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39T-08504/Z-7521
A. MacLean

TO:	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE
FROM:	DAVID AILLES MANAGING DIRECTOR, DEVELOPMENT APPROVALS BUSINESS UNIT J. LEUNISSEN MANAGER, DEVELOPMENT PLANNING
SUBJECT:	APPLICATION BY: SIFTON PROPERTIES LIMITED 1551 BLACKWELL BOULEVARD PUBLIC PARTICIPATION MEETING ON FEBRUARY 27, 2012

RECOMMENDATION

That, on the recommendation of the the Managing Director of the Development Approvals Business Unit and the Manager, Development Planning, the following actions be taken with respect to the application of Sifton Properties Limited. relating to the property located at 1551 Blackwell Boulevard:

- (a) Planning and Environment Committee **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the application for draft plan of subdivision of Sifton Properties Limited. relating to the property located at 1551 Blackwell Boulevard;
- (b) Council **SUPPORTS** the Approval Authority issuing draft approval of the proposed plan of residential subdivision, as submitted by Sifton Properties Limited (File No. 39T-08504), prepared by Delcan (certified by Robert Sterling, OLS, dated December 7, 2011), **SUBJECT TO** the conditions contained in the attached Appendix "39T-08504";
- (c) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on March 20, 2012 to amend Zoning By-law No. Z.-1 (in conformity with the Official Plan, to change the zoning of the subject lands **FROM** a Holding Residential R1/Residential R7/ Neighbourhood Facility (h. h-45 R1-4/R7 D75 H13/NF1) Zone which permits single detached dwellings on lots with a minimum frontage of 12 m (39.4 ft); seniors housing to a density of 75 units per hectare (30 units per acre) and a height of 13 m (42.6ft); and churches, elementary schools, day care centres and community centres **TO** a Holding Residential (h. h-45 R1-4) Zone. The h holding provision shall not be removed until a subdivision agreement or site plan agreement has been entered into with the City of London and the h-45 holding provision shall not be removed until the recommendations of the accepted noise and dust study relating to the adjacent gravel pit have been implemented to the satisfaction of the City of London.

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RELATED ESTIMATED COSTS AND REVENUES

Estimated Costs – This Agreement	
Claims from Urban Works Reserve Fund – General	Nil
Stormwater Management	Nil
Capital Expense	Nil
Other	Nil
Total	Nil
Estimated Revenues - This Agreement (2012 rates)	
CSRF	\$674,450
UWRF	\$271,707
Total	\$946,157

1. Estimated Costs are based on approximations provided by the applicant. Actual claims will be determined in conjunction with the terms of the subdivision agreement and the applicable By-law.
2. Estimated Revenues are calculated using 2012 DC rates. The revenue estimates includes DC cost recovery for "soft services" (fire, police, parks and recreation facilities, library, growth studies). There is no comparative cost allocation in the Estimated Cost section of the report, so the reader should use caution in comparing the Cost with the Revenue section.
3. The Owner should take note that there are currently significant delays in payment of claims from the Urban Works Reserve Fund.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

August 11, 2008 – Original Report to Planning Committee (see attached)

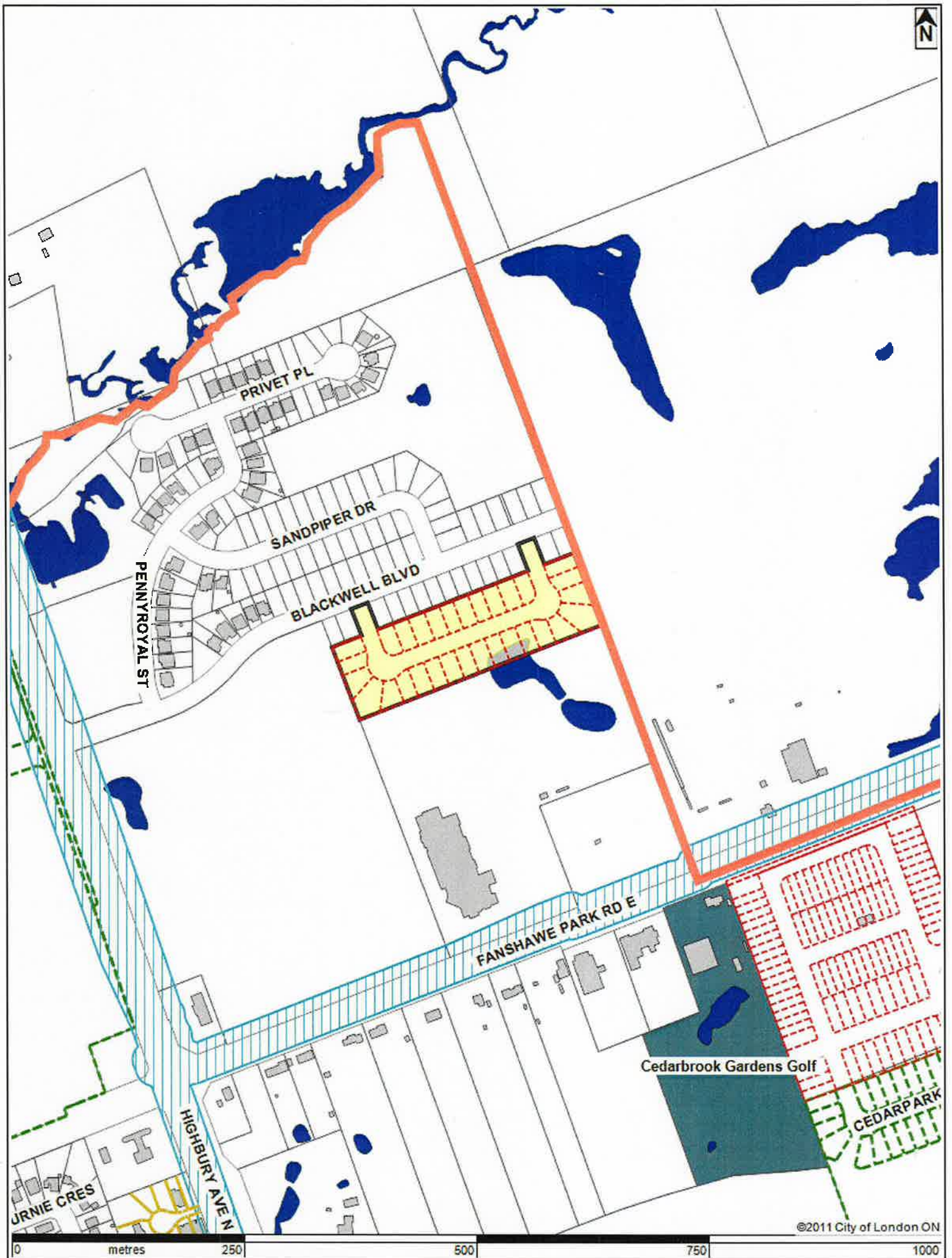
April 6, 2009 – Request by Sifton properties to place application on hold

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of the recommended action is to allow for the development of a residential plan of subdivision containing 41 single detached dwelling lots and one (1) walkway and to apply appropriate zoning which reflects the intended land use.

RATIONALE

1. The requested single detached residential use is permitted under the Multi-Family, Medium Density Residential designation.
2. Conditions of draft plan approval and existing zoning contain provisions which will ensure development of the lands for sensitive land uses does not occur until noise and dust mitigation measures are in place both physically on the ground and through warning








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LOCATION MAP

Subject Site: **Fanshawe Ridge Subdivision - Draft Plan of Subdivision**
 Applicant: **Sifton Properties Limited**
 File Number: **39T-08504**
 Planner: **Heather McNeely**
 Created By: **Allister MacLean**
 Date: **2011-02-15**
 Scale: **1:5000**

LEGEND

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



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clauses in the subdivision agreement.

3. Conditions of draft approval and recommended zoning contain provisions which will ensure future development of the lands does not impact storm flows on abutting lands.
4. Removal of the Residential R7/Neighbourhood Facility (R7 D75 H13/NF1) Zones is appropriate as the applicant has indicated their intended future land use is for single detached dwellings only.

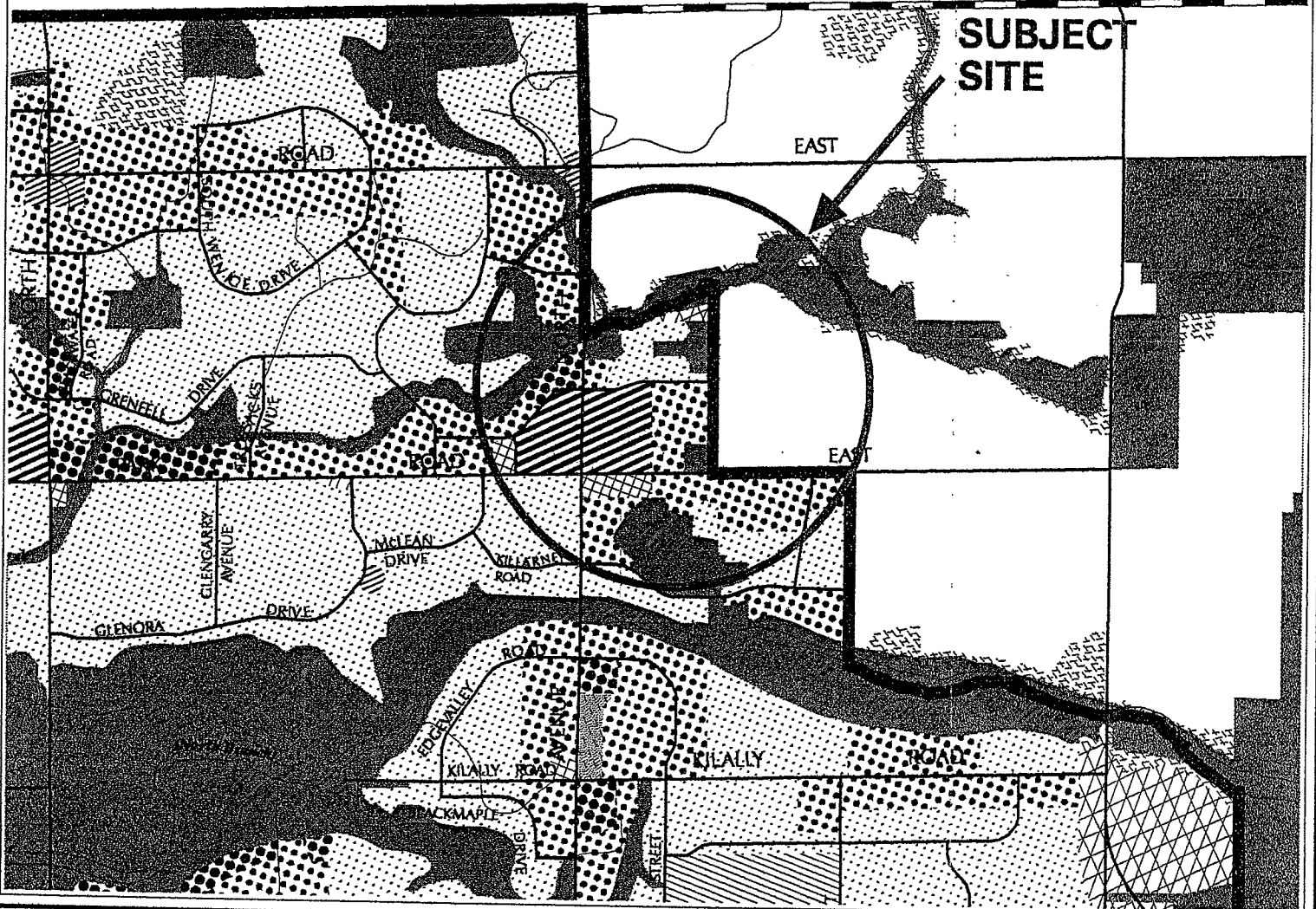
BACKGROUND

<p>Date Application Accepted: February 27, 2008</p> <p>Reactivated : December 12, 2011</p>	<p>Agent: Maureen Zunti, Sifton Propeties Ltd.</p>
<p>REQUESTED ACTION: The subdivision of this land, as proposed, would result in the creation of a residential draft plan of subdivision with 41 lots (original proposal was for 30 lots). The City initiated Zoning amendment application is intended to delete the multi-family residential and neighbourhood facility zones from this site.</p>	































<p>SITE CHARACTERISTICS:</p> <ul style="list-style-type: none"> • Current Land Use – agriculture (cash crops) and “man made” pond (vacant of buildings and structures) • Frontage – 38 m (124.6 ft) to planned extension of Blackwell Boulevard (two 19 m (62 ft) road connections) • Depth – 113 m (370 ft.) • Area – 2.42 ha (6.0 ac) • Shape – Generally rectangular with two road allowance projections
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<p>SURROUNDING LAND USES:</p> <ul style="list-style-type: none"> • North – Residential subdivision under construction • South – Institutional (church) on private services • East – Aggregate extraction operation • West – Vacant (zoned for future commercial development)

<p>OFFICIAL PLAN DESIGNATION: (refer to map)</p> <ul style="list-style-type: none"> • Multi-Family, Medium Density Residential
<p>EXISTING ZONING: (refer to map)</p> <ul style="list-style-type: none"> • Holding Residential R1/Residential R7/ Neighbourhood Facility (h. h-45 R1-4/R7 D75 H13/NF1)



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		

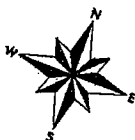
THIS IS AN EXCERPT FROM THE PLANNING DIVISION'S WORKING CONSOLIDATION OF SCHEDULE A TO THE CITY OF LONDON OFFICIAL PLAN, WITH ADDED NOTATIONS

CITY OF LONDON

DEPARTMENT OF PLANNING AND DEVELOPMENT

OFFICIAL PLAN
SCHEDULE A - LAND USE

PREPARED BY: Graphics & Information Services



FILE NO.

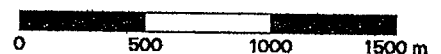
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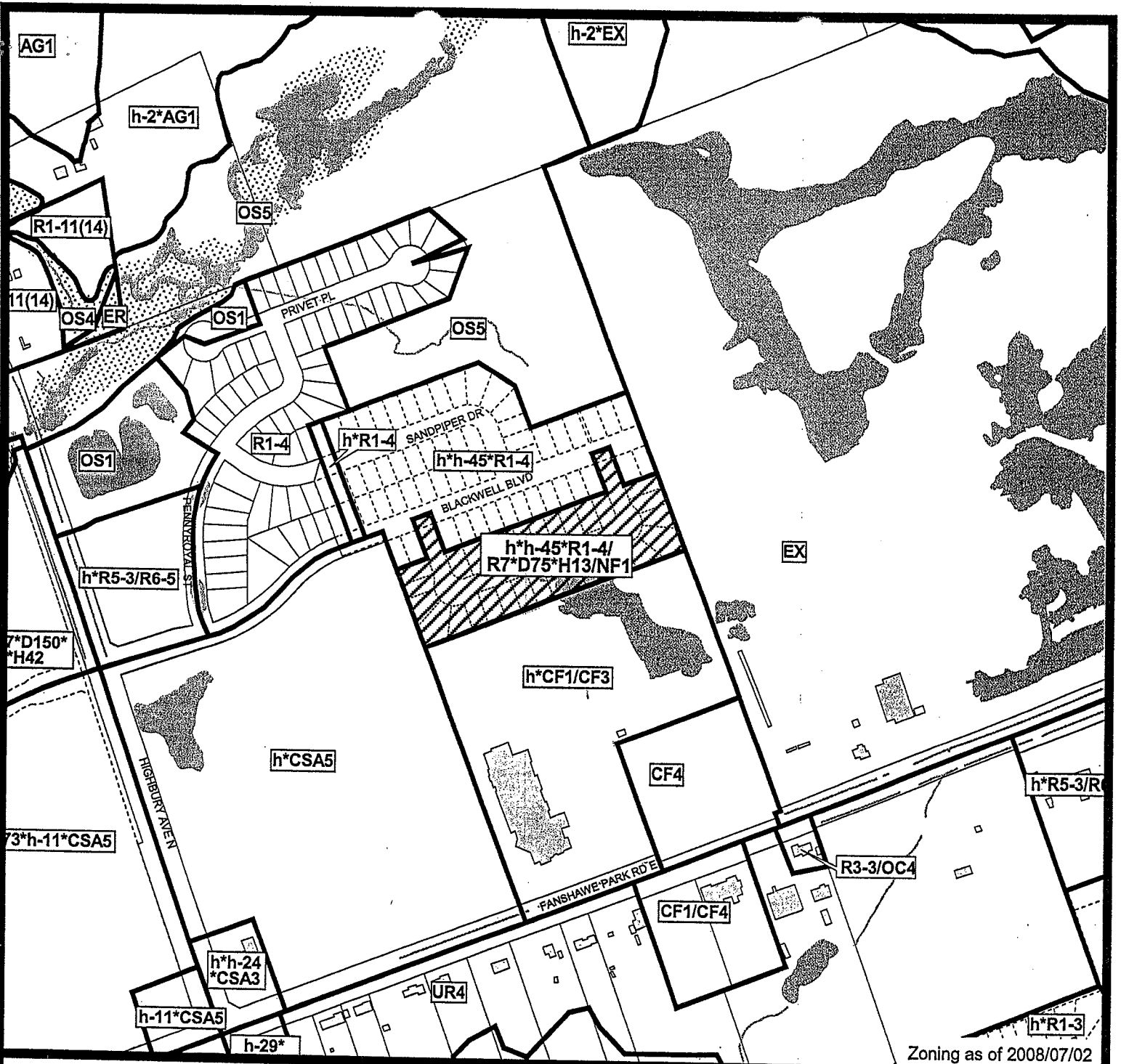
MAP PREPARED:

July 16, 2008

CK



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COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: h*h-45*R1-4/R7*D75*H13/NF1

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

- "h" - HOLDING SYMBOL
- "D" - DENSITY SYMBOL
- "H" - HEIGHT SYMBOL
- "B" - BONUS SYMBOL
- "T" - TEMPORARY USE SYMBOL

2)  **ANNEXED AREA APEALED AREAS**

CITY OF LONDON

DEPARTMENT OF PLANNING AND DEVELOPMENT

ZONING BY-LAW NO. Z.-1

SCHEDULE A



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

FILE NO:

39T-08504

AM

MAP PREPARED:

2008/07/16

CK

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PLANNING HISTORY

Attached is a copy of the original staff report relating to this development proposal. This report was presented to Planning Committee on August 11, 2008. At that time a number of issues were raised by the property owner to the south, North Park Community Church. Their issues revolved around servicing, access and other potential impacts this development may have on their lands. As a result, the subdivision application was deferred by Planning Committee to allow time for the applicant and the adjacent land owner to try and address these issues. Due to a downturn in market conditions, Sifton Properties requested that their application be placed on hold until such time as the market improved. On April 29th, 2009 Council resolved that:

- (a) on the recommendation of the General Manager of Planning and Development, the report dated April 6, 2009 be received for information; it being noted that the application will be placed on hold at the request of Sifton Properties Limited;
- (b) Planning and Development staff be requested to provide a report at a future meeting of the Planning Committee with respect to the status of negotiations between Sifton Properties Limited and North Park Community Church relating to a possible public road connection on the property line of the two properties; and
- (c) the General Manager of Planning and Development be requested to arrange a public participation meeting of the Planning Committee for consideration of the site plan for this application, at such time as the application proceeds;

As per the Council resolution, the application was placed on hold. With respect to item b) the applicant advised that they were unable to reach an agreement regarding a road connection between the applicant's lands and the North Park Community Church lands immediately to the south. It should be noted that the City was not a party to these discussions. The final item c) above dealt with the requirement for a public site plan meeting should the property develop for medium density residential uses as per the existing R7 zoning which applies to this site. Since the applicant is intending to develop single detached dwellings and staff are recommending that the R7 Zoning be removed from this site, a public meeting for site plan approval will no longer be a requirement.

It should also be noted that due to the time that has passed since the original public meeting in 2008, this request for reactivation of this application for draft plan of subdivision and zoning by-law amendment is being addressed through a second public meeting.

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

Upper Thames River Conservation Authority (UTRCA)

That in accordance with Ontario Regulation 157/06 made pursuant to Section 28 of the Conservation Authorities Act, the proponent obtain the necessary permit/approvals from the UTRCA prior to undertaking any site alteration or development within this area including filling, grading, construction, alteration to a watercourse and/or interference with a wetland.

Note: A condition of draft approval has been included to ensure that no construction may commence or services installed prior to obtaining the necessary permits, including obtaining a permit from the UTRCA.

London Hydro

London Hydro has adequate 27.6 kV underground distribution along Blackwell Boulevard for this development. The applicant will be responsible for the cost associated with the underground system expansion within the development, but they 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

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responsible for the cost associated with the relocation of any existing infrastructure as a result of this development.

PUBLIC LIAISON:	On December 16 th , 2011, 31 letters were sent to surrounding property owners advising of the application. Notice of the application was also published in the December 24, 2011 Living in the City section of the London Free Press.	One reply
<p>Nature of Liaison: Consideration of a Residential Plan of Subdivision with 41 single detached lots served by one (1) new local street.</p> <p>The City of London is also considering an amendment to Zoning By-law Z.-1 to change the zoning on the subject lands (as shown on the attached Zoning Schedule) FROM a Holding Residential R1/Residential R7/ Neighbourhood Facility (h. h-45 R1-4/R7 D75 H13/NF1) Zone TO a Holding Residential (h. h-45 R1-4) Zone which permits single detached dwellings on lots with a minimum lot frontage of 12 metres and a minimum lot area of 360 m2.</p>		
<p>Responses: North Park Community Church remains opposed to Sifton's subdivision plan which shows no vehicular access to the south; concern on moving this application to Planning and Environment Committee without further consultation with Sifton</p>		

ANALYSIS

Revised Application

In December 2011, Sifton Properties requested that their application be reactivated and they also proposed a revision to the draft plan to develop lots with slightly smaller lot frontages. This change to their original proposal results in an increase of 11 lots (from 30 lots to 41 lots). The new lot sizes comply with the existing R1-4 zone which applies to this property.

This application was liaised with various departments/agencies and as a result a revised set of draft approval conditions were created (see Appendix 39T-08504). It is staffs contention that the original Planning analysis for this development is still valid and the increase in number of lots is considered to be a minor change.

Servicing

At the time the application was presented to Planning Committee in August 2008, issues were raised the regarding the impacts this development would have on the Church's ability to control storm water and to provide for sanitary servicing. On January 23, 2012, the Civic Works Committee received a report from the Director of Wastewater and Treatment recommending that a Servicing Agreement between North Park Community Church and the City be approved. This servicing agreement allows the Church to contribute to the cost of sanitary servicing in coordination with the City's Transportation project at the intersection of Highbury Ave N. and Fanshawe Park Rd. E. (which is scheduled to commence this spring). A private drain connection (PDC) to the storm sewer will also be installed as part of the project. These improvements should assist in addressing the Church's current stormwater management issues and facilitate future development of the property.

Based on the above, the issues of sanitary and storm servicing (for the Church) will be addressed as part of the City's Transportation project at the intersection of Highbury Ave N. and Fanshawe Park Rd. E. Therefore the conditions requiring a temporary easement for sanitary services and for a hydrological report to address surface flows from the Sifton lands, as originally recommended in the August 2008 staff report, will no longer be required. It should be noted, however, that through the design studies process and review of engineering drawings Sifton Properties will be required to certify that stormwater runoff from this subdivision will not

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cause damage to downstream lands beyond the limits of this subdivision.

Also, Sifton Properties has also agreed to have further discussions with their engineer to determine if it is possible to provide for swm and sanitary servicing for the northern part of the Church lands.

Access

On September 5th, 2008, Sifton Properties advised representatives of North Park Community Church that they would consider selling a portion of their land for private road access for the Church. On October 2, 2008 the Church respectively declined their offer and advised that they wished to pursue the public road connection. In December 2008, North Park Community Church applied for consent to sever the rear portion of their lands (B.002/09). The Consent was granted on January 20, 2009 with a condition requiring the severed parcel to have sufficient street frontage. On February 20, 2009 representatives of the Church and Sifton Properties met to further discuss the issue of public access but the City was been advised that no agreement was reached. Since that time the original Consent decision has lapsed.

Based on the comments received as a result of this most recent liaison, on February 9, 2012 Sifton Properties held another meeting with representatives of North Park Community Church. At that meeting, representatives of North Park reiterated their concerns regarding the need for access and servicing options for the future development of the rear of their property (which abuts Sifton's subdivision). Sifton agreed to re-examine the issues and try and come up with a solution to the access (through a private drive) and for servicing (both SWM and sanitary) as it relates to the abutting lands immediately to the south.

As noted in our original 2008 report to the Committee, staff does not support a road connection from the proposed local street in the Sifton draft plan to the Church lands. Official Plan policies note that the preferred location for multi-family medium density residential development is on lands abutting an arterial, primary collector or secondary collector street. One of the main reasons for this is to limit the impacts of traffic to and from multi-family residential development on stable, low density residential areas. Should the Church wish to develop the northerly portion of their lands for multi-family use, access should be provided from Fanshawe Park Rd. E.

As per our original 2008 recommendation, the plan has been redline amended to include a walkway from Street "A" to the North Park Community Church lands.

Grade Issues for Lots 14-18

The draft plan shows that there is a grade difference at the rear of lots 14-18 which may require the installation of a retaining wall. Sifton's engineer has confirmed that this is a possibility and as a result it is recommended that this issue be properly addressed through the submission of a study during the Design Studies process to confirm that should a retaining wall be required, these lots are of sufficient size to be functional.

Conditions of Draft Approval

The attached conditions of draft approval (Appendix 39T-08504) are based on the consolidated comments of Engineering Review, the Transportation and Planning Division, the Wastewater and Drainage Engineering Division, the Wastewater and Drainage Engineering – Stormwater Management Unit, the Water Engineering Division, the Pollution Control Engineering Division, and all other agencies and departments which have provided input through the liaison process.

In addition to the conditions of draft approval it is recommended that the draft plan be revised to show a 19.0 metre right-of-way for Street "A". Please note that there will be increased operating and maintenance costs for works being assumed by the City.

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Urban Design/Placemaking Policies

The proposed draft plan of subdivision and recommended zoning provides for low density housing which is consistent with the Official Plan and the Kilally North Area Plan.

The focal point of this neighbourhood is the Open Space/Wetland area which is located to the north of this plan. The draft plan allows for appropriate vehicular and pedestrian circulation throughout the community. The plan also provides for an integration of community elements by providing for a pedestrian linkage between the neighbourhood to the north and North Park Community Church lands to the south.



Red-Line Amendments

The following redline amendments are proposed:

- Revise Street "A" road allowance to 19 metres
- Add a new walkway Block 42 and revise adjacent lots to accommodate the 3 metre walkway
- Label Street "A"

CONCLUSION

The proposed subdivision of land is consistent with the general intent of Provincial Policy Statement (2005) and City Official Plan policies and the Kilally North Area Plan. The proposed plan of subdivision, as redline amended, and the proposed Zoning By-law amendment are appropriate for the development of these lands.

PREPARED BY:	SUBMITTED AND RECOMMENDED BY:
	
ALLISTER MACLEAN SENIOR PLANNER DEVELOPMENT PLANNING	JEFF LEUNISSEN MANAGER DEVELOPMENT PLANNING
RECOMMENDED BY:	
	
DAVID AILLES MANAGING DIRECTOR DEVELOPMENT APPROVALS BUSINESS UNIT	

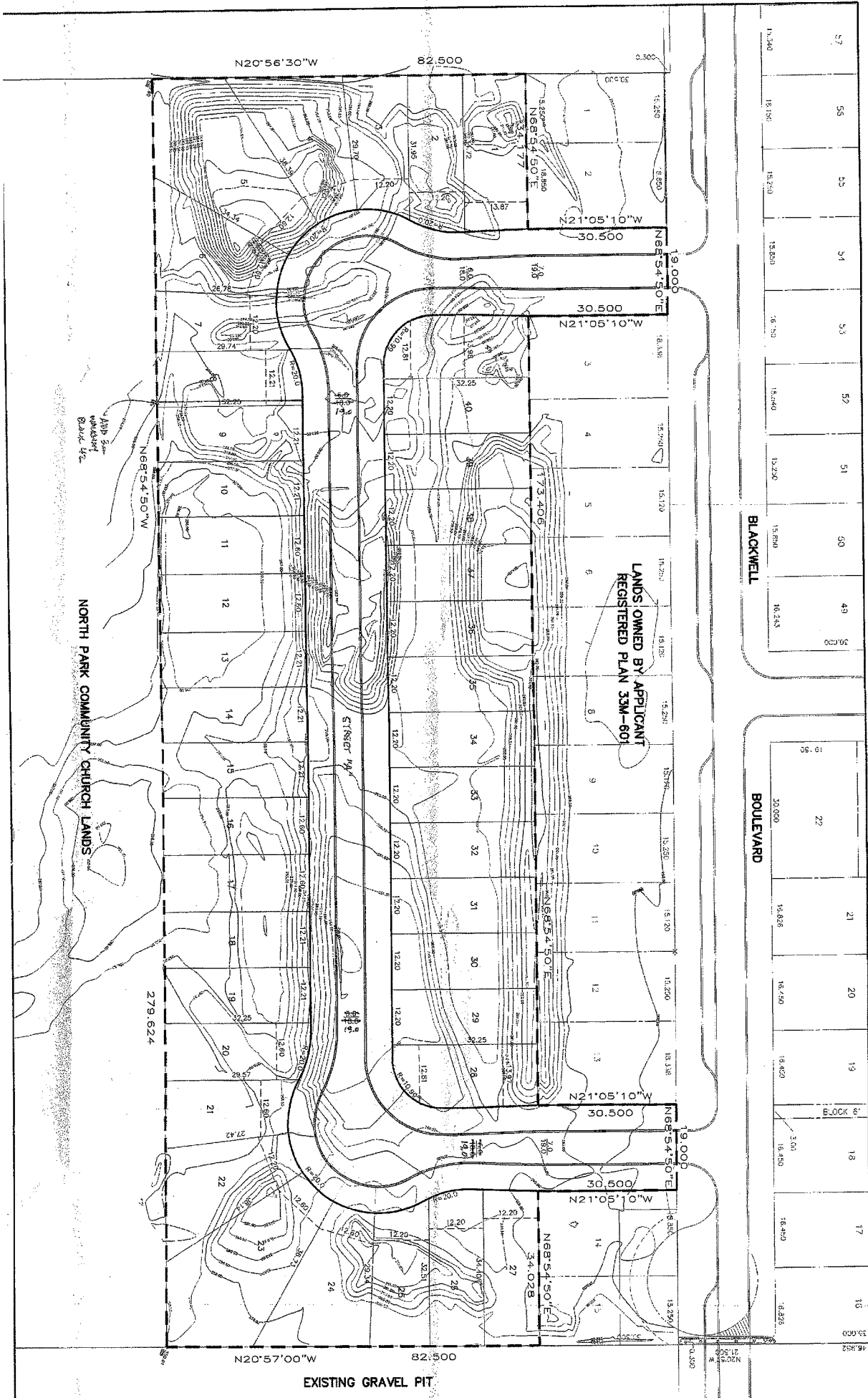
February 15, 2012
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Redline Amendments to Draft Plan



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

<u>Telephone</u>	<u>Written</u>
<p>James Bekkers North Park Community Church -the church is exploring their options for development; they remain opposed to Siftons subdivision plan which shows no vehicular access to the south; they are concerned about progressing the file to the Planning and Environment Committee given that limited consultation that has occurred with Sifton.</p>	

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APPENDIX "A"

Bill No. (number to be inserted by Clerk's Office)
2012

By-law No. Z.-1-12_____

A by-law to amend By-law No. Z.-1 to rezone an area of land at 1551 Blackwell Boulevard and legally described as Part of Lot 8, Concession 5, (Geographic Township of London).

WHEREAS Sifton Properties Limited have applied to rezone an area of land located 1551 Blackwell Boulevard, 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 at 1551 Blackwell Boulevard and legally described as Part of Lot 8, Concession 5, (Geographic Township of London), as shown on the attached map from a Holding Residential R1/Residential R7/ Neighbourhood Facility (h. h-45 R1-4/R7 D75 H13/NF1) Zone to a Holding Residential (h. h-45 R1-4) Zone.

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 subsection 34(21) 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 March 20, 2012.

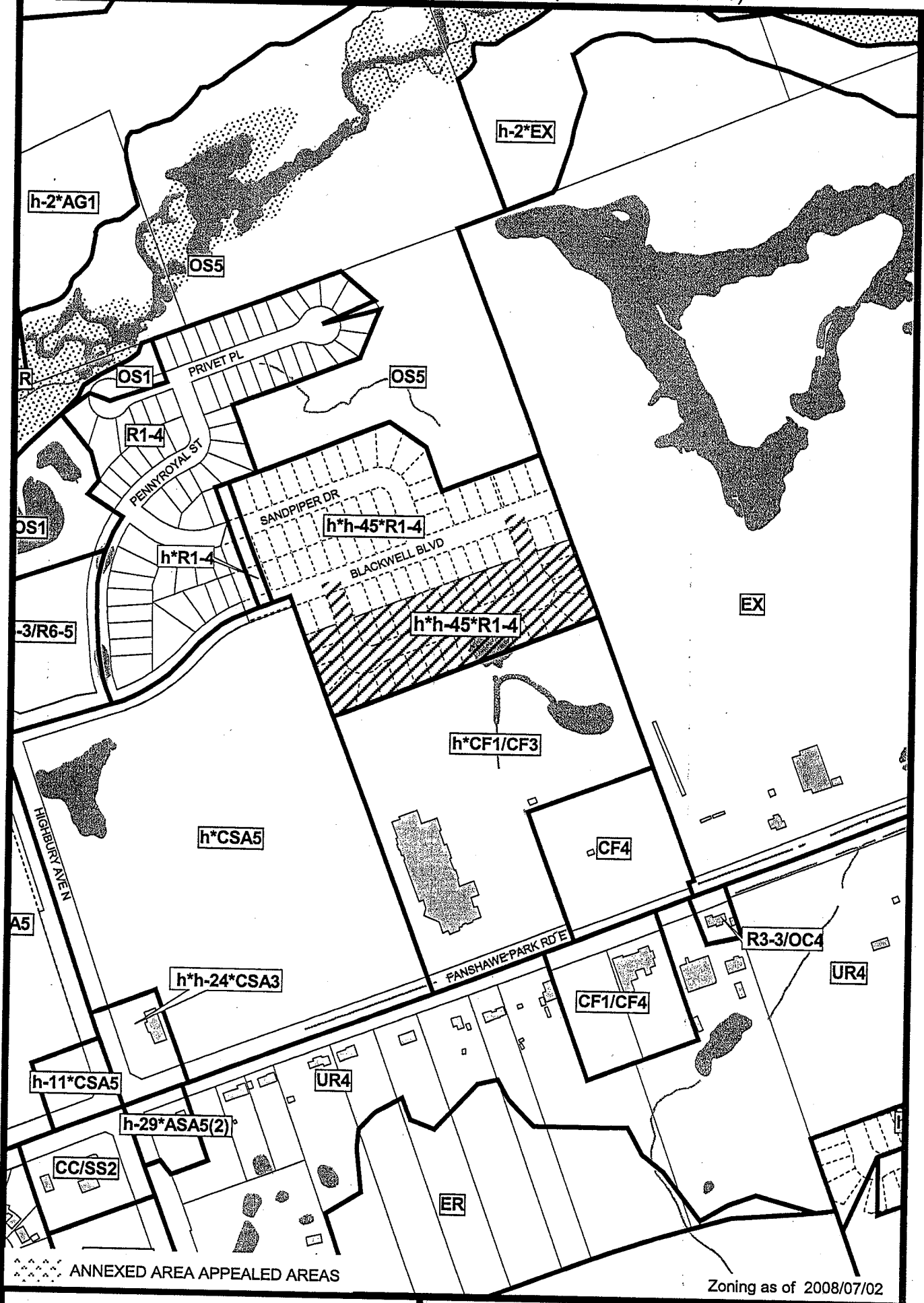
Joe Fontana
Mayor

Catharine Saunders
City Clerk

First Reading - March 20, 2012
Second Reading - March 20, 2012
Third Reading - March 20, 2012



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



File Number: 39T-08504

Planner: AM

Date Prepared: 2008/07/17

Technician: CK

By-Law No: Z.-1-

SUBJECT SITE 

SCALE 1:5000

100 0 100 Meters



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APPENDIX 39T- 08504
(Conditions to be included for draft plan approval)

THE CORPORATION OF THE CITY OF LONDON'S CONDITIONS AND AMENDMENTS TO FINAL APPROVAL FOR THE REGISTRATION OF THIS SUBDIVISION, FILE NUMBER 39T-08504 ARE AS FOLLOWS:

NO.	CONDITIONS
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Standard

1. This draft approval applies to the draft plan submitted by Sifton properties Ltd. (File No. 39T-08504 prepared by Delcan, certified by Robert D. Sterling, OLS (dated December 7, 2011), **as redline revised** which shows 41 single detached lots and one walkway block served by one (1) new street.
2. The approval of this draft plan applies for three years, and if final approval is not given by that date, the draft approval shall lapse, except in the case where an extension has been granted by the Approval Authority.
3. The road allowances included in this draft plan shall be shown on the face of the plan and dedicated as public highways.
4. The Owner shall within 90 days of draft approval submit proposed street names for this subdivision to the Director of Development Planning.
5. The Owner shall request that addresses be assigned to the satisfaction of the Director of Development Planning in conjunction with the request for the preparation of the subdivision agreement.
6. Prior to final approval, the Owner shall submit to the Approval Authority a digital file of the plan to be registered in a format compiled to the satisfaction of the City of London and referenced to NAD83UTM horizon control network for the City of London mapping program.
7. Prior to final approval, appropriate zoning shall be in effect for this proposed subdivision.
8. The Owner shall enter into a subdivision agreement and shall satisfy all the requirements, financial and otherwise, of the City of London in order to implement the conditions of this draft approval.
9. The required subdivision agreement between the Owner and the City of London shall be registered against the lands to which it applies.
10. This subdivision shall be registered in one (1) phase.
11. The Owner shall comply with all City of London standards, guidelines and requirements in the design of this draft plan and all required engineering drawings. Any deviation to the City's standards, guidelines, or requirements shall be completed to the satisfaction of the City Engineer and the Managing Director of development Approvals.
12. Prior to final approval, for the purposes of satisfying any of the conditions of draft approval herein contained, the Owner shall file with the Approval Authority a complete submission consisting of all required clearances, fees, and final plans, and to advise the Approval Authority 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.
13. For the purpose of satisfying any of the conditions of draft approval herein contained, the

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Owner shall file, with the City, complete submissions consisting of all required studies, reports, data, information or detailed engineering drawings, all to the satisfaction of the Director of Development Planning and the Managing Director of the Development Approvals Business Unit. The Owner acknowledges that, in the event that a submission does not include the complete information required by the Director of Development Planning and the Managing Director of the Development Approvals Business Unit, such submission will be returned to the Owner without detailed review by the City.

14. Prior to final approval, the Owner shall request the City of London Finance Department to advise the Approval Authority that all financial obligations/encumbrances owed to the City on the said lands have been paid in full, including property taxes and local improvement charges.
15. The Owner shall not commence construction or installations of any services (e.g. clearing or servicing of land) involved with this plan prior to obtaining all necessary permits, approvals and/or certificates that need to be issued in conjunction with the development of the subdivision, unless otherwise approved by the City in writing; (e.g. Ministry of the Environment Certificates; City/Ministry/Government permits: Approved Works, water connection, water-taking, Crown Land, navigable waterways; approvals: Upper Thames River Conservation Authority, Ministry of Natural Resources, Ministry of Environment, City; etc.)
16. The owner shall make a cash payment in lieu of the 5% parkland dedication pursuant to City of London By-law CP-9.
17. Within one year of registration of the plan, the Owner shall construct a 1.8 metre privacy fence of similar design and material along the rear lot line of Lots 5 to 23 both inclusive where it abuts lands owned by the North Park Community Church to the satisfaction of the Managing Director of the Development Approvals Business Unit .
18. Concurrent with registration of the plan, the Owner shall construct a walkway within Block 42 in accordance with City Standards and convey Block 42 to the City of London at no cost.
19. The Owner shall include in the subdivision agreement a warning clause to be registered on title of each Lot within 300 metres of the aggregate extraction operation, warning prospective purchasers of the existence of the aggregate extraction operation; the possibility of alterations, which expansion may affect the living environment of the residents notwithstanding the inclusion of noise and dust attenuation measures in the design of the subdivision and individual units.
20. The following warning clause shall apply to Lots 5 to 23 inclusive and shall be included in the subdivision agreement to be registered on Title and in subsequent Offers of Purchase and Sale for the affected lots:

“Purchasers are advised that a large institution use (North Park Community Church) operate on the adjacent lands to the south. There may be instances where activity and noise levels from this abutting land may interfere with some activities of the dwelling occupants.”
21. In accordance with City standards or as otherwise required by the City Engineer, the Owner shall complete the following for the provision of sanitary services for this draft plan of subdivision:
 - i) Construct sanitary sewers to serve this Plan and connect them to the existing municipal sewer system, namely, the 200 mm (8”) diameter sanitary sewer located on Blackwell Boulevard;

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ii) Where trunk sewers are greater than 8 metres in depth and are located within the municipal roadway, the Owner shall construct a local sanitary sewer to provide servicing outlets for private drain connections, to the satisfaction of the City Engineer. The local sanitary sewer will be at the sole cost of the Owner. Any exception will require the approval of the City Engineer.

22. In conjunction with the Design Studies submission, the Owner shall have his consulting engineer prepare and submit the following sanitary servicing design information:

i) Provide an analysis which shall indicate the water table level of lands within the subdivision with respect to depth of the sanitary sewers and an evaluation of additional measures, if any, which will need to be incorporated in the design and construction of the sewers to ensure that the sewers will meet allowable inflow and infiltration levels as identified by OPSS 410 and OPSS 407. Any measures identified shall be included in the engineering drawings for the subdivision.

23. In order to prevent any inflow and infiltration from being introduced to the sanitary sewer system, the Owner shall undertake the following:

- i) Throughout the duration of construction within this draft plan of subdivision, undertake measures within this draft plan to control and prevent any inflow and infiltration and silt from being introduced to the sanitary sewer system during and after construction, satisfactory to the City, at no cost to the City;
- ii) Not allow any weeping tile connections into the sanitary sewers within this Plan; and
- iii) Following construction, the Owner shall have his consulting engineer confirm that the sanitary sewers meet allowable inflow and infiltration levels as per OPSS 410 and OPSS 407. Also, if requested, the Owner shall permit the City to undertake smoke testing of the sanitary system at any time prior to assumption of the subdivision.

24. Prior to registration of this Plan, the Owner shall obtain consent from the City to reserve capacity at the Adelaide Pollution Control Plant for this subdivision. This treatment capacity shall be reserved by the City subject to capacity being available, on the condition that registration of the subdivision agreement and the plan of subdivision occur within one (1) year of the date specified in the subdivision agreement.

Failure to register the Plan within the specified time may result in the Owner forfeiting the allotted treatment capacity and, also, the loss of his right to connect into the outlet sanitary sewer, as determined by the City. In the event of the capacity being forfeited, the Owner must reapply to the City to have reserved sewage treatment capacity reassigned to the subdivision.

25. In accordance with City standards or as otherwise required by the City Engineer, the Owner shall complete the following for the provision of stormwater services for this draft plan of subdivision:

- i) Construct storm sewers, located within the Stoney Creek Subwatershed, and connect them to the existing municipal storm sewer system, namely, the 450 mm (18") and 750 mm (30") diameter storm sewers located on Blackwell Boulevard and outletting to the Regional SWM Facility located in Fanshawe Ridge Subdivision, Block 67, Plan 33M-548; and
- ii) Construct and implement erosion and sediment control measures as accepted in the Functional SWM and/or Drainage Servicing Report for these lands

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satisfactory to the City and the Owner shall correct any deficiencies of the erosion and sediment control measures forthwith.

26. In conjunction with the Design Studies submission, the Owner shall have his consulting engineer prepare and submit a Storm/Drainage and SWM Servicing Letter/Report of Confirmation to address the following:
- i) Identify the storm/drainage and SWM servicing works for the subject lands and how the interim drainage, if any, from external lands will be handled, all to the satisfaction of the City;
 - ii) Identify major and minor storm flow routes for the subject lands, to the satisfaction of the City;
 - iii) Develop an erosion/sediment control plan that will identify all erosion and sediment control measures for the subject lands in accordance with City of London and Ministry of the Environment standards and requirements, all to the satisfaction of the City. This Plan is to include measures to be used during all phases on construction; and
 - iv) Implement SWM soft measure Best Management Practices (BMP's) within the Plan, where possible, to the satisfaction of the City. The acceptance of these measures by the City will be subject to the presence of adequate geotechnical conditions within this Plan and the approval of the City.
27. The above-noted Storm/Drainage and SWM Servicing Letter/Report of Confirmation prepared by the Owner's consulting professional engineer shall be in accordance with the recommendations and requirements of the following:
- i) The SWM criteria and environmental targets for the Stoney Creek Subwatershed Study and any addendums/amendments;
 - ii) The accepted Municipal Class Environmental Assessment for Storm Drainage and Stormwater Management Servicing Works for the Kilally North Storm Sewer Servicing in the City of London and any addendums/amendments;
 - iii) The approved Functional Stormwater Management Plan for FanshawE Ridge Subdivision (SWM Servicing Design Plan and the accepted modified Functional storm/drainage and SWM Servicing Design (submitted April 15, 2005) for Fanshawe Ridge Subdivision or any updated Functional Stormwater Management Plan and any addendums/amendments.
 - iv) The Storm Letter/Report of Confirmation for the subject development prepared and accepted in accordance with the file manager process.
 - v) The City of London Environmental and Engineering Services Department Design Specifications and Requirements, as revised;
 - vi) The City's Waste Discharge and Drainage By-laws, lot grading standards, Policies, requirements and practices;
 - vii) The Ministry of the Environment SWM Practices Planning and Design Manual, as revised; and
 - viii) Applicable Acts, Policies, Guidelines, Standards and Requirements of all required approval agencies.

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28. Prior to the issuance of any Certificates of Conditional Approval, the Owner shall complete the following:
- i) For lots and blocks in this plan or as otherwise approved by the City, all storm/drainage and SWM related works to serve this plan must be constructed and operational in accordance with the approved design criteria and accepted drawings, all to the satisfaction of the City;
 - ii) Construct and have operational the major and minor storm flow routes for the subject lands, to the satisfaction of the City;
 - iii) Prior to final approval, the Owner's consulting engineer shall certify that increased and accelerated stormwater runoff from this subdivision will not cause damage to downstream lands, properties or structures beyond the limits of this subdivision. Notwithstanding any requirements of the City, or any approval given by the City, the Owner shall indemnify the City against any damage or claim for damages arising out of or alleged to have arisen out of such increased or accelerated stormwater runoff from this subdivision.
29. The Owner shall provide a security in the amount of \$25,000 to ensure that the Erosion and Sediment Control Plan (ESCP) be executed in accordance with the City approval procedure and criteria. In the event of failure in properly implementing and maintaining the required ESCP, the ESCP security will be used by the City to undertake all necessary clean up work for the regional SWM Facility located in Fanshawe Ridge Subdivision, Block 67, Plan 33M-548, all to the satisfaction of the City.
30. In accordance with City standards or as otherwise required by the City Engineer, the Owner shall construct watermains to serve this Plan and connect them to the existing municipal system, namely, the two existing 200 mm (8") diameter watermain stubs on Blackwell Boulevard.
31. In conjunction with the Design Studies submission, the Owner shall have his consulting engineer prepare and submit the following water servicing design information:
- i) A water servicing report which addresses the following:
 - Identify external water servicing requirements;
 - Confirm capacity requirements are met;
 - Identify need to the construction of external works;
 - Identify the effect of development on existing water infrastructure – identify potential conflicts;
 - Water system area plan(s)
 - Water network analysis/hydraulic calculations for subdivision report;
 - Phasing report;
 - Oversizing of watermain, if necessary and any cost sharing agreements.
 - ii) To address water quality requirements for the watermain system by the use of the following:
 - design calculations which demonstrate there is adequate water turnover to maintain water quality; and/or
 - the use of valving to shut off future connections which will not be used in the near term; and/or
 - the use of automatic flushing devices to maintain water quality, with it being noted that the water flushed by the device is to be measured (by a water meter in a meter pit) and the cost of water charged to the Owner. The meter pit and a water meter shall be installed and functional prior to water being used for

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building construction purposes. Water used during building construction will be charged at the commercial customer rate; and/or

- make suitable arrangements with Water Operations for the maintenance of the system in the interim.

32. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall implement the recommendations of the accepted water servicing report to address the water quality requirements for the watermain system, to the satisfaction of the City Engineer, at no cost to the City.
33. The Owner shall eliminate/limit the bulge in the curb line on Street 'A' to only a maximum offset from the standard radius required to achieve the minimum curb distance for driveways, as approved by the City. Further, the bulge in the street line is only to be to the extent required to achieve the minimum frontage for the abutting lots.
34. The Owner shall have it's professional engineer design the roadworks in accordance with the following road widths:
 - i) Street 'A' has a minimum road pavement width (excluding gutters) of 7.0 metres (23') with a minimum road allowance of 19 metres (62').
35. The Owner shall ensure all streets with bends of approximately 90 degrees shall have a minimum inside street line radius with the following standard:

<u>Road Allowance</u>	<u>S/L Radius</u>
19.0 m	9.5 m
36. The Owner shall construct a 1.5 metre (5') sidewalk on the outside boulevard of Street 'A'.
37. The Owner shall install street lighting on all streets in this plan to the satisfaction of the City, at no cost to the City.
38. The Owner shall direct all construction traffic associated with this draft plan of subdivision to utilize Blackwell Boulevard via Highbury Avenue North or other routes as designated by the City.
39. Prior to commencing any construction on this site, the Owner shall notify the City of London Police Services of the start of construction of this plan of subdivision.
40. In the event any work is undertaken on an existing street, the Owner shall establish and maintain a Traffic Management Plan (TMP) in conformance with City guidelines and to the satisfaction of the City for any construction activity that will occur on existing public roadways. The Owner shall have it's contractor(s) undertake the work within the prescribed operational constraints of the TMP. The TMP will be submitted in conjunction with the subdivision servicing drawings for this plan of subdivision.
41. Prior to the issuance of a Certificate of Conditional Approval for each construction stage of this subdivision, all servicing works for the stage must be completed and operational, all to the specification and satisfaction of the City.
42. Prior to final approval, the Owner shall make arrangements with the affected property owner(s) for the construction of any portions of services situated on private lands outside this plan, and shall provide satisfactory easements over the sewers, as necessary, all to the specifications and satisfaction of the City.
43. In the event that relotting of the Plan is undertaken, the Owner shall relocate and construct services to standard location, all to the specifications and satisfaction of the City.

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- 44. The Owner shall connect to all existing services and extend all services to the limits of the draft plan of subdivision, at no cost to the City, all to the specifications and standards of the City.
- 45. The Owner shall advise the City in writing at least two weeks prior to connecting, either directly or indirectly, into any unassumed services constructed by a third party, and to save the City harmless from any damages that may be caused as a result of the connection of the services from this subdivision into any unassumed services.

Prior to connection being made to an unassumed service, the following will apply:

- i) In the event discharge is to unassumed services, the unassumed services must be completed and conditionally accepted by the City; and,
- ii) The Owner must provide a video inspection on all affected unassumed sewers.

Any damages caused by the connection to unassumed services shall be the responsibility of the Owner.

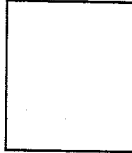
- 46. The Owner shall pay a proportional share of the operational, maintenance and/or monitoring costs of any affected unassumed sewers or SWM facilities (if applicable) to third parties that have constructed the services and/or facilities to which the Owner is connecting. The above-noted proportional share of the cost shall be based on design flows, to the satisfaction of the City Engineer, for sewers or on storage volume in the case of a SWM facility. The Owner's payments to third parties shall:
 - i) commence upon completion of the Owner's service work, connections to the existing unassumed services; and
 - ii) continue until the time of assumption of the affected services by the City.
- 47. With respect to any services and/or facilities constructed in conjunction with this Plan, the Owner shall permit the connection into and use of the subject services and/or facilities by outside owners whose lands are served by the said services and/or facilities, prior to the said services and/or facilities being assumed by the City.
- 48. If, during the building or constructing of all buildings or works and services within this subdivision, any deposits of organic materials or refuse are encountered, the Owner shall report these deposits to the City and Chief Building Official immediately, and if required by the City and Chief Building Official, the Owner shall, at his own expense, retain a professional engineer competent in the field of methane gas to investigate these deposits and submit a full report on them to the City and Chief Building Official. Should the report indicate the presence of methane gas then all of the recommendations of the engineer contained in any such report submitted to the City and Chief Building Official shall be implemented and carried out under the supervision of the professional engineer, to the satisfaction of the City and Chief Building Official and at the expense of the Owner, before any construction progresses in such an instance. The report shall include provision for an ongoing methane gas monitoring program, if required, subject to the approval of the City engineer and review for the duration of the approval program.

If a permanent venting system or facility is recommended in the report, the Owner shall register a covenant on the title of each affected lot and block to the effect that the Owner of the subject lots and blocks must have the required system or facility designed, constructed and monitored to the specifications of the City, and that the Owners must maintain the installed system or facilities in perpetuity at no cost to the City. The report shall also include measures to control the migration of any methane gas to abutting lands outside the Plan.

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49. The Owner's professional engineer shall provide inspection services for all work during construction by it's professional engineer for all work to be assumed by the City, and have it's professional engineer supply the City with a Certification of Completion of Works upon completion, in accordance with the plans accepted by the City.
50. In conjunction with the Design Studies submission, the Owner shall have it's professional engineer provide an opinion for the need for an Environmental Assessment under the Class EA requirements for the provision of any services related to this Plan. All class EA's must be completed prior to the submission of engineering drawings.
51. The Owner shall have it's professional engineer notify existing property owners in writing, regarding the sewer and/or road works proposed to be constructed on existing City streets in conjunction with this subdivision, all in accordance with Council policy for "Guidelines for Notification to Public for Major Construction Projects".
52. In conjunction with the Design Studies submission, the Owner shall have a report prepared by a qualified consultant, and if necessary, a detailed hydro geological investigation carried out by a qualified consultant, to determine the effects of the construction associated with this subdivision on the existing ground water elevations and domestic or farm wells in the area and identify any abandoned wells in this plan, to the satisfaction of the City Engineer. If necessary, the report is to also address any contamination impacts that may be anticipated or experienced as a result of the said construction.
53. Prior to the issuance of any Certificate of Conditional Approval, any remedial or other works as recommended in the above accepted hydro geological report shall be implemented by the Owner, to the satisfaction of the City, at no cost to the City.
54. The Owner shall decommission and permanently cap any abandoned wells located in this Plan, in accordance with current provincial legislation, regulations and standards. In the event that an existing well in this Plan is to be kept in service, the Owner shall protect the well and the underlying aquifer from any development activity.
55. In conjunction with registration of the Plan, the Owner shall provide to the appropriate authorities such easements as may be required for all municipal works and services associated with the development of the subject lands, such as road, utility, drainage or stormwater management (SWM) purposes, to the satisfaction of the City, at no cost to the City.
56. The Owner shall decommission any abandoned infrastructure, at no cost to the City, including cutting the water service and capping it at the watermain, all to the specifications and satisfaction of the City Engineer.
57. All costs related to the plan of subdivision shall be at the expense of the Owner, unless specifically stated otherwise in this approval.
58. The Owner shall remove any temporary works when no longer required and restore the land, at no cost to the City, to the specifications and standards of the City.
59. In conjunction with the Design Studies submission, the Owner shall have a report prepared by a qualified consultant to ensure that any lots which abut 1510 Fanshawe Park Rd E. which may require a retaining wall will have sufficient land area to be developed for single detached dwellings (ie functional rear yard and building area).



FILE COPY

39T-08504/Z-7521
A. MACLEAN

TO:	CHAIR AND MEMBERS – PLANNING COMMITTEE
FROM:	R. W. PANZER GENERAL MANAGER OF PLANNING AND DEVELOPMENT
SUBJECT:	APPLICATION BY: SIFTON PROPERTIES LIMITED PART LOT 8, CONCESSION 5 (GEOGRAPHIC TOWNSHIP OF LONDON) PUBLIC PARTICIPATION MEETING ON AUGUST 11, 2008 at 7:10 P.M.

RECOMMENDATION

That, on the recommendation of the General Manager of Planning and Development, the following actions be taken with respect to the plan of subdivision application of Sifton Properties Limited relating to the property located on lands legally described as Part of Lot 8, Concession 5, (Geographic Township of London) and shown on draft approved plan 39T-01509 as Block 132 (draft municipal address 1551 Blackwell Boulevard) and the City of London initiated Zoning Review:

- (a) Planning Committee **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the application for draft plan of subdivision by Sifton Properties Limited relating to the property located at 1551 Blackwell Boulevard;
- (b) Council **SUPPORTS** the Approval Authority issuing draft approval to the proposed plan of residential subdivision, as submitted by Sifton Properties Limited (File No. 39T-08504, prepared by Stantec Consulting Ltd. (certified by Robert Sterling, OLS, dated January 30, 2008), **as red-line revised**, **SUBJECT TO** the conditions contained in the attached Appendix "39T-08504";
- (b) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on July 21, 2008 to amend Zoning By-law No. Z-1 (in conformity with the Official Plan, to change the zoning of the subject lands **FROM** a Holding Residential R1/Residential R7/ Neighbourhood Facility (h. h-45 R1-4/R7 D75 H13/NF1) Zone which permits single detached dwellings on lots with a minimum frontage of 12 m (39.4 ft); seniors housing to a density of 75 units per hectare (30 units per acre) and a height of 13 m (42.6ft); and churches, elementary schools, day care centres and community centres **TO** a Holding Residential (h. h-45 R1-4) Zone. The h holding provision shall not be removed until a subdivision agreement or site plan agreement has been entered into with the City of London and the h-45 holding provision shall not be removed until the recommendations of the accepted noise and dust study have been implemented to the satisfaction of the City of London.
- (c) the applicant **BE ADVISED** that the General Manager of Environmental & Engineering Services & City Engineer has projected the following claims and revenues information:

IMPACT OF SUBDIVISION ON RESERVE FUNDS AND CAPITAL WORKS BUDGET UNDER FUTURE FUNDING PRINCIPLES – approved in principle through report to Committee of the Whole January 9, 2008

		<i>Estimated Revenue</i>	<i>Estimated Claims</i>	<i>Net Impact</i>	<i>Estimated Year Of Payment</i>
Urban Works Reserve Fund	General	\$ 141,443.00	Nil	\$ 141,443.00	
	Stormwater Management	\$ 58,649.00	Nil	\$ 58,649.00	
	Subtotal	\$ 200,092.00	Nil	\$ 200,092.00	
City Services Reserve Fund	Engineering Services *	\$ 232,104.00	Nil	\$ 232,104.00	2009
City Services Reserve Fund	Other Growth Works	\$ 58,026.00		\$ 58,026.00	2009
Catholic School Board Charge		\$ 11,370.00			
Capital Works Budget			<i>Nil</i>	<i>Nil</i>	

		Estimated Revenue	Estimated Claims	Net Impact	Estimated Year Of Payment
Industrial Oversizing Reserve Fund			Nil	Nil	
Owners New Costs					
Owners Total Cost of Development					

* **Refers to Road, Sewer (Sanitary & Storm), Stormwater Management Facilities and Water Services**

NOTE:

- 1) ESTIMATED REVENUES ARE CALCULATED USING CURRENT RATES. CLAIMS ARE CALCULATED UNDER THE NEW COST SHARING FRAMEWORK AND USING ONE OF 2 ALTERNATIVE METHODS FOR COST SHARING UNDER CONSIDERATION. ESTIMATED CLAIMS FROM THE URBAN WORKS RESERVE FUND WILL BE IN ACCORDANCE WITH THE NEW COST SHARING FRAMEWORK APPROVED BY COUNCIL IN PRINCIPLE ON JANUARY 9, 2008.
- 2) ESTIMATES ARE BASED ON INFORMATION PROVIDED BY THE APPLICANT AND AMENDED AS PER THE DRAFT RULES. THEY DO NOT CONSTITUTE ANY COMMITMENTS ON BEHALF OF THE CITY OF LONDON. ACTUAL CLAIMS WILL BE DETERMINED IN CONJUNCTION WITH THE SUBDIVISION AGREEMENT AND THE BY-LAWS. ACTUAL REVENUES ARE DETERMINED IN CONJUNCTION WITH BUILDING PERMITS AND THE BY-LAWS AT THAT TIME.

Should Urban Works Reserve Fund changes not take effect, the following will apply:

IMPACT OF SUBDIVISION ON RESERVE FUNDS AND CAPITAL WORKS BUDGET UNDER CURRENT FUNDING PRINCIPLES

		Estimated Revenue	Estimated Claims	Net Impact	Estimated Year Of Payment
Urban Works Reserve Fund	General	\$ 141,443.00	Nil	\$ 141,443.00	
	Stormwater Management	\$ 58,649.00	Nil	\$ 58,649.00	
	Subtotal	\$ 200,092.00	Nil	\$ 200,092.00	
City Services Reserve Fund	Engineering Services *	\$ 232,104.00		\$ 232,104.00	2009
City Services Reserve Fund	Other Growth Works	\$ 58,026.00		\$ 58,026.00	2009
Catholic School Board Charge		\$ 11,370.00			
Capital Works Budget			Nil		
Industrial Oversizing Reserve Fund			Nil		
Owners Total Share					

* **Refers to Road, Sewer (Sanitary & Storm), Stormwater Management Facilities and Water Services**

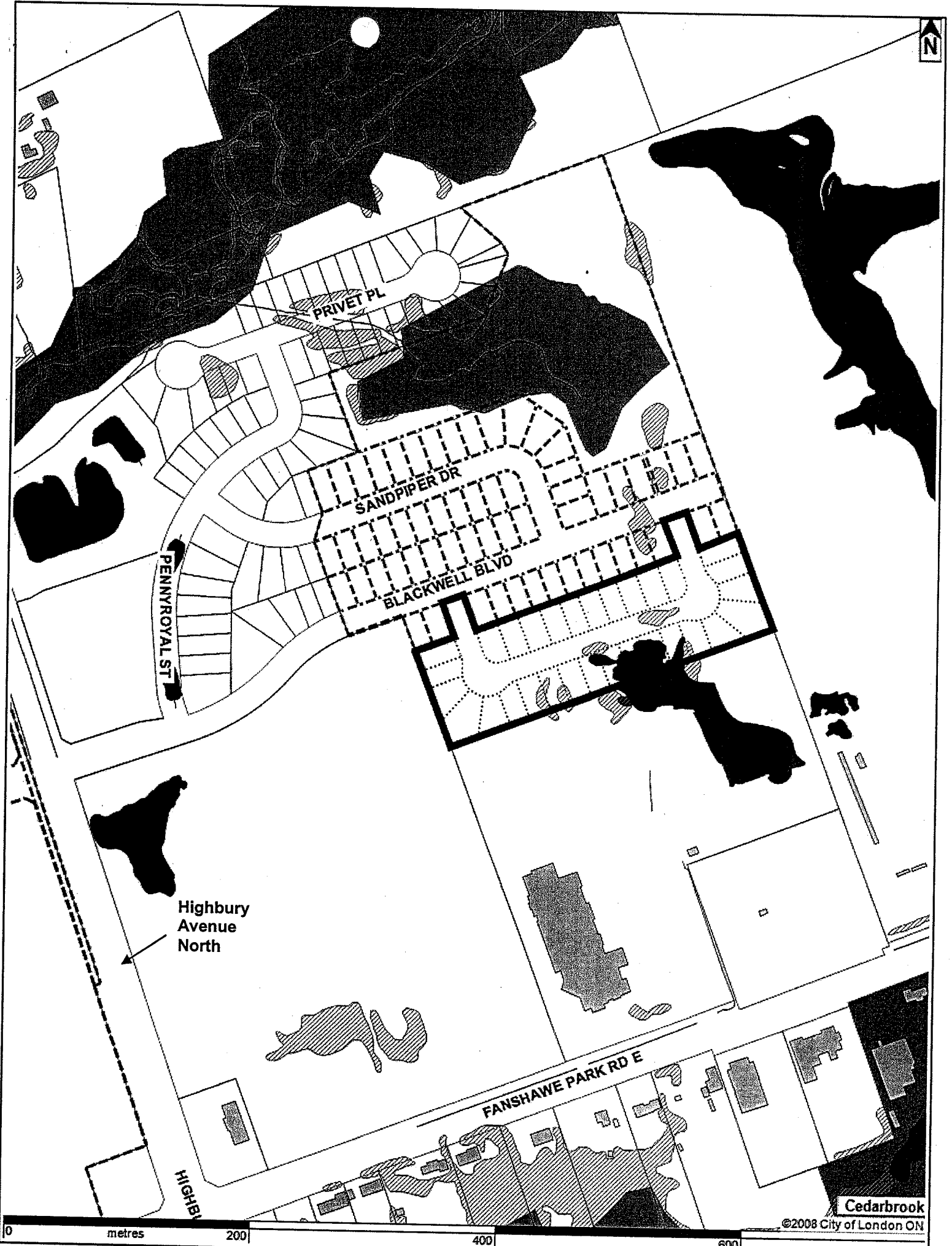
NOTE:

- 1) ESTIMATES ARE CALCULATED USING CURRENT RATES AND THE INFORMATION IS REPORTED ALL IN ACCORDANCE WITH THE DEVELOPMENT CHARGES AND URBAN WORKS FUND BY-LAW (IE. C.P.-1440-167), AND ANY AMENDMENTS THERETO. ANY CLAIM PAYMENT FROM THE URBAN WORKS RESERVE FUND WILL BE IN ACCORDANCE WITH BY-LAW NO. C.P.-1440-167 AND AS APPROVED BY THE CITY ENGINEER.
- 2) ESTIMATES ARE BASED ON INFORMATION PROVIDED BY THE APPLICANT AND ARE PROVIDED FOR INFORMATION PURPOSES ONLY. THEY DO NOT CONSTITUTE ANY COMMITMENTS ON BEHALF OF THE CITY OF LONDON. ACTUAL CLAIMS WILL BE DETERMINED IN CONJUNCTION WITH THE SUBDIVISION AGREEMENT AND THE BY-LAWS. ACTUAL REVENUES ARE DETERMINED IN CONJUNCTION WITH BUILDING PERMITS AND THE BY-LAWS AT THAT TIME.
- 3) THE OWNER SHOULD TAKE NOTE THAT THERE ARE CURRENTLY SIGNIFICANT DELAYS IN PAYMENT OF CLAIMS FROM THE URBAN WORKS RESERVE FUND.
- 4) THE ABOVE CLAIMS/REVENUES ARE BASED ON ESTMATES USING CURRENT UWRF RULES. FURTHER ESTIMATED CLAIMS/REVENUES BASED ON ANTICIPATED FUTURE RULES MAY VARY SUBSTANTIALLY.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

Draft Plan of Subdivision 39T-01509 – Report to Planning Committee November 2003







H-7232 Removal of H-45 Holding Provision – September 2006



LOCATION MAP

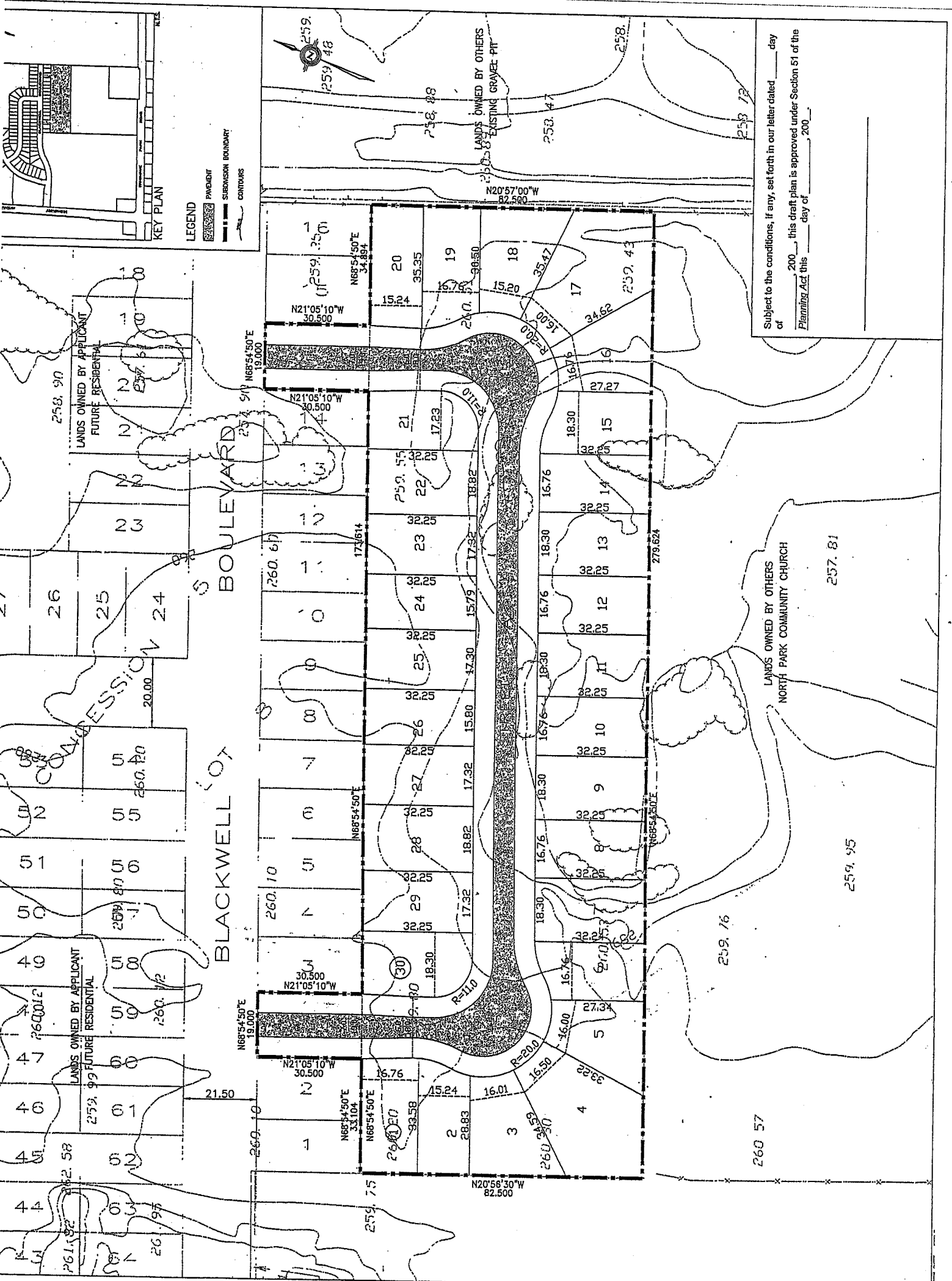
Subject Site: Fanshawe Ridge Subdivision - Draft Plan of Subdivision
 Applicant: Sifton Properties Limited
 File Number: 39T-08504
 Planner: Allister MacLean
 Created By: Jeffery Leunissen
 Date: 2008-06-03
 Scale: 1:3700

LEGEND

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



Draft Plan



Subject to the conditions, if any, set forth in our letter dated _____ day of _____, 200____, this draft plan is approved under Section 51 of the Planning Act this _____ day of _____, 200____.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of the recommended action is to allow for the development of a residential plan of subdivision containing 30 single detached dwelling lots and to apply appropriate zoning which reflects the intended land use.

RATIONALE

1. Sifton Properties Limited have requested draft plan of subdivision approval for 30 single detached dwellings served by 1 new street on lands which currently permit multi-family/institutional uses in draft approved plan of subdivision 39T-01509. The requested single detached residential use is permitted under the Multi-Family, Medium Density Residential designation.
2. Conditions of draft plan approval and existing zoning contain provisions which will ensure development of the lands for sensitive land uses does not occur until noise and dust mitigation measures are in place both physically on the ground and through warning clauses in the subdivision agreement.
3. Conditions of draft approval and recommended zoning contain provisions which will ensure future development of the lands does not impact storm flows on abutting lands.
4. Removal of the Residential R7/Neighbourhood Facility (R7 D75 H13/NF1) Zone is appropriate as the applicant has indicated their intended future land use is for single detached dwellings only.

BACKGROUND

Date Application Accepted: March 6, 2008	Agent: Maureen Zunti, Sifton Properties Limited
REQUESTED ACTION: Approval of a residential plan of subdivision containing 30 single detached dwelling lots served by one new local street in Block 66 of draft approved subdivision 39T-01509.	
In response to the above-noted application, the City of London Planning Division initiated a zoning by-law review for the purpose of deleting the Residential R7 D75H13 Zone and the Neighbourhood Facility NF1 Zone.	

SITE CHARACTERISTICS:
<ul style="list-style-type: none"> • Current Land Use – agriculture(cash crops) and "man made" pond (vacant of buildings and structures) • Frontage – 38 m (124.6 ft) to planned extension of Blackwell Boulevard (two 19 m (62 ft) road connections • Depth – 113 m (370 ft.) • Area – 2.42 ha (6.0 ac) • Shape – Generally rectangular with two road allowance projections

SURROUNDING LAND USES:
<ul style="list-style-type: none"> • North – Residential subdivision under construction • South – Institutional (church) on private services • East – Aggregate extraction operation • West – Vacant (zoned for future commercial development)

OFFICIAL PLAN DESIGNATION: (refer to map)
<ul style="list-style-type: none"> • Multi-Family, Medium Density Residential
EXISTING ZONING: (refer to map)
<ul style="list-style-type: none"> • Holding Residential R1/Residential R7/ Neighbourhood Facility (h. h-45 R1-4/R7 D75 H13/NF1)

PLANNING HISTORY

Kilally North Area Plan

The subject lands were annexed into the City in 1993. In late 1999 Knutson Planning Inc. commenced a privately-initiated Planning Study for the lands bounded by the Urban Growth Boundary, the North Branch of the Thames River and Highbury Avenue East. The area described as the Kilally North Area Plan contained 125 ha (309 ac) of land. The City undertook completion of the Area Plan in 2003. On November 3, 2003 the City adopted the Kilally North Area Plan and the associated Official Plan Amendment designating these lands Multi-Family, Medium Density Residential on Schedule "A".

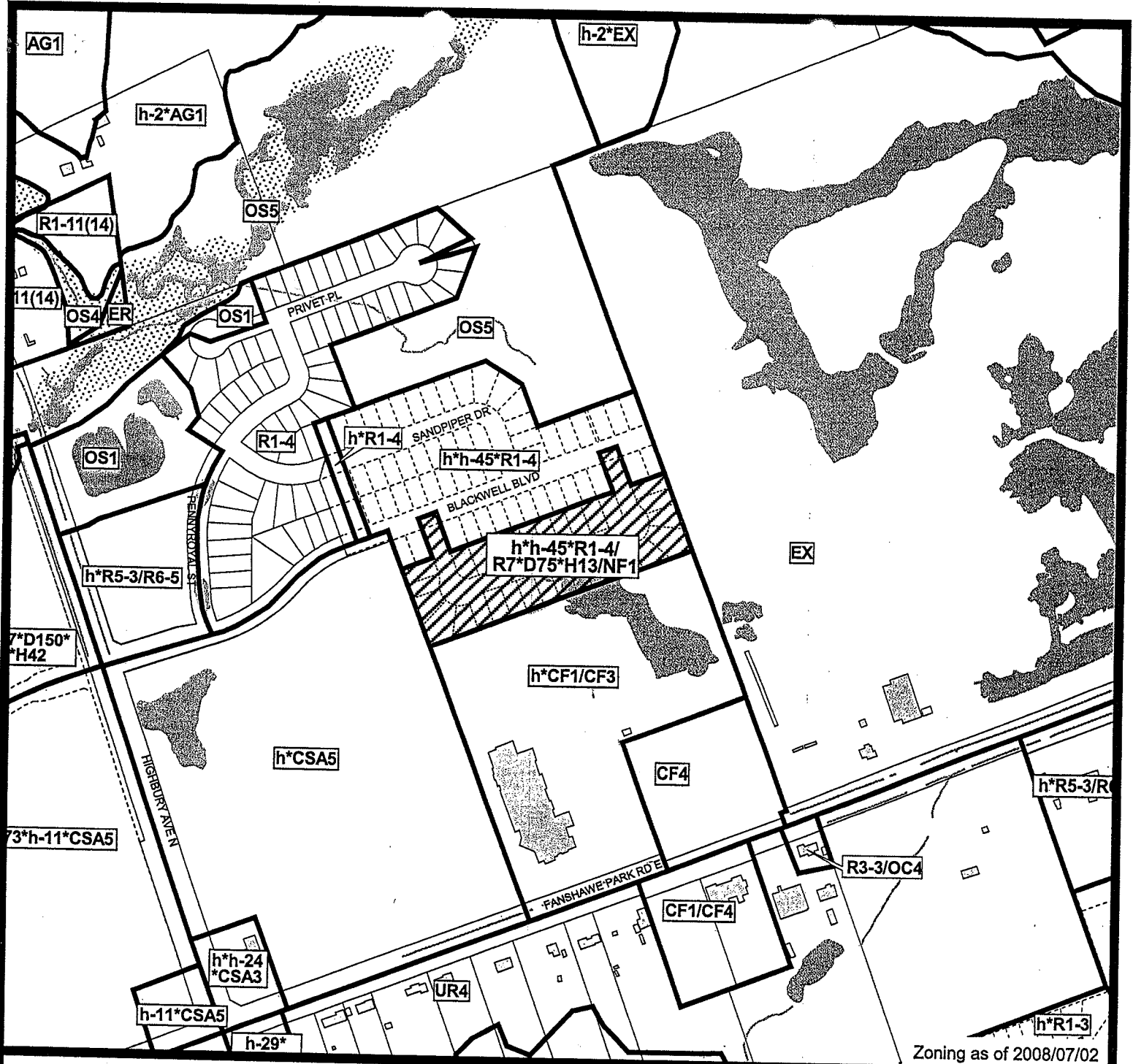
Draft Plan

The subject lands are part of a larger plan of subdivision application which was originally submitted by Pittao Construction Ltd. in 2001. The original submitted plan contained 130 single detached dwelling lots, 1 medium density residential block, 1 medium density residential/institution block (subject lands) and several open space, stormwater management, road widening and reserve blocks. The plan of subdivision application by Pittao Construction Ltd was granted draft approval on December 2, 2003.

The first phase of the Pittao subdivision which consisted of 65 single family detached lots, 1 medium density residential block, 1 stormwater management block, 1 park block and 1 open space block served by 4 new streets (including Blackwell Boulevard), was registered in June 2006 as plan 33M-548.

A three year extension to the draft approval was granted in 2006 to allow sufficient time to obtain the necessary approvals for future phases. The new draft approval expiry date for 39T-01509 is December 2, 2009.

In 2006 Sifton Properties Ltd acquired the unregistered portions of 39T-01509 and numerous registered lots in 33M-548. Sifton Properties Limited entered into a site alteration agreement with the City of London covering phase 2 of the draft approved plan in June 2007. They are actively working toward registration of the second phase of the draft approved subdivision.



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: h*h-45*R1-4/R7*D75*H13/NF1

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

- "h" - HOLDING SYMBOL
- "D" - DENSITY SYMBOL
- "H" - HEIGHT SYMBOL
- "B" - BONUS SYMBOL
- "T" - TEMPORARY USE SYMBOL

2)  **ANNEXED AREA APEALED AREAS**

CITY OF LONDON

DEPARTMENT OF PLANNING AND DEVELOPMENT

ZONING BY-LAW NO. Z.-1

SCHEDULE A



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

FILE NO:

39T-08504

AM

MAP PREPARED:

2008/07/16

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SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

Environmental and Engineering Services Department

Sanitary

The Owner will be required to connect sanitary sewers to serve this plan to the planned sanitary sewer extension on Blackwell Boulevard (200 mm (8 ") diameter) in association with Phase 2 of the Fanshawe Ridge Subdivision.

The Owner shall also provide a private temporary easement for the sanitary servicing of North Park Community Church. It should be noted that sanitary servicing for North Park Community Church is intended to be directed south to future sanitary sewers within Fanshawe Park Road. The proposed sewer connection is intended to serve as a temporary solution until such time as servicing along Fanshawe Park Road is available. If it is found that there is an alternate municipal sanitary sewer option which is immediately available for the Church lands at the time the Fanshawe Ridge subdivision advances, the requirement for the temporary easement to provide municipal sanitary service to the Church could be withdrawn.

Storm and Stormwater Management

The Owner shall connect storm sewers to serve this plan to the planned storm sewer extension on Blackwell Boulevard (525 mm (22") diameter) in association with Phase 2 of the Fanshawe Ridge Subdivision. Storm flows shall be directed to the existing Regional Stormwater Management (SWM) Facility located on the south side of Stoney Creek east of Highbury Avenue North. The Owner shall ensure increased or accelerated storm runoff from this subdivision shall not cause damage to downstream lands or properties beyond this subdivision.

Water

The Owner shall connect the watermain to serve this plan to the planned watermain extension on Blackwell Boulevard (250 mm (8 ") diameter) in association with Phase 2 of the Fanshawe Ridge Subdivision. Prior to development of this plan the Owner shall loop the watermain on Highbury Avenue North between Fanshawe Park Road East and Blackwell Boulevard at no cost to the City. The Owner shall have his professional engineer determine if there is sufficient water turnover to ensure water quality and determine how many homes need to be built to maintain water quality in the system. If water quality cannot be maintained in the short term, the Owner shall make suitable arrangements with the City Engineer for maintenance of the system.

Transportation

The Owner shall eliminate/limit the bulge in the curb line on Street "A" to a maximum offset from the standard radius required to achieve the minimum curb distance, as approved by the City Engineer. The Owner shall ensure the emergency access is to the satisfaction of the City Engineer.

London Hydro

London Hydro has adequate 27.6 kV underground distribution along Blackwell Boulevard for this development. The internal servicing of the development should present no foreseeable problems. The applicant will be responsible for the cost associated with the underground system expansion within the development, but they may receive rebates from London Hydro based on connected load over a five year connection window. Transformation lead times are minimum 30 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.

Upper Thames River Conservation Authority

The Upper Thames River Conservation Authority (UTRCA) has reviewed the subject application with regard for policies contained within the *Environmental Planning Policy Manual for the Upper Thames River Conservation Authority (June 2006)*. These policies include regulations

made pursuant to Section 28 of the *Conservation Authorities Act*, and are consistent with the natural hazard and natural heritage policies contained in the *Provincial Policy Statement (2005)*.

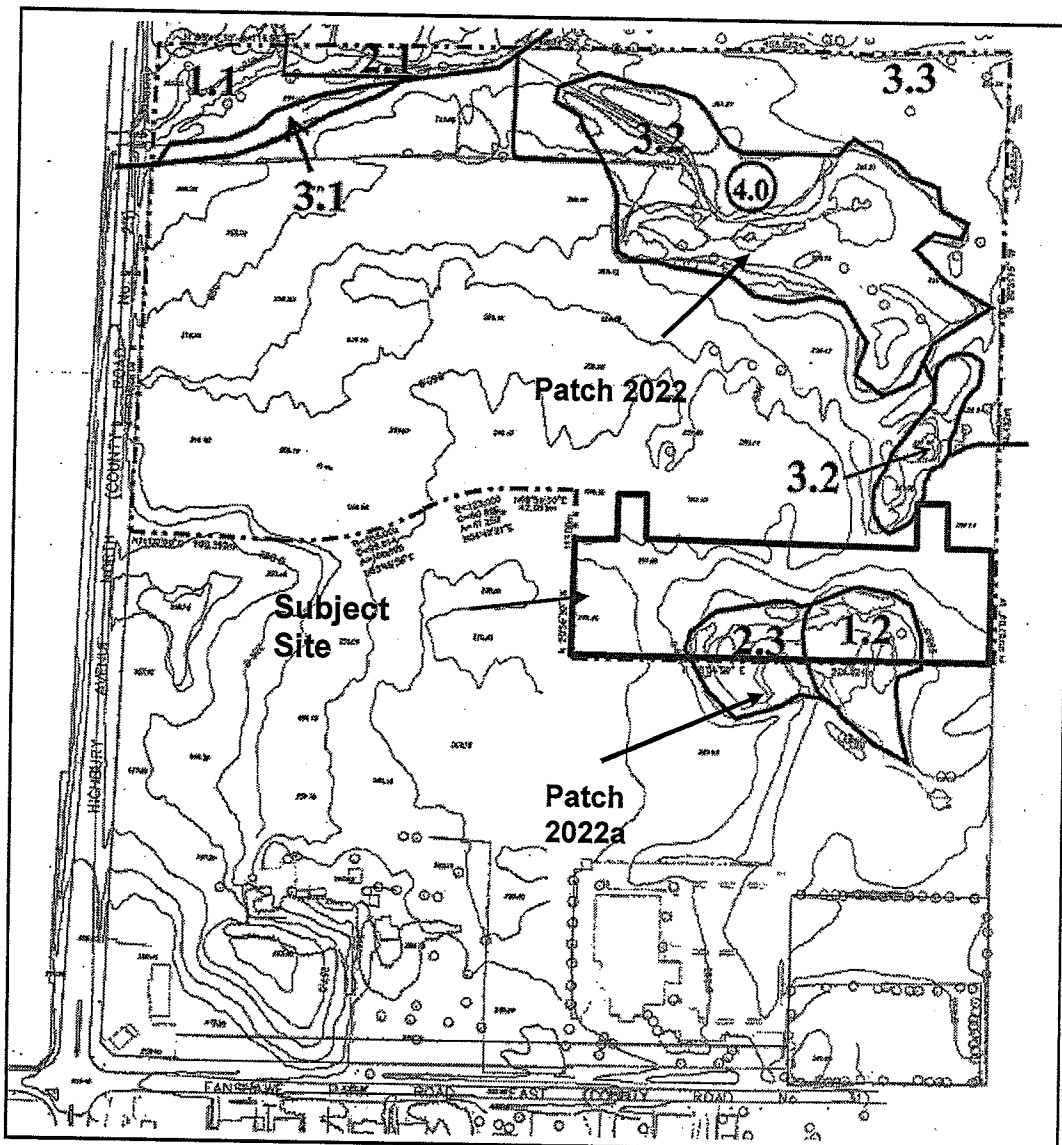
The subject lands are affected by the Authority's Regulation Limit which is comprised of wetland features and the surrounding areas of interference. The UTRCA regulates development within the Regulation Limit in accordance with Ontario Regulation 157/06 made pursuant to Section 28 of the *Conservation Authorities Act*. This regulation requires the landowner to obtain written approval from the UTRCA prior to undertaking any work in the regulated area including filling, grading, construction, alteration to a watercourse and/or interference with a wetland.

THE UTRCA requests that the approval of the Plan of Subdivision be subject to the following condition:

That in accordance with Ontario Regulation 157/06 made pursuant to Section 28 of the Conservation Authorities Act, the proponent obtain the necessary permit/approvals from the UTRCA.

Planning Note: In association with draft plan 39T-01509, City staff undertook a site visit with the original applicant (Pittao), the applicant's environmental consultant and Ministry of Natural Resources staff. It was agreed the wetland (patch 2022) could remain unevaluated if protected and that the man made pond (patch 2022a) did not have to be retained as it is not shown on Schedule "B" of the Official Plan and this pond receives untreated storm flows from the church(structure) and their parking lot.

Terrestrial Patches



Additional Information

By letter dated June 19, 2008 the Upper Thames River Conservation Authority advised the City that they have reviewed the planning history as it pertains to the wetland (depression) on 1510 Fanshawe Park Road East (North Park Community Church site) and determined the property should not be affected by the Regulation Limit. The Regulation Limit is not applicable to 1510

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Fanshawe Park Road East. The Regulation Limit will be revised accordingly in the next consolidation of updates.

Bell Canada

A detailed review of the Draft Plan of Subdivision has been completed. Bell Canada have no objections to the above application as submitted. They request that the following paragraph be included as a condition of Draft Plan of Subdivision Approval:

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

Staff response: This information will be provided to the applicant but will not be included as a condition of draft approval. The issue of adequate communication service will be addressed during the City's review of engineering drawings.

Canada Post

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 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 affect for buildings and complexes with a common lobby, common indoor or sheltered space.

PUBLIC LIAISON:

Notice of the plan of subdivision application and City of London review was sent to surrounding property owners on March 26, 2008 and advertised in the Living in the City section of the London Free Press on March 29, 2008. In addition, a Possible Land Use Change sign was erected at the site.

Two (2) written responses.

Nature of Liaison: Same as Requested Action.

Responses: Two written responses were received from the North Park Community Church and they raised the following issues:

Stormwater and drainage – Since development has begun on the lands to the north, our parking lot overflow and main lot have been flooded with water at unprecedented levels and this flooding has led to a host of other issues i.e. making arrangements with neighbours for parking. As a condition of draft approval we ask that a condition be imposed that development of the Sifton site will not negatively impact the church site. In our view a hydrological study is required and we ask that it be made available to us prior to draft approval. Secondly, we would like to be advised in writing the planned storm sewer outlet or outlet options for the Church. We have been advised from our consultant that certain assumptions have been made by the City Engineering staff but the church has not been advised if one option is preferred, the expected cost and when the service may be provided. The lack of information is a major concern for the church.

Property Management and Liability – As lots to the north are developed we would like to ensure that proper attention is given to development of the lots, maintenance and the interface. We are concerned there will be a patchwork of fences, whether the church would be asked to contribute to the construction of any fences and what we can expect as far as upkeep and cleanliness. We would like to work with the developer that appropriate fencing be installed or that a condition be put on title to ensure consistent fencing along the mutual property line. Further we ask that it be a condition of draft approval that the fence and design be as graffiti proof as possible. It is our expectation the fence be constructed at the cost of the developer. We would like to discuss this matter with planning staff further.

We would like to take this opportunity to advise you we occasionally hold events in the back of the church. We ask that a warning clause be placed on title advising future home owners a large church exists next door and that from time to time homeowners may experience noise and other impacts

Sanitary Sewer Outlet – The church is on a septic system. We would ask that as a condition of draft approval, a condition be imposed requiring at a minimum, a sanitary stub be constructed to the south property line in the southwest section of the Sifton property to accommodate sanitary flows from the church.

Vehicular Access – We would like to explore the possibility of one or more access routes into the subdivision to enable a second or third access to the church property. Traffic flows on the church property Fanshawe Park Road East are a significant issue to the church and during peak use, are a considerable safety issue. Should the church ever be in a position to want or need to divide its property, allowances should be made for at least one road connection. We request this be made a condition of draft approval and are prepared to work with Sifton to ensure saleable frontage is not lost.

Grading of the Lots – We have concerns about how this development will interface with our property. We are willing to work with Sifton to avoid retaining walls if other grading alternatives are available. In the absence of an agreement prior to draft approval we request that as a condition of draft approval Sifton establish a grading plan along the interface to the two properties in consultation with the church.

We ask that a formal meeting be held with planning staff at the earliest possible convenience and ask that you send us a copy of the report when it is completed and notify us of any decision made on this file.

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ANALYSIS

Based on the Public and Agency responses the following issues were identified:

Public Comments

- Sanitary Servicing
- Storm water servicing
- Access to the adjacent North Park Community Church lands
- Fencing
- Impacts of Church activities
- Grading

Agency/Department Response

- Residential development adjacent to the existing aggregate pit
- Sanitary servicing for adjacent lands

The remainder of this report will address these and other issues and include a review of the draft plan and City initiated Zoning By-law amendment in conjunction with the Provincial Policy Statement(2005), relevant Official Plan policies and the Council adopted Kilally North Area Plan.

PROVINCIAL POLICY STATEMENT (2005)

This application has been reviewed for consistency with the 2005 Provincial Policy Statement. This plan in conjunction with the original draft approved plan (39T-01509) will provide for a range and mix of housing to assist in meeting projected needs. The proposed draft plan of subdivision will provide for a healthy, livable and safe community. The existing and planned infrastructure will allow for the development of these lands. The use of holding provisions will ensure that sensitive land uses developed adjacent to the existing aggregate operation will be protected with appropriate mitigation measures.

Based on staff's analysis, this draft plan is consistent with the 2005 Provincial Policy Statement.

OFFICIAL PLAN POLICIES

The subject lands are designated Multi-Family Medium Density Residential. A portion of these lands are also identified on Schedule B of the Official Plan as being within a groundwater recharge area. In addition to the general land use policies, there is also a specific policy which was developed for this area through the Kilally North Area Plan. The following analysis will address the general land use policies and provide an analysis of this development in light of the specific policy which was developed as a result of the Kilally North Area Plan process.

Multi-Family Medium Density Residential

The Multi-Family Medium Density Residential designation, which applies to the majority of this site, permits multiple-unit residential developments having a low rise profile, at a maximum density of 75 units per hectare (uph). Uses may include row houses, cluster houses, low-rise apartment buildings and certain specialized residential facilities such as small scale nursing homes. This designation also permits uses found within the Low Density Residential land use designation such as single detached, semi detached and other forms of low density residential uses. The applicant's proposed Draft Plan of Subdivision and associated Zoning By-law amendment to permit single detached dwellings conforms to the Multi-Family Medium Density Residential polices in terms of building form and density.

Schedule "B" - Floodplain and Environmental Features

Schedule "B", Flood Plain and Environmental Features, identifies a portion of the site being within a ground water recharge area. Development is permitted on areas identified as ground water recharge provided the hydrological function is protected. The conditions of draft approval for 39T-01509 requires a detailed hydrogeological investigation to be carried out to determine the effect of construction on existing groundwater elevations. To ensure conformity with Section 15.4.8 of the Official Plan, this requirement will also be applied to this subdivision.

The proposed plan and conditions of draft approval, and the recommended zoning by-law amendment will result in development which conforms to the policies of the Official Plan.

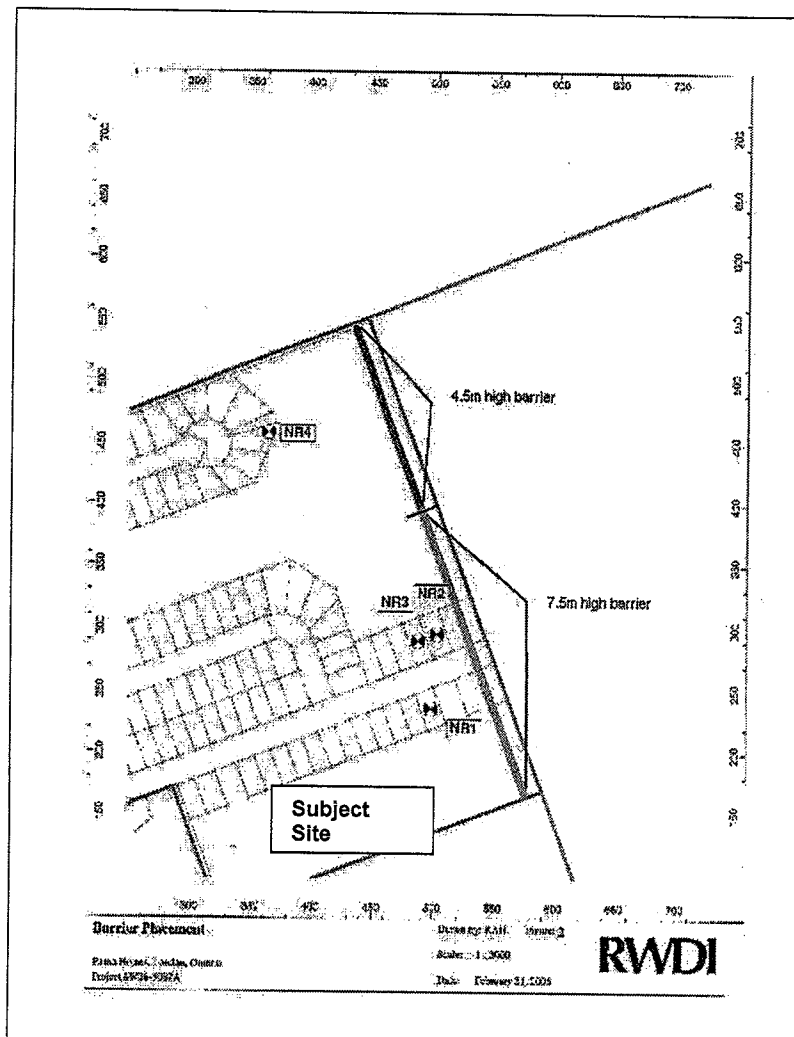
Specific Kilally North Official Plan Policy

Section 3.5.15 of the Official Plan is specific to the Kilally North Planning Area. It states that development in the area shall have regard for mitigation of noise and dust impacts from nearby extractive industrial operations. Specifically, it states that prior to a rezoning or final approval of a plan of subdivision within 300 m (984 ft) of an Extractive Industrial Area or Aggregate Resource Area, a noise, dust and vibration impact study shall be completed and recommended setbacks for development or mitigation measures contained therein shall be carried out to the satisfaction of the City of London at the sole cost of the proponent of the development. In addition, it requires the developer of residential lands to notify prospective lot purchasers of potential noise and dust impacts associated with the extraction. In order to comply with this site specific policy, Holding Provision h-45 was applied to these lands as part of the original draft approval (39T-01509). In 2006 Pittao Construction Ltd (original owner) provided a noise and dust study in response to this holding provision.

Results of Noise Study

On May 1, 2006, RWDI Consulting Engineers and Scientists submitted a noise study report on behalf of the property owner. The noise study concluded that to achieve acceptable sound levels a barrier would be required at the property line between the Fanshawe Ridge Subdivision and the J-AAR aggregates site. The barrier would be required to have a height of 7.5 m at the south end of the site, and 4.5 m at the north end (see drawing below). A suitable barrier could be constructed either by erection of an earthen berm, a wall, or a combination of the two. A combination berm and wall barrier would consist of an acoustic barrier wall being constructed on top of a berm. Berms are typically constructed during removal of overburden and prior to the start of excavation. To construct a 7.5 m high berm with an appropriate slope, it was expected that lots 15, 16, 17 and 18 within draft approved plan 39T-01509 would be lost to the base of the berm, as well as a section of Block 132 (subject lands) and Block 135 (open space lands to the north). Use of a wall could eliminate some loss of usable land. Given the requirements for a noise wall it is recommended that the h-45 holding provision be applied to the entire site until such time as the noise wall/berm has been installed.

Proposed Berm Size and Location



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Results of the Dust Study

In their February 24, 2006 dust report, RWDI noted that during the spring, summer and autumn in London, the wind most often (60%) comes from the southwest, west and northwest direction. When these wind directions occur, dust emissions from the aggregate operation facility are directed away from these lands.

RWDI provided the following discussion on measures to reduce the potential negative impacts from dust generated on-site.

1. **Land-use Buffer.** Typically, it is desirable to provide separation distance between residential uses and active areas of aggregate operations as an effective means of mitigating dust impacts. It reduces the aggregate operator's level of effort for dust control to a more manageable level. An approximate rule of thumb based on RWDI's past experience in assessing the potential for dust impacts from pits and quarries is 300 m. In the present case, such a buffer could only be achieved by agreement with J-AAR to cease regular operations in the northwest portion of their site.
2. **Operational Control.** If Item 1 (above) is not possible, then another option would be to seek an agreement from J-AAR to avoid operations in the northwest part of their site whenever the weather is deemed to be dry and the prevailing winds are from easterly, southeasterly or northeasterly directions.
3. **Monitoring.** If neither Item 1 nor Item 2 (above) is feasible, then RWDI would recommend that a dust monitoring program, over a period of a few months during the summer season, be conducted to indicate whether or not the level of activity in the northwest part of the J-AAR site and the current dust control practices are sufficient to minimize the potential for dust impacts.
4. **Trees and Other Landscaping.** Trees can be very effective at intercepting airborne dust, and a buffer area that is well treed can be significantly smaller than 300 m (on the order of 50 to 100 m). However, a newly planted tree screen typically requires many years of growth before it is effective for dust control. Coniferous trees are more effective than deciduous trees at intercepting airborne dust, but tend to grow more slowly. Often, a mixed planting of coniferous trees, deciduous trees and shrubs provides the most effective barrier. Berms are generally not very effective at dust control unless they are combined with significant tree planting. Unless the remaining life of operations in the northwest part of the aggregate site is a relatively small number of years, then RWDI recommend tree planting as a long-term measure in conjunction with any of the previous recommendations.
5. **Warning Clause.** The potential for dust impacts will be limited to days when operations take place in the northwestern part of the AAROC site, the weather is dry and the prevailing wind is from the southeasterly, easterly or northeasterly directions. These conditions will coincide only some of the time. In addition, the dust emissions from aggregate operations consist mainly of relatively large particles that are not readily inhaled into the lungs. These factors indicate that the dust emissions are not a concern in terms of effects to human health. The concern is more related to nuisance effects such as dust on cars, windows, gardens, etc. A common technique in dealing with nuisance factors is to incorporate warning clauses on the titles of the residential properties, so that buyers are forewarned of potential for nuisance dust. Warning clauses would be appropriate in conjunction with the previous recommendations.

RWDI noted in their addendum to the noise report that if there is no further mining activity in the western portion of the J-AAR site (including mining, haul routes, crushing or screening, then no berm would be required along the boundary between the aggregate site and the residential subdivision. Based on this, staff recommends that the holding provision relating to noise and dust for the southern half of the draft plan be retained until such time as the property owner and J-AAR address this issue through an application to the Ministry of Natural Resources to amend their aggregate site plan to eliminate the mining activity in this area. Alternatively, the site plan could also be amended to allow for the construction of a berm on the J-AAR site to address the noise and dust issues. Once the issue of noise and dust has been adequately addressed, an application to remove the holding provision (h-45) for these lands may be brought forward for consideration.

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SUBDIVISION DESIGN

At the time draft approval of file 39T-01509 was granted, a concept plan was submitted showing how the subject lands might develop for single detached dwellings. That plan showed functional single detached dwellings lots on a crescent. It did not include a vehicular or pedestrian connection to the lands to the south. The applicants proposed plan is consistent with the earlier concept.

Street Design

This draft plan will include a new street which will connect to the future Blackwell Boulevard. To ensure that this development proceeds in an orderly fashion, a condition of draft approval will require that the adjacent lands be registered prior to the registration of this plan.

Also, EESD-Transportation have noted that the bulge in the curb-line on Street "A" must be reconfigured to meet City standards. This will be addressed through a redline amendment to the draft plan.

Lotting Pattern

The applicant has proposed a mix of lot frontages (15.2 m to 18.8 m) which will accommodate a variety of housing styles and designs. The mix of lot frontages shown on the plan is expected to result in an aesthetically pleasing streetscape.

Connectivity

Vehicular Access

The subject lands abut planned single detached dwellings to the north, an aggregate industrial operation to the east, a multifaceted church attended by 2000 to 2500 people every week to the south and a planned large scale commercial centre to the west.

Representatives of North Park Community Church expressed concern over the lack of vehicular access from this proposed draft plan to the Church lands (immediately to the south). They have noted that traffic flows to the Church during peak usage (ie Saturday and Sunday) are significant and that the limited access to their lands (from Fanshawe Park Rd) is a safety issue at these times. They would prefer to have a street connection to this draft plan to allow for a second access to the Church in order to alleviate this traffic congestion. They also note that should they wish to develop the northern portion of their site for multi-family residential development at some point in the future, a separate access would be necessary.

Official Plan policies note that the preferred location for multi-family medium density residential development is on lands abutting an arterial, primary collector or secondary collector street. One of the main reasons for this is to limit the impacts of traffic to and from multi-family residential development on stable, low density residential areas. As a result, staff do not support a road connection from the proposed local street in the Sifton draft plan to the Church lands. Should the Church wish to develop the northerly portion of their lands for multi-family use, access should be provided from Fanshawe Park Road.

Pedestrian Access

It is common practice to include pedestrian connections to neighbourhood facility uses in new subdivisions. In order to provide for increased pedestrian connectivity within this subdivision and to lands to the south it is recommended a 3.0 m wide pedestrian connection be provided between Street "A" and the North Park Community Church property. Staffs have discussed this option with representatives of the Church and they agree with this proposal. Inclusion of such a walkway will not result in the loss of any building lots. The walkway should be located in the same location as the future sanitary sewer easement which is required as a condition of this draft approval. This walkway has been redlined on the plan, however its final location may change based on the final location of the sanitary easement.

Development of Adjacent Lands

The west portion of the site abuts a 10.5 ha (26.1 ac) property planned to accommodate 30,000 m² (322,930 ft²) of general commercial uses. There is no active site plan application submitted or approved for the commercial lands to date. There are numerous situations in the City where single detached dwellings abut Community Shopping Centre nodes and traditional mitigation measures include fencing, screening controlling lighting and in some instanced noise

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attenuation barriers. Measures to ensure the impacts from the planned commercial centre are appropriately addressed will be dealt with in the future as part of the site plan review for the commercial block.

OPEN SPACE AND ACTIVE PARKLAND

There is some Open Space and Parkland available for these residents to the north within draft plan 39T-01509 and registered plan 33M-548. As not all of the parkland dedication was provided for in the original draft approval, cash-in-lieu of parkland dedication will be required for this development.

SERVICING

Sanitary Servicing

The Owner shall connect sanitary sewers to serve this plan to the planned sanitary sewer extension on Blackwell Boulevard (200 mm (8 ") diameter) in association with Phase 2 of the Fanshawe Ridge Subdivision.

The church has requested that the applicant be required to construct a sanitary stub to the southern limit of their property. EESD staffs have advised that this property is ultimately intended to drain to the south to Fanshawe Park Road. It may be possible in the interim to utilize the sanitary sewers within this plan until such time as Fanshawe Park Road East is reconstructed. As this option does not provide for a gravity sewer, this would require the construction of a private pumping station on the Church lands to pump the sewage to the north.

EESD – Waste Water and Drainage Division staff have advised that the conveyance system proposed within the Fanshawe Ridge Subdivision will be sized sufficiently to accommodate sanitary flows from the Church. It should be noted that this addresses the existing use only and does not account for future expansions to the Church use or other development on the Church lands. Based on this, a condition of draft approval has been included to require Sifton Properties to provide a temporary easement for sanitary services through the Fanshawe Ridge subdivision to the Church lands. The Church is actively in discussions with Sifton Properties to address their sanitary servicing needs. This issue should be addressed as part of the submission of engineering drawings.

Stormwater Management

The Owner shall connect storm sewers to serve this plan to the planned storm sewer extension on Blackwell Boulevard (525 mm (22") diameter) in association with Phase 2 of the Fanshawe Ridge Subdivision. Storm flows shall be directed to the existing Regional Stormwater Management (SWM) Facility located on the south side of Stoney Creek east of Highbury Avenue North. The Owner shall ensure increased or accelerated storm runoff from this subdivision shall not cause damage to downstream lands or properties beyond this subdivision.

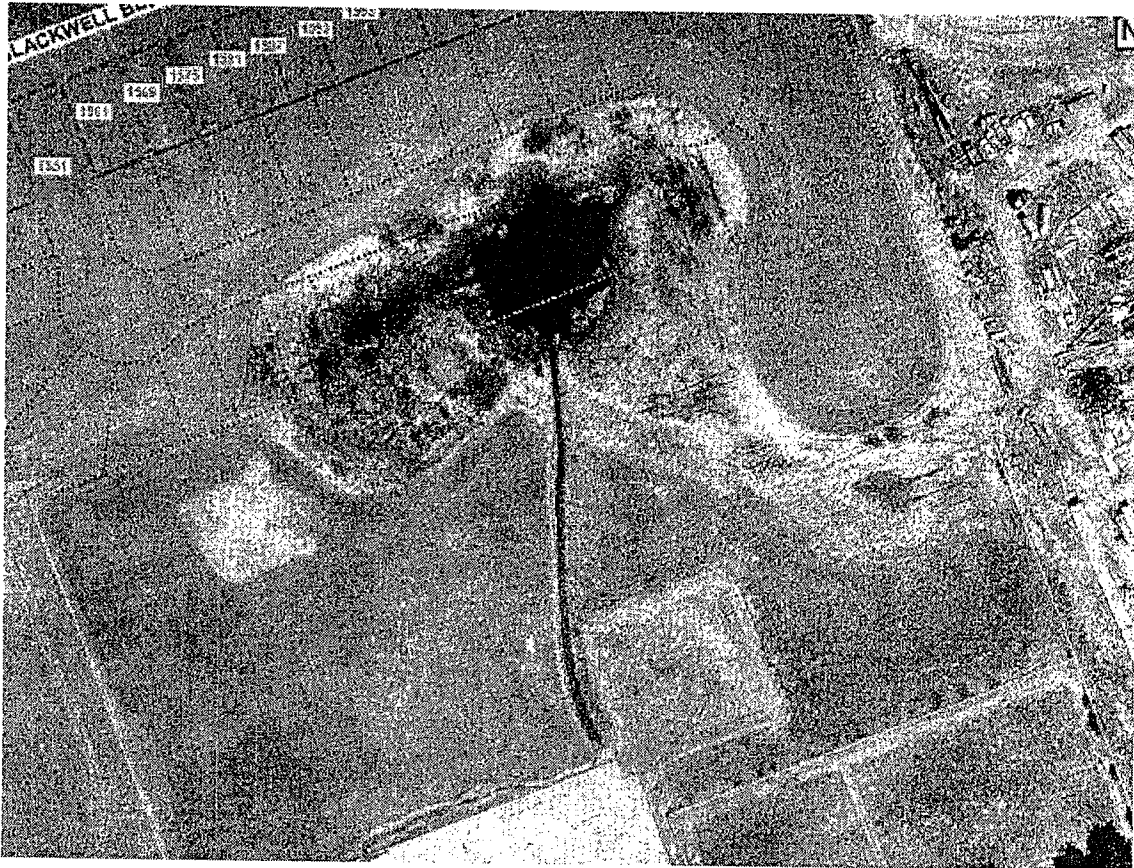
North Park Community Church advised, that since property development north of the church has begun, the parking lot and main lot have been flooded with water at unprecedented levels. Their concern is that the development north of their lands has altered ground or surface water flow, leading to increased flooding on their property. They have requested that careful consideration and sensitivity be given to the impact that may result from altering drainage patterns on the area.

A small depression, has existed at the southern limit of the subject lands since prior to 1989. When North Park Community Church was constructed in the 1990's, stormwater from their paved parking area was directed to this depression. As the church and its parking areas grew over the years increased water volumes were directed to the depression. By the early 2000's the Church constructed a stormwater retention pond (with no outlet) which was linked to the depression.

When the most recent gravel parking area was constructed in 2006 the open swale connecting the paved parking area to the stormwater management pond/depression was enclosed and the water storage facility was enlarged to its current size.

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1999



2007



While the volume of water directed and stored in the depression/stormwater retention pond has changed, the limit of open water on the Sifton lands does not appear to have changed significantly since 1989.

Sifton Properties engineering consultant, Delcan, advised that the subject lands are not redirecting additional surface flows to the south. They did acknowledge in correspondence to the Church on July 9, 2008 that the majority of groundwater flows run from north to south. It is

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their opinion that once the gravel seam on the Sifton lands is removed and a clay barrier installed, this will eliminate the flow of groundwater to the Church property.

Delcan also note that once this subdivision is completed, no overland flow will be leaving Sifton's property to the south as the design will incorporate the use of swales and catchbasins to ensure that all drainage flows to the SWM pond built adjacent to Stoney Creek. Storm water options were addressed in the Class EA for the Kilally North Storm Sewer Servicing dated 2002. A number of drainage alternatives were examined and ultimately the City approved Alternative 2 which shows that the church property is intended to be drained to the south and ultimately into the existing Regional SWM Facility at the Thames River.

North Park Community Church has requested a hydrological study be required and that it be made available to them prior to draft approval. A hydrological study will confirm the impacts of filling a portion of the depression. For this reason it is recommended the conditions of draft approval require a hydrological study to the satisfaction of the City Engineer prior to the submission of engineering drawings.

The Church has also requested to be advised in writing of the planned storm sewer outlet or outlet options for the church. The planned storm sewer outlet is along Fanshawe Park Road to run westerly to Highbury Avenue, then southerly to Killarney Road and finally east to the Regional Stormwater Management facility in the Cedarhollow Subdivision. City staff have met with representative of the Church, Sifton Properties staff and their consulting engineer (Delcan) to discuss their concerns with respect to stormwater. Sifton Properties and the Church have committed to continue talks in an attempt to arrive at an appropriate solution to address the Church's stormwater management issue.

Water Mains

The Owner shall connect the watermain to serve this plan to the planned watermain extension on Blackwell Boulevard (250 mm (8 ") diameter) in association with Phase 2 of the Fanshawe Ridge Subdivision. Prior to development of this plan the Owner shall loop the watermain on Highbury Avenue North between Fanshawe Park Road East and Blackwell Boulevard at no cost to the City.

Transportation

The Owner will be required eliminate/limit the bulge in the curb line on Street "A" to a maximum offset from the standard radius required to achieve the minimum curb distance, as approved by the City Engineer. The Owner shall ensure emergency access is to the satisfaction of the City Engineer.

Other Issues

Grading

Representatives of the Church have concerns regarding the grading of the subject lands and how it will interface with their property. Delcan has previously examined a number of grading options and presented them to Sifton for consideration. Sifton has directed Delcan to proceed with preliminary grading designs utilizing grading from the proposed elevation at the property line with a maximum 3:1 slope to match existing elevations on church property.

As noted above, it is recommended that the conditions of draft plan approval require a hydrological study be to examine the impacts of the proposed development in this area be submitted to the City for acceptance. The Study will document existing conditions and recommend solutions. This study must be provided prior to the submission of engineering drawings so that any recommendations can be incorporated into the drawings.

The Church has requested a condition of draft approval which would require Sifton Properties to establish a grading plan for the interface of these two properties. Sifton's consulting engineer will be required through the submission of engineering drawings to provide for such a plan to ensure that grading of the Sifton lands matches at the property line of the Church lands.

Property Management and Liability

The Church has requested that fencing of consistent material which is resistant to graffiti be constructed along the mutual property line at no cost to the church. In further discussions with

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representatives of the Church it was requested that a privacy fence be required along the rear lots of the proposed single detached development abutting the Church lands.

Therefore, it is recommended that Sifton Properties Limited construct a 1.8 m high (6 ft) board privacy fence along the mutual property line with the church. Although this fence is to be constructed at Siftions expense, the Church and the future property owners will be responsible for the long term maintenance of the fence. Any vegetation or screening along this area will also be the responsibility of the respective property owners.

The request from the North Park Community Church to have a warning clause be placed on title advising future home owners they may experience noise and other impacts is uncommon. Such warning clauses are most often associated with industrial or intensive commercial uses. Given warning clauses will be included in the Subdivision Agreement for school boards and the abutting aggregate operation, it is reasonable to include an this additional warning clause as requested by North Park Community Church to advise future residents of the presence of this large-scale church complex containing an area of worship, a gymnasium, youth theatre, library, weekday nursery school and meeting rooms that has a weekly attendance of between 2000 to 2500 persons.

Finally, representatives of the Church inquired as to whether or not there are any restrictions that could be imposed on the church's activities as a result of this proposed development. The Church activities would be subject to the existing zoning regulations which apply to these lands.

ZONING BY-LAW AMENDMENT

When draft plan 39T-01509 was submitted and approved, the subject lands were shown as a multi-family housing/institutional block. Consistent with their draft plan the applicant requested zoning to permit a range of uses from single detached dwellings to seniors housing and neighbourhood facility uses. Development of the lands for any of these uses would have been in conformity with the Official Plan and with appropriate site planning, compatible with planned single detached dwellings on Blackwell Boulevard. While the lands were pre-zoned to permit single detached dwellings, it was understood prior to dwellings being constructed a draft plan of subdivision application would be required. One of the reasons the compound zone was recommended in 2003 was to inform future residents of the type and scale of development on these lands.

The applicant has refined their business plans and no longer intends to develop the lands for seniors housing and/or neighbourhood facility uses. Given the proposed lot dimensions and road configuration, it would be inappropriate to carry forward the seniors housing and neighbourhood facility zoning. These uses were not intended to be developed on single detached dwelling lots. As a result it is recommended the R7 D75 H13/NF1 Zoning be deleted from this site. Removal of the R7 D75 H13 Zone and NF1 Zone does not impact the applicant's development plans.

Red-Line Amendments

The following Redline amendments are proposed:

- Reconfiguration of the bulge in the curb-line on Street "A"
- Add a new walkway Block 31


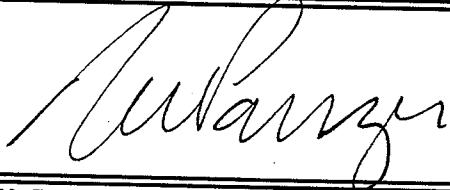
CONCLUSION

The subject lands are currently zoned to permit single detached dwellings, senior housing or neighbourhood facility uses and are within a draft approved subdivision. The applicant has submitted a draft plan of subdivision application to permit the development of single detached dwellings only.

The proposed plan of subdivision has been reviewed in conjunction with the Provincial Policy Statement (2005), the Official Plan for the City of London, the Kilally North Area Plan and relevant concerns/comments from circulated departments, agencies and the public have been addressed within this report.

The proposed subdivision of land is consistent with the general intent of both Provincial and City policies and the Kilally North Area Plan. The proposed plan of subdivision, as redline amended,

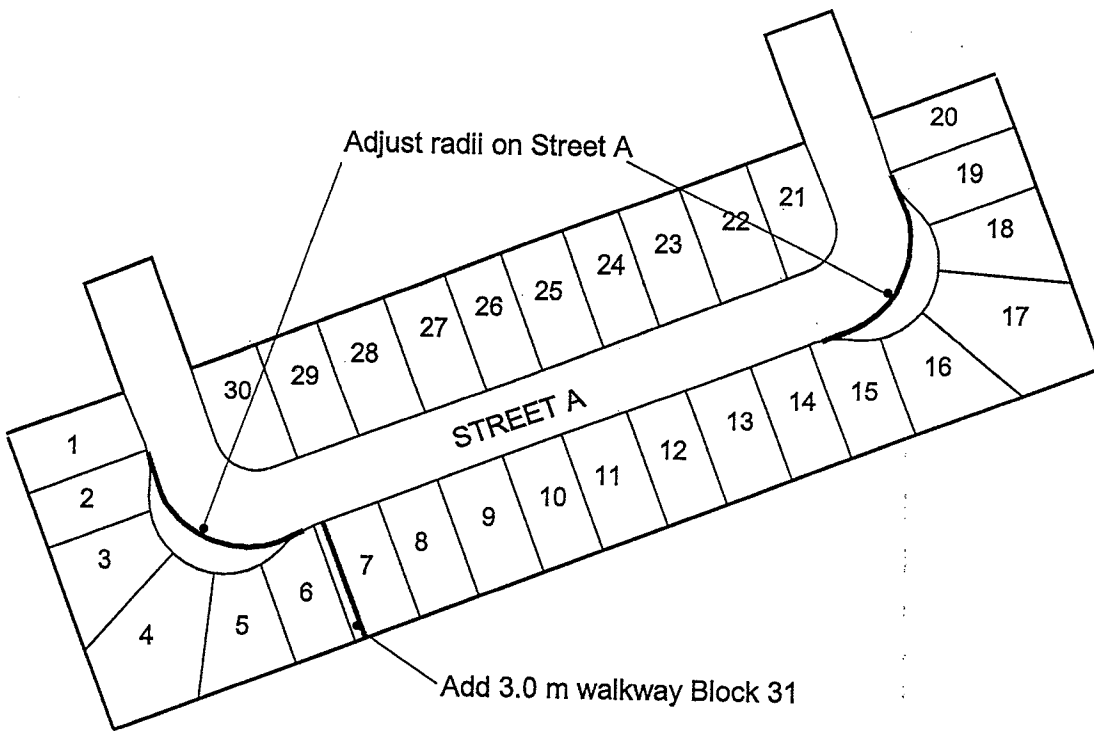
and the proposed Zoning By-law amendment are appropriate for the development of these lands.

PREPARED and SUBMITTED BY:

ALLISTER MACLEAN SENIOR PLANNER
RECOMMENDED BY:

R. W. PANZER GENERAL MANAGER OF PLANNING AND DEVELOPMENT

July 28, 2008
AM /jl "Attach."

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39T-08504 - Red-Line Revisions



LEGEND

 Red-Line Revisions

SUBJECT SITE:
1551 Blackwell Blvd

FILE NO:
39T-08504 AM

MAP PREPARED:
08/07/17 CK

File location: e:\planning\projects\p_redline_subdivisions\39t-07503\39t-07503_revised_dec_19_07.apr
Project location: e:\planning\projects\p_redline_subdivisions\39t-08504\39t-08504_redline.apr



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Responses to Public Liaison Letter and Publication in "Living in the City"

<u>Telephone</u>	<u>Written</u>
North Park Community Church (James Bekkers) 1510 Fanshawe Park Road East	North Park Community Church (James Bekkers) 1510 Fanshawe Park Road East Issues – stormwater and drainage; property management and liability; sanitary sewer outley; vehicular access, grading of lots- request for Notice of Decision on the Draft Plan of Subdivision and Zoning By-law Amendment

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Appendix "A"

Bill No. (number to be inserted by Clerk's Office)
2008

By-law No. Z.-1-08_____

A by-law to amend By-law No. Z.-1 to rezone an area of land at 1551 Blackwell Boulevard and legally described as Part of Lot 8, Concession 5, (Geographic Township of London).

WHEREAS Sifton Properties Limited have applied to rezone an area of land located 1551 Blackwell Boulevard, 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 at 1551 Blackwell Boulevard and legally described as Part of Lot 8, Concession 5, (Geographic Township of London), as shown on the attached map comprising part of Key Map No. 6 from a Holding Residential R1/Residential R7/ Neighbourhood Facility (h. h-45 R1-4/R7 D75 H13/NF1) Zone to a Holding Residential (h. h-45 R1-4) Zone.

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 subsection 34(21) 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 August 18, 2008.

Anne Marie DeCicco-Best
Mayor

Kevin Bain
City Clerk

First Reading - August 18, 2008
Second Reading - August 18, 2008
Third Reading - August 18, 2008

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APPENDIX 39T-08504
(Conditions to be included for draft plan approval)

THE CORPORATION OF THE CITY OF LONDON'S CONDITIONS AND AMENDMENTS TO FINAL APPROVAL FOR THE REGISTRATION OF THIS SUBDIVISION, FILE NUMBER 39T-08504 ARE AS FOLLOWS:

NO.	CONDITIONS
1.	This draft approval applies to the draft plan submitted by Sifton Properties Limited, prepared by Stantec, certified by Robert D. Stirling, Ontario Land Surveyor, File No. 39T-08504, drawing no. 1, as red-line amended , which shows a total of 30 single detached dwelling blocks, and 1 walkway block served by 1 new street.
2.	This approval of the draft plan supersedes the original draft approval (granted December 3, 2003 and the extended October 4, 2006) as it relates to Block 132 in draft plan 39T-01509. The approval of this draft plan applies for three years, and if final approval is not given by that date, the draft approval shall lapse, except in the case where an extension has been granted by the Approval Authority.
3.	The road allowances included in this draft plan shall be shown on the face of the plan and dedicated as public highways.
4.	The street shall be named to the satisfaction of the Manager of Subdivision and Special Projects.
5.	The municipal address shall be assigned to the satisfaction of the Manager of Subdivision and Special Projects.
6.	Prior to final approval, the Owner shall submit to the Approval Authority a digital file of the plan to be registered in a format compiled to the satisfaction of the City of London and referenced to NAD83UTM horizon control network for the City of London mapping program.
7.	Prior to final approval, appropriate zoning shall be in effect for this proposed subdivision.
8.	The Owner shall satisfy all the requirements, financial and otherwise, of the City of London in order to implement the conditions of this draft approval.
9.	The subdivision agreement between the Owner and the City of London shall be registered against the lands to which it applies.
10.	The Owner shall grant to the appropriate authorities such easements as may be required for utility, road or drainage purposes.
11.	This plan shall not be registered prior to the registration of lands which contain the extension of Blackwell Boulevard.
12.	This plan shall be registered in one phase.
13.	The Owner shall implement the requirements of the City of London concerning sedimentation and erosion control measures during all phases of construction. The Owner's professional engineer shall have these requirements established and approved by the City Engineer prior to any work on the site.
14.	As part of the design studies submission, the Owner shall have its qualified consultant prepare and submit a report(s) to determine the effects of constructing this subdivision on ground water elevations, springs and water wells satisfactory to the City Engineer. If necessary, the report(s) shall also include a detailed hydrogeological investigation and address potential contamination and remediation. The Owner shall include any works recommended by the report(s) in the design and construction of the subdivision. The Owner shall complete these works prior to the issuance of a Certificate of Completion of Works, to the satisfaction of the City Engineer, and at no cost to the City.
15.	Prior to any work on the site, the Owner shall decommission and permanently cap any

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abandoned water wells located on the property, in accordance with the Ontario Water Resources Act and the Ministry of Environment requirements and file the necessary reports with the Ministry of the Environment and the City of London.

16. Prior to registration of this plan, the Owner shall confirm with the City Engineer that reserve capacity at the Adelaide Pollution Control Plant has been allocated to this plan of subdivision. This treatment capacity shall be reserved by the City Engineer provided that registration of the subdivision agreement and the plan of subdivision occur within one (1) year of the date specified in the subdivision agreement.
17. The Owners professional engineer shall provide inspection services for all work during construction by its professional engineer for all work to be assumed by the City, and have its professional engineer supply the City with a Certificate of Compliance upon completion in accordance with the plans approved by the City Engineer.
18. The Owner shall comply with all City of London standards, guidelines and requirements in the design of this draft plan. Any deviation to the City's standards, guidelines, or requirements shall be completed to the satisfaction of the City Engineer and General Manager of Planning and Development.
19. Prior to final approval, for the purposes of satisfying any of the conditions of draft approval herein contained, the Owner shall file with the Approval Authority a complete submission consisting of all required clearances, fees, and final plans, and to advise the Approval Authority 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.
20. For the purpose of satisfying any of the conditions of draft approval herein contained, the Owner shall file, with the City, complete submissions consisting of all required studies, reports, data, information or detailed engineering drawings, all to the satisfaction of the General Manager of Planning and Development and the City Engineer. The Owner acknowledges that, in the event that a submission does not include the complete information required by the General Manager of Planning and Development and the City Engineer, such submission will be returned to the Owner without detailed review by the City.
21. Prior to final approval the Owner shall pay in full all financial obligations/encumbrances on the said lands, including property taxes and local improvement charges.
22. The owner shall make a cash payment in lieu of the 5% parkland dedication pursuant to City of London By-law CP-9.
23. Within one year of registration of the plan, the Owner shall construct a 1.8 metre privacy fence of similar design and material along the rear lot line of Lots 4 to 15 both inclusive where it abuts lands owned by the North Park Community Church to the satisfaction of the General Manager of Planning and Development.
24. Concurrent with registration of the plan, the Owner shall construct and convey walkway Block 31 to the City of London at no cost.
25. The Owner shall include in the subdivision agreement a warning clause to be registered on title of each Lot within 300 metres of the aggregate extraction operation, warning prospective purchasers of the existence of the aggregate extraction operation; the possibility of alterations, which expansion may affect the living environment of the residents notwithstanding the inclusion of noise and dust attenuation measures in the design of the subdivision and individual units.
26. The Owner shall connect the proposed sanitary sewers to serve this plan to the planned 200 mm (8") diameter municipal sewer system along the extension of Blackwell Boulevard. The proposed sanitary sewer system shall be confirmed by the Owner's consulting engineer and accepted by the City Engineer.
27. The Owner shall not allow any weeping tile connections into the sanitary sewers within this plan.

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28. The Owner shall oversize sanitary sewers for the subdivision plan to accommodate flows from upstream lands external to this plan if necessary, to the satisfaction of the City Engineer.
29. Prior to the issuance of a Certificate of Conditional Approval for each construction stage of this subdivision, all sanitary servicing works for the subject lands must be completed and operational, all to the specification and satisfaction of the City Engineer.
30. In conjunction with the registration of this plan, the Owner shall provide a private temporary easement for the sanitary servicing of North Park Community Church (1510 Fanshawe Park Road East).
31. The Owner shall connect the proposed storm sewer to serve this plan to the planned 525 mm (21") diameter municipal storm sewer along the extension of Blackwell Boulevard.
32. The Owner shall have its consulting professional engineer design and supervise the construction of the storm/drainage servicing Stormwater Management system to the satisfaction of the City Engineer and according to the requirements of the following:
 - i) The accepted Functional storm/drainage and Storm Water Management (SWM) Servicing Design Plan and the accepted modified Functional storm/drainage and SWM Servicing Design (submitted April 15, 2005), for the Fanshawe Ridge Subdivision.
 - ii) The Class Environmental Assessment for the proposed Kilally North Storm Sewer Servicing in the City of London.
 - iii) The Ministry of Environment's SWM Practices Planning and Design Manual (2003).
 - iv) The City's Waste Discharge By-laws, lot grading standards, policies, requirements and practices, storm/drainage and SWM Design specifications, requirements and guidelines, and the approved Drainage and Lot Grading Plans for this plan; and
 - v) All applicable Acts, Policies, Guidelines, standards and requirement of the applicable SWM agencies, including the City, the Ministry of the Environment and the Upper Thames River Conservation Authority, and all to the specifications and satisfaction of the City Engineer.
33. The Owner shall outlet the storm flows to the storm outlet, the Stoney Creek, to service this plan via the existing Regional Stormwater Management (SWM) Facility located south of Stoney Creek, just east of Highbury Avenue North.
34. Prior to or in conjunction with the servicing design for this site, the Owner shall have its consulting professional engineer identify the major and minor storm flow routes for the entire catchment area(s) to the satisfaction of the City Engineer.
35. Prior to the submission of engineering drawings, the Owner shall prepare a hydrological report which examines existing conditions and the impacts of filling the "man made" pond/depression within Lots 10 to 15 both inclusive. The accepted recommendations of this report shall be included in the engineering drawing submission all to the satisfaction of the City Engineer.
36. The Owner shall ensure that increased and accelerated stormwater runoff from this subdivision does not cause damage to downstream lands, properties or structures beyond the limits of this subdivision and notwithstanding any requirements of the City, or any approval given by the City Engineer, the Owner shall indemnify the City against any damage or claim for damages arising out of or alleged to have arisen out of such increased or accelerated stormwater runoff from this subdivision.
37. The Owner shall develop an erosion/sediment control plan that will identify all erosion and sediment control measures for the subject lands and that will be in accordance with City of London and Ministry of the Environment standards and requirements, all to the

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specification and satisfaction of the City Engineer. This plan is to include measures to be used during all phases of construction.

38. The Owner shall promote the implementation of SWM soft measure Best management Practices (BMP's) within the plan, where possible, to the satisfaction of the City Engineer. The acceptance of these measures by the City will be subject to the presence of adequate geotechnical conditions within this plan and the approval of the City Engineer.
39. The Owner shall connect the proposed watermain to serve this plan to the planned 250 mm (10 ") diameter water main on the extension of Blackwell Boulevard.
40. Prior to the issuance of a Certificate of Conditional Approval for each construction stage of this subdivision, all water servicing works for the subject lands must be completed and operational, all to the specification and satisfaction of the City Engineer.
41. Prior to development, the Owner shall loop the watermain on Highbury Avenue North between Fanshawe Park Road East and Blackwell Boulevard and have its professional engineer deliver confirmation that the watermain system has been looped to the satisfaction of the City Engineer all at no cost to the City.
42. The Owner shall have its professional engineer determine if there is sufficient water turnover to ensure water quality and determine how many homes need to be built and occupied to maintain water quality in the water system. If the water quality cannot be maintained in the short term, the Owner shall install automatic blow offs, where necessary, to the satisfaction of the City Engineer, or make suitable arrangements with Water Operations for the maintenance of the system in the interim.
43. The Owner shall ensure a minimum of 5.5 metres (18') will be required along the curb line between the projected property lines of irregular shaped lots around the bends on Street 'A'
44. The Owner shall eliminate/limit the bulge in the curb line on Street 'A' as shown by the red-line amendment to only a maximum offset from the standard radius required to achieve the minimum curb distance for lands, as approved by the City Engineer. Further, the bulge in the street line is only to be to the extent required to achieve the minimum frontage for the abutting lots.
45. The Owner shall direct all construction traffic associated with this draft plan of subdivision to use Blackwell Boulevard via Highbury Avenue North or other routes as designated by the City Engineer and General Manager of Planning and Development.
46. In the event any work is undertaken on an existing street, the Owner shall establish and maintain a Traffic Management Plan (TMP) in conformance with City guidelines and to the satisfaction of the City Engineer for any construction activity that will occur on existing public roadways. The Owner shall have it's contractor(s) undertake the work within the prescribed operational constraints of the TMP. The TMP will be submitted in conjunction with the subdivision servicing drawings for this plan of subdivision.
47. The Owner shall construct a sidewalk on the outside boulevard of Street "A". The Owner shall comply with all City of London standards, guidelines and requirements in the design of this draft plan to the satisfaction of the City Engineer. Any deviations to the City's standards, guidelines or requirements shall be satisfactory to the City Engineer.
48. The Owner shall connect to all existing services and extend all services to the limits of the draft plan of subdivision, at no cost to the City, and all to the specifications and satisfaction of the City Engineer.
49. The Owner shall advise the City in writing at least two weeks prior to connecting, either directly or indirectly, into any unassumed services constructed by a third party, and to save the City harmless from any damages that may be caused as a result of the connection of the services from this subdivision into any unassumed services.
50. Prior to connection being made to an unassumed service, the following will apply:

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- i) In the event discharge is to unassumed services, the unassumed services must be completed and Conditionally Accepted by the City;
 - ii) The Owner must provide a video inspection on all affected unassumed sewers;
 - iii) Any damages caused by the connection to unassumed services shall be the responsibility of the Owner.
51. With respect to any services and/or facilities constructed in conjunction with this plan, the Owner shall permit the connection into and use of the subject services and/or facilities by outside owners whose lands are served by the said services and/or facilities, prior to the said services and/or facilities being assumed by the City.
 52. The Owner shall construct all municipal services for the subject lands at the sole expense of the Owner, satisfactory to the City.
 53. If, during the building or constructing of all buildings or works and services within this subdivision, any deposits of organic materials or refuse are encountered, these deposits shall be reported to the City Engineer and Chief Building Official immediately, and if required by the City Engineer and Chief Building Official, the Owner shall, at his own expense, retain a professional engineer competent in the field of methane gas to investigate these deposits and submit a full report on them to the City Engineer and Chief Building Official. Should the report indicate the presence of methane gas then all of the recommendations of the engineer contained in any such report submitted to the City Engineer and Chief Building Official shall be implemented and carried out under the supervision of the professional engineer, to the satisfaction of the City Engineer and Chief Building Official and at the expense of the Owner, before any construction progresses in such an instance. The report shall include provision for an ongoing methane gas monitoring program, if required, subject to the approval of the City Engineer and review for the duration of the approval program.

If a permanent venting system or facility is recommended in the report, the Owner shall register a covenant on the title of each affected lot and block to the effect that the Owner of the subject lots and blocks must have the required system or facility designed, constructed and monitored to the specifications of the City Engineer, and that the Owners must maintain the installed system or facilities in perpetuity at no cost to the City. The report shall also include measures to control the migration of any methane gas to abutting lands outside the plan.
 54. The Owner shall have its engineer notify existing property owners in writing, regarding the sewer and/or road works proposed to be constructed on existing City streets in conjunction with this subdivision, all in accordance with Council policy for "Guidelines for Notification to Public for Major Construction Projects".
 55. The Owner shall not commence construction or installations of any services (eg. clearing or servicing of land) involved with this plan prior to obtaining all necessary permits, approvals and/or certificates that need to be issued in conjunction with the development of the subdivision, unless otherwise approved by the City in writing; (eg. Ministry of the Environment Certificates; City/Ministry/Government permits: Approved Works, water connection, water-taking, crown Land, navigable waterways; approvals: Upper Thames River Conservation Authority, Ministry of Natural Resources, Ministry of Environment, City; etc.)
 56. The Owner shall not burn any materials on site.
 57. Prior to final approval of this Plan and subject to the satisfaction of the London District Catholic School Board, the Owner shall include in the subdivision agreement a suitable warning clause advising future purchasers of residential units that students may be accommodated in temporary facilities and/or bused outside the neighbourhood for their education.
 58. Prior to final approval of this Plan and subject to the satisfaction of the Thames Valley District School Board, the Board may require the Owner to agree in the subdivision agreement to include a suitable clause to advise future purchasers that this area has been designated a "Holding Zone" for school accommodation purposes and students will be accommodated at a "Holding School".

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59. The following warning clause applies to Lots 4 to 17 both and shall be included in the subdivision agreement to be registered on Title and in subsequent Offers of Purchase and Sale for the affected lots:

“Purchasers are advised that a large institution use (North Park Community Church) operate on the adjacent lands to the south. There may be instances where activity and noise levels from this abutting land may interfere with some activities of the dwelling occupants.”

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**Bibliography of Information and Materials
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Request for Approval:

City of London, *Subdivision Application Form*, completed by Sifton Properties Limited, February 27, 2008

Draft Plan of Subdivision Sifton Properties Limited, January 28, 2008

City of London, *Zoning Refinement Request Form*, completed by Allister Maclean, March 26, 2008

Reference Documents:

Ontario. Ministry of Municipal Affairs and Housing. *Provincial Policy Statement*, March 1, 2005.

City of London. *Official Plan*, June 19, 1989, as amended

City of London. *Zoning By-law No. Z.-1*, May 21, 1991, as amended,

City of London, *Planning Committee Report 39T-01509/Z-6207*, November 17, 2005

City of London, *Planning Committee Report Z-6912*, June 20, 2005

Biologic, *Scoped EIS Fanshawe and Highbury Area, Pittao Construction Ltd*, August 22, 2002

Delcan, *Class Environmental Assessment for the Proposed Kilally Trunk Sanitary Sewer in the City of London*, September 1, 2001

Delcan, *Class Environmental Assessment for the Proposed Kilally North Storm Sewer Servicing in the City of London*, June 14, 2002

RWDI, *Noise Impact Study for Part of Lot 8, Concession 5, City of London*, May 1, 2006

Kilally North Area Plan, November 2003.

Correspondence: (all located in City of London File No. 39T-08504 unless otherwise stated)

City of London -

Administrative Planning Advisory Group Meeting Summary, November 21, 2007

Development Services Division, L. Burgess, *Letter to D. Stanlake*, May 29, 2008

Outside Agencies

Upper Thames River Conservation Authority, Christine Creighton, *letter to A. MacLean*, May 13, 2008

Upper Thames River Conservation Authority, Christine Creighton, *letter to North Park Community Church*, June 19, 2008

Bell Canada, John La Chapelle, *Letter to A. MacLean*, April 7, 2008

Bell Canada, John La Chapelle, *Letter to A. MacLean*, April 24, 2008

London Hydro, J. R. Macpherson, *Memo to A. MacLean* April 3, 2008

Applicant

Delcan, Ken Hodges, *Letter to Craig Linton*, April 29, 2008

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