for 161 townhouse residential units at 895-905 Sarnia Road;
- e) Council **SUPPORTS** the Approval Authority's issuing approval to the Site Plan applications for 161 townhouse residential units at 895-905 Sarnia Road; and,
- a) 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.

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**PREVIOUS REPORTS PERTINENT TO THIS MATTER**

None.

**PURPOSE AND EFFECT OF RECOMMENDED ACTION**

The purpose and effect of this application is to consider a change to the zoning of the lands to support the development of a draft plan of vacant land condominium on 895-905 Sarnia Road. The plan consists of a 161 unit townhouse development on private roads, with direct access from Sarnia Road.

**RATIONALE**

1. The requested zone to permit cluster townhouse dwellings will allow for a development which is compatible with existing dwellings in this area
2. The submitted draft plan of vacant land condominium is in conformity with Official Plan policies, the City's Condominium Submission Review and Approval Guidelines and the regulations of the recommended R6-5( ) Special Provision Zone.
3. The proposed Site Plan is in conformity with the Official Plan, proposed Zoning By-law and Site Plan Control guidelines.

**BACKGROUND**

<b>Date Application Accepted:</b> February 13, 2015	<b>Agent:</b> Laverne Kirkness
<b>REQUESTED ACTION:</b> application for Vacant Land Condominium and concurrent site plan (SP15-004595) to permit the development of 161 unit townhouse development.	

<b>SITE CHARACTERISTICS:</b>
<ul style="list-style-type: none"> <li>• <b>Current Land Use</b> - vacant</li> <li>• <b>Frontage</b> – 200m</li> <li>• <b>Depth</b> – irregular</li> <li>• <b>Area</b> – 4.4 ha</li> <li>• <b>Shape</b> – irregular</li> </ul>

<b>SURROUNDING LAND USES:</b>
<ul style="list-style-type: none"> <li>• <b>North</b> – Future single detached residential subdivision</li> <li>• <b>South</b> – Existing multifamily residential</li> <li>• <b>East</b> – vacant designated residential lands</li> <li>• <b>West</b> – Commercial recreation (Greek Canadian Community Club)</li> </ul>

<b>OFFICIAL PLAN DESIGNATION:</b> (refer to map)
<ul style="list-style-type: none"> <li>• Multi-Family, Medium Density Residential</li> </ul>
<b>EXISTING ZONING:</b> (refer to map)
<ul style="list-style-type: none"> <li>• Urban Reserve (UR 1)</li> </ul>

<b>PLANNING HISTORY</b>
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The subject lands are located within the Hyde Park Community Planning Area. This Community Planning Area is generally bounded by the urban growth boundary to the west, CN railroad right of way to the south, Fanshawe Park Road West to the north and Aldersbrook Road to the east. The community plan and associated amendments to the Official Plan were adopted by Council in January 2000.

On March 17, 2015 an application for Site Plan Approval was submitted. Second submission of the site plan drawings were submitted to Development Services on May 12, 2015.

<b>SIGNIFICANT DEPARTMENT/AGENCY COMMENTS</b>
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**Upper Thames River Conservation Authority (UTRCA)**

- The UTRCA has no objections.

**Union Gas**

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

*Staff Response: This will be addressed through a site plan approval and a condition of the draft plan of condominium.*

**Bell**

- We have no conditions/objections to the above application as submitted

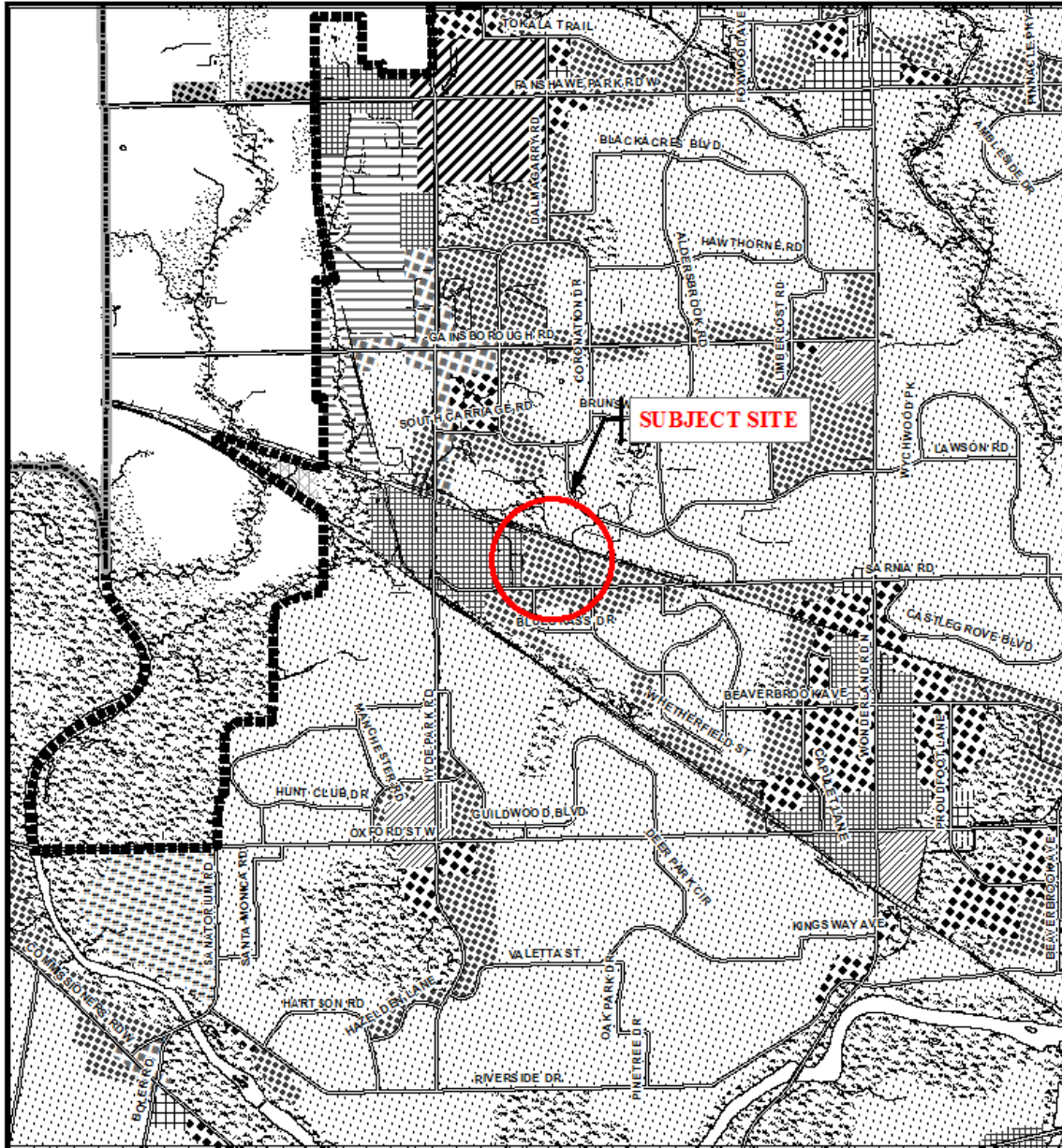
**Canada Post**

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

The owner shall complete to the satisfaction of the Director of Engineering of the City of London and Canada Post :

- a) include on all offers of purchase and sale a statement that advises the prospective purchaser :
  - i) that the home/business mail delivery will be from a designated Centralized Mail Box.
  - ii) that the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing

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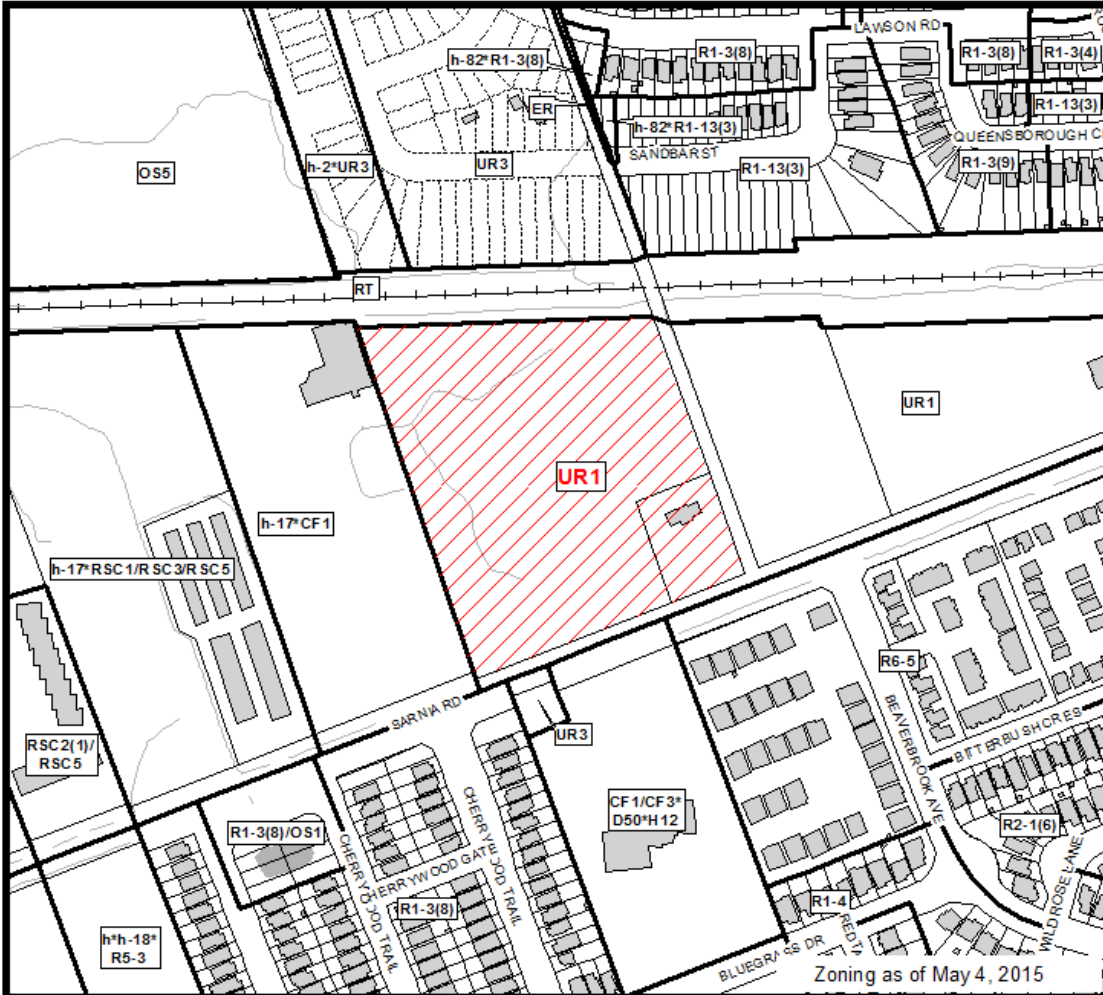


Legend	
Downtown	Office/Residential
Wonderland Road Community Enterprise Corridor	Office Business Park
Enclosed Regional Commercial Node	General Industrial
New Format Regional Commercial Node	Light Industrial
Community C Commercial Node	Regional Facility
Neighbourhood Commercial Node	Community Facility
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

<p><b>CITY OF LONDON</b> Department of Planning and Development</p> <p>OFFICIAL PLAN SCHEDULE A - LAND USE -</p> <p><small>PREPARED BY: Graphics and Information Services</small></p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: Z-8455</p> <p>PLANNER: CS</p> <p>TECHNICIAN: JS</p> <p>DATE: 2015/05/13</p>
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 Planner: C. Smith



Zoning as of May 4, 2015

**COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: UR1**

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

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>R1 - SINGLE DETACHED DWELLINGS</li> <li>R2 - SINGLE AND TWO UNIT DWELLINGS</li> <li>R3 - SINGLE TO FOUR UNIT DWELLINGS</li> <li>R4 - STREET TOWNHOUSE</li> <li>R5 - CLUSTER TOWNHOUSE</li> <li>R6 - CLUSTER HOUSING ALL FORMS</li> <li>R7 - SENIOR'S HOUSING</li> <li>R8 - MEDIUM DENSITY/LOW RISE APTS.</li> <li>R9 - MEDIUM TO HIGH DENSITY APTS.</li> <li>R10 - HIGH DENSITY APARTMENTS</li> <li>R11 - LODGING HOUSE</li> <li>DA - DOWNTOWN AREA</li> <li>RSA - REGIONAL SHOPPING AREA</li> <li>CSA - COMMUNITY SHOPPING AREA</li> <li>NSA - NEIGHBOURHOOD SHOPPING AREA</li> <li>BDC - BUSINESS DISTRICT COMMERCIAL</li> <li>AC - ARTERIAL COMMERCIAL</li> <li>HS - HIGHWAY SERVICE COMMERCIAL</li> <li>RSC - RESTRICTED SERVICE COMMERCIAL</li> <li>CC - CONVENIENCE COMMERCIAL</li> <li>SS - AUTOMOBILE SERVICE STATION</li> <li>ASA - ASSOCIATED SHOPPING AREA COMMERCIAL</li> <li>OR - OFFICE/RESIDENTIAL</li> <li>OC - OFFICE CONVERSION</li> <li>RO - RESTRICTED OFFICE</li> <li>OF - OFFICE</li> </ul> | <ul style="list-style-type: none"> <li>RF - REGIONAL FACILITY</li> <li>CF - COMMUNITY FACILITY</li> <li>NF - NEIGHBOURHOOD FACILITY</li> <li>HER - HERITAGE</li> <li>DC - DAY CARE</li> <li>OS - OPEN SPACE</li> <li>CR - COMMERCIAL RECREATION</li> <li>ER - ENVIRONMENTAL REVIEW</li> <li>OB - OFFICE BUSINESS PARK</li> <li>LI - LIGHT INDUSTRIAL</li> <li>GI - GENERAL INDUSTRIAL</li> <li>HI - HEAVY INDUSTRIAL</li> <li>EX - RESOURCE EXTRACTIVE</li> <li>UR - URBAN RESERVE</li> <li>AG - AGRICULTURAL</li> <li>AGC - AGRICULTURAL COMMERCIAL</li> <li>RRC - RURAL SETTLEMENT COMMERCIAL</li> <li>TGS - TEMPORARY GARDEN SUITE</li> <li>RT - RAIL TRANSPORTATION</li> <li>"h" - HOLDING SYMBOL</li> <li>"d" - DENSITY SYMBOL</li> <li>"H" - HEIGHT SYMBOL</li> <li>"B" - BONUS SYMBOL</li> <li>"T" - TEMPORARY USE SYMBOL</li> </ul> |
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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: Z-8455	CS
MAP PREPARED: 2015/05/11	JS
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of any home sales.

- b) the owner further agrees to :
  - i) work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.
  - ii) install a concrete pad in accordance with the requirements of, and in locations to be approved by, Canada Post to facilitate the placement of Community Mail Boxes
  - iii) identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
  - iv) determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
- c) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

### **Engineering Review**

#### Water Servicing

- Formally confirm with the Ministry of Environment and Climate Change (MOECC) whether or not the private watermain system is a regulated drinking water system under the Safe Drinking Water Act (SDWA) and O. Reg. 170/03.
- If the City of London would be ordered to operate this system in the future, the system would be required to be constructed to the City's standards and requirements.

#### Storm water Management

- Please confirm with the MOECC whether there is a need for ECAs for the stormwater management works (proposed Private Permanent System (PPS) (stormwater detention pond) and stormwater connection to Canadian Pacific (CP) infrastructure (DICS and CSP) which services additional upstream properties).
- Approval/consent from CP is required (stating that they agree in principal to the post development flow and volume of stormwater directed to and conveyed by their channel) in order to permit stotmwater discharge from this site to the CP railway ditch and other CP infrastructure FDICB and CSP). Coordinate with CP and include relevant correspondence with subsequent submission of engineering drawings.
- Ensure and demonstrate safe conveyance of major overland flow from the site (250-year flow and/or overland flow caused by blocked/malfunctioning outlet system). Special consideration should be given in the northwest area of the site with respect to the proposed noise berm and existing structure located on 965 Sarnia Road

#### External Works

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- MOECC ECA is required for the extension of the municipal sanitary sewer on Sarnia Road. The City will be undertaking a capital works project in 2017 for widening of Sarnia Road which includes extension of the municipal sanitary sewer down Sarnia Road, across the frontage of this site. It is again noted that the proposed sanitary sewer extension to service this site in advance of the 2017 capital project will be entirely at the Owner's cost and will not be eligible for any claim from the City.
- Ensure that engineering drawings prepared for the sanitary sewer external works (plan & profile, area plan and design sheet) are in accordance with the City's standard "Engineering Record Drawing"

Transportation Comments

- Construction of left turn lane (15 m storage required) and construction right turn taper (30 m length required) are required.
- Traffic Management Plan(s) (TMP) required for any work within the City's right-of-way.
- Road widening of 18 m from centreline required (7.942 m).
- Driveway to be painted for left out lane, right out lane and one inbound lane (3 m each).

*Staff Response: Holding Provisions to support the Engineering comments have been added to the amended zoning by-law and will be address through site plan approval and conditions of draft approval.*

**Canadian Pacific Railroad**

1. Berm, or combination berm and noise attenuation fence, having extensions or returns at the ends, to be erected on adjoining property, parallel to the railway right-of-way with construction according to the following:
  - a) Minimum total height 5.5 metres above top-of-rail;
  - b) Berm minimum height 2.5 metres and side slopes not steeper than 2.5 to 1.
  - c) Fence, or wall, to be constructed without openings and of a durable material weighing not less than 20 kg. per square metre (4 lb/sq.ft.) of surface area.

No part of the berm/noise barrier is to be constructed on railway property.

A clause should be inserted in all offers of purchase and sale or lease, and be registered on title or included in the lease for each dwelling affected by any noise and vibration attenuation measures, advising that any berm, fencing, or vibration isolation features implemented are not to be tampered with or altered, and further that the owner shall have the sole responsibility for and shall maintain these features.

Dwellings must be constructed such that the interior noise levels meet the criteria of the appropriate Ministry. A noise study should be carried out by a professional noise consultant to determine what impact, if any, railway noise would have on residents of proposed subdivisions and to recommend mitigation measures, if required. The Railway may consider other measures recommended by the study.

2. Setback of dwellings from the railway right-of-way to be a minimum of 30 metres. While no dwelling should be closer to the right-of-way than the specified setback, an unoccupied building, such as a garage, may be built closer. The 2.5 metre high earth berm adjacent to the right-of-way must be provided in all instances.
3. Ground vibration transmission to be estimated through site tests. If in excess of the acceptable levels, all dwellings within 75 metres of the nearest track should be protected. The measures employed may be:
  - a) Support the building on rubber pads between the foundation and the occupied structure so that the maximum vertical natural frequency of the structure on the pads is 12 Hz;



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- b) Insulate the building from the vibration originating at the railway tracks by an intervening discontinuity or by installing adequate insulation outside the building, protected from the compaction that would reduce its effectiveness so that vibration in the building became unacceptable; or
  - c) Other suitable measures that will retain their effectiveness over time.
4. A clause should be inserted in all offers of purchase and sale or lease and in the title deed or lease of each dwelling within 300m of the railway right-of-way, warning prospective purchasers or tenants of the existence of the Railway's operating right-of-way; the possibility of alterations including the possibility that the Railway may expand its operations, which expansion may affect the living environment of the residents notwithstanding the inclusion of noise and vibration attenuating measures in the design of the subdivision and individual units, and that the Railway will not be responsible for complaints or claims arising from the use of its facilities and/or operations.
  5. Any proposed alterations to the existing drainage pattern affecting railway property must receive prior concurrence from the Railway, and be substantiated by a drainage report to be reviewed by the Railway.
  6. A 1.83 metre high chain link security fence be constructed and maintained along the common property line of the Railway and the development by the developer at his expense, and the developer is made aware of the necessity of including a covenant running with the lands, in all deeds, obliging the purchasers of the land to maintain the fence in a satisfactory condition at their expense.
  7. Any proposed utilities under or over railway property to serve the development must be approved prior to their installation and be covered by the Railway's standard agreement.

*Staff Response; noise, vibration and safety attenuation measures will be addressed through the site plan approval process. The proposed zoning by-law amendment includes the h-65 holding provision requiring that noise and vibration measures are provided prior to removal. A condition of the condominium draft approval will require warning clauses to be included in the condominium declaration.*

<b>PUBLIC LIAISON:</b>	On February 18, 2015, 112 notices were sent to residents within 120 metres of the subject site. Notice of Application was also published in The Londoner on March 5, 2015	No replies were received.
<p><b>Nature of Liaison:</b> <i>The purpose and effect of this application is to permit the development of 161 detached cluster housing units within a plan of condominium. Consideration of a Vacant Land Plan of Condominium with 161 residential units on a private road, with access from Sarnia Road. *For the lands under consideration, an application for Site Plan has also been received for this site.</i></p> <p><i>Possible Amendment to Zoning By-law Z.-1 to change the zoning from an Urban Reserve (UR1) Zone to an Residential R6 Special Provision (R6-5 ( _ )) Zone to permit 169 townhouse dwelling units at a maximum density of 39 units per hectare, a maximum height of 12 metres, a 4 metre minimum front yard setback and a 4 metre minimum interior side yard setback.</i></p> <p><i>The City is also considering the following amendments:</i></p> <ul style="list-style-type: none"> <li>• <i>The application of a Holding (h) Provision across the subject lands. The holding provision is to ensure the orderly development of lands and the adequate provision of municipal services and that that the development is consistent with the Hyde Park Community Plan Urban Design Guidelines.</i></li> </ul>		
<b>Responses:</b> None		

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<b>ANALYSIS</b>
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**Subject site**

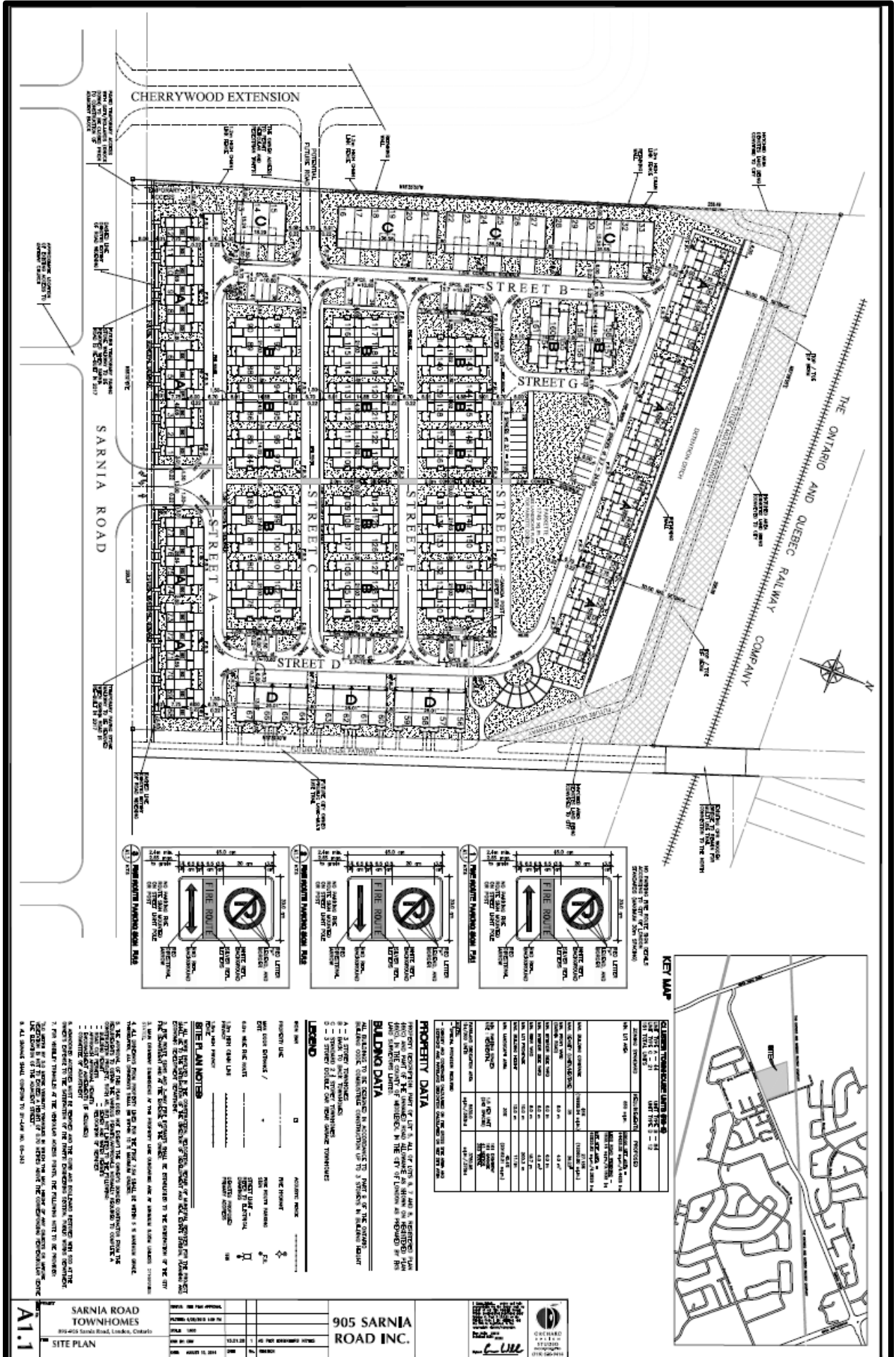
The subject site is located on the north side of Sarnia Road, east of Hyde Park Road. The site is approximately 4.4 hectares in size, with 132 metre frontage along Sarnia Road. The proposed draft plan of vacant land condominium site is located south of the CP rail line and was previously an agricultural use and a single detached dwelling. It is surrounded by multifamily medium density residential uses to the south, a commercial recreational use to the west (Greek Canadian Community Club) and remnant agricultural lands to the east.

The following report provides an analysis of the effect of this requested Zoning By-law amendment and the proposed vacant land condominium. There is a Site Plan application that is currently under review for the subject lands. The Site Plan Approval process will address issues related to the physical form of development, such as the internal driveway layout, unit configuration/orientation, servicing, noise impacts from the CP rail line and Sarnia Road, and other development considerations/constraints

**What is the nature of the application?**

The applicant, 905 Sarnia Road Inc., has applied for a vacant land condominium, and has also submitted a site plan application to permit a 161 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 (SP15-004595), landscape plan and proposed elevation are shown below.

**Draft Plan of Condominium**





**Front Elevation of units Fronting Sarnia Road and City Path (typical)**



**Rear Elevation of units Fronting Sarnia Road and City Path (typical)**



**Interior Elevation of Double Sided Units**



**Is the Proposed Application Appropriate?**

**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 address noise mitigation measures. The site will not negatively impact any natural heritage or be affected by man-made hazards, and is located close to amenities and public open space. Based on our review of the proposed plan with appropriate conditions is consistent with the 2014 Provincial Policy Statement.

**Official Plan Policies**

The subject lands are designated Multi-Family, Medium Density Residential (MDR) which permits multiple-unit residential developments having a low-rise profile, with a maximum density of 75 units per hectare (uph). Areas designated Multi-Family, Medium Density Residential are intended to include multiple-attached dwellings, such as row houses or cluster houses. These areas may include single-detached, semi-detached and duplex dwellings. The proposed vacant land condominium is townhouse form of development with a maximum density of 40 units per hectare. The proposed form of development will fit in with the character of the area

The Hyde Park Community Plan is a guideline document to be used in the review of development applications and includes criteria on transportation, land use, and compatibility. The subject site will be accessed by the creation of a local driveway off of Sarnia Road. A temporary access will be located on the westerly portion of the property until additional access can be provided to the lands to the west when these lands are developed. A public pedestrian path is proposed along the easterly boundary in the existing unnamed road allowance from Sarnia Road to the existing CP rail bridge overpass that connects to a further pedestrian pathway systems to the north. A 15m park corridor along the south side of the CP rail line will be

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dedicated to the City as parkland. When the lands to the west develop a pedestrian pathway is proposed at that time to link the lands to the west to the pedestrian bridge and lands to the north. The proposed path system meets the intent of the Community Plan's objective of strong pedestrian connectivity and will allow easy access to transit. The property will be developed with connection to full municipal services. Storm water management will be incorporated into the development to control water quantity and quality.

Given the location of the site and the manner in which it is to be developed, the current application provides for the integration of this site with the abutting land uses and is consistent with the Official Plan and Hyde Park Community Plan.

**Zoning By-law**

The proposed zoning by-law amendment is to remove the Urban Reserve (UR1) Zone. The zone permits existing dwellings and limited agricultural uses.

The proposed zoning by-law amendment would establish a Holding Residential R6 Special Provision (h.\*h-34\*h-65\*h-100\*R6-5(\_)) Zone to permit cluster townhouse dwelling units with a special provision to include a minimum front yard setback of 4.0 metres, a minimum east interior side yard of 4.0 metres, a minimum setback from any dwelling unit to the CP Rail right of way of 30 metres, and a maximum density of 40 units per hectare

**Compatibility**

The lands were designated Multi Family Medium Density Residential through the Hyde Park Community Plan process. The Hyde Park Community Plan included Design Guidelines. The Design Guidelines required that noise walls be discouraged along arterial roads and that residential development be oriented to the arterial road.

The applicant has requested special provisions to the zoning to allow for reduced front yard and east interior side yard setbacks. The proposed reduced setback of 4 metres along Sarnia Road allows for the street orientation of the units. The proposed east interior side yard setback will allow for an orientation of the units to the proposed City of London pedestrian path system located in the existing unnamed road allowance. The proposed townhouse units will be compatible with the size of housing in the existing adjacent neighbourhoods.

**Ability of Site to Accommodate Development**

The subject land is 4.4 hectares in size. The draft plan of vacant land condominium illustrates how these lands are to develop for cluster townhouse dwellings. The site is of sufficient size to allow for the development of 161 townhouse units with on-site parking and common outdoor space.

**Vacant Land in the Area**

This parcel is within the Hyde Park Community Plan Area. This parcel of land is located on the north side of Sarnia Road and is designated Multi Family Medium Density Residential. The vacant lands located to the east and the commercial recreational uses to the west are designated for Multi Family Medium Density uses.

**Building Size and Siting**

The proposed development will include 161 townhouse dwellings in a cluster housing form. The applicant has requested that the front and east interior yard regulations for this development be modified to provide for a 4 metre setback to the main building rather than the 6 metre setback which is standard for multi-family development. The Hyde Park Community Plan encourages street orientation and the reduced front yard setback will provide for an active pedestrian oriented streetscape. The proposed 4 metre east interior side yard setback will provide for units that will be oriented to the City's pedestrian path system. Orientation of the units along the pedestrian path system will provide for an active pedestrian corridor by increasing the level of

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security and assist in defining the public space.

The size of townhouses within this development will be regulated by the R6-5( ) Zoning regulations which includes a maximum height of 12 metres, lot coverage of 45% and minimum landscaped open space of 30%. The proposed development has a lot coverage of 28% and 45% landscaped open space. The applicant has proposed a maximum density of 40 units per hectare. The proposed locations, size and form of the townhouse development is compatible with surrounding land uses and the requested special provisions to the zoning are appropriate and represent sound land use planning.

**Site Access**

This development will be accessed by the creation of a local driveway off of Sarnia Road. A temporary access will be located on the westerly portion of the property until additional access can be provided to the lands to the west when these lands are developed for residential uses. Full turning access into and out of the site is proposed. Through the site plan process right and left turn lanes will be required to be constructed on Sarnia Road.

**Development Constraints**

The subject lands are on the north side of Sarnia Road which is an arterial road and is bounded by the CP rail line on the north. Due to the impacts of noise generated by Sarnia Road and the CP rail line, the applicant has submitted a noise study to address this issue. The recommendations in the accepted noise study will be included in the development agreement and the declaration and description of the condominium.

Staff has reviewed the rezoning request of the applicant and subject to staffs proposed amendments, special provisions, and holding provisions, the recommended zoning of the subject property to implement the draft plan is appropriate and represents good land use planning.

**Open Space OS1 (parkland dedication and unnamed road allowance)**

The Open Space (OS1) Zone will permit the utilization of the CP Rail Bridge, unnamed road allowance located on along the easterly lot line and the 15 metre parkland dedicated lands abutting the CP rail line to be utilized as a multi-use pedestrian pathway.

**Proposed Holding Provisions**

To ensure the orderly development of lands the following holding provisions are included in the proposed zoning amendment.

*h - Purpose: To ensure the orderly development of lands and the adequate provision of municipal services, the "h" symbol shall not be deleted until the required security has been provided for the development agreement or subdivision agreement, and Council is satisfied that the conditions of the approval of the plans and drawings for a site plan, or the conditions of the approval of a draft plan of subdivision, will ensure a development agreement or subdivision agreement is executed by the applicant and the City prior to development.*

*h-34 Purpose: To encourage street oriented development and discourage noise attenuation walls along arterial roads, a development agreement shall be entered into to ensure that new development is designed and approved consistent with the design guidelines in the Hyde Park Community Plan, to the satisfaction City of London, prior to removal of the "h-34" symbol.*

*h-65 Purpose: To ensure there are no land use conflicts between the adjacent arterial roads and/or rail line and the proposed residential uses, the "h-65" shall not be deleted until the owner agrees to implement all noise and vibration attenuation measures, recommended in noise and vibration assessment reports acceptable to the City of London.*



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*h-100 Purpose: To ensure there is adequate water service and appropriate access, a looped watermain system must be constructed and a second public access must be available to the satisfaction of the City Engineer, prior to the removal of the h*

*Permitted Interim Uses: A maximum of 80 residential units*

### **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, and the Hyde Park Community Plan.
- The site can be serviced by sewer and water.
- The proposed development is in close proximity to community parks, open space and walking trails.
- A noise study was provided as part of site plan approval application, noise attenuation measures will be constructed to protect the outdoor amenity area for units within the development. Warning clauses will also be registered on title for the development.
- The proposed plan is designed to be integrated with adjacent lands.
- From a Placemaking perspective, the proposed development is oriented to Sarnia Road and the City's pedestrian path system which creates a sense of place by providing a active street frontage and path system. The proposed development meets the intent of the Placemaking principles.
- The applicant is proposing to construct 161 new townhouse dwellings on vacant land condominium units (lots). The proposed townhouses satisfy the locational and compatibility criteria of the Official Plan as they abut an arterial road which serves as a transition into the existing low density residential neighbourhood to the north. 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 the surrounding neighbourhood.
- The subject land is 4.4 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 will be addressed by the applicants consulting engineer to the satisfaction of the City through the Site Plan Approval process.

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

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

- completion of site works in the common elements and the posting of security in addition to that held under the Development Agreement (if applicable), in the event these works are not completed prior to registration of the plan of condominium;
- installation of fire route signs prior to registration;
- confirmation of addressing information;
- payment of outstanding taxes or local improvement charges, if any;
- provision of servicing easements for utility providers (such as London Hydro, Union Gas, Bell, etc.);
- ensuring that any homes already constructed at the time of registration are located within the unit boundaries to be registered;

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- 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;
- relocation of the existing municipal sidewalk;
- drainage and stormwater management; and
- noise attenuation.

## SERVICING

### Sanitary

An existing 200 mm diameter sewer is located within the Sarnia Road right-of-way, approximately 200 metres west of the site frontage. This sanitary sewer will be extended to the site by the proponent.

### Storm

The proposed development will be required to provide for its storm runoff conveyance systems through the implementation of permanent private system on-site (PPS) controls which will outlet to the existing storm drain on CPR right-of-way.

### Transportation

A 7 metre road widening is required along the Sarnia Road frontage of this plan and a left and right turn lane is required to provide safe ingress and egress to this development. This will be required prior to site plan approval.

### Water

Water will be provided from the 400 mm diameter watermain on the south side of Sarnia Road pending compliance with the Ministry of the Environment and Climate Change Safe Drinking Water Act (SDWA) and O. Reg. 170/03 for regulated drinking water systems.

#### *Prohibition, development*

*53. (1) No person shall construct a non-municipal drinking-water system that is intended to serve a major residential development within the geographic area of a municipality or extend an existing non-municipal drinking-water system within the geographic area of a municipality to serve a major residential development, unless the person obtains the written consent of the municipality to do so.*

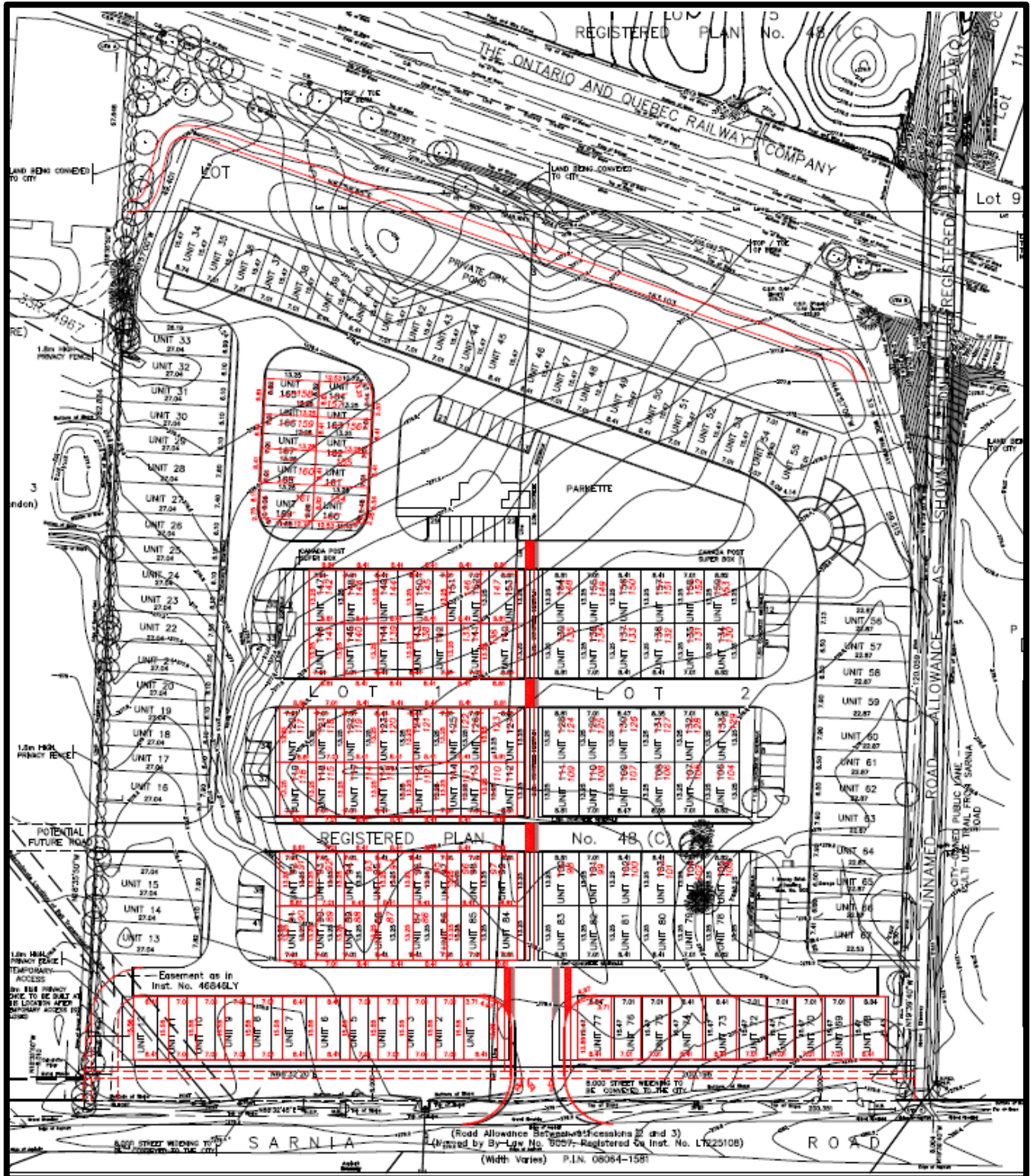
The City has requested that the applicant seek confirmation from the MOECC if the proposed 161 townhouse unit vacant land condominium is a major residential development and subject to the Act.

The Act is intended to protect public drinking water systems from contamination. The Act requires that regulated drinking water systems be monitored and maintained to ensure the provision of clean drinking water. Development that is deemed to be a regulated system must take appropriate steps to implement and maintain a clean drinking water system. Obligation to conform to the Act is ultimately the City's.

The City is evaluating and considering various resolutions to ensure that the intent of the Act is maintained and to allow for this development to move forward. Through the site plan approval process and through conditions of the vacant land condominium draft approval, the City will ensure that this issue is satisfied.

### Red Line Amendment

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The following redline amendments are being recommended for the draft plan of Vacant Land Condominium:

- Realignment of sidewalk through central pedestrian corridor
- Realignment of townhouse units to accommodate centralized sidewalk in pedestrian corridor
- Realignment of townhouse units fronting Sarnia Road to accommodate the temporary access location on the west side of the development.

<b>CONCLUSION</b>
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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 applicant's proposal for a townhouse development in this area is appropriate. Overall, this application represents good planning and is appropriate.

<b>PREPARED and RECOMMENDED BY:</b>	<b>REVIEWED BY:</b>
<b>C. SMITH SENIOR PLANNER, DEVELOPMENT SERVICES</b>	<b>ALLISTER MACLEAN MANAGER, DEVELOPMENT PLANNING</b>
<b>REVIEWED BY:</b>	<b>SUBMITTED BY:</b>
<b>TERRY GRAWAY, MCIP, RPP MANAGER, DEVELOPMENT SERVICES &amp; PLANNING LIAISON</b>	<b>G. KOTSIFAS, P.ENG MANAGING DIRECTOR, DEVELOPMENT &amp; COMPLIANCE SERVICES &amp; CHIEF BUILDING OFFICIAL</b>

JCS/

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**Bibliography of Information and Materials**

Request for Approval:

City of London Condominium Application Form, completed by Laverne Kirkness, February 12, 2015.

Draft Plan of Vacant Land Condominium, February 12, 2014.

Site Plan Approval Application, completed by Laverne Kirkness, March 2015.

Elevations, Sarnia Road Inc.

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-15502 or SP15-004595 unless otherwise stated

Reports submitted with Application:

Noise and Vibration Study, Development Engineering, July, 2014

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Bill No. (number to be inserted by Clerk's Office)  
2015

By-law No. Z.-1-\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 895 and 905 Sarnia Road.

WHEREAS 905 Sarnia Road Inc. have applied to rezone an area of land located at 895 and 905 Sarnia Road, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 895 and 905 Sarnia Road, as shown on the attached map, from an Urban Reserve (UR1) Zone to an Open Space (OS1) Zone and a Holding Residential R6 Special Provision (h.\*h-34\*h-65\*h-100\*R6-5(\_)) Zone.

1) Section Number 10.4 of the Residential R6 (R6-5) Zone is amended by adding the following Special Provision:

) R6-5 ( )

a) Regulations:

- |  |                      |
|--|----------------------|
| i) Front Yard Setback (Minimum):               | 4 metres (13.1 feet) |
| ii) East Interior Side Yard Setback (Minimum): | 4 metres (13.1 feet) |
| iii) Density (Maximum)                         | 40 units per hectare |

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P.13*, either upon the date of the passage of this by-law or as otherwise provided by the said subsection.

PASSED in Open Council on June 10, 2015.

Matt Brown

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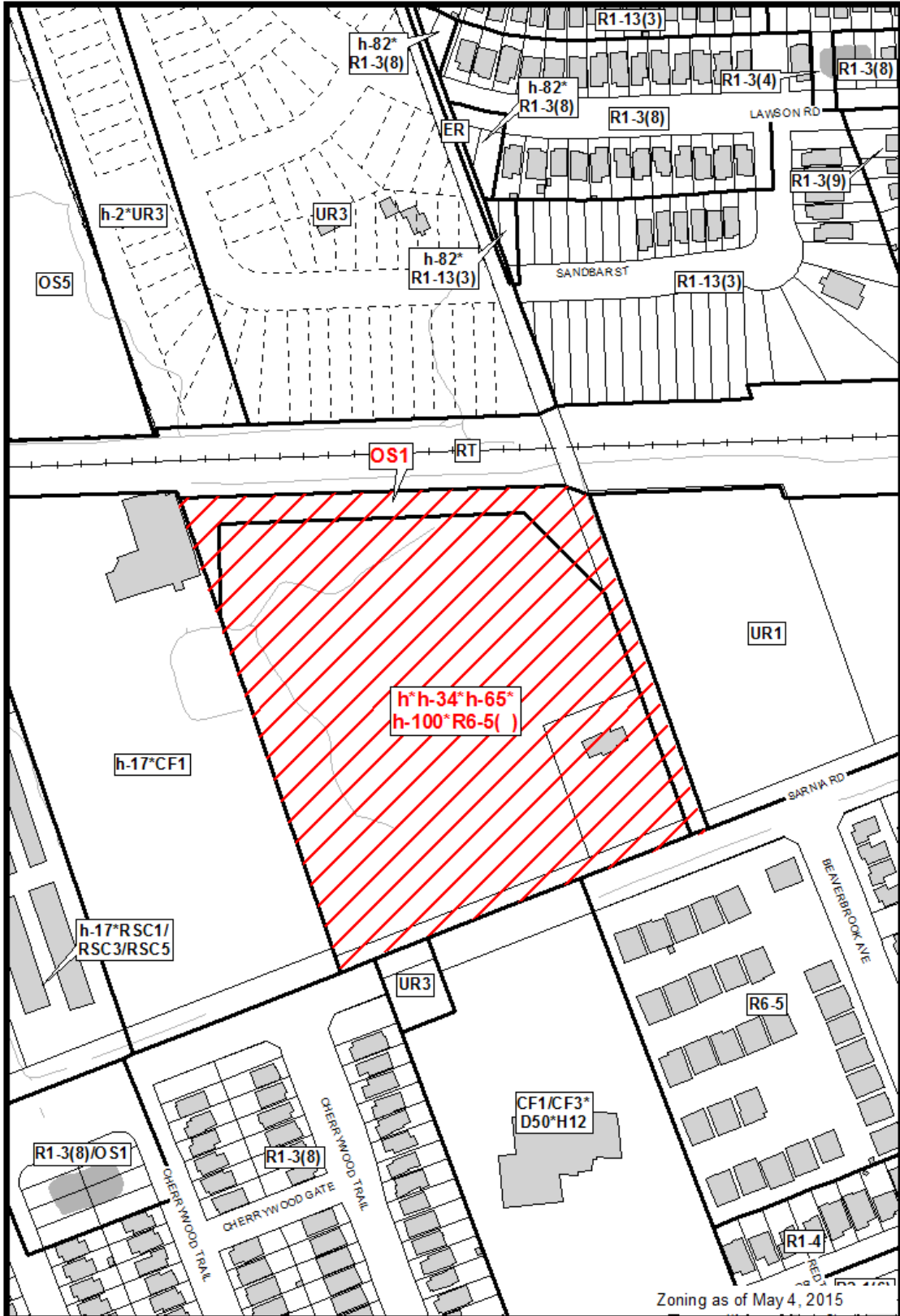
File: 39CD-15502/Z-8445  
Planner: C. Smith

Mayor

Catharine Saunders  
City Clerk

First Reading - June 10, 2015  
Second Reading - June 10, 2015  
Third Reading - June 10, 2015

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



<p>File Number: Z-8455          Planner: CS          Date Prepared: 2015/05/13          Technician: JS          By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:2,500</p> <p>0 12.5 25 50 75 100 Meters</p> <div style="text-align: right;"> </div>
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Geocube