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39T-08502/Z-7489/OZ-7510

A. MacLean

TO:	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE
FROM:	GEORGE KOTSIFAS DIRECTOR OF BUILDING CONTROLS AND CHIEF BUILDING OFFICIAL
SUBJECT:	APPLICATION BY: KENMORE HOMES (LONDON) INC. 255 SOUTH CARRIAGE ROAD & 1331 HYDE PARK ROAD PUBLIC PARTICIPATION MEETING ON MARCH 26, 2012

RECOMMENDATION

That, on the recommendation of the Senior Planner, Development Planning, the following actions be taken with respect to the application of Kenmore Homes (London) Inc. relating to the properties located at 255 South Carriage Road and 1331 Hyde Park Road:

- (a) The Planning and Environment Committee be requested on behalf of the Approval Authority to **CONDUCT** a public meeting and to **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 Kenmore Homes (London) Inc. relating to the properties located at 255 South Carriage Road and 1331 Hyde Park Road;
- (b) Council **SUPPORTS** the Approval Authority refusing to issue draft approval to the proposed plan of residential subdivision (submitted in 2010), as submitted by Kenmore Homes (London) Inc. (File No. 39T-08502) prepared by Archibald, Gray & McKay Ltd, certified by Bruce Baker, OLS (Drawing No. 9-L-3380, dated May 26, 2010), which shows 199 single detached lots, one (1) school block, one (1) open space block, one (1) commercial block and various reserve blocks served by one (1) collector road and six (6) new local streets;
- (c) Council **SUPPORTS** the Approval Authority issuing draft approval to the proposed revised plan of residential subdivision (submitted in 2011), as submitted by Kenmore Homes (London) Inc. (File No. 39T-08502 prepared by Archibald, Gray & McKay Ltd, certified by Bruce Baker, OLS (Drawing No. 9-L-3755, dated December 1, 2011), **as redline revised** which shows 193 single detached lots, one (1) school block, one (1) open space block, one (1) multi-family residential block; two (2) future access blocks, one (1) pathway block and various reserve blocks served by one (1) collector road and five (5) new local streets, **SUBJECT TO** the conditions contained in the attached Appendix "39T-08502";
- (d) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on February 7, 2011 to amend Zoning By-law No. Z.-1 (in conformity with the Official Plan) to change the zoning of the subject property **FROM** a Holding Urban Reserve (h-2 UR3) Zone; an Urban Reserve (UR3) Zone, an Open Space (OS5) Zone; a Compound Holding Residential R2/R4 (h-R2-1/R4-6) Zone, a Compound Holding Residential R5/R6/R7/R8 (h-R5-7/R6-4/R7-D75-H13/R8-4) Zone and a Compound Holding Neighbourhood Facility/Residential R5/R6/R7/R8 (h-NF/R5-7/R6-4/R7-D75-H13/R8-4) Zone **TO:**
 - a Holding Residential R1 Special Provision (h- h-100-R1-3(4)) Zone to permit single detached lots with a minimum lot frontage of 10 metres; a minimum lot area of 300m²; a minimum setback of 3 metres from the main building to a local street and 4.5 metres from the main building to a collector street;

Agenda Item #	Page #

39T-08502/Z-7489/OZ-7510
A. MacLean

- a Holding Residential R1 Special Provision (h· h-100·R1-3(8)) Zone to permit single detached lots with a minimum lot frontage of 11 metres; a minimum lot area of 300m² and a minimum setback of 3 metres from the main building to a local or secondary collector street;
 - a Holding Residential R1 Special Provision (h·h-100·R1-13(6)) Zone to permit single detached lots with a minimum lot frontage of 9 metres; a minimum lot area of 270m²; and a minimum setback of 3 metres from the main building to a local street;
 - and a Holding Residential R1 Special Provision /Neighbourhood Facility (h·h-100·R1-3(4)/NF) Zone to permit single detached dwellings and neighbourhood facility uses such as schools;
 - a Holding Urban Reserve Special Provision (h-108·UR3 ()) Zone to permit existing uses with no buildings or structures;
 - an Open Space (OS4) to delineate the SWM facility lands; and
 - an Open Space (OS5) Zone to delineate the easterly development limit adjacent to the woodlot.
- (e) the request to amend the Official Plan to change the designation of westerly portion of the subject property **FROM** Multi Family Medium Density Residential which permits various forms of medium density residential uses **TO** Mainstreet Commercial Corridor (former known as Business District Commercial) to permit various forms of commercial uses **BE REFUSED** for the following reasons:
- This proposed land use is not consistent with the Mainstreet Commercial Corridor policies as this would not form part of a continuous pedestrian oriented commercial block;
 - The existing medium density residential designation at this location is more appropriate and consistent with the designations immediately to the north and along the west side of Hyde Park Road and the principles established in the Hyde Park Area Plan;
 - Medium density residential development at this location would assist in supporting the existing and proposed commercial developments within the existing Business District area along the east side of Hyde Park Road north of the subject lands; and,
 - The requested land use designation change would not represent good land use planning.
- (f) the request to amend Zoning By-law No. Z.-1 to change the zoning of a portion of the subject property **FROM** an Urban Reserve (UR3) Zone **TO** a Holding Business District Commercial Special Provision (h· BDC2(4)) Zone to permit uses such as assembly halls; churches; community centres; funeral homes; institutions; schools; bake shops; clinics; commercial recreation establishments; commercial parking structures and/or lots; converted dwellings; day care centres; dry cleaning and laundry depots; duplicating shops; emergency care establishments; existing dwellings; financial institutions; grocery stores; laboratories; laundromats; libraries; medical/dental offices and offices; **BE REFUSED** for the following reasons:
- The applicant's request to change the Official Plan designation from Multi-Family Medium Density Residential to Mainstreet Commercial Corridor (formerly known as Business District Commercial) is not supported (as noted in clause e));

- The existing Multi-Family Medium Density Residential designation does not support Business District commercial uses;
- It is inappropriate to consider a rezoning of this nature without the necessary amendments to the Official Plan; and
- The requested zone change would not represent good land use planning.

RELATED ESTIMATED COSTS AND REVENUES

Estimated Costs – This Agreement	
Claims from Urban Works Reserve Fund – General	Nil
Stormwater Management	Nil
Capital Expense -Pathway	\$48,000
Other	Nil
Total	\$48,000
Estimated Revenues - This Agreement (2012 rates)	
CSRF	\$3,650,792
UWRF	\$1,529,476
Total	\$5,180,268

1. There are no expenditures associated with this subdivision that have implications for funds administered by the City.
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.

Please note that there will be increased operating and maintenance costs for works being assumed by the City.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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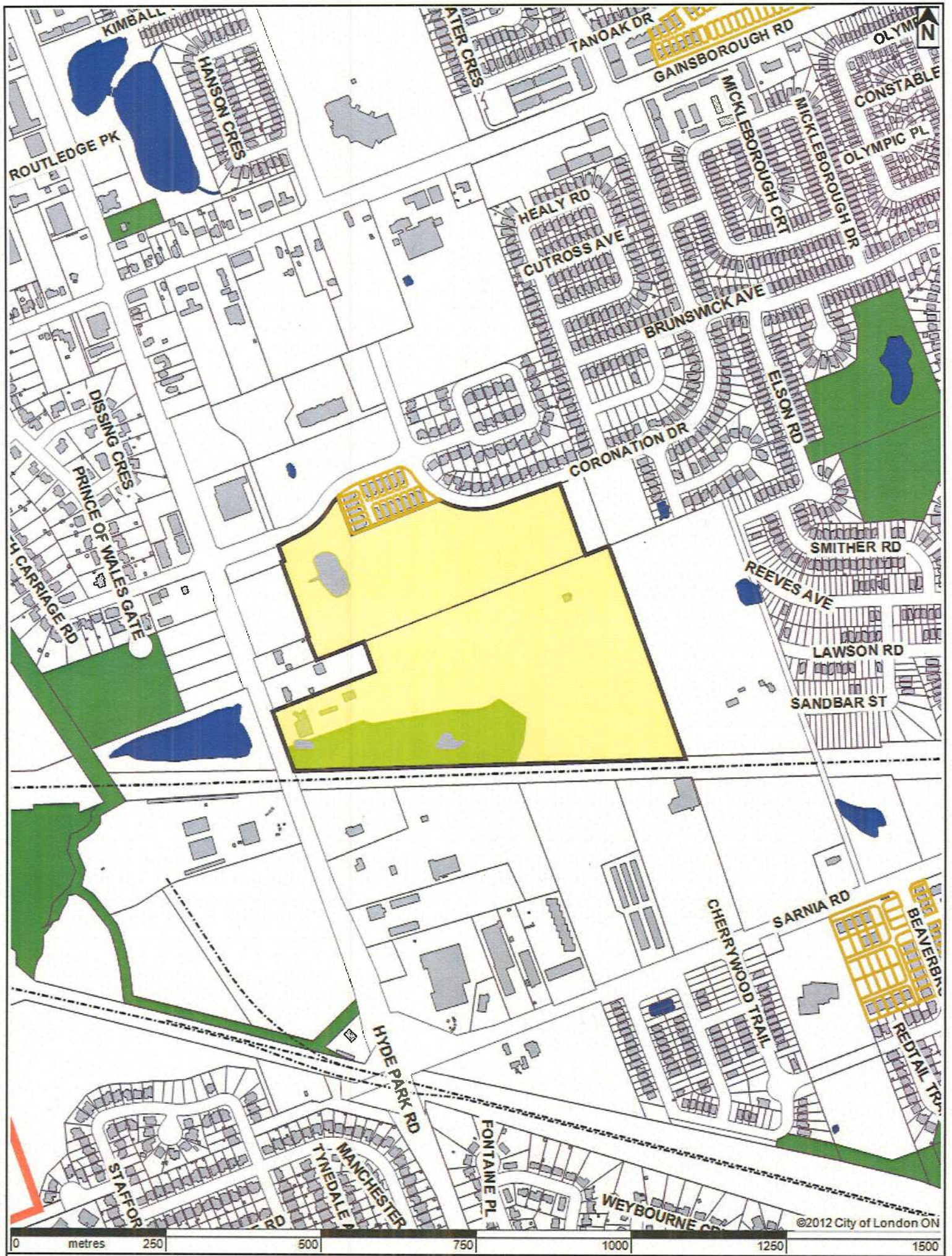
Hyde Park Community Plan and Urban Design Guidelines

August 2003 - Public Participation Meeting - 39T-02515 Planning Committee report for draft plan of subdivision and Zoning By-law amendment

March 2006 - B30/06 - Consent Application

January 31, 2011 – Report to Planning Committee on Draft Plan of Subdivision Official Plan and Zoning By-law Applications(see attached).






September 12, 2011 – Information report to the Built and Natural Environment Committee on Draft Plan of Subdivision Official Plan and Zoning By-law Applications



LOCATION MAP

Subject Site: **Kenmore - Draft Plan of Subdivision**
 Applicant: **Kenmore Homes (London) Inc.**
 File Number: **39T-08502**
 Planner: **Allister MacLean**
 Created By: **Jeffrey Shaughnessy**
 Date: **2012-03-14**
 Scale: **1:7500**

LEGEND

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



Agenda Item #	Page #

39T-08502/Z-7489/OZ-7510
A. MacLean

SURROUNDING LAND USES:
<ul style="list-style-type: none"> • North – vacant, future multi family residential • South – CP Rail, industrial uses • East – future park, hobby farm, sfd dwellings • West – future commercial and a swm pond

OFFICIAL PLAN DESIGNATION: (refer to map)
<ul style="list-style-type: none"> • “Low Density Residential” and “Multi-Family, Medium Density Residential”
EXISTING ZONING: (refer to map)
<ul style="list-style-type: none"> • Holding Urban Reserve(h-2 UR3) Zone; an Urban Reserve (UR3) Zone, an Open Space (OS5) Zone; a Compound Holding Residential R2/R4 (h-R2-1/R4-6) Zone, a Compound Holding Residential R5/R6/R7/R8 (h-R5-7/R6-4/R7-D75-H13/R8-4) Zone and a Compound Holding Neighbourhood Facility/Residential R5/R6/R7/R8 (h-NF/R5-7/R6-4/R7-D75-H13/R8-4) Zone

PLANNING HISTORY

The following is a chronology of this application to date:

January 15th, 2008 - applications were submitted by Ric Knutson on behalf of Kenmore Homes (London) Inc. for the lands at 255 South Carriage Way and 1331 Hyde Park Road.

The applicant originally submitted an application for Draft Plan of Subdivision and associated Official Plan and Zoning by-law amendments for the northern portion of this parcel (255 South Carriage Road under file 39T-08502) and the southern portion of this parcel (1331 Hyde Park Road under file 39T-08503) on January 15th 2008. Since that time, Kenmore Homes has consolidated ownership of both 1331 Hyde Park Road and 255 South Carriage Road and as a result applications 39T-08502 and 39T-08503 were consolidated under one file, being 39T-08502.

June 2nd, 2010 - Kenmore Homes submitted a revised draft plan for consideration.

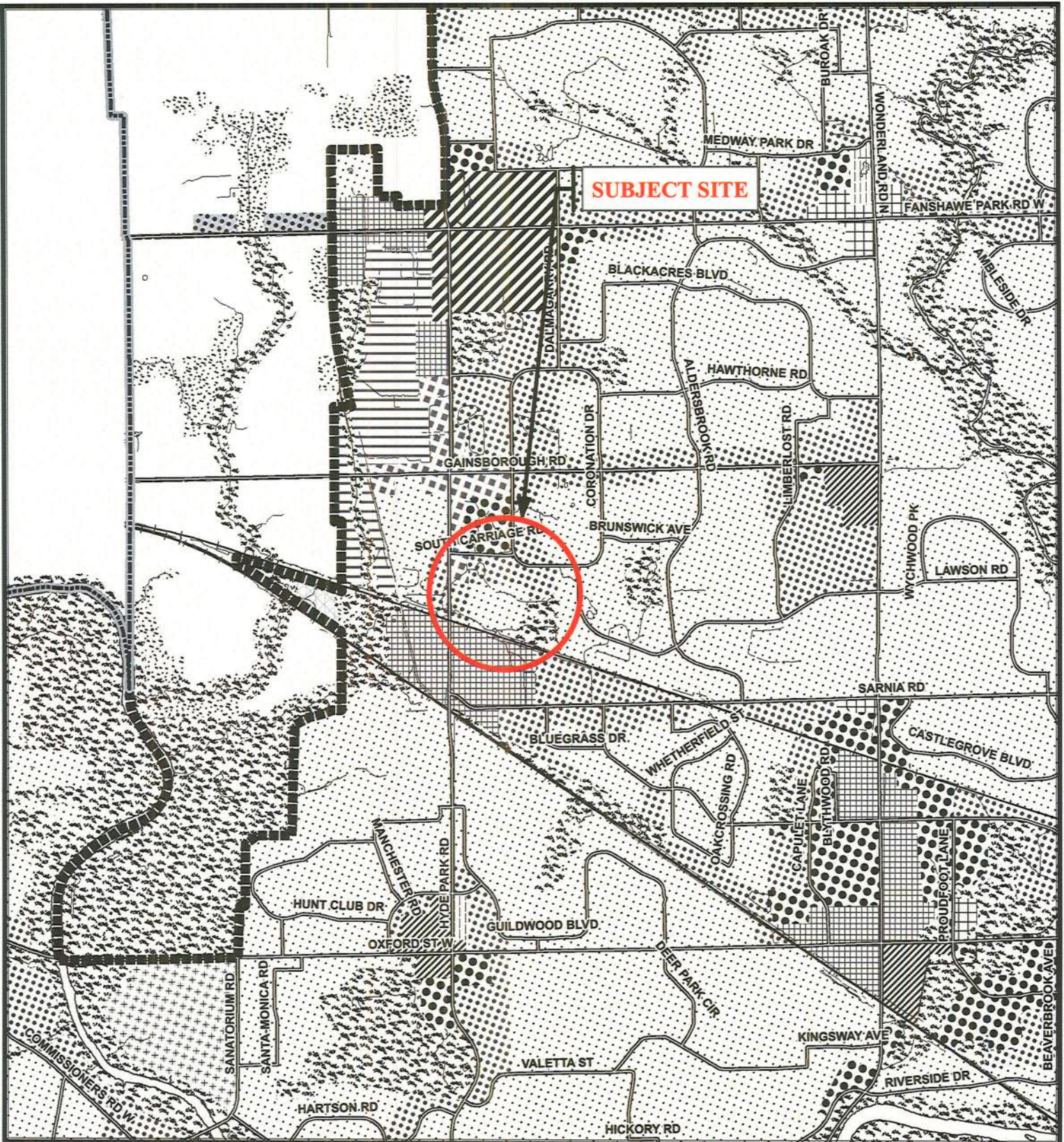
January 31st 2011- report on this subdivision application was presented to the Built and Natural Environment Committee. At that meeting the following issues were raised:

- 1) the request to have the Official Plan designation for the proposed block of land adjacent to Hyde Park Road changed from Multi-family Medium Density residential to Commercial;
- 2) a request by the community to change lots sizes at the north limit of the development in order to provide the opportunity for more compatible house sizes with these adjacent lands;
- 3) the internal road pattern and issues relating to improved pedestrian and vehicular circulation throughout the subdivision.

February 7th - Council referred this application back to Civic Administration to address the above noted issues.

February 23rd - advised the applicants agent(Ric Knutson) that we required the following information to address the issues raised at BNEC:

- a commercial justification report to determine the effect of the proposed change in designation on the supply of



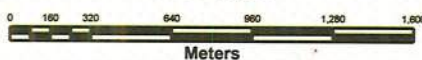
Legend

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

CITY OF LONDON
 Department of
 Planning and Development
OFFICIAL PLAN SCHEDULE A
 - LANDUSE -



Scale 1:30,000



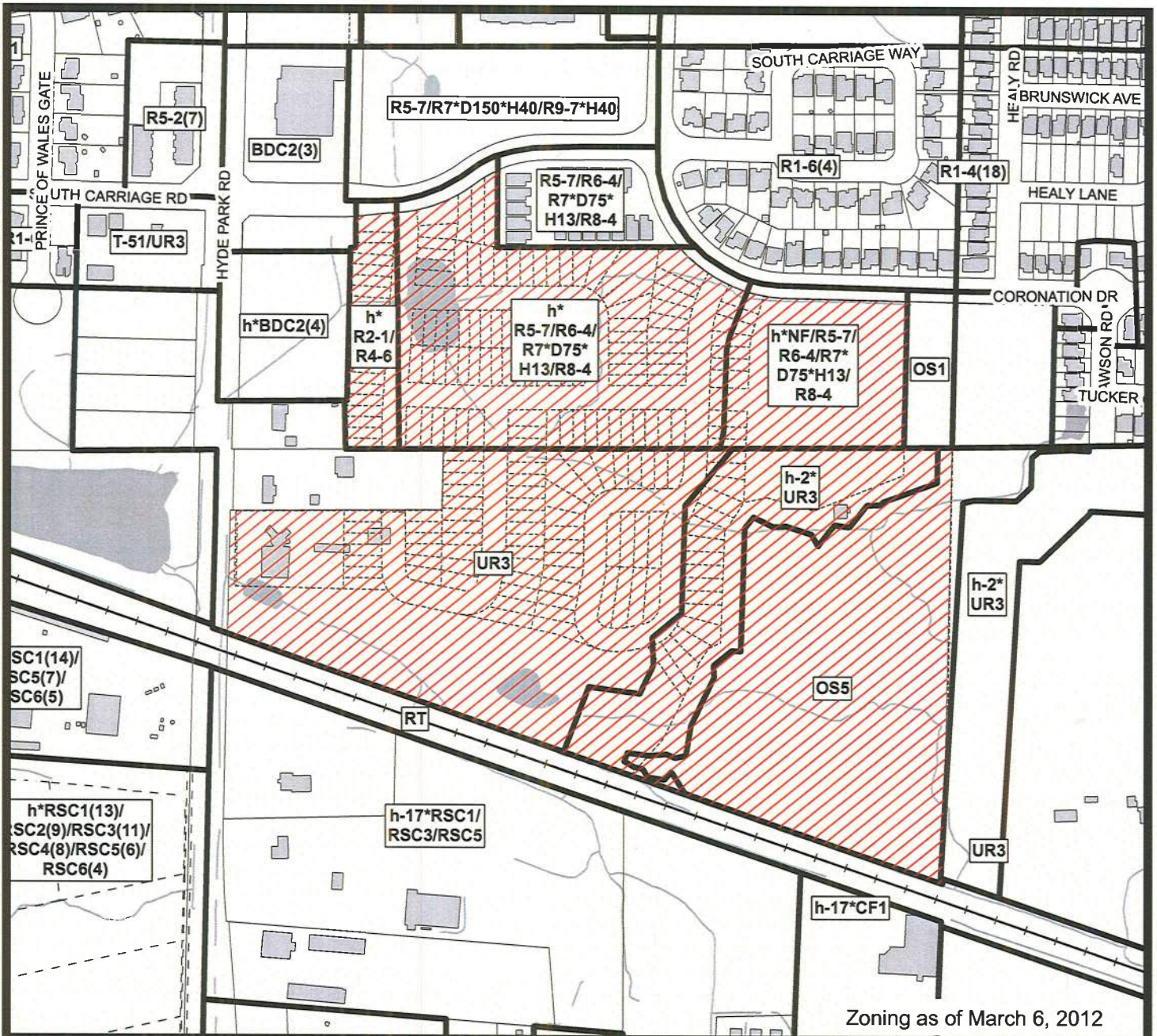
FILE NUMBER: 39T-08502

PLANNER: AM

TECHNICIAN: JS

DATE: MARCH 14, 2012

PREPARED BY: Graphics and Information Services



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

- R1 - SINGLE DETACHED DWELLINGS
- R2 - SINGLE AND TWO UNIT DWELLINGS
- R3 - SINGLE TO FOUR UNIT DWELLINGS
- R4 - STREET TOWNHOUSE
- R5 - CLUSTER TOWNHOUSE
- R6 - CLUSTER HOUSING ALL FORMS
- R7 - SENIOR'S HOUSING
- R8 - MEDIUM DENSITY/LOW RISE APTS.
- R9 - MEDIUM TO HIGH DENSITY APTS.
- R10 - HIGH DENSITY APARTMENTS
- R11 - LODGING HOUSE

- DA - DOWNTOWN AREA
- RSA - REGIONAL SHOPPING AREA
- CSA - COMMUNITY SHOPPING AREA
- NSA - NEIGHBOURHOOD SHOPPING AREA
- BDC - BUSINESS DISTRICT COMMERCIAL
- AC - ARTERIAL COMMERCIAL
- HS - HIGHWAY SERVICE COMMERCIAL
- RSC - RESTRICTED SERVICE COMMERCIAL
- CC - CONVENIENCE COMMERCIAL
- SS - AUTOMOBILE SERVICE STATION
- ASA - ASSOCIATED SHOPPING AREA COMMERCIAL

- OR - OFFICE/RESIDENTIAL
- OC - OFFICE CONVERSION
- RO - RESTRICTED OFFICE
- OF - OFFICE

- RF - REGIONAL FACILITY
- CF - COMMUNITY FACILITY
- NF - NEIGHBOURHOOD FACILITY
- HER - HERITAGE
- DC - DAY CARE

- OS - OPEN SPACE
- CR - COMMERCIAL RECREATION
- ER - ENVIRONMENTAL REVIEW

- OB - OFFICE BUSINESS PARK
- LI - LIGHT INDUSTRIAL
- GI - GENERAL INDUSTRIAL
- HI - HEAVY INDUSTRIAL
- EX - RESOURCE EXTRACTIVE
- UR - URBAN RESERVE

- AG - AGRICULTURAL
- AGC - AGRICULTURAL COMMERCIAL
- RRC - RURAL SETTLEMENT COMMERCIAL
- TGS - TEMPORARY GARDEN SUITE
- RT - RAIL TRANSPORTATION

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

2)  **ANNEXED AREA APPEALED AREAS**

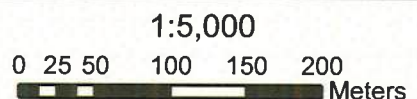
CITY OF LONDON
 PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES

ZONING BY-LAW NO. Z-1
SCHEDULE A



FILE NO:
 39T-08502 AM

MAP PREPARED:
 March 14, 2012 JS



Agenda Item #	Page #

39T-08502/Z-7489/OZ-7510
A. MacLean

commercial lands in this area. Staff advised Mr Knutson that we would review the report in conjunction with the Hyde Park Community Plan - Land Needs Assessment and also with the Hyde Park Business Association to determine if there is sufficient justification to warrant requested land use change;

Note: as of August 31, 2011 staff have not received a commercial justification report from Mr Knutson.

- a review of the proposed lot sizes adjacent to Condominium #611 and lots abutting Coronation Drive to determine if lots with larger frontages could be considered; and,
- rationale as to the preferred design for the internal street pattern proposed for this development.

March 15th at the request of Mr Knutson, we met to discuss the issues and the items we raised in our February 23rd correspondence (above).

April 6th Development Planning staff met with Councillor Matt Brown, Earl Towell, Ashley Conyngham and Hani Haidar (by conference call) to discuss the lot sizes proposed by Kenmore Homes. Minutes of the meeting were forwarded to Mr Knutson on April 14th.

April 21st Land Use Planning Policy staff advised Mr Knutson that in order to carry out a comprehensive study, an Official Plan Amendment (OPA) application would be required for the subject lands and for the adjacent properties to the north on the east side of Hyde Park Rd south of the existing Mainstreet Commercial Corridor(formerly BDC) designation. Any such application should key in on the OP policies in Sections 4.1.1.11 (Expansion of Designation) and 4.5 (Planning Impact Analysis). Planning Policy staff noted that they would need a commercial needs study and an urban design brief to accompany the application. Any application would also need to provide justification as to why the existing Multi-family Medium Density designation is no longer appropriate. The OP amendment application would be processed by our Community Planning and Urban Design Section(at 206 Dundas Street).

Note: as of August 31, 2011 Land Use Planning staff have not received a commercial need study, nor an urban design brief, nor a complete Official Plan amendment application documenting the change in policy Mr Knutson's client is seeking.

May 16th Mr Knutson's formal response to the issues. Included was a request to amend the original application from Mainstreet Commercial Corridor (formerly Business District Commercial) to Auto Oriented Commercial.

June 10th Email from Policy staff to Mr Knutson outlining Official Plan amendment application requirements.

June 14th Mr. Knutson's letter to the BNEC Committee Chair requesting the issues to be brought back before the Committee

July 25th Council resolution requesting Mr. Knutson's letter be placed as a timed item for the September 12th BNEC meeting and that Civic administration be directed to meet with Mr. Knutson and the Hyde Park Business Association prior to the September 12th meeting.

August 24th Staff met with Mr. Knutson from Kenmore Homes and Mr. Brendon

Agenda Item #	Page #

39T-08502/Z-7489/OZ-7510
A. MacLean

Colafranceschi, President of the Hyde Park Business Association to discuss the development of the lands abutting Hyde Park Road. Mr. Colafranceschi indicated they supported the residential subdivisions and had no issues with either more commercial or residential on the lands abutting Hyde Park Road.

September 12th Information report to the Built and Natural Environment Committee on the status of the application.

September 19th At its meeting on September 12th, the Committee requested that staff prepare a report to address the issues identified at the January 2011 BNEC public participation meeting and to provide the Committee with clear direction to advance the proposed Subdivision, Official Plan and Zoning By-law amendments which are under consideration.

December 7th Applicant submitted a revised draft plan for consideration. Draft plan liaised on December 14th.

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

See comments in the attached January 31, 2011 report to the Built and Natural Environment Committee.

PUBLIC LIAISON:	On December 14 th , 2011, notice was 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.	Four replies from the most recent circulation (in addition see responses from Jan 31, 2011 staff report)
<p>Nature of Liaison: Consideration of a Residential Plan of Subdivision with 199 single detached lots, one(1) school block, one(1) open space block and one(1) commercial block served by four (4) new local streets.</p> <p>Possible Amendment to the Official Plan to change the designation of Block 203 (as shown on the Proposed Plan) FROM Multi-Family, Medium Density Residential TO Business District to allow small-scale retail uses; furniture and home furnishing stores; home improvement stores; hardware stores; food stores; convenience commercial uses; personal and business services; pharmacies; restaurants; commercial recreation establishments; financial institutions; funeral homes; automotive services; small-scale offices; correctional and supervised residences; institutional uses; animal hospitals; and residential uses.</p>		

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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 Urban Reserve(h-2 UR3) Zone; an Urban Reserve (UR3) Zone, an Open Space (OS5) Zone; a Compound Holding Residential R2/R4 (h-R2-1/R4-6) Zone, a Compound Holding Residential R5/R6/R7/R8 (h-R5-7/R6-4/R7-D75-H13/R8-4) Zone and a Compound Holding Neighbourhood Facility/Residential R5/R6/R7/R8 (h-NF/R5-7/R6-4/R7-D75-H13/R8-4) Zone **TO:**

- a Holding Residential Special Provision R1 (h-R1-3 (4)) Zone which permits single detached dwellings with a minimum lot frontage of 10 metres and a minimum lot area of 300m² with special provisions for reduced frontyard and sideyard setbacks;
- a Holding Residential Special Provision R1 (h-R1-3 (8)) Zone which permits single detached dwellings with a minimum lot frontage of 11 metres and a minimum lot area of 300m² with a special provision to permit reduced frontyard setback;
- a Holding Residential Special Provision R1 (h-R1-13 (6)) Zone which permits single detached dwellings with a minimum lot frontage of 9 metres and a minimum lot area of 270m² with special provisions for reduced front and exterior sideyards;
- a Compound Holding Neighbourhood Facility/Residential Special Provision R1 (h-NF1/R1-3(4)) Zone which permits in addition to the uses listed above, uses such as elementary schools, churches, daycare centres, private clubs;
- a Holding Business District Special Provision (h-BDC2(4)) Zone which permits a wide range of Business District Commercial uses including, but not limited to, animal hospitals; apartment buildings, with any or all of the other permitted uses on the first floor; bake shops; clinics; commercial recreation establishments; commercial parking structures and/or lots; converted dwellings; day care centres; dry cleaning and laundry depots; financial institutions; grocery stores; laboratories; libraries; offices; personal service establishments; private clubs; restaurants; retail stores; convenience stores; assembly halls; churches; community centres; funeral homes; institutions; schools; and fire halls.

Note: the special provision requested for this zone would have the effect of waiving the requirement for a maximum front yard depth of 3.0 metres

- Open Space (OS4 and OS5) Zones which permits uses such as golf courses; private parks; public parks; recreational golf courses; Sports fields (all without structures); cultivation or use of land for agricultural/horticultural purposes; conservation lands; conservation works; passive recreation uses which include hiking trails and multi-use pathways; managed woodlots.

The holding provision is being applied to ensure the orderly development of lands and the adequate provision of municipal services; the "h" symbol shall not be deleted until a subdivision agreement or development agreement is entered into for the lands in question with the City of London.

Responses: lot sizes adjacent to Coronation Drive and existing condo development, orientation of lots fronting South Carriage Rd, impacts on property values (In addition see responses in Jan 31, 2011 staff report)

ANALYSIS

As noted in the Planning History Section of this report, Council directed staff prepare a report to address the issues identified at the January 2011 BNEC public participation meeting and to provide the Committee with clear direction to advance the proposed Subdivision, Official Plan and Zoning By-law amendments which are under consideration.

Agenda Item #	Page #

39T-08502/Z-7489/OZ-7510
A. MacLean

JANUARY 2011 DEFERRAL

Request for Land Use Designation Change

As part of Kenmore Homes original 2008 development proposal an application was submitted to change the designation of the front portion of the subject lands (Block 203 abutting Hyde Park Road – formerly the Hyde Park Garden Centre) from Multi-Family Medium Density Residential (MFMDR) to Business District Commercial (BDC). Since the 2008 application there were amendments to the Official Plan, as a result of the 5 year review, and the “Business District Commercial” designation was replaced with the “Mainstreet Commercial Corridor” designation. This new designation builds on the previous BDC designation policies in an attempt to strengthen these areas by encouraging infilling and redevelopment which conforms to the existing form of development and to improve the aesthetics of the business area. The policies provide guidance to ensure that issues such as urban design including building texture, setback, accessibility and inclusion of common parking facilities are addressed through the Zoning By-law and Site Plan Approval processes. Given the amendments to the Official Plan, the applicant’s request to change the designation of these lands was reviewed on the basis of the new “Mainstreet Commercial Corridor” designation policies.

In the January 2011 staff report, the BNE Committee was advised that although a commercial use currently existed on the site, the requested designation change to Mainstreet Commercial Corridor is not consistent with the policies as this lone commercial use would not form part of a continuous pedestrian oriented commercial block. Further, the request to change the land use policy to recognize the nursery was inappropriate as a nursery is not a permitted use in the Mainstreet Commercial Corridor designation. It should be noted that the Hyde Park Garden Centre has since closed operations and the site no longer operates a commercial use. Staff also advised the Committee that this property could not be considered as an expansion to the Mainstreet Commercial Corridor as the lands immediately to the north are designated Multi-family Medium Density Residential. In order to determine if the MFMDR designation in this area should be changed, adjacent lands to the north would need to be included in a comprehensive review to determine if it is appropriate to consider an expansion to the Mainstreet Commercial Corridor designation. The land owners had not approached the City to amend the policies and Mr Knutson did not have authorization to act of their behalf.

Based on the current situation, staff advised the Committee that the Multi-family Medium Density Residential designation at this location remains appropriate and consistent with the designations immediately to the north and along the west side of Hyde Park Road. Medium density residential development at this location would assist in supporting the existing and proposed commercial developments within the existing Mainstreet Commercial Corridor area along the east side of Hyde Park Road further north of the subject lands. For these reasons, staff recommended that the existing Multi-family Medium Density Residential designation be maintained on this block.

At the January 31st public meeting, Mr Knutson disagreed with staff’s recommendation and requested that further consideration be given to their requested land use change. In subsequent meetings with Mr Knutson, Development Planning staff advised that the Mainstreet Commercial Corridor designation did not permit the garden centre use(which existed at that time at 1331 Hyde Park Rd). As a result Mr. Knutson advised in his May 16 correspondence his request to amend the original application from Mainstreet Commercial Corridor (formerly Business District Commercial) to Auto Oriented Commercial.

As this is an Official Plan policy issue, Development Planning staff met with Land Use Planning Policy staff to discuss how to proceed with this deferral. Policy Planning staff subsequently provided the applicant with the following background information on this area.

When the Hyde Park Community Plan was completed in 2000, the BDC designation was bounded by roads and a railway on all four quadrants. The designation was intended to build on the pedestrian “village centre character” of the Hamlet. In this quadrant the BDC designation (now Main Street Commercial) was applied to properties fronting Hyde Park Road south to South Carriage Road. The remainder of the lands were designated Multi

Agenda Item #	Page #

39T-08502/Z-7489/OZ-7510
A. MacLean

Family Medium Density Residential south of South Carriage Road to the CPR Tracks. Only one property owner (Mr. Preparos, 1407 Hyde Park Road) disagreed with the proposed designation and through his agent he was successful in extending the designation to the southerly limit 1407 Hyde Park Rd but only at a depth consistent with commercial uses north of South Carriage Rd.

Policy staff advised Mr Knutson that a site specific Official Plan designation for commercial uses in this area would not be supported by staff. They advised that a comprehensive review of all remaining lands including 1319, 1331, 1351, 1357 and 1369 Hyde Park Road would be required to determine if the extension of commercial uses over these lands would be appropriate. For this reason it was determined that the request could not be considered under the original 2008 application.

Mr Knutson was advised of the following options to proceed:

- Given the changes to the original application (to include additional lands) a new OP/ZBA application (including new fees) should be submitted for consideration. This would also require obtaining concurrence from the other affected landowners to proceed on their behalf. A commercial justification report must be submitted in support of the application. Mr Knutson was also advised that an urban design brief may also be required in support of any application to amend the Official Plan or Zoning By-law for these lands. A complete list of all necessary reports/studies would be identified at the pre-application stage through the submission of a Proposal Summary Report.
- Submit a formal request to Gregg Barrett, Manager of Land Use Planning Policy requesting consideration for the proposed designation change as part of the 2011 Official Plan Review.

Prior to the September 12th BNEC meeting, the applicant recently provided a justification report in support of the proposed designation change. Staff has yet to carry out a formal review of the report to determine if it contains sufficient information to justify a change of the land use designation for this block.

As requested by Council, on August 24th Development Planning Staff met with Mr Knutson and Mr Brendan Colafranceschi (President of the Hyde Park Business Association) to discuss the proposed land use designation of these lands from Multi-family Medium Density Residential to commercial. At that meeting, Mr. Colafranceschi had no issues with either commercial or residential being developed on the lands abutting Hyde Park Road recognizing that Kenmore Homes only has control of one of the three properties.

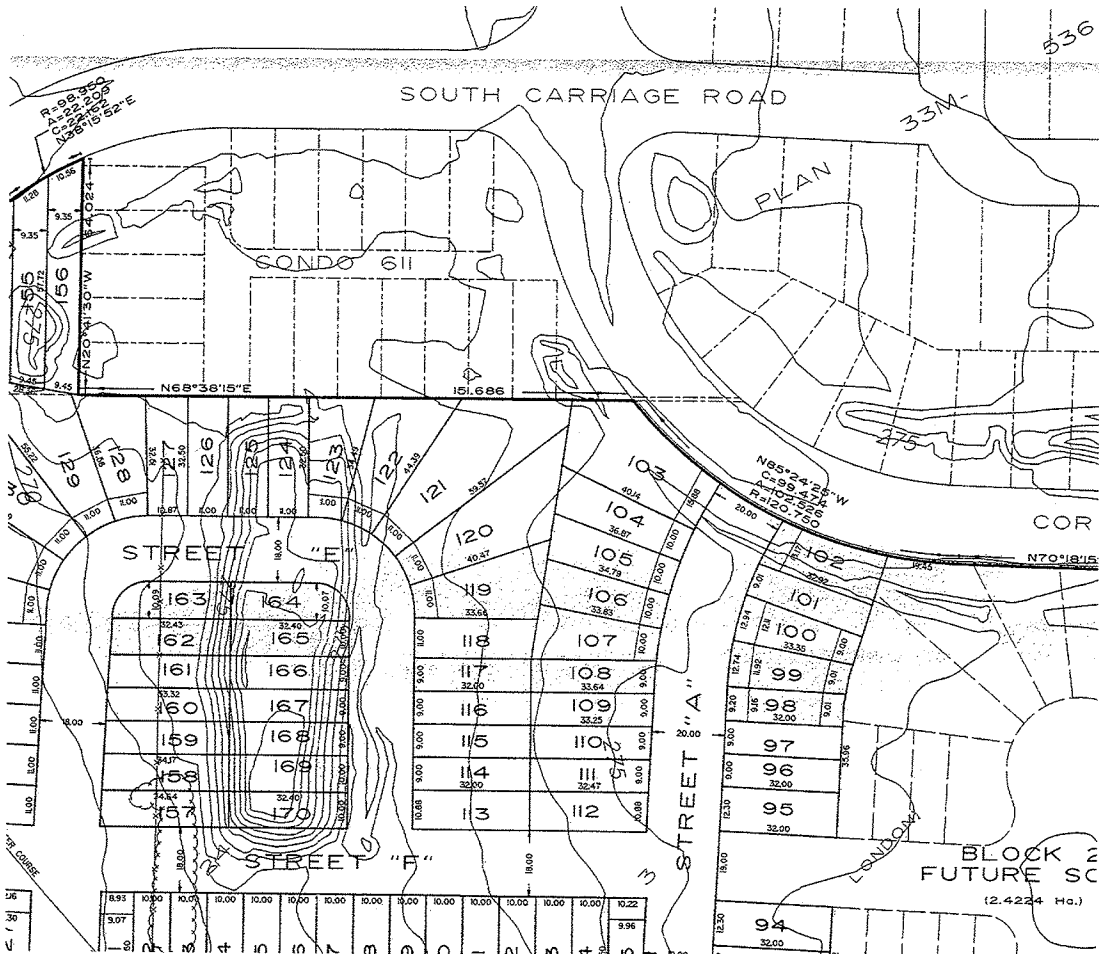
It should also be noted that an Environmental Assessment (EA) is currently underway for this section of Hyde Park Road and the existing multi-family medium density residential land use designation which applies to these lands is being used to determine the impacts of road widening in this area (ie amount of land required, access points, etc.). Should the designation of these lands change, EESD-Transportation staff should be consulted to include the change in the EA.

At the September 12th BNEC meeting, Mr Knutson agreed to proceed with the refusal of Kenmore's requested commercial land use designation provided an application is initiated by the City to review their lands in conjunction with adjacent lands to determine if a commercial land use designation is appropriate in this area. On September 19, 2011, Council directed staff to carry out a review of the designation of lands along Hyde Park Road, as determined by the City Planner, to determine the appropriate land use designation for this area and to further initiate any necessary Official Plan amendment application for these lands if it is determined that a change is warranted.

Lot Sizes

As noted above, on Wednesday April 6th, 2011 Development Planning staff met with Councillor Matt Brown, Earl Towell, Ashley Conyngham and Hani Haidar (by conference call) to discuss proposed lot sizes within the above noted draft plan proposed by Kenmore Homes. In particular, the issue that was discussed related to the northern limit of this draft plan where it abuts Coronation Drive and the existing condo development abutting South Carriage Rd (MCC 611).

**Area of Concern
(Lots 121-128 and Lots 95-112)**



The issue raised by the area residents is if this area is to develop with lots that have smaller lot frontages (i.e. 9,10 and 11 metres) than exist in the current neighbourhood to the north (15 + metres) then this will have a negative impact on the value of their homes. The area residents have proposed that lots on Street A (lots 95 to 112) be increased from the proposed lot frontages ranging from 9-15 metres, to a minimum of 16 metres to allow for the potential for similar size houses to be constructed. It is the residents' position that this minor change to the plan will allow for a proper transition between the existing lot fabric north of Coronation Drive and the lot fabric in the proposed draft plan. Staff did advise those present that these lands (in particular the lands abutting Coronation Drive) currently have a draft approved plan and approved zoning which would permit various forms of development including low rise apartments at a maximum density of 75 units per hectare.

With respect to the lots proposed on Street "E" abutting MCC 611(lots 121-128), it was acknowledged that the lots sizes in this area are similar to the units within the vacant land condominium, however, concern was raised regarding the size of houses which may be constructed on these lots and the potential negative impact on this existing development. The request made was for consideration to provide for a modest increase (i.e. 1 to 2 metres) of the frontage of these lots to allow for the potential for similar size housing in this area.

Agenda Item #	Page #

39T-08502/Z-7489/OZ-7510
A. MacLean

These comments were forwarded to Mr Knutson on April 14th, 2011 and staff requested that he discuss these issues with his client and advise. Mr Knutson responded in his letter of May 16th noting that Kenmore Homes does not build a product line that can benefit from larger lots. He noted that his client respectfully declines any proposal to amend the draft plan plan to create lots that it will have no use for and that will not be in accordance with the general lot sizes in the subdivision. It should be noted that with the most recent redesign, the applicant has requested that the lots adjacent to Street "A" be zoned R1-3(4) in place of the original R1-13(6) request. Based on this change the lots in this area will have a minimum lot frontage of 10 metres and a minimum lot area of 300 sqm (rather than a 9 m frontage and a 270 sqm lot area as permitted under the R1-13(6) zone).

Development Planning staff support the applicant's position. The new design and lot configuration provides for a reasonable range of lot sizes which will be compatible with surrounding development. Further, staff have no information to support the notion that varying lot sizes and housing types have a negative impact on adjacent property values.

Subdivision Design

Development Planning staff noted in their January 31st report to BNEC that a redesign to the internal road pattern should be considered in order to provide for an overall improved vehicular and pedestrian circulation for the subdivision and the area. Staff recommended that the draft plan be redlined so that the easterly limit of Street B be connected to Street A. It is staff's position that this will provide for better vehicular and pedestrian circulation and in the long term it will provide for a continuous street from Coronation Drive to South Carriage Road. It should also be noted that staff's redline amendment is based on the original road pattern submitted by the applicant in 2008.

Mr Knutson noted in both his May 16th and June 14th correspondence that for reasons relating to marketability, livability and value, the original Kenmore plan is their preferred plan noting that there is no City policy directing any particular street pattern. They also note that their original design results in a shorter road length by approximately 82 metres which represents greater value with its enhanced privacy and reduced traffic. Conversely, staff note that an increase of 82 metres of street length would provide for an increase of saleable lot frontage which could result in greater returns for the owner.

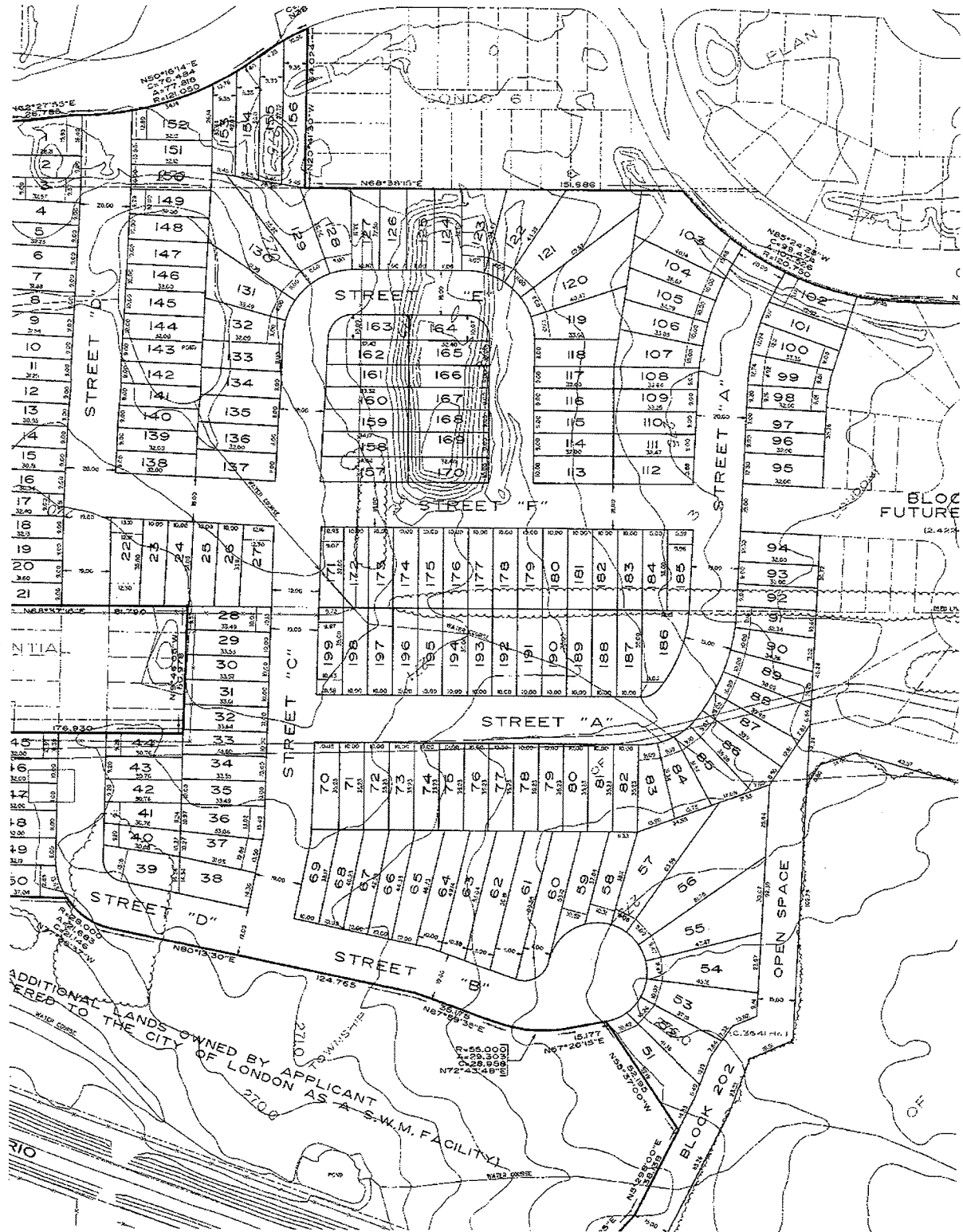
EESD Transportation staff have reviewed both designs and they have concluded that the subdivision design proposed by Development Planning will not generate any noticeable increase in traffic volume or create higher speeds than the applicants' proposal. It is their opinion that with the City's revised street pattern traffic volume will be more evenly spread between the local streets because the loop design provides more access to the southerly part of the subdivision. The greatest impact will be on Street 'C' which, until Street 'D' is extended through the remnant parcel, is the only access to the southerly part of the subdivision proposed by the applicant.

Although straighter longer sections of road can create an environment conducive to motorists increasing speed, they don't anticipate speeds on this local street to be any different with either design than speeds found on typical local streets throughout the City, as most subdivisions usually have long straight sections of streets. EESD-Operations staff also noted that if a cul-de-sac is to be approved then a short "throat" would be their preference due to the longer time frame required to plough cul-de-sacs. The City's proposed redesign includes a short cul-de-sac.

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39T-08502/Z-7489/OZ-7510
A. MacLean

Kenmore's 2010 Proposed Street Pattern



Agenda Item #	Page #

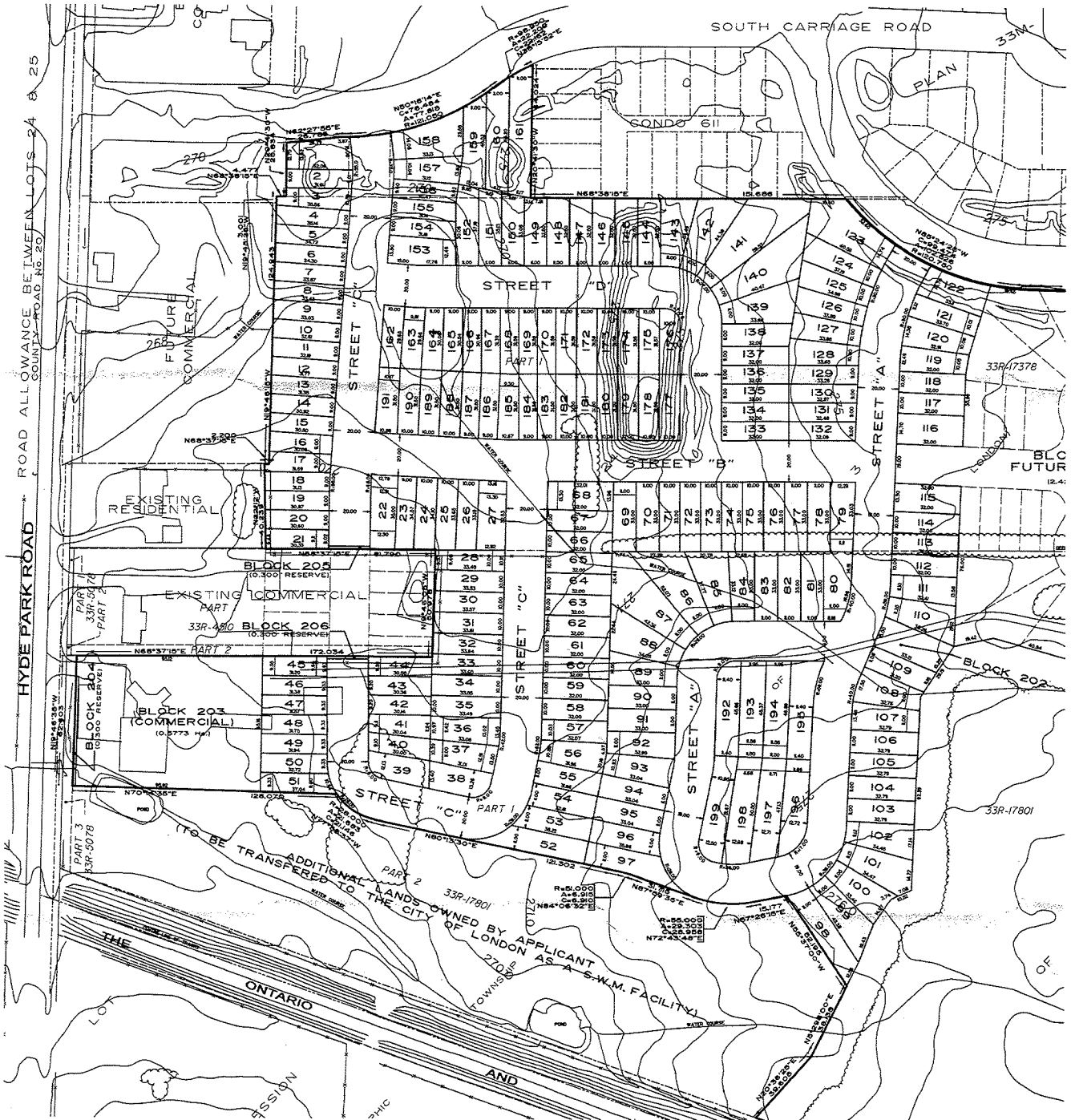
39T-08502/Z-7489/OZ-7510
A. MacLean

Staff's Proposed Realignment of Streets A and B



The applicant continued to have issues with staff's redline amendments and as a result staff worked with the applicant to review other design options for this draft plan. Based on these discussions the applicant proposed a revised design which was circulated to the public on December 14th 2011.

December 2011 Revised Design



The main differences between the most recent revised design and the applicants original proposal is a revision to the design of the crescent(Street "D") at the north limit of the plan and the inclusion of a "P" loop Street (Street "A") at the south east portion of the plan. The proposed "P" loop street eliminates the need for a cul-de-sac at this location and continues to provide for a window street frontage to the SWM block. The main issues relating to this latest design was how to accommodate overland flows to the SWM facility and how to accommodate the pathway which runs along the northern boundary of the swm block.

The original design included a window street at this location (across the full frontage of the SWM block) and the revised design eliminated a portion of the window street. This change impacts the overland flow routes, the outlet to the swm pond and the pathway location. In discussions with the applicant's agent and his consulting engineer it was concluded that the most appropriate way to maintain overland flows and to eliminate any impact to the outlet was to remove lots 52 and 97. The removal of lots 52 and 97 also provides sufficient room to address

the location of the multi-use pathway. Based on the above, staff recommend approval of this third alternative design with a redline amendment to remove lots 52 and 97. To ensure the overland flow route and pathway function it is also recommended that this area be zoned OS4. Should Council not support staffs recommendation, staff recommend that their redline revision to the original subdivision design (see page 14) be approved subject to the original conditions of draft approval as noted in the January 31st staff report.

Lot Mix

The lot mix proposed by the applicant in their new design is as follows:

Frontage	Number of Lots	% of Total
9-10 m	77	39%
10-11 m	56	29%
11m +	60	32%
Total	195	100%

Based on the above, the proposed lot mix is appropriate as it allows for more choice to builders and future homeowners in this area. Development Planning staff are of the opinion that the revised draft plan with the recommended red line revisions represents good land use planning.

PARKLAND DEDICATION

Based on the revised draft plan some minor revisions to the parkland dedication for this subdivision are required. The following table illustrates the parkland dedication breakdown for this subdivision based on the most recent submission:

Parcel	Area	Parkland Dedication Rate	Total
Access Block	0.052 ha	1:1	0.052 ha
Site Triangle at lot 51	0.004 ha	1:1	0.004 ha
Woodlot	6.099 ha	15:1	0.407 ha
Total Dedication Provided			0.463 ha
Parkland Dedication Required			0.426 ha
Over dedication			0.037 ha

Based on the size of these blocks and the new parkland dedication rate, the total parkland dedication provided within this subdivision would amount to 0.463 hectares. This would result in an over dedication of 0.037 ha which would need to be purchased by the City at a rate of \$370, 650 per hectare (or \$13,714).

PUBLIC ISSUES

Impacts to Existing Residents at 1144 Coronation Drive

A number of residents at 1144 Coronation Drive (existing condominium development to the east of lot 161) expressed concern that lot 161 flanks their development and as a result the house that can be constructed on this lot will be too close to their backyards which will negatively impact on their privacy and ultimately have an impact on their property values. The proposed configuration of this lot has not changed since the original application in 2008. The Zoning By-law regulates the sideyard setback for dwellings to ensure that there is proper separation between lot lines and dwellings. In this instance, based on the configuration of the parcel and the alignment of South Carriage Road it is not possible to adjust lot 161 to avoid this issue. This is not an uncommon situation as every corner lot in the City has the potential to flank adjacent properties.

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39T-08502/Z-7489/OZ-7510
A. MacLean

South Carriage Road Cost Sharing

As noted in the January 31st 2011 staff report, the landowner/developer to the north, Sydenham Investments, was required to construct South Carriage Road at the time the lands to the north were developed. Sydenham Investments has requested that a one (1) foot reserve be placed along the northern limit of this draft plan (where it abuts South Carriage Road) to restrict access to the collector road. This one (1) foot reserve would be lifted when Kenmore Homes has paid its share of the costs of land and construction of South Carriage Road. Sydenham Investments has also requested that a holding provision be applied to these lands to prohibit development until such time as the one (1) foot reserve has been lifted.

Sydenham Investments have advised that half their cost to construct this portion of South Carriage Road (including land costs) was \$111, 987.28. Staff have reviewed the costs provided by Sydenham Investments and are satisfied that they are reasonable. To address this cost sharing issue, it is recommended that a condition of draft approval be included which requires the Owner, prior to Final Approval of an phase within this draft plan of subdivision, provide certification from Sydenham Investments Inc. to the City of London that they have reimbursed Sydenham Investments in the amount of \$111, 987.28 which represents half the cost of the land and construction of this portion of South Carriage Road. Since this is required prior to issuing final approval of any phase within this subdivision, the lots cannot be created. As a result there is no need to create a one (1) foot reserve along the frontage of South Carriage Road or a special holding provision for the lots in this area.

Development Planning staff are of the opinion that the City should not be involved in "best efforts" agreements where two property owners benefit from a roadway serving two property owners. The proposed condition of draft approval is a fair and reasonable condition to be applied in this situation.

Redline Revisions to Draft Plan




- Eliminate lots 52 and 97
- Create access blocks for lots 20 & 21 and 45 & 46
- Revise streetline radii to meet City standards on all roads within this plan
- Revise Street 'A' (adjacent to Lot 192-195) to connect into Street 'A' at 90 degrees with a minimum 6 metre tangent
- Adjust alignment of Street 'A', north and south of Street 'B' to accommodate a taper from 20 metre right-of-way width to 19.0 metre right-of-way width south of Street 'B'
- Revise lands outside this plan to be owned by the City and remove note "Additional lands owned by the applicant to be transferred to the City"

CONCLUSION

The subject lands are being developed in accordance with Official Plan Policy and the Hyde Park Community Plan. Holding Provisions will ensure that the plan develops with adequate municipal services. Approval of this redline revised Draft Plan of Subdivision and associated Zoning By-law amendments is appropriate and is considered to be good land use planning.

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39T-08502/Z-7489/OZ-7510
A. MacLean

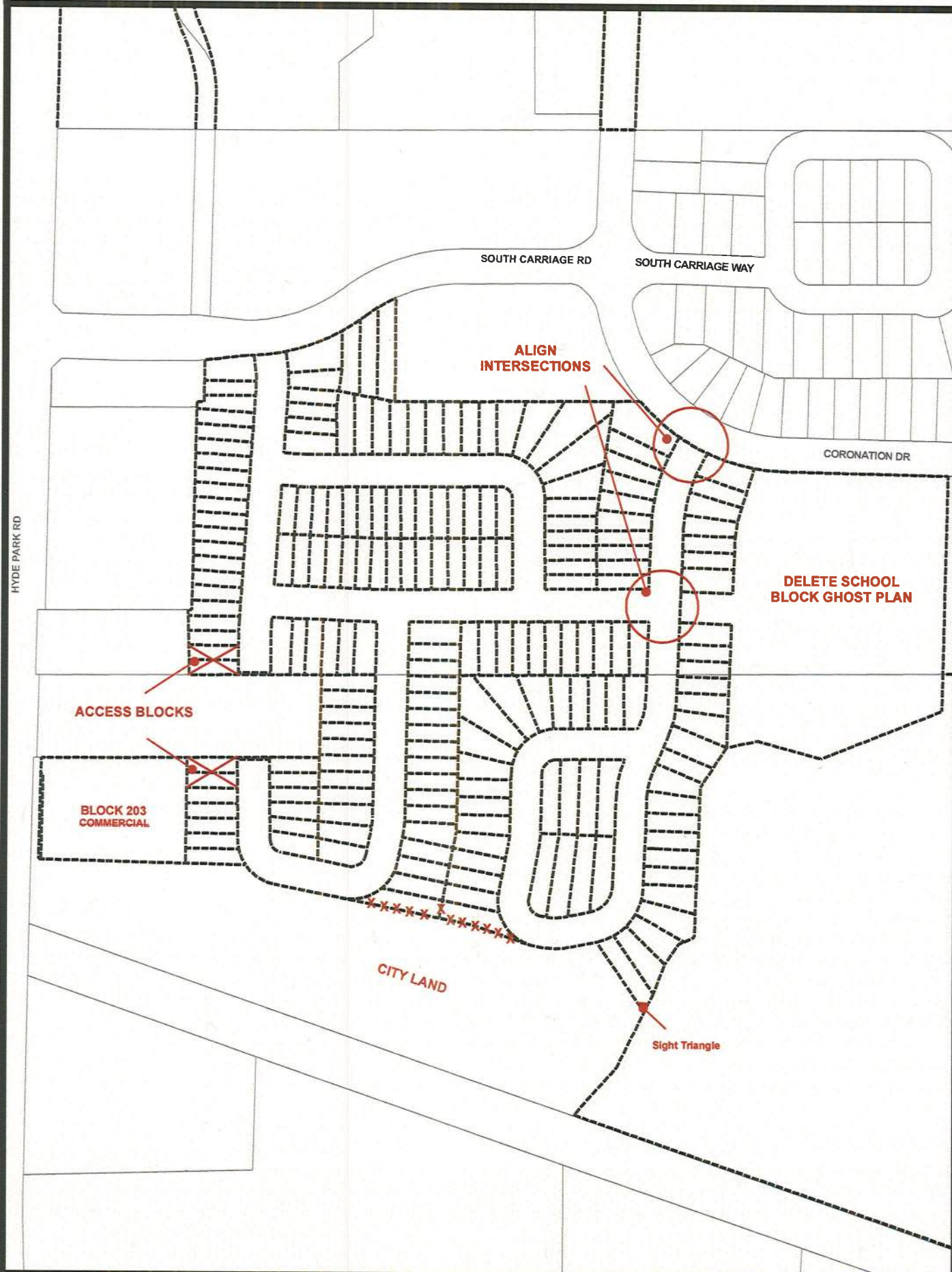
RECOMMENDED BY:	REVIEWED BY:
	
ALLISTER MACLEAN SENIOR PLANNER DEVELOPMENT PLANNING	D.N. STANLAKE DIRECTOR - DEVELOPMENT PLANNING
SUBMITTED BY:	
	
GEORGE KOTSIFAS DIRECTOR OF BUILDING CONTROLS AND CHIEF BUILDING OFFICIAL	

March 15, 2012
AM/am
"Attach."

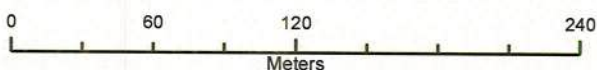
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KENMORE HOMES (39T-08502) REDLINE AMENDED DRAFT PLAN



1:3,000



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

<u>Telephone</u>	<u>Written</u>
	<p>Norma Spearing</p> <p>Proposed homes too close(flanking) to existing development at 1144 Coronation Drive</p> <p>Traffic concerns from homes fronting South Carriage Rd</p> <p>Impacts on property values</p>
	<p>Wanda Oatman</p> <p>Concerned about the type of homes and narrow lots. Worried that these homes would have a negative effect on the value of the homes in this area.</p> <p>Proposed plan is no better that the plan from 2011(in terms of lot sizes).</p> <p>Lots flanking 1144 Coronation Drive will negatively impact existing home owners (new houses will be too close to their rear yards). These new houses adjacent to the backyard of 1144 Coronation Drive will negatively affect enjoyment of their property in the future.</p>
	<p>Earl Towell</p> <p>Opposed the location of the school lot as well as the small lot sizes on the northern section of Street A,</p> <p>Lot sizes directly affect the value of homes. Requests that the developer provide a “buffer zone” of the lots on Street A from it’s northern most point to it’s first cross street by making those lot sizes fifteen metres wide.</p>
	<p>Jackie Simmons</p> <p>Appears that the builder has changed the plan so that the sides of the yards of the new houses will run alongside our existing back yards(at 1144 Coronation Drive). This will give neither the proposed new homes, but particularly our condos, which of course is my main concern, no privacy. This will negatively impact property values</p>

Agenda Item #	Page #

39T-08502/Z-7489/OZ-7510
A. MacLean

APPENDIX "A"

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

By-law No. Z.-1-11_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 255 South Carriage Road and 1331 Hyde Park Road.

WHEREAS Kenmore Homes (London) Inc. have applied to rezone an area of land located at 255 South Carriage Road and 1331 Hyde Park Road, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 255 South Carriage Road and 1331 Hyde Park Road, as shown on the attached map from a Holding Urban Reserve (h-2·UR3) Zone; an Urban Reserve (UR3) Zone, an Open Space (OS5) Zone; a Compound Holding Residential R2/R4 (h·R2-1/R4-6) Zone, a Compound Holding Residential R5/R6/R7/R8 (h·R5-7/R6-4/R7·D75·H13/R8-4) Zone and a Compound Holding Neighbourhood Facility/Residential R5/R6/R7/R8 (h·NF/R5-7/R6-4/R7·D75·H13/R8-4) Zone to a Holding Residential R1 Special Provision (h· h-100·R1-3(4)) Zone; a Holding Residential R1 Special Provision (h· h-100·R1-3(8)) Zone; a Holding Residential R1 Special Provision (h·h-100·R1-13(6)) Zone; Holding Residential R1 Special Provision/Neighbourhood Facility (h·h-100·R1-3(4)/NF) Zone; a Holding Urban Reserve Special Provision (h-108·UR3()) Zone; an Open Space (OS4) Zone and an Open Space (OS5) 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 section 34 of the *Planning Act, R.S.O. 1990, c. P.13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on April 10, 2012.

Joe Fontana
Mayor

Agenda Item #

Page #

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39T-08502/Z-7489/OZ-7510
A. MacLean

Cathy Saunders
City Clerk

First Reading - April 10, 2012
Second Reading - April 10, 2012
Third Reading - April 10, 2012

Agenda Item #	Page #

39T-08502/Z-7489/OZ-7510
A. MacLean

APPENDIX 39T- 08502
(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-08502 ARE AS FOLLOWS:

NO.	CONDITIONS
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Standard

1. This draft approval applies to the draft plan submitted by Kenmore Homes (London) Inc. (File No. 39T-08502 prepared by Archibald, Gray & McKay Ltd, certified by Bruce Baker, OLS (Drawing No. 9-L-3755, dated December 1, 2011), **as redline revised** which shows 193 single detached lots, one (1) school block, one (1) open space block, one (1) multi-family residential block; two (2) future access blocks, one (1) pathway block and various reserve blocks served by one (1) collector road and five (5) new local streets.
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 City.
5. The Owner shall request that addresses be assigned to the satisfaction of the City 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. Phasing of this subdivision(if any) shall be to the satisfaction of the City.
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.
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.

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39T-08502/Z-7489/OZ-7510
A. MacLean

13. 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 City. The Owner acknowledges that, in the event that a submission does not include the complete information required by the City, 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 obtain and submit to the City a letter of archaeological clearance from the Southwestern Regional Archaeologist of the Ministry of Culture. The Owner shall not grade or disturb soils on the property prior to the release from the Ministry of Culture.
16. 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.)

Sanitary

17. 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 a sanitary drainage area plan, including any external drainage area(s) and the proposed sanitary routing, to the satisfaction of the City;
 - ii) Provide an analysis which shall indicate the water table level of lands within the subdivision with respect to the 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.
18. In accordance with City standards or as otherwise required by the City, 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 450 mm (18") diameter sanitary sewer located on South Carriage Road and the 375 mm (15") diameter sanitary sewer on Coronation Drive;
 - ii) The Owner shall construct an extension of the sanitary sewer on Hyde Park Road to serve Block 203 (the southerly portion of the site) and connect the proposed extension to the existing 200 mm (8") diameter sanitary sewer on Hyde Park Road;
 - iii) Make provisions for oversizing of the internal sanitary sewers in this draft plan to accommodate flows from the upstream lands external to this plan, all to the satisfaction of the City. This sewer must be extended to the limits of this plan and/or property line to service the upstream external lands; and
 - iv) 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. The local sanitary sewer will be at the sole cost of the Owner. Any exception will require the approval of the City.

Agenda Item #	Page #

39T-08502/Z-7489/OZ-7510
A. MacLean

13. 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 City. The Owner acknowledges that, in the event that a submission does not include the complete information required by the City, 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.)

Sanitary

16. 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 a sanitary drainage area plan, including any external drainage area(s) and the proposed sanitary routing, to the satisfaction of the City;
 - ii) Provide an analysis which shall indicate the water table level of lands within the subdivision with respect to the 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.
17. In accordance with City standards or as otherwise required by the City, 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 450 mm (18") diameter sanitary sewer located on South Carriage Road and the 375 mm (15") diameter sanitary sewer on Coronation Drive;
 - ii) The Owner shall construct an extension of the sanitary sewer on Hyde Park Road to serve Block 203 (the southerly portion of the site) and connect the proposed extension to the existing 200 mm (8") diameter sanitary sewer on Hyde Park Road;
 - iii) Make provisions for oversizing of the internal sanitary sewers in this draft plan to accommodate flows from the upstream lands external to this plan, all to the satisfaction of the City. This sewer must be extended to the limits of this plan and/or property line to service the upstream external lands; and
 - iv) 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. The local sanitary sewer will be at the sole cost of the Owner. Any exception will require the approval of the City.

Agenda Item #	Page #

39T-08502/Z-7489/OZ-7510
A. MacLean

18. In order to prevent any inflow and infiltration from being introduced to the sanitary sewer system, the Owner shall:
- 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.
19. Prior to registration of this Plan, the Owner shall obtain consent from the City Engineer to reserve capacity at the Oxford 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.

Storm and Stormwater Management

20. In conjunction with the Design Studies submission, the Owner shall have his consulting engineer prepare and submit a Storm/Drainage and a SWM Servicing Report/Letter of Confirmation to address the following:
- i) Identify the storm/drainage and SWM servicing works for the subject lands, 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;
 - 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;
 - v) Provide a preliminary plan how the proposed grading and road design will match the grading of the existing Stormwater Management Facility; and,
 - vi) Provide an overland flow capacity analysis and recommend any proposed modifications to the outlet into the east cell of the Hyde Park No. 1B1 SWM facility. Any modifications to the existing overland flow inlet of the SWM facility will be undertaken by the City or its contractor to the satisfaction of the City and all costs associated with potential modifications will be borne by the Owner.

Agenda Item #	Page #

39T-08502/Z-7489/OZ-7510
A. MacLean

21. The required Storm/Drainage and SWM Servicing Report/Letter of Confirmation Design Studies submission 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 Stanton Drain Subwatershed Study and any addendums/amendments;
 - ii) The accepted Hyde Park Community Storm Drainage and Stormwater Management Servicing Schedule 'B' Class Environmental Assessment and any addendums/amendments;
 - iii) The approved Functional Stormwater Management Plan for Hyde Park SWM Facility 1 and the approved Stormwater Management Functional Design Report for the Hyde Park SWM Facility 1B1, or any updated Functional Stormwater Management Plan;
 - iv) The requirements of the Hyde Park Road Improvements Environmental Assessment;
 - v) The accepted Stormwater Letter of Confirmation prepared in accordance with the file manager process and requirements for the subject development.
 - vi) The City of London Environmental and Engineering Services Department Design Specifications and Requirements, as revised;
 - vii) The City's Waste Discharge and Drainage By-laws, lot grading standards, Policies, requirements and practices;
 - viii) The Ministry of the Environment SWM Practices Planning and Design Manual, as revised; and
 - ix) Applicable Acts, Policies, Guidelines, Standards and Requirements of all required approval agencies.
22. In accordance with City standards or as otherwise required by the City, 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 Stanton Subwatershed, and connect them to the existing municipal storm sewer system, namely, the 1800 mm (72") diameter storm sewer located on South Carriage Road and the 1500 mm (60") diameter storm sewer on Coronation Drive;
 - ii) Construct private services to connect Lots 159-161 to the existing 1800 mm (72") diameter storm sewer on South Carriage Road;
 - iii) Make provisions to oversize the internal storm sewers to accommodate flows from upstream lands external to this plan, all to the specifications of the City;
 - iv) Grade the south boundary of the plan to blend in with the abutting SWM pond lands, to the satisfaction of the City, at no cost to the City; and,
 - v) Construct and implement erosion and sediment control measures as accepted in a Drainage Servicing Report for these lands satisfactory to the City and the Owner shall correct any deficiencies of the erosion and sediment control measures forthwith.
23. Prior to the issuance of any Certificates of Conditional Approval, the Owner shall complete the following:

Agenda Item #	Page #

39T-08502/Z-7489/OZ-7510
A. MacLean

- i) For lots and blocks in this plan, 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;
24. Prior to the acceptance of engineering drawings, 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.
25. The Owner shall provide a security in the amount of \$60,000 for the Erosion and Sediment Control Plan. In the event of failure to properly implement and maintain the required ESCP, the ESCP security will be used to undertake all necessary cleanup work.

Watermains

26. 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; and/or
 - make suitable arrangements with Water Operations for the maintenance of the system in the interim.
27. In accordance with City standards or as otherwise required by the City Engineer, the Owner shall complete the following for the provision of water services for this draft plan of subdivision:

Agenda Item #	Page #

39T-08502/Z-7489/OZ-7510
A. MacLean

- i) Construct watermains to serve this Plan and connect them to the existing municipal system, namely, the existing 300 mm (12") diameter watermain on South Carriage Road (high level) and the 300 mm (12") diameter watermain on Coronation Drive (high level);
 - iii) Construct watermains to serve Block 203 and connect them to the existing municipal system, namely, the existing 900 mm (36") diameter watermain on Hyde Park Road (low level) noting when the future high level watermain along Hyde Park Road is available, Block 203 is to be connected to the high level system; and
28. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall implement the accepted recommendations of the Water Servicing Report (identified in condition 26 i)) to address the water quality requirements for the watermain system, to the satisfaction of the City, at no cost to the City.

Transportation

29. In conjunction with the Design Studies submission, the Owner shall submit a transportation impact statement in accordance with the Transportation Impact Study Guideline to determine the impact of this development at the intersection of Hyde Park Road and South Carriage Drive to the satisfaction of the City. Prior to undertaking this study, the Owner shall contact the Transportation Planning and Design Division regarding the scope and requirements of this study. The Owner shall undertake any recommendations of the study, to the satisfaction of the City and at no cost to the City.
30. The Owner shall provide access for lands adjacent to the west boundary of this plan through Lots 20-21 and Lots 45-46 in this plan, to the satisfaction of the City Engineer, at no cost to the City. In conjunction with the Design Studies submission, the Owner shall identify how those adjacent lands can be served through the internal road network to prevent the creation of accesses onto Hyde Park Road for the adjacent lands and specify which Lot is needed, all to the satisfaction of the City Engineer.

The Owner shall dedicate lots 20-21 and 45-46 in this plan to the City of London to allow for future access to the adjacent lands, at no cost to the City. Should the adjacent lands develop for multi-family residential use, the specified lots would be sold at market value at the time of the sale by the City to the owners of the adjacent lands for access purposes and the City would forward the proceeds of that sale (minus any City costs) to the Owner of this plan. Should the City determine that the specified lots are not needed for access purposes then the City would transfer the lots back to the Owner of this plan for a nominal fee.

31. For any construction within the South Carriage Road and Coronation Drive rights-of-way, the Owner shall restore the roads and relocate any utilities to the extent necessary for the lots fronting South Carriage Road and for the construction of any intersecting local street, as shown on the plan of subdivision, to the satisfaction of the City, at no cost to the City.
32. In conjunction with the submission of detailed design drawings, the Owner shall have his consulting engineer include minimum 30 metre tapers at all locations in the Plan where streets are reduced in width (eg. from 20.0 metre to 19.0 metre road width), all to the satisfaction of the City. The road shall be equally aligned from the centreline.
33. 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.

Agenda Item #	Page #

39T-08502/Z-7489/OZ-7510
A. MacLean

34. The Owner shall have it's professional engineer design the roadworks in accordance with the following road widths:
 - i) Street 'A' (from Coronation Drive to Street 'B'), Street 'B', Street 'C' and Street 'D' have a minimum road pavement width (excluding gutters) of 8.0 metres (26.2') with a minimum road allowance of 20 metres (66').
 - ii) Street 'A' (south of Street 'B') has a minimum road pavement width (excluding gutters) of 7.0 metres (23') with a minimum road allowance of 19 metres (62').
35. At 'tee' intersections, the projected road centreline of the intersecting street shall intersect the through street at 90 degrees with a minimum 6 metre (20') tangent being required along the street lines of the intersecting road.
36. The Owner shall construct a 1.5 metre (5') sidewalk on both sides of the following streets:
 - i) Street 'A' – from Coronation Drive to Street 'B'
 - ii) Street 'B'
 - iii) Street 'C' – from South Carriage Road to Street 'B'
37. The Owner shall construct a 1.5 (5') sidewalk on one side of the following streets:
 - i) Street 'A' – outside boulevard
 - ii) Street 'C' – outside boulevard
38. The Owner shall install street lighting on all streets in this plan to the satisfaction of the City Engineer, at no cost to the City.
39. Prior to Final Approval of any phase, the Owner shall demonstrate to the Approval Authority's satisfaction that the Owner has compensated Sydenham Investments Inc. in the amount of \$111, 987.28 which represents one half of the costs of the land and construction of South Carriage Road adjacent to lots 1, 158-161 inclusive and Street "C" adjacent to in this subdivision.
40. The Owner shall dedicate sufficient land to widen Hyde Park Road to 18.0 metres (59.06') from the centreline of the original road allowance, to the satisfaction of the City.
41. The Owner shall make arrangements with the City to have Block 12, as shown on Plan 33M-526, dedicated as public highway, at no cost to the City.
42. The Owner shall direct all construction traffic associated with this draft plan of subdivision to utilize Hyde Park Road via South Carriage Road or other routes as designated by the City.
43. 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.
44. The Owner shall construct a temporary turning facility for vehicles at north limit of Street 'C', adjacent to Lots 43-46, to the specifications of the City.

Temporary turning circles for vehicles shall be provided to the City as required by the City, complete with any associated easements and /or security. When the temporary

Agenda Item #	Page #

39T-08502/Z-7489/OZ-7510
A. MacLean

turning circles(s) are no longer needed, the City will quit claim the easements which are no longer required, at no cost to the City.

45. 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, to the satisfaction of the City. Any deviations from the City's standards, guidelines or requirements shall be satisfactory to the City.
46. 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.
47. 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.
48. 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.
49. 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 satisfaction of the City.
50. The Owner shall have the common property line of Hyde Park Road and Block 203 graded in accordance with the City of London Standard "Subdivision Grading Along Arterial Roads", at no cost to the City.

Further, the grades to be taken as the centreline line grades on Hyde Park Road are the future centreline of road grades as determined by the Owner's professional engineer, satisfactory to the City. From these, the Owner's professional engineer is to determine the elevations along the common property line which will blend with the reconstructed road, all to the satisfaction of the City.

51. 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;
- 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.

52. 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.

Agenda Item #	Page #

39T-08502/Z-7489/OZ-7510
A. MacLean

53. 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.

54. 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 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.

55. 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.

56. 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.

57. 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".

58. 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, as well as provide recommendations regarding soil conditions and fill needs in the location of any existing watercourses or bodies of water on the site.

59. 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 Engineer, at no cost to the City.

60. The Owner shall decommission and permanently cap any abandoned wells located in

Agenda Item #	Page #

39T-08502/Z-7489/OZ-7510
A. MacLean

- 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.
61. In conjunction with the Design Studies submission, in the event the Owner wishes to phase this plan of subdivision, the Owner shall complete the following:
 - i) Submit a phasing plan, all to the specifications and satisfaction of the City Engineer.
 - ii) If any temporary measures are required in conjunction with the phasing, these temporary measures shall be constructed to the specifications and satisfaction of the City, at no cost to the City.
 - iii) Identify land and/or easements required for the routing of services which are necessary to service upstream lands outside this draft plan to the limit of the plan to be provided at the time of registration of each phase, to the satisfaction of the City.
 62. 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.
 63. 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.
 64. All costs related to the plan of subdivision shall be at the expense of the Owner, unless specifically stated otherwise in this approval.
 65. 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 satisfaction of the City.
 66. The Owner shall set aside Block 200 as a school site for a period of three (3) years after registration of the first phase of this subdivision. This Block shall be included within the 1st phase to be registered.
 67. Prior to the submission of engineering drawings, the Owner shall have a Tree Preservation Report and Plan and a final lot layout prepared and accepted by the Manager of Forestry. Tree preservation shall be established prior to grading/servicing design to accommodate maximum tree preservation. The Tree Preservation Report and Plan shall focus on the preservation of quality specimen trees, and shall be completed in accordance with the current City of London Guidelines for the preparation of Tree Preservation Reports and Tree Preservation Plans. The Owner shall incorporate the approved Tree Preservation Plan on the accepted grading plans.
 68. In conjunction with the Design Studies submission, the Owner shall prepare a tree hazard report and implement the accepted recommendations along the periphery of the woodlot within one year of registration of the first phase of the plan all to the satisfaction of the Manager of Forestry.
 69. As part of the Design Studies submission, the Owner shall submit a parking plan to the satisfaction of the City. The accepted parking plan required for each registered phase of development and will form part of the subdivision agreement for the registered plan. Should the parking plan be unacceptable, a relotting of the draft plan will be required to ensure sufficient on street parking spaces are accommodated.
 70. In conjunction with the Design Studies submission, the Owner shall submit a noise and vibration report prepared by a qualified consultant in accordance with Provincial guidelines to investigate the extent to which noise and vibration from the adjacent

Agenda Item #	Page #

39T-08502/Z-7489/OZ-7510
A. MacLean

railway will impacts on this residential plan of subdivision. The report shall be circulated the applicable rail operator. The recommendations of this report shall be constructed or installed by the Owner or may be included as a provision or set of provisions in the subdivision agreement, entered into between the Owner and the municipality, that is to be registered on title.

Should the noise report substantiate the need for a warning clause to be applied to this subdivision, the following warning clauses 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 despite the inclusion of noise control measures within the subdivision and within the individual building unit, noise levels may continue to be of concern, occasionally interfering with some activities of the dwelling occupants. There may be alterations to or expansions of the Rail facilities on such right-of-way in the future including the possibility that the Railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the subdivision and individual dwellings; and the Railway will not be responsible for any complaints or claims arising from the use of its facilities and/or operations.”

“Warning to Solicitors: Solicitors are advised to stress the importance of the above noted warning clause when advising their clients on the purchase of units in the subdivision.”

71. Prior to submission of engineering drawings, the Owner shall have a qualified acoustical consultant prepare a noise study concerning the impact of traffic noise and adjacent stationary noise sources on Lots 1 through 19 and 47 through 51 which considers noise abatement measures that are to be applied in accordance with the requirements of the M.O.E. and the City Official Plan policy to be reviewed and accepted by the City. The final accepted recommendations shall be constructed or installed by the Owner or may be incorporated into the subdivision agreement.
72. Should a noise wall not be required along the rear of lots 1-19 and 47-51, the Owner shall install a consistent fencing treatment which is graffiti proof (i.e. a living wall) along the rear of these lots.
73. Within one (1) year of registration of the plan, the Owner shall construct a 1.5m high chain link fencing without gates in accordance with current City park standards (SPO 4.8) or approved alternate, along the property limit interface of all private lots and blocks adjacent to existing and/or future Park and/or Open Space Blocks. Fencing shall be completed to the satisfaction of the Manager of Parks Planning and Design.
74. The Owner shall convey up to 5% of the lands included in this plan and as required in the Consent agreement (B.12/10) for the abutting lands to the south to the City of London for park purposes. This shall include the pathway access block to the woodlot; the sight triangle at lot 98 and a portion of the woodlot Block 201.
75. The Owner shall sell a 0.037 hectare overdedication of parkland to the City in accordance with the parkland dedication By-law CP-9-1004 within 1 year of registration of the phase containing Block 201 at a total cost of \$13,714.05.
76. Within one (1) year of registration of this plan, the Owner shall prepare and deliver to all homeowners adjacent to Block 201 an education package which explains the stewardship of natural area, the value of existing tree cover, and the protection and utilization of the grading and drainage pattern on these lots. The educational package

Agenda Item #	Page #

39T-08502/Z-7489/OZ-7510
A. MacLean

shall be prepared to the satisfaction of the City Planner.

77. The Owner agrees to register on title and include in all Purchase and Sale Agreements the requirement that the homes to be designed and constructed on Lots 1, 122, 123 and 158, of this Plan, are required to have a side entry garage, with driveway access from Street "A", a main entry of the home which fronts the collector road and limited chain link or decorative fencing along the exterior side yard abutting the collector road. Further, the owner shall obtain approval of their proposed design from the Manager, Community Planning & Urban Design prior to any submission of an application for a building permit for Lots 1, 122, 123 and 158 in this Plan.
78. The Owner shall prepare a report pertaining to the removal of the Van Horik Drain. The report shall address the impacts of the removal of the watercourse features on conveyance and capacity and confirm how these issues will be resolved. Compensation for the loss of the features also needs to be addressed all to the satisfaction of the UTRCA.
79. The Owner, in consultation with the LTC, shall indicate on the approved engineering drawings the possible 'Future Transit Stop Areas'. The Owner shall install signage as the streets are constructed, indicating "Possible Future Transit Stop Area" in the approximate stop locations. The exact stop locations shall be field located as the adjacent sites are built, at which time the developer shall install a 1.5 metre wide concrete pad between the curb and the boulevard at the finalized stop locations.
80. As part of the Design Studies submission, the Owner shall detail how the recommendations of the EIS (prepared by EarthTech, dated March 28, 2008) and subsequent addendum (dated August 28, 2008) will be incorporated into the plan, all to the satisfaction of the City.
81. As part of the Design Studies submission, the Owner shall prepare a pathway concept, prepared by a registered landscape architect, from the existing park block at 1260 Coronation Drive to Street C. The consultant shall pre-consult with the Parks Planning and Design Department to determine the appropriate budget for the pathway. In addition, the owner shall submit, with the standard engineering servicing drawings submission, full design and construction plans to the satisfaction of the City Planner.
82. The Owner shall construct the pathway from the existing park block at 1260 Coronation Drive to Street C, within one (1) year of registration of the plan containing the pathway, all to the satisfaction of the City. Works will be claimable from the Capital Works budget based on the approved concept plans and cost estimates.
83. The Owner shall not grade into any public Park or Open Space lands. In instances where this is not practical or desirable, any grading into the public Park or Open Space lands shall be to the satisfaction of the Manager of Parks Planning and Design.
84. The Owner shall dedicate lots 52 and 97 to the City as an enlargement of the stormwater management pond to accommodate overland flows and to facilitate the construction of a pedestrian pathway.
85. The Owner shall grade, service and seed a portion of Block 201, lot 52 and 97 as defined at the design studies stage, within one (1) year of registration of the phase containing these lands, in accordance with City standards and to the satisfaction of the Manager of Parks Planning and Design

Agenda Item #	Page #

39T-08502/Z-7489/OZ-7510
A. MacLean

Bibliography

Bibliography of Information and Materials 39T-08502/Z-7489/OZ-7510

Request for Approval:

City of London Subdivision, Official Plan and Zoning By-law Amendment application forms(including draft plan), completed by Kenmore Homes (London) Inc.. January 2008.

Various amendments to above applications 2008-2011.

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

Hyde Park Community Plan, November 2001

Hyde Park Design Guidelines, December 1999.

Original Report to Planning Committee recommending approval of draft plan of subdivision 39T-08502- January 2011

Public Participation Meeting - 39T-02515 Planning Committee report for draft plan of subdivision and Zoning By-law amendment - August 2003

Consent Application - March 2006 - B30/06

Report to Planning Committee on Draft Plan of Subdivision Official Plan and Zoning By-law Applications - January 31, 2011

Information report to the Built and Natural Environment Committee on Draft Plan of Subdivision Official Plan and Zoning By-law Applications - September 12, 2011

Information report to a Special Meeting of the Built and Natural Environment Committee on Draft Plan of Subdivision Official Plan and Zoning By-law Applications - September 19, 2011

Correspondence: (all located in City of London Consolidated File No. 39T-08502 unless otherwise stated)

City of London Planning Division. Various written correspondence between City staff and applicant/agent, 2008 to present

Correspondence from Departments and Agencies on all versions of the submitted draft plans – 2008 to present

Public Responses:

See comments section of this report.

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39T-08502/Z-7489/OZ-7510
A. MacLean

TO:	CHAIR AND MEMBERS BUILT AND NATURAL ENVIRONMENT COMMITTEE
FROM:	D.N. STANLAKE DIRECTOR, DEVELOPMENT PLANNING AND DAVID AILLES MANAGING DIRECTOR DEVELOPMENT APPROVALS BUSINESS UNIT
SUBJECT:	APPLICATION BY: KENMORE HOMES (LONDON) INC. 255 SOUTH CARRIAGE ROAD & 1331 HYDE PARK ROAD PUBLIC PARTICIPATION MEETING ON JANUARY 31, 2011 AT 5:00 PM

RECOMMENDATION

That, on the recommendation of the Director of Development Planning and the Managing Director of the Development Approvals Business Unit, the following actions be taken with respect to the application of Kenmore Homes (London) Inc. relating to the properties located at 255 South Carriage Road and 1331 Hyde Park Road:

- (a) The Built and Natural Environment Committee be requested on behalf of the Approval Authority to **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 Kenmore Homes (London) Inc. relating to the properties located at 255 South Carriage Road and 1331 Hyde Park Road;
- (b) Council **SUPPORTS** the Approval Authority refusing to issue draft approval to the proposed plan of residential subdivision, as submitted by Kenmore Homes (London) Inc. (File No. 39T-08502) prepared by Archibald, Gray & McKay Ltd, certified by Bruce Baker, OLS (Drawing No. 9-L-3380, dated May 26, 2010), which shows 199 single detached lots, one (1) school block, one (1) open space block, one (1) commercial block and various reserve blocks served by one (1) collector road and six (6) new local streets;
- (c) Council **SUPPORTS** the Approval Authority issuing draft approval to the proposed plan of residential subdivision, as submitted by Kenmore Homes (London) Inc. (File No. 39T-08502 prepared by Archibald, Gray & McKay Ltd, certified by Bruce Baker, OLS (Drawing No. 9-L-3380, dated May 26, 2010), **as redline revised** which shows 195 single detached lots, one (1) school block, one (1) open space block, one (1) multi-family residential block; two (2) future access blocks, one (1) pathway block and various reserve blocks served by one (1) collector road and six (6) new local streets, **SUBJECT TO** the conditions contained in the attached Appendix "39T-08502";
- (d) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on February 7, 2011 to amend Zoning By-law No. Z.-1 (in conformity with the Official Plan) to change the zoning of the subject property **FROM** a Holding Urban Reserve (h-2 UR3) Zone; an Urban Reserve (UR3) Zone, an Open Space (OS5) Zone; a Compound Holding Residential R2/R4 (h-R2-1/R4-6) Zone, a Compound Holding Residential R5/R6/R7/R8 (h-R5-7/R6-4/R7-D75-H13/R8-4) Zone and a Compound Holding Neighbourhood Facility/Residential R5/R6/R7/R8 (h-NF/R5-7/R6-4/R7-D75-H13/R8-4) Zone **TO:**

Agenda Item #	Page #

39T-08502/Z-7489/OZ-7510
A. MacLean

- a Holding Residential R1 Special Provision (h- h-100-R1-3(4)) Zone to permit single detached lots with a minimum lot frontage of 10 metres; a minimum lot area of 300m²; a minimum setback of 3 metres from the main building to a local street and 4.5 metres from the main building to a collector street;
- a Holding Residential R1 Special Provision (h- h-100-R1-3(8)) Zone to permit single detached lots with a minimum lot frontage of 11 metres; a minimum lot area of 300m² and a minimum setback of 3 metres from the main building to a local or secondary collector street;
- a Holding Residential R1 Special Provision (h-h-100-R1-13(6)) Zone to permit single detached lots with a minimum lot frontage of 9 metres; a minimum lot area of 270m²; and a minimum setback of 3 metres from the main building to a local street;
- and a Holding Residential R1 Special Provision /Neighbourhood Facility (h-h-100-R1-3(8)/NF) Zone to permit single detached dwellings and neighbourhood facility uses such as schools;
- a Holding Urban Reserve Special Provision (h-108-UR3 ()) Zone to permit existing uses with no buildings or structures;
- an Urban Reserve Special Provision (UR3 ()) Zone to permit the existing garden centre;
- an Open Space (OS4) to delineate the SWM facility lands; and
- an Open Space (OS5) Zone to delineate the easterly development limit adjacent to the woodlot.

(e) the request to amend the Official Plan to change the designation of westerly portion of the subject property **FROM** Multi Family Medium Density Residential which permits various forms of medium density residential uses **TO** Mainstreet Commercial Corridor (former known as Business District Commercial) to permit various forms of commercial uses **BE REFUSED** for the following reasons:

- This proposed land use is not consistent with the Mainstreet Commercial Corridor policies as this would not form part of a continuous pedestrian oriented commercial block;
- The existing medium density residential designation at this location is more appropriate and consistent with the designations immediately to the north and along the west side of Hyde Park Road and the principles established in the Hyde Park Area Plan;
- Medium density residential development at this location would assist in supporting the existing and proposed commercial developments within the existing Business District area along the east side of Hyde Park Road north of the subject lands; and,
- The requested land use designation change would not represent good land use planning.

(f) the request to amend Zoning By-law No. Z.-1 to change the zoning of a portion of the subject property **FROM** an Urban Reserve (UR3) Zone **TO** a Holding Business District Commercial Special Provision (h- BDC2(4)) Zone to permit uses such as assembly halls; churches; community centres; funeral homes; institutions; schools; bake shops;

Agenda Item #	Page #

39T-08502/Z-7489/OZ-7510
A. MacLean

clinics; commercial recreation establishments; commercial parking structures and/or lots; converted dwellings; day care centres; dry cleaning and laundry depots; duplicating shops; emergency care establishments; existing dwellings; financial institutions; grocery stores; laboratories; laundromats; libraries; medical/dental offices and offices; **BE REFUSED** for the following reasons:

- The applicant's request to change the Official Plan designation from Multi-Family Medium Density Residential to Mainstreet Commercial Corridor (formerly known as Business District Commercial) is not supported (as noted in clause d));
- The existing Multi-Family Medium Density Residential designation does not support Business District commercial uses;
- It is inappropriate to consider a rezoning of this nature without the necessary amendments to the Official Plan; and
- The requested zone change would not represent good land use planning.

(g) the applicant **BE ADVISED** of the following projected costs and revenues information:

Related Estimated Costs and Revenues

Estimated Costs – This Agreement – Developer Built	
Urban Works Reserve Fund – General	\$NIL
Urban Works Reserve Fund - Stormwater Management	\$NIL
Capital Expense	\$NIL
Other	\$NIL
Total	\$NIL
Estimated Revenues This Agreement	
CSRF	\$4,684,806
UWRF	\$811,033
Total	\$5,495,839

NOTE:

1. Estimated revenues are calculated using current rates for engineering services and the information is reported all in accordance with the Development Charges and Urban Works Fund By-law (i.e. C.P.-1473-212), and any amendments thereto.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

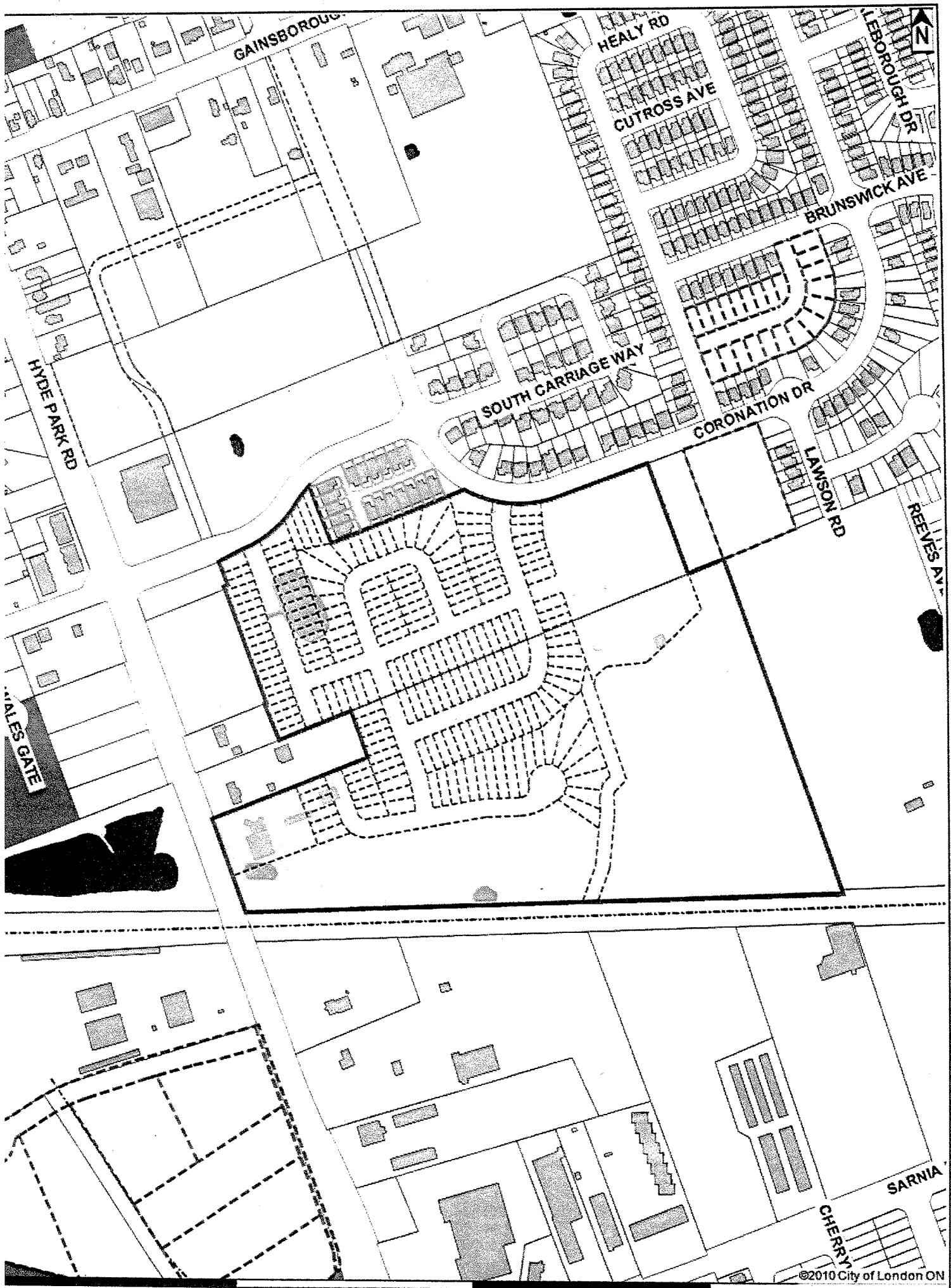
April 2000 - Hyde Park Community Plan and Urban Design Guidelines

August 2003 - Public Participation Meeting - 39T-02515 Planning Committee report for draft plan of subdivision and Zoning By-law amendment

March 2006 - B30/06 - Consent Application

PURPOSE AND EFFECT OF RECOMMENDED ACTION






The recommended action will allow for the development of single detached dwellings and a school on these lands.



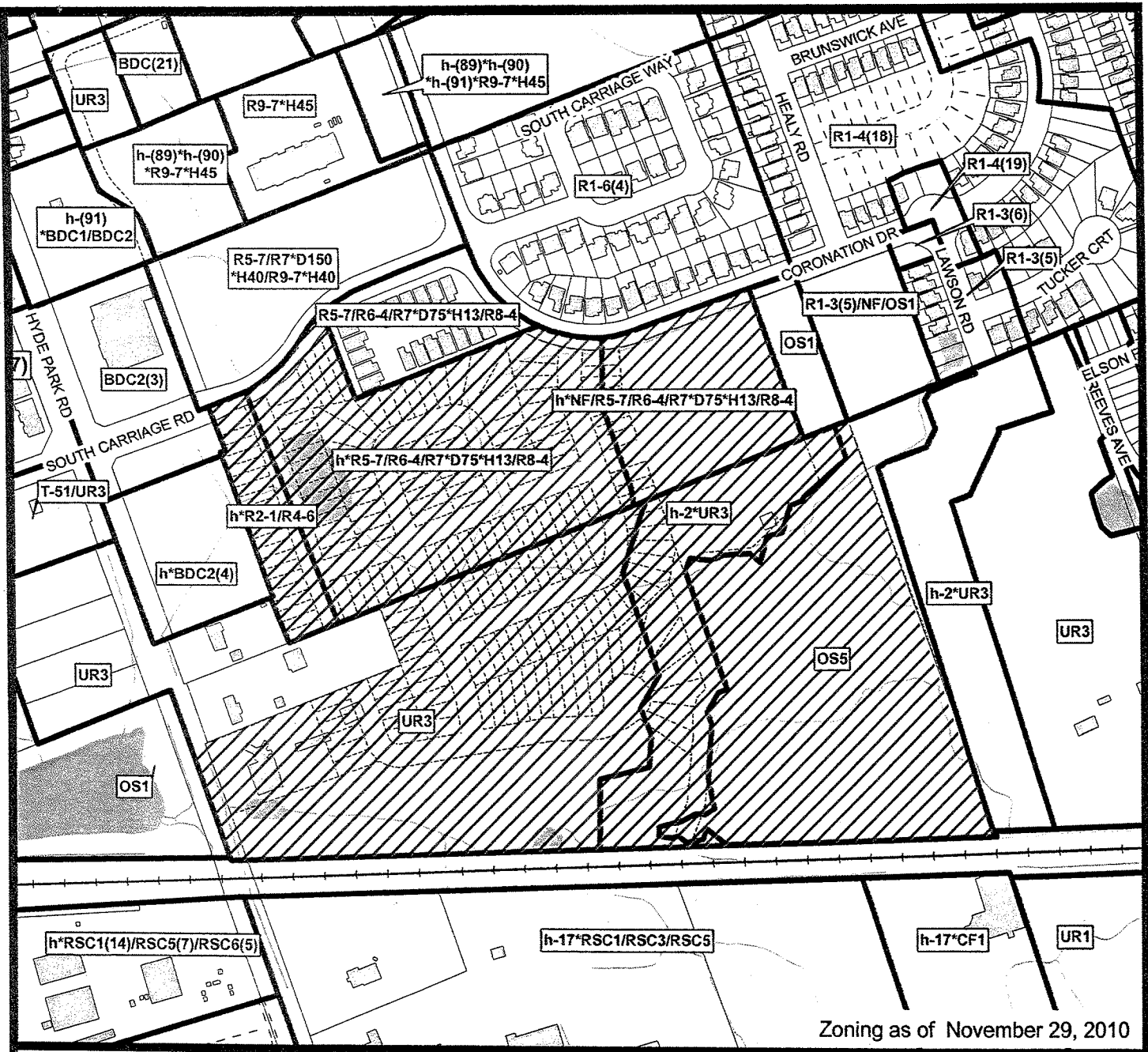
LOCATION MAP

Subject Site: Kenmore - Draft Plan of Subdivision
 Applicant: Kenmore Homes (London) Inc.
 File Number: 39T-08502
 Planner: Allister MacLean
 Created By: Mike Corby
 Date: 2010-07-06
 Scale: 1:5000

LEGEND

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





Zoning as of November 29, 2010



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

- R1 - SINGLE DETACHED DWELLINGS
- R2 - SINGLE AND TWO UNIT DWELLINGS
- R3 - SINGLE TO FOUR UNIT DWELLINGS
- R4 - STREET TOWNHOUSE
- R5 - CLUSTER TOWNHOUSE
- R6 - CLUSTER HOUSING ALL FORMS
- R7 - SENIOR'S HOUSING
- R8 - MEDIUM DENSITY/LOW RISE APTS.
- R9 - MEDIUM TO HIGH DENSITY APTS.
- R10 - HIGH DENSITY APARTMENTS
- R11 - LODGING HOUSE

- DA - DOWNTOWN AREA
- RSA - REGIONAL SHOPPING AREA
- CSA - COMMUNITY SHOPPING AREA
- NSA - NEIGHBOURHOOD SHOPPING AREA
- BDC - BUSINESS DISTRICT COMMERCIAL
- AC - ARTERIAL COMMERCIAL
- HS - HIGHWAY SERVICE COMMERCIAL
- RSC - RESTRICTED SERVICE COMMERCIAL
- CC - CONVENIENCE COMMERCIAL
- SS - AUTOMOBILE SERVICE STATION
- ASA - ASSOCIATED SHOPPING AREA COMMERCIAL

- OR - OFFICE/RESIDENTIAL
- OC - OFFICE CONVERSION
- RO - RESTRICTED OFFICE
- OF - OFFICE

- RF - REGIONAL FACILITY
- CF - COMMUNITY FACILITY
- NF - NEIGHBOURHOOD FACILITY
- HER - HERITAGE
- DC - DAY CARE

- OS - OPEN SPACE
- CR - COMMERCIAL RECREATION
- ER - ENVIRONMENTAL REVIEW

- OB - OFFICE BUSINESS PARK
- LI - LIGHT INDUSTRIAL
- GI - GENERAL INDUSTRIAL
- HI - HEAVY INDUSTRIAL
- EX - RESOURCE EXTRACTIVE
- UR - URBAN RESERVE

- AG - AGRICULTURAL
- AGC - AGRICULTURAL COMMERCIAL
- RRC - RURAL SETTLEMENT COMMERCIAL
- TGS - TEMPORARY GARDEN SUITE
- RT - RAIL TRANSPORTATION

2) ANNEXED AREA APPEALED AREAS

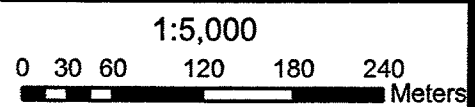
- "h" - HOLDING SYMBOL
- "D" - DENSITY SYMBOL
- "H" - HEIGHT SYMBOL
- "B" - BONUS SYMBOL
- "T" - TEMPORARY USE SYMBOL

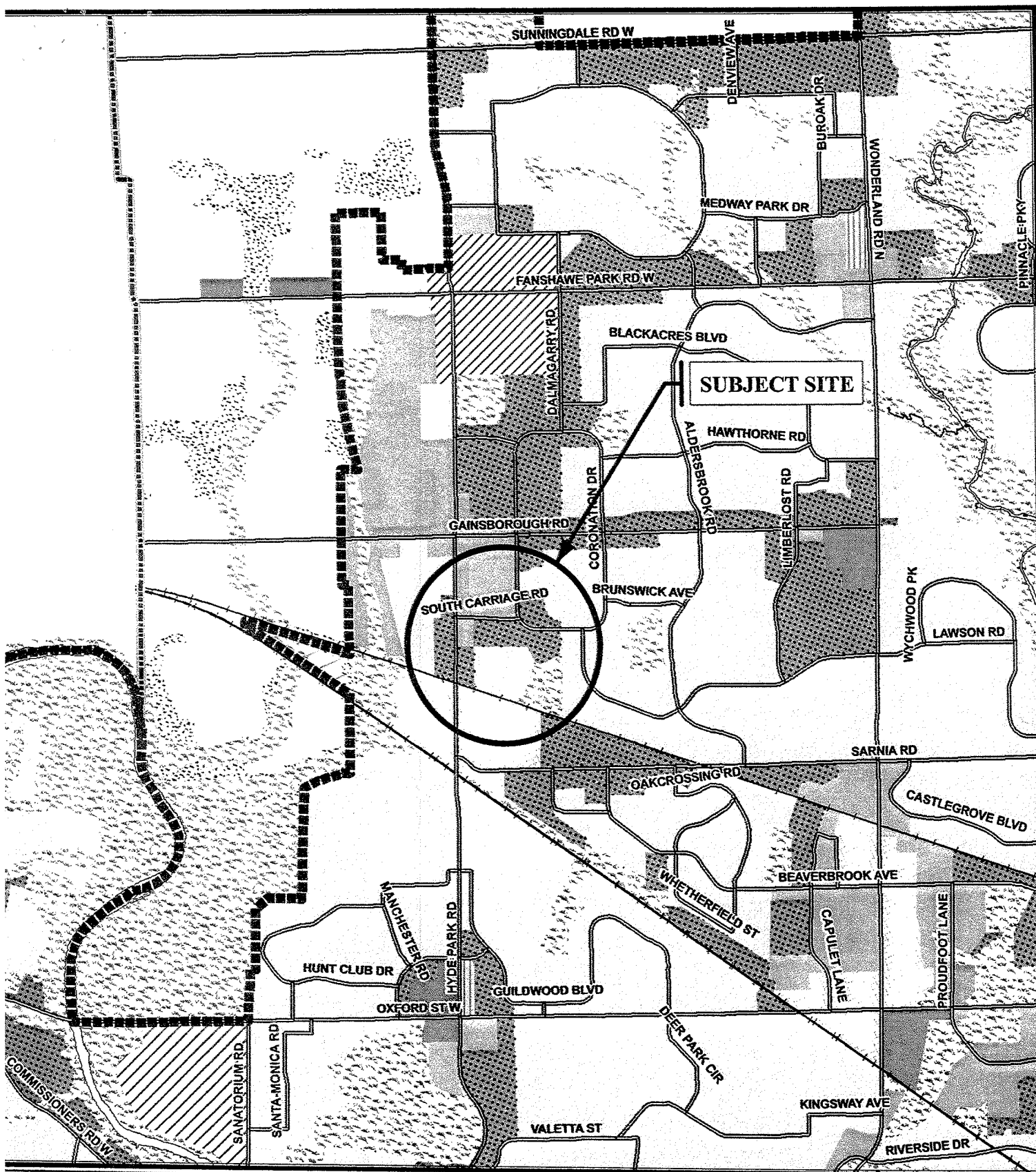
CITY OF LONDON
 DEPARTMENT OF PLANNING AND DEVELOPMENT
ZONING BY-LAW NO. Z-1
SCHEDULE A



FILE NO:
 Z-7489 AM

MAP PREPARED:
 2011/01/19 MC





Legend

- | | | |
|--|---------------------------------|---------------------------|
| Downtown Area | Low Density Residential | Office Business Park |
| Enclosed Regional Commercial Node | Office Area | General Industrial |
| New Format Regional Commercial Node | Office/Residential | Light Industrial |
| Community Commercial Node | Regional Facility | Environmental Review |
| Neighbourhood Commercial Node | Community Facility | Agricultural |
| Main Street Commercial Corridor | Open Space | Urban Growth Boundary |
| Auto-Oriented Commercial Corridor | Urban Reserve Community Growth | Areas Under Appeal |
| Multi-Family, High Density Residential | Urban Reserve Industrial Growth | |
| Multi-Family, Medium Density Residential | Rural Settlement | |

CITY OF LONDON
 Department of
 Planning and Development
OFFICIAL PLAN SCHEDULE A
 - LANDUSE -

PREPARED BY: Graphics and Information Services



Scale 1:30,000



FILE NUMBER: Z-7489

PLANNER: AM

TECHNICIAN: MC

DATE: 2011/01/19

Agenda Item #	Page #

39T-08502/Z-7489/OZ-7510
A. MacLean

- Holding Urban Reserve(h-2 UR3) Zone; an Urban Reserve (UR3) Zone, an Open Space (OS5) Zone; a Compound Holding Residential R2/R4 (h-R2-1/R4-6) Zone, a Compound Holding Residential R5/R6/R7/R8 (h-R5-7/R6-4/R7-D75-H13/R8-4) Zone and a Compound Holding Neighbourhood Facility/Residential R5/R6/R7/R8 (h-NF/R5-7/R6-4/R7-D75-H13/R8-4) Zone

PLANNING HISTORY

In 2000, Council adopted the Hyde Park Community Plan and the Hyde Park Community Plan – Community and Urban Design Guidelines pursuant to Section 19.2.1 of the Official Plan as a guideline document for the review of Official Plan, Zoning By-law amendment, plans of subdivision and other Planning Act development applications within the Hyde Park Community. Associated amendments to the Official Plan to apply appropriate land use designations consistent with the Community Plan were also approved at that time.

The northern portion of the subject lands are part of draft approved subdivision 39T-02515 (which was formerly owned by John Preparos). This plan was draft approved by the Approval Authority on September 29, 2003. At that time, the Preparos plan was 9.1 hectares (22.5 acre) in size. In 2006, Mr Preparos applied for a consent to sever the commercial block (adjacent to Hyde Park Road) in order to facilitate the sale of the remainder of these lands to Kenmore Homes (London) Inc. The lands designated and zoned for commercial uses along the frontage of Hyde Park Road were retained by Mr Preparos. Also a small portion of land along the north easterly limit of the original plan was severed and sold to the adjacent property owner to the north to allow for the extension of Coronation Drive to serve residential dwellings within that subdivision. An extension to the draft approval for plan 39T-02515 was granted by the Approval Authority in 2006. A more recent extension to the draft approval was granted on April 26 2010. Draft Approval will lapse on September 29, 2012.

On April 17, 2000 Council approved OPA 193 which changed the Official Plan designations in the area and adopted the Hyde Park Community Plan and the Hyde Park Urban Design Guidelines. The London Development Institute (LDI) subsequently launched an appeal as it related to three (3) specific woodland patches in the Hyde Park Area. One of the woodlands, identified as Vegetation Patch 1004, is located in the south eastern half of the subject lands (identified as blocks 201 and 202 on the draft plan). The main reason for the appeal stemmed from LDI's claims that the City avoided meeting the criteria established in Section 15.4.5 of the Official Plan by substituting different criteria within London's "Guideline Document for the Evaluation of Ecologically Significant Woodlands" (October 2000). The Board concluded that the guideline document was acceptable and they dismissed the appeal. As a result the woodland was deemed to be significant and the patch was designated as Open Space and Shown on Schedule B of the Official Plan as a woodland patch. The patch was also zoned OS5.

The south west portion of the subject lands (abutting Hyde Park Road) contains a commercial garden centre (Hyde Park Garden Centre). There is also an automobile sales establishment located immediately to the north of the garden centre.

Consolidation of Applications

The applicant originally submitted an application for Draft Plan of Subdivision and associated Official Plan and Zoning by-law amendments for the northern portion of this parcel (255 South Carriage Road under file 39T-08502) and the southern portion of this parcel (1331 Hyde Park Road under file 39T-08503) in 2008. Since that time, Kenmore Homes has consolidated ownership of both 1331 Hyde Park Road and 255 South Carriage Road and as a result applications 39T-08502 and 39T-08503 have been consolidated under one file, being 39T-08502.

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

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39T-08502/Z-7489/OZ-7510
A. MacLean

Please note that the comments below are a consolidation of comments provided for the original draft plan submissions in 2008 (files 39T-08502 and 39T-08503) and the most recent consolidated plan submission in July 2010.

London Transit Commission (LTC)

(comments dated April 11 & April 25, 2008 & August 10, 2010)

Consistent with their Long-Term Transit Growth Strategy, London Transit does not support the Official Plan change from Multi-Family, Medium Density Residential to Business District. Currently there is a commercial district to the north along Hyde Park Road north of Gainsborough Road, a shopping centre to the south located at Oxford Street West and Hyde Park Road and a major retail power centre at Hyde Park and Fanshawe Park Road. The removal of the medium density residential designation is seen as not supportive of existing transit.

Local transit service is planned for Coronation Drive with possible access from South Carriage Road. Arterial service along Hyde Park Road is also being considered. The LTC has requested that sidewalks be provided on both sides of Hyde Park Road and South Carriage Road. Consistent with their Long-Term Transit Growth Strategy, London Transit does not support site-specific Zoning By-law amendments which propose a lower intensity use where a higher intensity use has been planned. The subject site was designated as Multi-Family, Medium Density Residential through the Community Plan process and was part of the consideration in planning future bus routes to the area. According to the current Official Plan, up to 315 units are permitted within the net residential area while 123 units are being proposed by the applicant. Possible impacts to transit include a lower cost-recovery on planned service, and changes to the timing of implementation.

As a municipal condition of draft approval, we request the developer agree to meet LTC requirements with respect to the construction and installation of future bus stop locations within the subdivision. These include:

- i) marking proposed bus stop locations on the appropriate engineering drawings;
- ii) installation and maintenance of advance signage indicating "Possible Future Transit Stop Area" in the approximate stop locations;
- iii) installation of concrete pads at the stop locations as the adjacent sidewalks are built; generally a 1.5 metre wide connector pad between the curb and the City sidewalk.

The exact stop locations can be field located at the curbs as the development is built, at which time the developer should install the signpost and sign (sign to be provided by LTC). The potential future transit stop location, subject to Transportation Division approval, is as follows:

1. Eastbound on South Carriage Road at Street 'A', adjacent to lot #1.

Staff Response: Staff concur with LTC's comments and recommend that Block 203 remain designated multi-family medium density residential.

Staff acknowledge the possible impacts to transit including a lower cost-recovery on planned service and changes to the timing of implementation, however, the density and form of development proposed by the applicant is consistent with the City's Multi-Family Medium Density Residential policies.

London Hydro

(comments dated July 8, 2010)

London Hydro has adequate 27.6kV underground distribution along South Carriage Road and Hyde Park Road 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 may receive rebates from

Agenda Item #	Page #

39T-08502/Z-7489/OZ-7510
A. MacLean

London Hydro based on connected load over a five year connection window. Transformation lead times are a minimum 16 weeks. London Hydro recommends that the applicant contact their engineering department to confirm transformer requirements and availability. The applicant will be responsible for the cost associated with the relocation of any existing infrastructure as a result of this development. London Hydro has no objection to the proposed draft plan or the requested Zoning By-law amendment.

Environmental and Ecological Planning Advisory Committee (EEPAC)
(comments are based on previous plans from 2008)

On March 28, 2008 EEPAC provided staff with the following comments:

- a) EEPAC be given the opportunity to review the EIS when it was made available;
- b) Block 88 (now shown as block 202) be at least 50 metres wide to accommodate the EIS trigger distance for adjacent lands; and
- c) Street "A" be oriented as a window street to take advantage of the prominent natural heritage feature.

EEPAC provided the following comments on the EIS.

Incomplete Development Overlay and Buffer Map

The EIS report fails to provide a clear map overlaying the individual lots and blocks (such as the future school) on the aerial map showing the existing woodland and other vegetation communities. This is required because the development plan provided does not seem to show a 15m buffer surrounding the north part of the woodland. Without this map, these buffers are unclear and adequate area for development is questionable. Block 86 (now shown as block 200) is marked as Future School as well as being separated into lots. The furthest lot to the east seems to encroach on the woodland patch.

Recommendation 1: The EIS is incomplete without a map showing the development overlay on an aerial map with existing woodland and other vegetation communities. Buffer delineation needs to be clearer and all lot-lines should be outside the buffer zone limits.

Recommendation 1a: The EIS is also incomplete without a map clearly delineating the proposed 15m buffer around all edges of the woodland.

Ecological Inventory

The *Data Collection Standards for Ecological Inventory* states "field investigations for a site are made at three different times of year." This is referred to as the "three-season inventory". Breeding birds were surveyed on three days in June which is great for the breeding bird survey; however, the data presented by the EIS does not present a three season inventory of all flora and fauna.

Recommendation 2: Three season inventories must be completed for all flora and fauna as per City policy. EEPAC requests field investigations and inventories be presented in a table format, complete with date of execution.

Additional Comment:

This EIS suggested excellent mitigation/compensation for potential impacts and effects. It is quite thorough, well organized and EEPAC agrees with the recommendations presented.

Disturbance from future school

Future development of a school in Block 86(now shown as block 200) will result in increased lighting and noise disturbance to wildlife. Also there is an increased risk of trampling in the

Agenda Item #	Page #

39T-08502/Z-7489/OZ-7510
A. MacLean

Woodland Patch in that area. The EIS does not consider any impacts related directly to the use of land for school grounds.

Recommendation 3: Provide a 30m buffer at the north end of the Woodland Patch to protect the Significant Woodland from school related impacts.

Recommendation 4: Ensure that all lights are directed away from the woodland and have the lights on timers (as recommended for housing).

Evaluation of Vegetation Communities

The EIS fails to present an evaluation or an evaluation result for all vegetation communities currently outside the Significant Woodland. If a previous evaluation has been done on these communities, the Evaluation Score Sheets should be included in the EIS and the result of the evaluation also stated within the EIS. Currently, there is no discussion at all of the significance of vegetation communities outside the Significant Woodland.

Recommendation 5: An evaluation of significance must be conducted for the collection of vegetation communities outside the Significant Woodland. The evaluation score sheets must be included in the EIS and the result of the evaluation must be referenced in the text of the EIS. If the proponent believes there is some reason why these communities need not be evaluated, this too must be stated and clarified in the EIS.

Recommendation 6: The Evaluation of Significance score sheets for Woodland Patch 01004 should be included in the EIS for reference and to ensure impacts specifically related to the elements of the woodland that qualified it as significant are fully addressed.

Recommendation 7: A tree preservation report should be prepared to identify means of preserving as many trees as possible within these vegetation communities. This is especially true within the SWM block.

Staff Response: Based on staff's and EEPAC's comments on this EIS, Earthtech prepared and submitted an addendum to the City for review. City staff have reviewed the addendum in conjunction with EEPAC's response and provide the following comments on each recommendation.

Recommendation 1 and 1a: An addendum to the EIS was provided by Earthtech which included a final development plan that clearly identified all lots and blocks and the location of the 15 m buffer. This is shown on the redline amended plan.

Recommendation 2: Parks Planning and Design (PP&D) does not require additional inventory data for the woodland that will be protected as Open Space with a 15 m buffer.

Recommendation 3: EEPAC recommends a 30 m buffer adjacent to the school block. PP&D are satisfied that a 15 m buffer and controlled access will be sufficient to mitigate potential impacts.

Recommendation 4: PP&D agree that a special provision be added to the subdivision agreement that directs lighting away from the woodland.

Recommendation 5: An addendum to the EIS was provided by Earthtech which addressed this recommendation.

Recommendation 6: An addendum to the EIS was provided by Earthtech which addressed this recommendation.

Recommendation 7: Staff concur that the detailed design of the Stormwater Management Facility should include some discussion of potential for vegetation retention and integration with the SWM design. This should be addressed at the time of the City's preparation of engineering drawings relating to the construction of this SWM facility.

Agenda Item #	Page #

39T-08502/Z-7489/OZ-7510
A. MacLean

With respect to the orientation of the redlined Street "A" as a window street, the City has requested this from developers in the past and unfortunately there are no policies in place which mandates that this design be implemented. Typically developers advise that the cost of constructing a single loaded road is cost prohibitive. In this instance the Owner has provided for an extensive single loaded road in front of the proposed SWM facility 1B1 which will ultimately be connected (from a City ownership perspective) to the woodland area.

Upper Thames River Conservation Authority (UTRCA)
(dated August 12, 2010)

The UTRCA recommends that the proponent prepare a report pertaining to the removal of the Van Horik Drain and the unnamed tributary on the subject property. This report shall address the impacts of the removal of the watercourse features on conveyance and capacity and confirm how these issues will be resolved. Compensation for the loss of the features also needs to be addressed all to the satisfaction of DFO and the UTRCA. It is further recommended that the applicant arrange a meeting with DFO and the UTRCA to establish the terms of reference for this report.

The UTRCA also requests that the recommendations presented in Section 8 of the Bierens Lands Plan of Subdivision Environmental Impact Study dated March 28, 200, prepared by Earth Tech be implemented into the subdivision.

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.

Staff Response: The City of London will be responsible for any reports relating to the unnamed tributary and any compensation for the loss of features as the lands encompassing the future SWM facility are in the City's ownership and it is to be constructed by the City as a CSRF project. With respect to the Vanhorik Drain, a condition of draft approval has been included requiring the applicant to prepare a report to address the impacts of the removal of the watercourse features on conveyance and capacity and confirm how these issues will be resolved. Compensation for the loss of the features also needs to be addressed all to the satisfaction of the UTRCA.

Bell Canada
(comments dated March 12, 2008)

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

Engineering and Environmental Services Department (EESD)
(comments dated August 13, 2010)

EESD notes that there will be increased operating and maintenance costs for works being assumed by the City.

Agenda Item #	Page #

39T-08502/Z-7489/OZ-7510
A. MacLean

The development of this plan is contingent on the availability of the Stormwater Management (SWM) facility to be built by the City and is tentatively scheduled to be constructed in 2011. The land has been dedicated to the City at this time and the Hyde Park SWM Facility 1B1 has been tendered. Should additional lands be required for the final design and construction, the Draft Plan of Subdivision may be required to be amended to accommodate this facility. The reconstruction of Hyde Park Road by the City is tentatively scheduled to be constructed in 2015. If the Owner requires works along Hyde Park Road prior to construction scheduled by the City, the Owner is responsible for constructing these works at the Owner's expense. The land also needs to be dedicated to the City.

Environmental and Engineering Services Department (EESD) has concerns with the proposed Zoning By-law Amendment for the proposed draft plan of subdivision. EESD recommends that a holding provision be implemented for all proposed zones with respect to municipal servicing, including sanitary, stormwater and watermain looping, and the entering of a subdivision agreement for this site.

Environmental and Engineering Services Department (EESD) does not support the requested reduced front and exterior sideyard setbacks for local street garages as these are to be maintained at 6 metres to accommodate parked vehicles. EESD also does not support reduced setbacks on the main building locations as this may impact on sightlines at intersections and road curvature for both local street and secondary collector roads. This may be compounded by the encroachments (e.g. porches) in the front and exterior sideyards as permitted under section 4.27 of the zoning by-law. It is noted that buildings closer to the utilities within the right of way may also be of concern to London Hydro and other utility companies for safety and other reasons. EESD suggests that London Hydro and other utility companies be contacted with respect to these issues.

EESD has concerns with the proposed residential zoning that permits narrow frontages that impact on the placement of driveways, municipal services, and utilities, particularly in areas of road curvature and cul-de-sacs. The narrow lots have less space available to accommodate driveways, street trees, utility structures (e.g. transformers), street light poles, limiting the areas needed for snow storage and waste & recycling bins.

EESD recommends a holding provision be implemented on Block 203 until the Hyde Park Road Environmental Assessment is completed. The Hyde Park Road Environmental Assessment has not been completed and with the rail bridge in such close proximity to this property, there is serious concern that additional right-of-way may be required to accommodate the widening of Hyde Park Road in the future.

EESD recommends that a holding provision be implemented on lots 18-21 until an access location is established over one of these lots to service the future residential areas to the west adjacent to these lots, to prevent the creation of accesses onto Hyde Park Road. The Owner should identify any access requirements and adjustments to be made to the zoning by-law to accommodate required accesses.

EESD recommends that a holding provision be implemented on Lot 21 until Street 'D' is extended, as the terminus of Street 'D' does not allow for sufficient driveway access and snow storage.

EESD advises that the Owner will be required to obtain land and/or easements, as necessary, for the construction of any portion of the outlet sanitary sewers situated on private or public lands outside of the plan as well as providing easements within this plan required to service this subdivision from the existing sanitary sewer on Hyde Park Road. The lot layout of the draft plan of subdivision may require adjustments to accommodate City Standard easements within the proposed subdivision.

Agenda Item #	Page #

39T-08502/Z-7489/OZ-7510
A. MacLean

Holding Provisions are proposed for this development to ensure that there are adequate services and a subdivision agreement is in place and to ensure that a looped watermain is constructed.

The proposed reduction to front and exterior sideyard is for the main building only. Garages are to be setback a minimum of 6 metres to allow for parking in front of the garage. The proposed setbacks have been liaised with the utility companies (i.e. Union Gas and London Hydro) and they have not identified any issues. This setback was also vetted through departments and agencies at the time the Hyde Park Community Plan and Council adopted Urban Design Guidelines were developed for the Hyde Park area. In addition, the recommended zoning has been approved for the majority of single detached lots within the Hyde Park Community Plan and no issues have been brought to the attention of Development Planning's staff.

A general holding provision (h.) will be applied to block 203 requiring a subdivision agreement for these lands. The issue of road widening will be addressed through conditions of draft approval and dealt with prior to entering into this agreement with the Owner.

Lots 20, 21, 45 and 46 have been redlined on the plan as blocks to allow for future access to lands to the west. Also, prior to the lands to the west coming forward for development, these blocks should be of sufficient size to accommodate snow storage at the terminus of Street "A" and Street "D" until such time as these streets are extended through the property located at 1351-1357 Hyde Park Road.

Sanitary

The Owner will be required to construct and connect the proposed sanitary sewers to serve this plan to the existing 450 mm (18") diameter municipal sanitary sewer on South Carriage Road and the existing 375 mm (15") diameter municipal sanitary sewer on Coronation Drive. Where trunk sewers are greater than 8 metres in depth and are located within the municipal roadway, the Owner must construct a local sanitary sewer to provide servicing outlets for private drain connections. The Owner must also extend and connect the proposed sanitary sewers to serve the southerly portion of the plan to the existing 200 mm (8") diameter sanitary sewer on Hyde Park Road via a southerly extension of the Hyde Park sewer which the Owner will be required to construct external to the plan.

Prior to registration of this plan, the Owner must obtain consent from the City Engineer to reserve capacity at the Oxford Pollution Control Plant for this subdivision. This treatment capacity shall be reserved by the City Engineer 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 Engineer. 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.

The Owner may be required to oversize any sanitary sewers constructed as part of the outlet for the subject subdivision plan to accommodate flows from any other external lands tributary to the sanitary sewer system, as directed by the City Engineer. These and other sanitary engineering issues will be addressed through conditions of draft approval.

Storm

The Owner will be required to construct and connect the proposed storm sewer to serve this plan to the existing 1800 mm (72") diameter municipal sewer on South Carriage Road. The Owner shall direct all remaining minor and major storm flows from the bulk of the plan to the proposed regional Hyde Park SWM Facility 1B1, located within the Stanton Drain Subwatershed in the Hyde Park Community Storm Drainage and Stormwater Management Servicing Municipal

Agenda Item #	Page #

39T-08502/Z-7489/OZ-7510
A. MacLean

Class Environmental Assessment. A Certificate of Conditional Approval will not be issued for the subject subdivision prior to SWM Facility 1B1 and related storm/drainage servicing works being constructed and operational to the specifications and satisfaction of the City Engineer

The Owner's consulting professional engineer will be required to design and construct the proposed storm/drainage servicing works and the SWM system for the subject lands and all required drainage areas, all to the satisfaction and specifications of the City Engineer. The Owner shall also 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 Engineer. This plan is to include measures to be used during all phases of construction. Prior to any work on this site, the Owner's professional engineer shall submit these measures as a component of the Functional SWM and/or Drainage Servicing Report for these lands and shall implement these measures satisfactory to the City Engineer.

The Owner must 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. These and other storm water management issues will be addressed through conditions of draft approval.

Water

The Owner will be required to construct and connect the proposed watermain to serve this plan to the existing 300 mm (12") diameter municipal watermain on South Carriage Road; to the existing 300 mm (12") diameter municipal watermain on Coronation Drive; and to the 900 mm (36") diameter municipal watermain on Hyde Park Road. It should be noted that Block 203 may have a future high level watermain service along Hyde Park Road.

The Owner will 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.

The Owner shall have its professional engineer confirm that the watermain system has been looped to the satisfaction of the City Engineer when development is proposed to proceed beyond 80 units. Holding provisions shall be applied to enforce this requirement. The Owner shall provide "looping" of the water main system constructed for this subdivision to the specifications of the City Engineer.

Staff Response: the h-100 Holding Provision is proposed to be applied to this development to ensure that no more than 80 units are developed until a looped watermain system is constructed and that a second public access is in place prior to final approval of any phase of this development.

Transportation

All streets within this subdivision must conform to City of London Standards. Any deviations from these standards have been identified in the attached conditions of draft approval. The Owner will be required to reconstruct Coronation Drive and South Carriage Road and relocate any utilities to the extent necessary, to the satisfaction of the City Engineer, all at no cost to the City.

The Owner shall identify how those lands abutting the plan of subdivision which are designated in the Official Plan for residential development can be served through the internal road network

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39T-08502/Z-7489/OZ-7510
A. MacLean

to prevent the creation of accesses onto Hyde Park Road. The Owner shall provide access for these lands through one of the lots numbered 18 to 21.

In conjunction with the Design Studies submission, the Owner shall submit a transportation study in accordance with the Transportation Impact Study Guideline to determine the impact of this development on the abutting arterial roads to the satisfaction of the City Engineer. Prior to undertaking this study, the Owner shall contact the Transportation Planning and Design Division regarding the scope and requirements of this study. The Owner shall undertake any recommendations of the study as required by the City Engineer, to the satisfaction of the City Engineer and at no cost to the City.

In the event any work is undertaken on an existing street, the Owner must 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 will be required to have its 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.

The Owner must direct all construction traffic associated with this draft plan of subdivision to utilize Hyde Park Road via South Carriage Road or other routes as designated by the City Engineer. If any emergency access is required it shall be constructed and maintained to the satisfaction of the City Engineer.

Staff Response: As per EESD's request, it is recommended that access from Street "D" to future multi-family lands to the west be provided. It is Development Planning staffs opinion that identifying one (1) lot for access is insufficient as this frontage is too restrictive. The access width should be widened to ensure that development has adequate room to allow for driveways and sidewalks in a safe location. In addition, community mailboxes, visitor parking, and entrance features are often found near the front of multi-family developments. In this instance, a minimum frontage of 18 metres (i.e. two lots) is considered satisfactory to maintain maximum flexibility regarding the location of the driveway and sidewalk. Widening the frontage would also allow a public road to be constructed should such freehold development be desired for this tract of land in the future.

Therefore it is recommended that lots 20 and 21 be consolidated as a block (shown as Block A on the redline amended plan) to allow for future access to abutting lands. It is also recommended that this block be zoned Urban Reserve (UR3 - similar to abutting lands to the west) and that a holding provision be applied to ensure that these lands are developed in conjunction with abutting lands (h-108). Development Planning staff are similarly recommending that this also be applied to lots 45 and 46 to allow for access to that multi-family residential block to the west.

EESD-Transportation had also noted that a sidewalk would be required along the Hyde Park frontage from the CPR Tracks to South Carriage Road. After further review it was determined that this sidewalk will be a CSRF project which will be completed when Hyde Park Road is expanded in the future.

Canada Post

(comments dated July 15, 2008)

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.

Agenda Item #	Page #

39T-08502/Z-7489/OZ-7510
A. MacLean

- 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. The 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.

Thames Valley District School Board (TVDSB)
(comments dated June 17, 2009)

The TVDSB noted that this school site was to be held for them when the Community Plan was developed. It was not possible at that time, however, to locate the proposed site under a single owner and as a result the school Block was divided over two parcels. While there has been a change in the overall configuration of the site, the site is still acceptable and they request that the standard clause for the reservation of the site for an option to purchase be part of any conditions.

Staff Response: In 2003 staff reported in the original subdivision application by John Preparos (39T-02515) that this site was to be held for the London District Catholic School Board and that the Thames Valley District School Board advised that they were interested in a site located to the south and east of the subject property. It is the intent of the Hyde Park Community Plan to provide for both public and separate schools in a school/park/school campus plan.

London District Catholic School Board (LDCSB)
(comments dated February 16, 2009)

The London District Catholic School Board wishes to reserve an elementary school site block to accommodate Junior Kindergarten to Grade 8 students; specifically, Block 126 on draft plan of subdivision 39T-08502, and Block 86 on draft plan of subdivision 39T-08503 (now shown as Block 200 on the revised plan 39T-08502). The block shows a total of 330 feet of frontage on Coronation Drive, which is sufficient for elementary school purposes. This is a fairly regularly shaped elementary school block with a total area of approximately 2.42 hectares (5.99 acres).

Agenda Item #	Page #

39T-08502/Z-7489/OZ-7510
A. MacLean

The Board's Education Development Charge by-law provides for an elementary school site within the Hyde Park Community Plan with a maximum site area of 2.21 ha (5.47 acres) and therefore, in accordance with the by-law, we require that the proposed site area be slightly reduced. There may be an opportunity to reduce the area of the school block, discussed below. The southerly limit of Block 200 shows the potential for an open space block/buffer for the woodlot. If this block is, in fact, required by the City of London for buffer purposes, the area of the school block would be reduced accordingly. The removal of the buffer area from Block 200 may be sufficient to reduce the overall school block area to 2.21 ha (5.47 acres). Approval from the Board regarding this draft plan will be contingent upon the resolution of this issue. Should the City of London decide to not acquire the buffer area, other alternatives to reduce the overall site area must be pursued. The Board also requests that all standard conditions and policies regarding school blocks be inserted in the subdivision agreement for the above-noted applications.

Staff Response: The applicant has identified a proposed buffer block (as shown on the draft plan) to be within the school block area. Including the woodland buffer within the school block is not appropriate. This buffer area within the school block is approximately 0.21 hectares (0.51 acres) in size. The total area of the school block is 2.42 ha (5.98 acres). In order to ensure that there are no impacts on the woodlot, this buffer area will be redlined to be included within Block 201. Therefore, the size of the overall school block would be reduced to approximately 2.21 ha (5.47 acres) which is keeping with the maximum site area required by the Catholic School Board.

Ministry of Municipal Affairs and Housing (MMAH)
(comments dated April 25, 2008)

The Ministry of Municipal Affairs and Housing have reviewed the applications and have no comments at this time.

Transportation Advisory Committee (TAC)
(comments dated September 21, 2010)

The location of the proposed accesses should be reviewed as part of the Transportation Impact Study.

Staff Response: This has been included as a condition of Draft Approval.

PUBLIC LIAISON:	The most recent Draft Plan and requested Official Plan and Zoning By-law amendments were sent to surrounding property owners on July 2, 2010. The application was published in Living in the City on July 10, 2010.	14 replies
Nature of Liaison:		
<p>Consideration of a Residential Plan of Subdivision with 199 single detached lots, one(1) school block, one(1) open space block and one(1) commercial block served by six (6) new local streets.</p> <p>Possible Amendment to the Official Plan to change the designation of Block 203 (as shown on the Proposed Plan) FROM Multi-Family, Medium Density Residential TO Business District to allow small-scale retail uses; furniture and home furnishing stores; home improvement stores; hardware stores; food stores; convenience commercial uses; personal and business services; pharmacies; restaurants; commercial recreation establishments; financial institutions; funeral homes; automotive services; small-scale offices; correctional and supervised residences; institutional uses; animal hospitals; and residential uses.</p>		

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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 Urban Reserve(h-2 UR3) Zone; an Urban Reserve (UR3) Zone, an Open Space (OS5) Zone; a Compound Holding Residential R2/R4 (h-R2-1/R4-6) Zone, a Compound Holding Residential R5/R6/R7/R8 (h-R5-7/R6-4/R7-D75-H13/R8-4) Zone and a Compound Holding Neighbourhood Facility/Residential R5/R6/R7/R8 (h-NF/R5-7/R6-4/R7-D75-H13/R8-4) Zone **TO** a Holding Residential Special Provision R1 (h-R1-3 (4)) Zone; a Holding Residential Special Provision R1 (h-R1-3 (8)) Zone; a Holding Residential Special Provision R1 (h-R1-13 (6)) Zone; a Compound Holding Neighbourhood Facility/Residential Special Provision R1 (h-NF1/R1-3(4) Zone; a Holding Business District Special Provision (h-BDC2(4)) Zone and Open Space (OS4 and OS5) Zones.

Permitted Uses in Proposed Zones:

- Holding Residential Special Provision R1 (h-R1-3 (4)) Zone - single detached dwellings with a minimum lot frontage of 10 metres and a minimum lot area of 300m² with special provisions for reduced frontyard and sideyard setbacks
- Holding Residential Special Provision R1 (h-R1-3 (8)) Zone - to permit the uses listed above with a special provision to permit reduced frontyard setbacks and requiring a minimum lot frontage of 11 metres;
- Holding Residential Special Provision R1 (h-R1-13 (6)) Zone - single detached lot with a minimum lot frontage of 9 metres and a minimum lot area of 270m² with special provisions for reduced front and exterior sideyards;
- Compound Holding Neighbourhood Facility/Residential Special Provision R1 (h-NF1/R1-3(4) Zone - to permit in addition to the uses listed above and uses such as elementary schools, churches, daycare centres, private clubs;
- Holding Business District Special Provision (h-BDC2(4)) Zone – to permit a wide range of Business District Commercial uses including, but not limited to, animal hospitals; apartment buildings, with any or all of the other permitted uses on the first floor; bake shops; clinics; commercial recreation establishments; commercial parking structures and/or lots; converted dwellings; day care centres; dry cleaning and laundry depots; financial institutions; grocery stores; laboratories; libraries; offices; personal service establishments; private clubs; restaurants; retail stores; convenience stores; assembly halls; churches; community centres; funeral homes; institutions; schools; and fire halls.

Note: the special provision requested for this zone would have the effect of waiving the requirement for a maximum front yard depth of 3.0 metres

- Open Space (OS4 and OS5) Zones - uses such as golf courses; private parks; public parks; recreational golf courses; Sports fields (all without structures); cultivation or use of land for agricultural/horticultural purposes; conservation lands; conservation works; passive recreation uses which include hiking trails and multi-use pathways; managed woodlots.

The holding provision is being applied to ensure the orderly development of lands and the adequate provision of municipal services; the "h" symbol shall not be deleted until a subdivision agreement or development agreement is entered into for the lands in question with the City of London.

Responses: see below and Responses to Public Liaison Letter and Publication in "Living in the City" on page 33 of report

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ANALYSIS

Based on the Public and Agency responses to the public liaison in 2008 and most recently in July 2010 the following issues were identified:

Public Comments

- Request for one (1) foot reserve along the northerly limit of the plan which abuts South Carriage Road and Coronation Drive
- Inclusion of a holding provision requiring that the one (1) foot reserve be lifted prior to development
- Lot sizes not consistent with development to the north
- House sizes should be controlled
- Proposed development will impact value of homes in the area
- Possible extension of Street D

Agency/Department Issues

- Street design
- Lot orientations
- Size and limit of school block
- Access to lands to the west
- Density of development
- Water Services
- SWM Servicing
- Potential impacts on woodland to the east
- Development limits adjacent to the natural heritage features
- Appropriateness of commercial designation/zoning on block 203

The remainder of this report will address these and other issues and include a review of the draft plan of subdivision and requested Official Plan and Zoning By-law amendments in conjunction with the Provincial Policy Statement(2005), relevant Official Plan policies and the Council adopted guidelines in the Hyde Park Community Plan.

PROVINCIAL POLICY STATEMENT (2005)

This application has been reviewed for consistency with the 2005 Provincial Policy Statement. It is staff's position that the draft plan of subdivision will provide for a healthy, livable and safe community. The plan incorporates lots with varying lot frontages to provide for a variety of single detached housing to assist in meeting projected needs. This plan incorporates a school block which was a need identified through the Hyde Park Community Planning process. The planned infrastructure will allow for the development of these lands.

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

PLANNING ACT - SECTION 51(24)

Section 51(24) of the Planning Act provides municipalities with criteria which must be considered prior to approval of a draft plan of subdivision. The Act notes that in addition to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality, regard shall be had for,

- the effect of development of the proposed subdivision on matters of provincial interest;
- whether the proposed subdivision is premature or in the public interest;
- whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- the suitability of the land for the purposes for which it is to be subdivided;
- the number, width, location and proposed grades and elevations of highways, and the

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**39T-08502/Z-7489/OZ-7510
A. MacLean**

adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;

- the dimensions and shapes of the proposed lots;
- the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
- conservation of natural resources and flood control;
- the adequacy of utilities and municipal services;
- the adequacy of school sites;
- the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;
- the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and
- the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area.

As previously noted it is staff's position that the proposed draft plan is consistent with the 2005 Provincial Policy Statement. The proposed development is not premature given the infrastructure planned for the area. The recommended redline plan conforms to the Official Plan and will be integrated with adjacent subdivisions to the east and north. The Hyde Park Community Plan, which was prepared for this area, identified this as a suitable area for low and medium density forms of housing. The existing transportation infrastructure is designed to accommodate this development. Improvements to the surrounding collector roads will ensure that there will be convenient and safe access to this community.

The proposed zoning provides for a range of low density residential lot mixes. There will be no restriction on adjoining land as a result of approving this draft plan of subdivision. Any lands within the UTRCA regulated area will require the Owner to obtain the necessary permits prior to any soil disturbance. The owner will be required as a condition of draft approval to construct the necessary utilities and services. This plan also provides for a school block which may be acquired by any of the 4 (four) school boards. The woodlot in Block 201 and 202 will be dedicated to the City for park purposes and the City will negotiate with the property owner to acquire any additional open space lands. The proposed street layout of the draft plan (with redline amendments) provides for efficient use and conservation of energy.

Based on staff's analysis, the recommended redline draft plan is consistent with the all of the relevant criteria within Section 51(24) of the Planning Act.

OFFICIAL PLAN POLICIES

The subject lands are designated Low Density Residential; Multi-Family Medium Density Residential and Open Space. The western portion of this site (Blocks 201 and 202) is identified as a woodland on Schedule B – Floodplain and Environmental Features of the Official Plan.

Low Density and Multi-Family Medium Density Residential

The Low Density Residential designation which applies to the majority this site permits low-rise, low density housing forms including single detached, semi-detached and duplex dwellings (at a maximum density of 30 units per hectare) as the main permitted uses.

The Multi-Family Medium Density Residential designation which applies to the northern portion of this site permits multiple-unit residential developments having a low rise profile, with 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. Low density residential uses may also be considered within the Multi-family Medium Density Residential land use designation.

The recommended draft plan of subdivision and the recommended residential Zoning By-law amendments conform to the low density residential policies in terms of building form and

Agenda Item #	Page #

39T-08502/Z-7489/OZ-7510
A. MacLean

density. The proposed partial school block located on the east side of the subdivision, is also a permitted use in the Multi-Family Medium Density Residential designation (which applies to this area).

Open Space

The Open Space Land use designation which applies to the woodlot along the easterly limit of this plan, permits uses such as city-wide, and regional parks; cemeteries; private golf courses; agriculture; woodlot management; horticulture; conservation; essential public utilities and municipal services; and recreational and community facilities as the main permitted uses. It is also recommended that the OS5 zone be adjusted to appropriately delineate the easterly development limit adjacent to the woodlot.

Official Plan Amendment Request

As previously noted, the front portion of the subject lands (Block 203 abutting Hyde Park Road) contains a commercial garden centre (Hyde Park Garden Centre). The applicant has requested an amendment to the Official Plan to change the designation of Block 203 from Multi-Family Medium Density Residential (MFMDR) to Business District Commercial. With recent amendments to the Official Plan, as a result of the 5 year review, the "Business District Commercial" designation has been replaced with the "Mainstreet Commercial Corridor" designation. This new designation builds on the previous BDC designation policies in an attempt to strengthen these areas by encouraging infilling and redevelopment which conforms to the existing form of development and to improve the aesthetics of the business area. The policies provide guidance to ensure that issues such as urban design including building texture, setback, accessibility and inclusion of common parking facilities are addressed through the Zoning By-law and Site Plan Approval processes. Given the recent amendments to the Official Plan, the applicants request to change the designation of these lands will be reviewed based on the new "Mainstreet Commercial Corridor" designation policies.

Although a commercial use currently exists on the site, the requested designation change to Mainstreet Commercial Corridor is not consistent with the policies as this lone commercial use would not form part of a continuous pedestrian oriented commercial block. Also this property could not be considered as an expansion to the Mainstreet Commercial Corridor as the lands immediately to the north are designated Multi-family Medium Density Residential. In order to determine if the MFMDR designation in this area should be changed, adjacent lands to the north would need to be included in a comprehensive review to determine if it is appropriate to consider an expansion to the Mainstreet Commercial Corridor designation.

Based on the current situation, it is staffs position that medium density residential development at this location is appropriate and consistent with the designations immediately to the north and along the west side of Hyde Park Road. Medium density residential development at this location would assist in supporting the existing and proposed commercial developments within the existing Mainstreet Commercial Corridor area along the east side of Hyde Park Road further north of the subject lands. Based on the above, it is recommended that the existing Multi-family Medium Density Residential designation be maintained on this block. Changing the designation of this parcel to Mainstreet Commercial Corridor would not represent good land use planning.

HYDE PARK COMMUNITY PLAN

The *Hyde Park Community Plan* was adopted by City Council on April 17, 2000 pursuant to Section 19.2.1. of the Official Plan. No portions of this draft plan were designated for high density residential development and no such uses are proposed at this time. The draft plan provides for a school block as identified in the Hyde Park Community Plan. Appropriate street linkages have been proposed to facilitate the efficient movement of vehicular traffic and pedestrian traffic within the community. Redline amendments to the draft plan and recommended zoning provide for an appropriate mix of housing types to allow for choice in

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housing.

In addition to the standard land use policies, development in this area is guided by the following area specific policy in Section 3.5 of the Official Plan, which applies to the Hyde Park Community Planning Area:

- 3.5.13 *In the area bounded by Fanshawe Park Road West, on the north, CN Rail line to the south, the former City Boundary (pre-1993) to the east and the former CN railway spur line to the west, design guidelines have been developed through the Community Plan process which encourage street-oriented development and discourage noise attenuation walls along arterial roads. New development should be designed and approved consistent with the design guidelines in the Hyde Park Community Plan.*

The revised draft plan includes a block (203) which abuts Hyde Park Road. Given that staff are recommending that the designation of this parcel be maintained as multi-family medium density residential any change to the zoning for this site should contain holding provisions to address the potential issues of noise from Hyde Park Road (h-54) and to ensure that the development is designed consistent with the Hyde Park Community Plan (h-53). It is recommended that this parcel remain within the Urban Reserve (UR3) Zone until such time as a development proposal comes forward for this site.

Also, this development will be located within 300 metres of the Canadian Pacific Railway and as such a noise study will be required, as a condition of draft approval, prior to the submission of engineering drawings to ensure that the issue of noise and vibration is properly addressed for all lots within 300 metres of the rail line.

In addition, although there will be a future commercial use abutting lots 1-17 it is not possible to determine when this use will be established or the configuration of buildings(s) on the site. Therefore, a noise study will be required as a condition of draft approval to determine the impacts of traffic from Hyde Park Road on lots 1-17.

Lots within 300 m Zone of Influence



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39T-08502/Z-7489/OZ-7510
A. MacLean

SUBDIVISION DESIGN

Road Pattern

Access for lands within this plan of subdivision is proposed through abutting secondary collector roads to the north (South Carriage Road and Coronation Drive). There are six (6) local streets proposed within this draft plan. The street pattern draft approved in 2002 (under plan 39T-02515) differs slightly from the one currently proposed. The main difference being a shift of Street A westerly to allow for the lots to back onto the proposed school block. The Catholic District School Board and the Thames Valley District School Board have both advised that the street frontage proposed for the school block is acceptable. As a result the proposed realignment of Street A at Coronation Drive is considered acceptable.

The applicant has provided for a future connection between Street B and Street D along the westerly limit of the draft plan. In order to provide for an overall improved vehicular and pedestrian circulation, staff recommend that the plan be realigned so that the easterly limit of Street B be connected to Street A. This will provide for better vehicular and pedestrian circulation and in the long term it will provide for a continuous street from Coronation Drive to South Carriage Road.

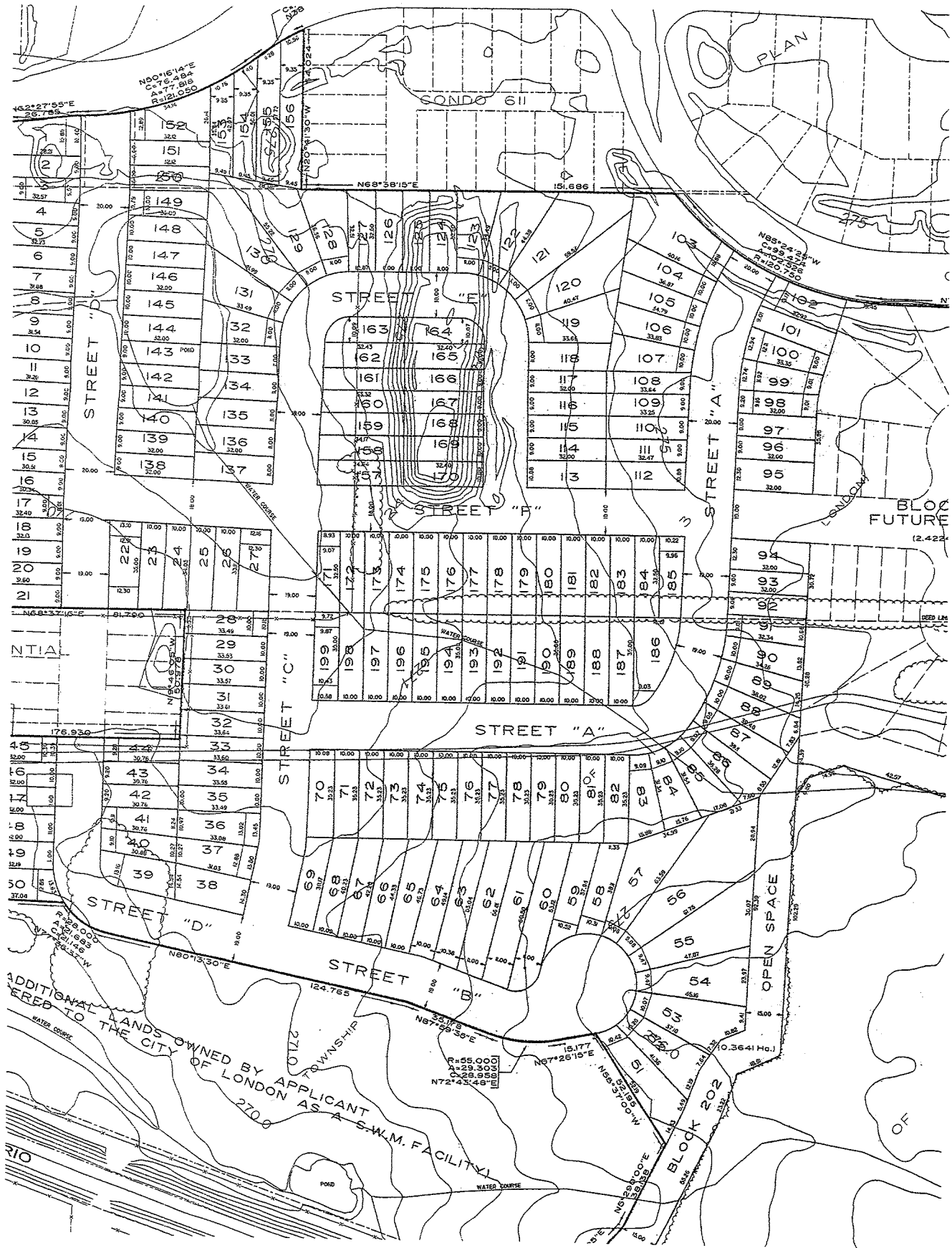
It should also be noted that staff had requested early on in the process that Owner give consideration to providing for a window street adjacent to the woodlot (i.e. re-orient Street "A"). The City has made this request from developers in the past and unfortunately there are no policies in place which mandates that this design be implemented. Typically developers advise that the cost of constructing a single loaded road is cost prohibitive. In this instance the Owner has provided for an extensive single loaded road in front of the proposed SWM facility 1B1 which will ultimately be connected (from a City ownership perspective) to the woodland area.

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39T-08502/Z-7489/OZ-7510
A. MacLean

Proposed Street Pattern



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39T-08502/Z-7489/OZ-7510
A. MacLean

Proposed Realignment of Streets A and B



It is recommended that fencing consistent with the development at 1144 Coronation Drive, be installed at the interface of lots 102 and 103 with Coronation Drive to provide for a visually attractive streetscape. To ensure that there are limited expanses of exterior yard fencing adjacent to the collector roads, it is recommended that the homes on these corner lots (Lot 1, 102, 103 and 152) be designed and constructed to have a side entry garage, with driveway access from the local street, a main entry of the home which fronts the collector road and chain link or decorative fencing along no more than 50% of the exterior side yard abutting the collector road. This will be addressed through a condition of draft approval.

Finally, given the long row of single detached dwellings adjacent to the future commercial block (i.e. lots 1-17) it is recommended that should a noise wall not be required in this location a consistent fencing treatment which is graffiti proof (i.e. a living wall) be installed.

Agenda Item #	Page #

39T-08502/Z-7489/OZ-7510
A. MacLean

Connectivity

Council Policy States that “there shall be sidewalks on both sides of any road on which a school property fronts”. Therefore, it is appropriate to have sidewalks on both sides of Street “A” and Street “D” to Street “F”. Also given the east/west road connectivity, it is also recommended that sidewalks be installed on both sides of Street F to ensure that there is safe and adequate pedestrian circulation through the neighbourhood.

As per EESD’s request, it is recommended that access from Street D to lands to future multi-family lands to the west be provided. It is Development Planning staffs opinion that identifying one (1) lot for access is insufficient as this frontage is too restrictive. The access width should be widened to ensure that development has adequate room to allow for driveways and sidewalks in a safe location. In addition, community mailboxes, visitor parking, and entrance features are often found near the front of multi-family developments. In this instance, a minimum frontage of 18 metres (i.e. two lots) is considered satisfactory to maintain maximum flexibility regarding the location of the driveway and sidewalk. Widening the frontage would also allow a public road to be constructed should such freehold development be desired for this tract of land in the future. This is an approach which has been used for other multi-family developments in the City (i.e. 1780 Commissioners Road West).

Therefore it is recommended that lots 20 and 21 be consolidated as a block (shown as Block A on the redline amended plan) to allow for future access to abutting lands. It is also recommended that this block be zoned Urban Reserve (UR3 - similar to abutting lands to the west) and that a holding provision be applied to ensure that these lands are developed in conjunction with abutting lands (h-108). Development Planning staff are similarly recommending that this also be applied to lots 45 and 46 to allow for access to the multi-family residential block to the west. These access blocks are to be dedicated to the City.

It should be further noted that in the event that the parcels of land adjacent to Hyde Park Road do develop for Multi-family residential use, the blocks would be purchased by those owners from the City and the City would forward the proceeds (minus any City costs) to Kenmore Homes. Should it be determined that the access blocks are not needed, the blocks could then be transferred back to Kenmore Homes for a nominal fee. This will be addressed through a condition of draft approval.

Lotting Pattern

Based on the applicants design, 199 single detached dwellings could be produced from this draft plan. Based on the proposed redline amendment to Streets A and B, the total number of lots will be 195 plus two access blocks (formerly lots 20, 21, 45 and 46).

It should be noted that the proposed “ghosted” lotting plan shown over the future school block is not acceptable and will not form any part of any approval relating to this draft plan. Should this block not develop for a school site and residential development is proposed, there will be a requirement that units front Coronation Drive in a form of freehold single detached dwellings and/or some form of cluster housing.

DEVELOPMENT LIMIT

As part of the draft plan submission, the applicant prepared and submitted an Environmental Impact Study to determine the limit of development and potential impacts this development may have on the woodlot. The EIS, prepared by Earthtech was reviewed by City Staff, EEPAC and the UTRCA. In response to issues raised by agencies and staff, a subsequent addendum to the EIS was provided. The accepted EIS (and addendum) recommends that Woodland Patch No. 01004 (Block 201) should be protected as a Significant Woodland feature. The woodland had been previously identified as a significant component of the City of London’s Natural Heritage System. The EIS also recommends that the 15 metre buffer zone be a non-development area and that lot lines be located outside of this limit. Therefore, it is recommended that Block 202

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be consolidated with Block 201 to form the easterly development limit of this site.

The EIS provided a number of recommendations to address protection of the limit of the woodland buffer through silt fencing, rock checks and barriers for tree protection. The recommendations from the EIS are to be implemented by the developer during the development process. This has been addressed as a condition of draft approval.

In addition to recommendations within the EIS, staff are also recommending that no grading be permitted within the woodlot (or any other open space areas within this plan) and that a tree hazard report be prepared and implemented along the periphery of the woodlot.

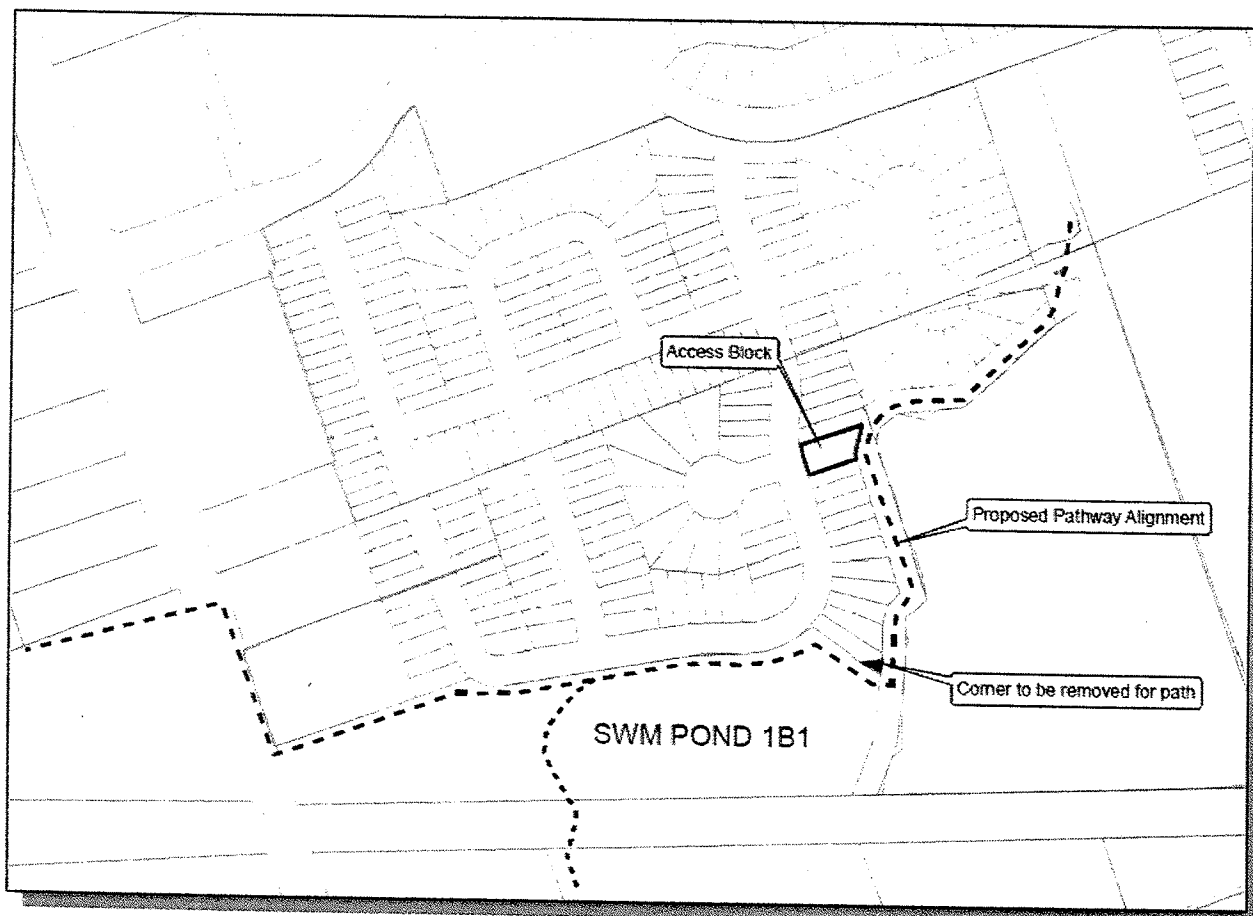
OPEN SPACE AND ACTIVE PARKLAND

Linkages

To provide for appropriate pedestrian and bicycle pathway linkage to this subdivision (consistent with the City's Bicycle Master Plan), a pathway linkage through the future SWM Block to the existing CP Rail tunnel to permit community connections is necessary. This will be addressed as part of the design for the SWM facility. Also a pathway from the existing parkland at the north east corner of the property through Block 202 to the SWM block will be necessary to provide for proper bicycle/pedestrian circulation. This will also require a redline amendment to lot 51 to provide for proper visual site lines and alignment of the pathway.

To ensure, for safety purposes, that there are adequate access points to the woodlot and its trail system and to provide for frontage on a municipal street, a 15 metre wide public access should be made between lots 71 and 72 opposite redlined Street "B".

Bicycle/Pedestrian Circulation



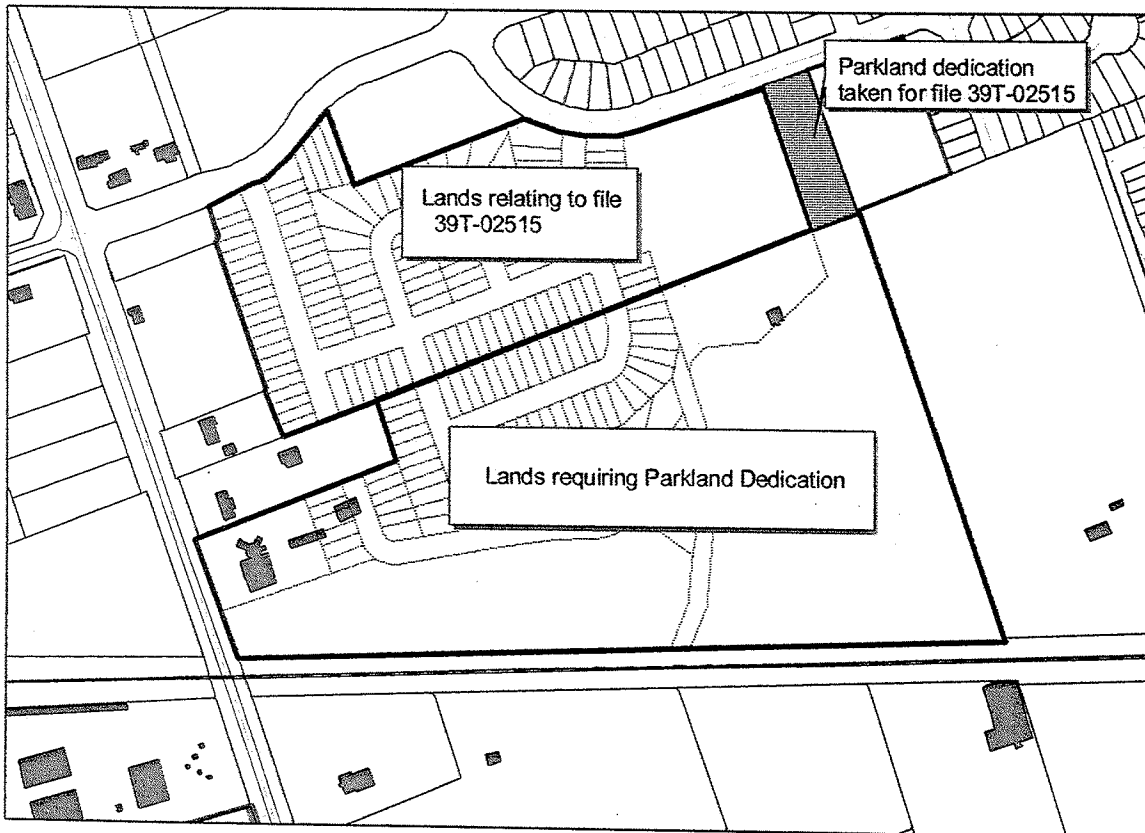
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39T-08502/Z-7489/OZ-7510
A. MacLean

Parkland Dedication

Pursuant to section 51 of the Planning Act, parkland dedication is calculated at 5% of the lands within the application or 1 ha per 300 units, whichever, is greater. Given the low density of this subdivision parkland has been calculated based on 5% of the total land area.

The required parkland dedication for the northern portion of this draft plan (delineated in draft approved plan 39T-02515) was previously taken as part of consent application B.30/06 (see area below). Therefore, active parkland in this area will be located within the Gainsborough Place Subdivision immediately to the north east of the subject lands.



As a result, parkland dedication is only required for the remaining lands to the south (which were originally included in plan 39T-08503). It should also be noted that the proposed stormwater management block was recently severed from the southerly limit of this plan and is to be transferred to the City. The Consent Agreement for this parcel includes a clause requiring the owner of the subject draft plan to include these lands in the calculation of parkland dedication.

Parks Planning staff have calculated the required parkland to be 5% of all lands (within the former Bierens property) save and except the woodlot and buffer. The total parcel size of the former Bierens property was 14.618 ha. Blocks 201 and 202 (and the buffer area adjacent to the school), which includes the woodlot and a 15 metre buffer, comprises a total area of 6.094 hectares. Since the woodlot has been deemed significant and is undevelopable, these lands have been deleted from the parkland calculation. Therefore, the required parkland dedication for this entire draft plan is 0.426 ha hectares (8.734 ha X 5%).

A portion of the proposed 15 m wide access block to the woodlot can also be used for parkland dedication at a rate of 1:1. With recent amendments to the Parkland Dedication By-law (CP-9-1004) pathways are to be 5 metres in width and lands above the 5 m width form part of the parkland dedication. Therefore, 0.04 ha (10m X 36 m) would be considered parkland. Also as previously mentioned a minimum 6m X 6m (0.004 ha) site triangle is required at the southerly limit of lot 51 to allow for site lines and the proper alignment of the pathway. This can also be used for parkland dedication at a rate of 1:1. Blocks 201 and 202 (and the buffer area adjacent to the school) may be considered for parkland credit at a rate of 15:1 as per the City's new

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39T-08502/Z-7489/OZ-7510
A. MacLean

parkland guidelines. This would equate to a parkland dedication of 0.406 ha. The following table illustrates the parkland dedication breakdown for this subdivision.

Parcel	Area	Parkland Dedication Rate	Total
Access Block	0.036 ha	1:1	0.036 ha
Site Triangle at lot 51	0.004 ha	1:1	0.004 ha
Woodlot	6.094 ha	15:1	0.406 ha
Total Dedication Provided			0.446 ha
Parkland Dedication Required			0.426 ha
Over dedication			0.02 ha

Based on the size of these blocks and the new parkland dedication rate, the total parkland dedication provided within this subdivision would amount to 0.446 hectares. This would result in an over dedication of 0.02 ha which would need to be purchased by the City at a rate of \$370,650 per hectare (or \$7413).

Residential Lands Abutting Open Space

To protect the woodlot from encroachment, the Owner will be required as a condition of draft approval to construct a 1.5m high chain link fencing without gates in accordance with current City park standards or approve alternate, along the property limit interface of all private lots and blocks adjacent to Block 202 (Open Space). Fencing is to be completed to the satisfaction of the Manager of Parks Planning and Design, within 1 year of the registration of the plan.

In addition, the Owner will be required to prepare and deliver to all purchasers and transferees of the lots in this plan an education package as approved by the Manager of Parks Planning and Design that explains the stewardship of natural areas and the value of existing tree cover. This will also be required as a condition of draft approval.

Street Trees and Tree Preservation

Street trees will be required for this subdivision and this will be addressed as per the standard subdivision clause. A Tree Preservation report will be required for the entire subdivision as a condition of draft approval. The tree preservation report will focus on the preservation of specimen trees of good quality and will be completed to the satisfaction of Parks Planning and Design as part of the Design Study Review process (post draft approval).

In order to monitor the health of vegetation along the woodland edge, a tree hazard report should be prepared and implemented along the periphery of the woodlot within one year of registration of the plan. Also, no grading will be permitted into the woodlot or the open space blocks. These and other Parks issues have been addressed as conditions of draft approval.

SERVICING

Sanitary Storm and Water

Sanitary and Storm servicing for this plan will be accommodated through connections to the existing sewers on South Carriage Road and Coronation Drive. It is important to note that the future regional SWM facility 1B1 which is located immediately adjacent to this draft plan must be constructed prior to the lifting of the holding provision for services for this subdivision in order to be able to provide capacity for not only this draft plan but other draft plans which are already approved within the Hyde Park Area.

Agenda Item #	Page #

39T-08502/Z-7489/OZ-7510
A. MacLean

Water services will be available through connection to the existing watermain on South Carriage Road and Coronation Drive. The h-100 Holding Provision is recommended to be applied to the zoning of these lands to ensure that there are no more than 80 units developed until looped water main is constructed.

Transportation

All streets within this subdivision must be designed to City standards. The Owner will be required as a condition of draft approval to carry out a Transportation Impact Study to determine what impacts this development will have on the abutting arterial road network.

As previously noted it is recommended that lots 20 and 21 and lots 45 and 46 be consolidated as a block to allow for future access to abutting lands. It is also noted that access for 1369 Hyde Park Road and Block 203 (within this draft plan) through these blocks will need to be reviewed in greater detail when these lands come forward for development to ensure that there are no adverse impacts on the subject lands which are to be development for single detached dwellings.

Coronation Drive/South Carriage Road

The landowner/developer to the north, Sydenham Investments, was required to construct Coronation Drive and South Carriage Road at the time the lands to the north were developed. Sydenham Investments has requested that a one (1) foot reserve be placed along the northern limit of this draft plan (where it abuts South Carriage Road) to restrict access to the collector road. This one (1) foot reserve would be lifted when Kenmore Homes has paid its share of the costs of land and construction of South Carriage Road. Sydenham Investments has also requested that a holding provision be applied to these lands to prohibit development until such time as the one (1) foot reserve has been lifted.

To address this cost sharing issue, it is recommended that a condition of draft approval be included which requires the Owner, prior to Final Approval of this plan of subdivision, to provide certification from Sydenham Investments Inc. to the City of London that they have reimbursed Sydenham Investments for half the cost of the land and construction of this portion of South Carriage Road. Since this is required prior to issuing final approval of this subdivision, the lots cannot be created. As a result there is no need to create a one (1) foot reserve along the frontage of South Carriage Road or a special holding provision for the lots in this area.

Summary

It is staffs opinion that the recommended redline amended draft plan of subdivision with associated conditions (Appendix 39T-08502) represent good land use planning.

PROPOSED ZONING

The subject lands are currently zoned Residential R2/R4 which permits single detached, semi-detached, duplex dwellings and street townhouses; Residential R5/R6/R7/R8 which permit various forms of medium density housing; a Neighbourhood Facility Zone which permits institutional uses such as a school; Urban Reserve (UR3) and a Holding Urban Reserve (h-2 UR3) which permits existing dwellings; agricultural uses except for mushroom farms, commercial greenhouses livestock facilities and manure storage facilities; conservation lands; managed woodlot; wayside pit; passive recreation use; kennels; private outdoor recreation clubs; and riding stables and an Open Space (OS5) Zone which permits conservation lands; conservation works; passive recreation uses which include hiking trails and multi-use pathways and managed woodlots. The h-2 Holding provision requires that an Environmental Impact Study be prepared to ensure that development will not have a negative impact on relevant components of the Natural Heritage System (i.e. the woodlot on the eastern portion of the site).

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39T-08502/Z-7489/OZ-7510
A. MacLean

The applicant has requested the R1-3 (4) Zone which permits single detached dwellings on lots with a minimum lot frontage of 10 metres; the R1-3 (8) Zone which permits single detached dwellings on lots with a minimum lot frontage of 11 metres; and the R1-13 (6)) Zone which permits single detached dwellings on lots with a minimum lot frontage of 9 metres. Staff support the proposed zones and have adjusted a few of the areas to provide for an appropriate lot mix (See Small Lot Guideline Section below for further details).

The applicant has also requested the BDC2(4) Zone which permits uses such as assembly halls; churches; community centres; funeral homes; institutions; schools; bake shops; clinics; commercial recreation establishments; commercial parking structures and/or lots; converted dwellings; day care centres; dry cleaning and laundry depots; duplicating shops; emergency care establishments; existing dwellings; financial institutions; grocery stores; laboratories; laundromats; libraries; medical/dental offices and offices.

Staff do not support the requested zoning by-law amendment for the reasons outlined below:

- The applicant's request to change the Official Plan designation from Multi-Family Medium Density Residential to Mainstreet Commercial Corridor (previously Business District Commercial) is not supported (as noted in clause d));
- The existing Multi-Family Medium Density Residential designation does not support Mainstreet Commercial Corridor uses;
- It is inappropriate to consider a rezoning of this nature without necessary changes to the Official Plan; and
- The requested zone change would not represent good land use planning.

Staff acknowledge that the Hyde Park Garden Centre has existed at this location for a number of years. Although it is inappropriate to change the zoning to allow for an expanded range of commercial uses on this block, it is appropriate to recognize the existing use. Therefore, it is recommended that the Urban Reserve UR3 zone for this site be amended to include a special provision to recognize the garden centre and existing buildings and structures as existing on the date of the passing of this by-law.

The requested the OS4 and OS5 Zones to refine the boundaries of the future stormwater management facility and the woodlot are also considered by staff to be appropriate.

Summary

In summary, the recommended zoning represents good land use planning.

Small Lot Guidelines

The City's Small lot guidelines which were prepared in November 2001 noted that:

For small lot subdivision plans exceeding 50 lots in size, an acceptable mix of lot frontages for single detached units should be provided (a small lot frontage is characterized as having a frontage of under 12 m).

To achieve this, Planning staff, in 2008, proposed revisions to the Small Lot Guidelines to stipulate the percentage of small lots within any subdivision. Staff recommended that lots of 9.99 m or less should not generally exceed 40% of the total number of lots in any plan containing more than 50 lots. Also, it is the City's position that lots fronting the collector road system should be no less than 11 metres to avoid on street parking issues and to provide for some on-street parking locations.

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The following table illustrates the size of lots (by frontage) which are proposed by the applicant:

Frontage	Number of Lots	% of Total
9-10 m	67	34%
10-11 m	92	46%
11 -12m	25	13%
12m+	15	7%
Total	199	100%

Although the applicant's proposal does provide for a reasonable mix of lot frontages, significant redline amendments to the plan are being proposed. As a result, the following table illustrates the size of lots (by frontage) which are proposed based on staffs proposed redline amendments.

Frontage	Number of Lots	% of Total
9-10 m	75	39%
10-11 m	65	33%
11 -12m	33	17%
12m+	22	11%
Total	195	100%

Based on the above, the proposed lot mix is appropriate as it allows for more choice to builders and future homeowners in this area. It should be noted that lots 127, 153 and 156 have frontages which are less than the required 11m (as requested in the R1-3(8) Zone). Therefore these lots will need to be adjusted in order to comply with the proposed R1-3(8) Zone.

Residential Lot Mixes

A number of area residents raised concerns that the proposed lot sizes are not characteristic of the lots on plans to the north and east of this site. Their concern is that the type of units which will be constructed on 9, 10 and 11 metre lot frontages will not be consistent with the development pattern in the area and will result in a decrease in property values in the area. Although lands immediately to the north provide for lots with a minimum lot frontage of 15 metres(49 feet) other developments in the immediate area (to the east) provide for a range of lot sizes varying from 9 metres-12 metres frontage which is consistent with the lot sizes proposed within this draft plan. Development Planning staff have no information to support the notion that varying lot sizes and housing types have a negative impact on adjacent property values.

Based on a cursory review of the existing dwellings on Coronation Drive and South Carriage Gate, there is a mixture of one (1) and two (2) story dwellings with gross floor areas ranging from 167 m²(1800 sqft) – 232 m² (2500 sqft). The proposed zoning for the subject lands can permit two (2) story dwellings with a maximum building footprint of 120 m² per floor, which would equate to a gross floor area over two(2) storey's of 240 m²(2583 sqft). Therefore, the lot sizes proposed within this development could accommodate houses of similar size (gross floor area) to those which currently exist on Coronation Drive and South Carriage Gate. It should also be noted that requiring a minimum gross floor area for housing, as raised by some of the area residents, is not supported by staff as it would reduce the opportunity for housing choice in this area. Staff acknowledge that lot sizes on lands to the north and east are larger than the proposed lots within this draft plan (i.e. 12-15+ metre frontages) and these large lots typically accommodate larger homes, however, in order to provide for a mix of housing and choice in neighbourhoods it is appropriate to consider lots with varying frontages.

The applicant's original proposal, in 2008, provided for a draft plan with more than 50% of the lots with frontages of less than 10 metres. Staff advised the applicant at that time that this was not an appropriate lot mix. Based on the applicants most recent submission and staffs further redline amendments to the plan, an appropriate lot mix has been established to provide for choice in housing types.

Agenda Item #	Page #

39T-08502/Z-7489/OZ-7510
A. MacLean

Parking Plan

Typically, where a subdivision has a majority of lots which have less than 11 metres frontage a parking plan is required to illustrate how on street parking can be provided. The applicant did provide a parking plan based on the original draft plans (39T-08502 & 39T-08503) which illustrated how on-street parking spaces could be accommodated. Based on the redlined revised plan, the applicant will be required to submit a new parking plan for this development. This will be required prior to the submission of engineering drawings (see condition of draft approval). If an acceptable parking plan cannot be provided, additional changes to the lot structure will be required.

Holding Provisions

In response to issues raised by EESD, the h-100 Holding Provision is proposed to be applied to this development to ensure that no more than 80 units are developed until a looped watermain system is constructed and that a second public access is in place prior to final approval of any phase of this development. Also, a holding provision is recommended for the redlined access blocks to ensure that these blocks are developed with adjacent lands to the west.

URBAN DESIGN/PLACEMAKING POLICIES

The Hyde Park Community Plan and associated Urban Design Guidelines were adopted by City Council on April 17, 2000 pursuant to Section 19.2.1. of the Official Plan. The proposed draft plan of subdivision and recommended zoning provides for low density housing consistent with the Official Plan, the Hyde Park Community Plan and the Hyde Park Urban Design Guidelines.

The focal point of this neighbourhood is the school block which is located within this plan. The redline amended plan will allow for improved vehicular circulation throughout the community and to adjacent lands to the west and south (i.e. more energy efficiency, less backtracking). The plan also provides for an integration of community elements by providing for a window street adjacent to the future SWM facility as well as increased access to the woodlot to the east. All streets in the subdivision will have sidewalks on at least one side of the street allowing for proper pedestrian movements.

The proposed zoning for this subdivision provides for a reduced front yard setback (i.e. 3 m for main building) which is not only a traffic calming measure but is also intended to prevent the creation of houses where the garage dominates the streetscape. The plan provides for an appropriate mix of lot sizes to provide for choice in housing.

From a physical context, the draft plan provides for the retention of 5+ha of significant woodland. The proposed storm water management facility will be naturalized over time and combined with the adjacent wood lot this will provide a strong open space corridor for the public to enjoy. Minor redline amendments to the plan (i.e. reorientation of lots) have been proposed to ensure that vistas are enjoyed by the future residents of this community.

REDLINE REVISIONS TO THE DRAFT PLAN

The following redline revisions are required to the draft plan:

- Identify curve radii on the plans for Streets 'A' and 'E'
- Revise Street 'A'/Coronation Drive intersections – Street 'A' to connect at 90 degrees with a minimum 6 metre tangent along street lines.
- Revise Street 'D'/South Carriage Road intersections – Street 'D' to connect at 90 degrees with a minimum 6 metre tangent along street lines


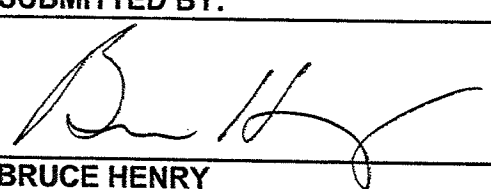
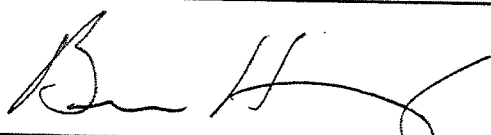
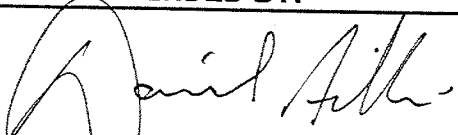
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39T-08502/Z-7489/OZ-7510
A. MacLean

- Revise Street 'F' road width to be 20 m in width (as per clause z)
- Revise Street 'D' (south of Street 'F') to be 20 m in width
- Revise Street 'A' (formerly Streets 'D' and 'B') to be 20m in width
- Identify a 0.3 m (1 ft) reserve at the south end of Street 'D', the north end of the westerly extension of Street 'A' , and adjacent to lots 20/21 & 45/46 respectively
- Identify road widening on Hyde Park Road
- Amend draft plan in a situation where further lands are required for the construction of proposed regional Hyde Park SWM Facility 1B1
- Delete lots 20, 21 and 45,46 to create access blocks
- Connect Street B to Street A and re-lot this portion of the plan
- Add 15 m wide walkway access between lots 71 and 72 opposite Street B
- Reorient lots to front SWM block
- Remove a portion of the south east corner of lot 51 for pathway

CONCLUSION

The subject lands are being developed in accordance with Official Plan Policy and the Hyde Park Community Plan. Holding Provisions will ensure that the plan develops with adequate municipal services. Approval of this redline revised Draft Plan of Subdivision and associated Zoning By-law amendments is appropriate and is considered to be good land use planning.

PREPARED BY:	SUBMITTED BY:
	
ALLISTER MACLEAN SENIOR PLANNER	BRUCE HENRY MANAGER – DEVELOPMENT PLANNING
RECOMMENDED BY:	RECOMMENDED BY:
	
D.N. STANLAKE DIRECTOR-DEVELOPMENT PLANNING	DAVID ALLES MANAGING DIRECTOR – DEVELOPMENT APPROVALS BUSINESS UNIT

January 24, 2011
AM/am
"Attach."

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

<u>Telephone</u>	<u>Written</u>
<p>Adrian Plante – 1351-1357 Hyde Park Rd – is there an opportunity for road connection to allow for rear of 1351-1357 Hyde Park Rd to develop for residential use.</p>	<p>Hani and Mona Haider Robert and Georgette Dunn Madge & Julius Witzing Aladdin Jazmaliamd & Abir Harb John & Susan Svatos Jason Figueiredo Debra Farrow Sandy & Hugh Hudson Douglas McIntosh Monica Palombo & Mike Romeo Margaret and Bill Karelson Irene McIntosh Violet Towel Maggie Lai Jacqueline Simmons</p> <p>-proposed lots too small; not in keeping with character of the area; will devalue homes in the area; wants minimum sq ft of homes to allow for homes of similar size as those on north side of Coronation drive;</p>
	<p>Barry Card Dan Walsh</p> <p>Request for one(1) foot reserve and holding provision requiring the one(1) foot reserve</p>
	<p>Norma Spearing, 7 Constable Street, London</p> <p>-proposed lots too small, negative impact on property values, concerned over quality of homes to be built in the area</p>

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39T-08502/Z-7489/OZ-7510
A. MacLean

APPENDIX "A"

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

By-law No. Z.-1-11_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 255 South Carriage Road and 1331 Hyde Park Road.

WHEREAS Kenmore Homes (London) Inc. have applied to rezone an area of land located at 255 South Carriage Road and 1331 Hyde Park Road, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 255 South Carriage Road and 1331 Hyde Park Road, as shown on the attached map comprising part of Key Map No. 27, from a Holding Urban Reserve (h-2-UR3) Zone; an Urban Reserve (UR3) Zone, an Open Space (OS5) Zone; a Compound Holding Residential R2/R4 (h-R2-1/R4-6) Zone, a Compound Holding Residential R5/R6/R7/R8 (h-R5-7/R6-4/R7-D75-H13/R8-4) Zone and a Compound Holding Neighbourhood Facility/Residential R5/R6/R7/R8 (h-NF/R5-7/R6-4/R7-D75-H13/R8-4) Zone to a Holding Residential R1 Special Provision (h- h-100-R1-3(4)) Zone; a Holding Residential R1 Special Provision (h- h-100-R1-3(8)) Zone; a Holding Residential R1 Special Provision (h-h-100-R1-13(6)) Zone; Holding Residential R1 Special Provision/Neighbourhood Facility (h-h-100-R1-3(8)/NF) Zone; a Holding Urban Reserve Special Provision (h-108-UR3()) Zone; an Urban Reserve Special Provision (UR3 ()) Zone; an Open Space (OS4) Zone and an Open Space (OS5) Zone.

- 1) Section Number 49 of the Urban Reserve Zone to By-law No. Z-1 is amended by adding the following Special Provisions:

Section 49.3 c) UR3 Zone Variation

xx) UR3 ()

a) Permitted Uses:

- i) a garden centre together with existing buildings and structures as existing on the date of the passing of this by-law.

xx) UR3 ()

a) Permitted Uses:

- i) uses as existing on the date of passing of this by-law,
- ii) no buildings or structures.

Agenda Item # Page #

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39T-08502/Z-7489/OZ-7510
A. MacLean

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

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

PASSED in Open Council on February 7, 2011.

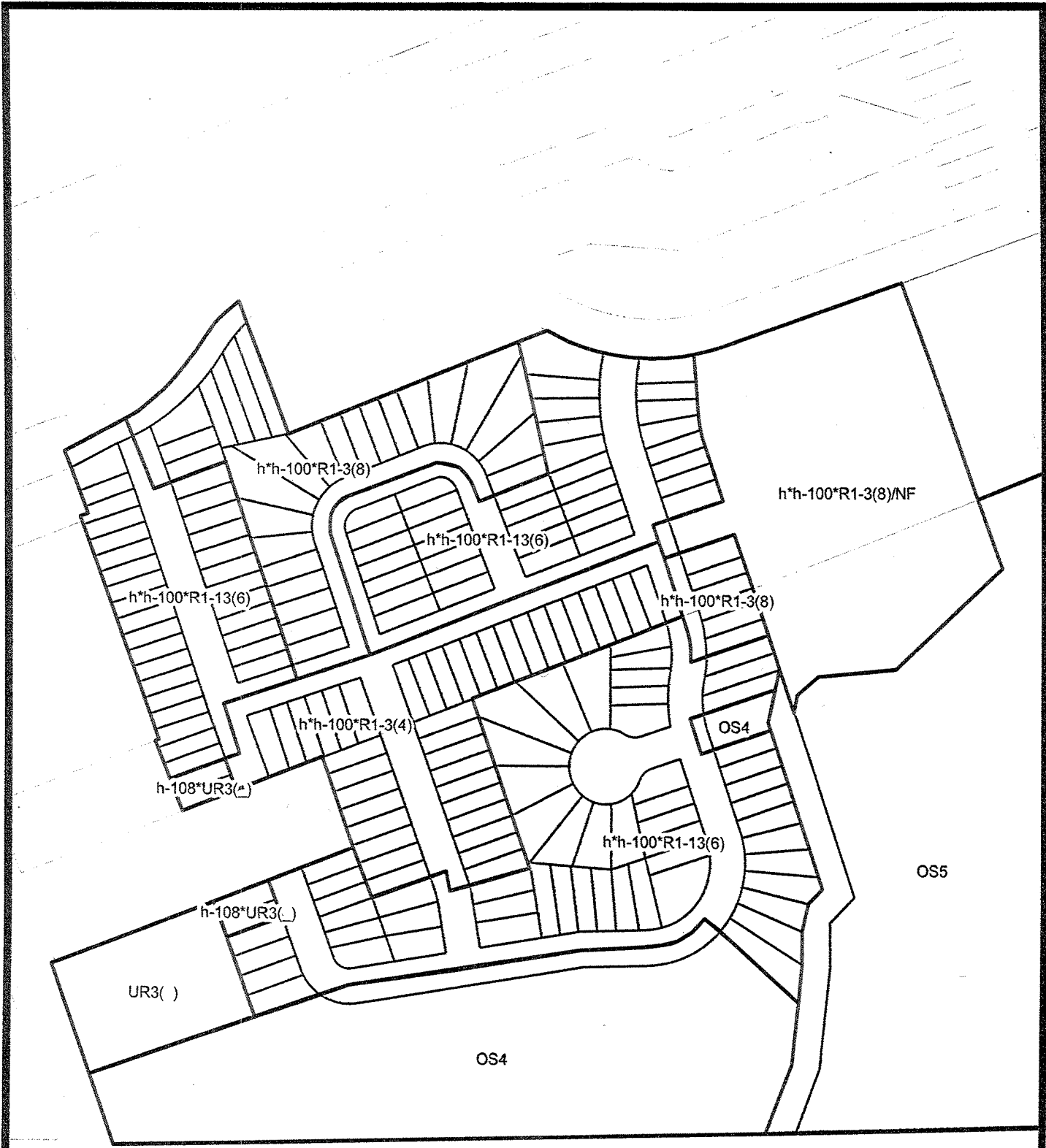
Joe Fontana
Mayor

Cathy Saunders
City Clerk

First Reading - February 7, 2011
Second Reading - February 7, 2011
Third Reading - February 7, 2011



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



ANNEXED AREA APPEALED AREAS

Zoning as of September 30, 2010

File Number: 39T-08502/OZ-7510/Z-7489

Planner: AM

Date Prepared: 2010/12/20

Technician: MC

By-Law No: Z.-1-

SUBJECT SITE 

1:3,000

0 15 30 60 90 120 Meters



Agenda Item #	Page #

39T-08502/Z-7489/OZ-7510
A. MacLean

APPENDIX 39T- 08502
(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-08502 ARE AS FOLLOWS:

NO.	CONDITIONS
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Standard

1. This draft approval applies to the draft plan submitted by Kenmore Homes (London) Inc. (File No. 39T-08502 prepared by Archibald, Gray & McKay Ltd, certified by Bruce Baker, OLS (Drawing No. 9-L-3380, dated December 10, 2007), as redline revised which shows 195 single detached lots, one (1) school block, one (1) open space block, one (1) multi-family residential block and various reserve blocks served by one (1) collector road and six (6) new local streets.
2. This approval of the 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. Phasing of this subdivision (if any) shall be to the satisfaction of the General Manager of Planning and Development and the City Engineer.
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 General Manager of Planning and Development.
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,

Agenda Item #	Page #

39T-08502/Z-7489/OZ-7510
A. MacLean

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 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.
14. That prior to final approval for the registration of the subdivision by the Approval Authority, the Director of Development Planning, City of London, is to be advised in writing by the Finance Department, City of London that all financial obligations/encumbrances on the said lands have been paid in full, including property taxes and local improvement charges.
15. The Owner shall obtain and submit to the General Manager of Planning and Development a letter of archaeological clearance from the Southwestern Regional Archaeologist of the Ministry of Culture. The Owner shall not grade or disturb soils on the property prior to the release from the Ministry of Culture.
16. 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.)

Sanitary

17. The Owner shall construct sanitary sewers and connect them to the existing municipal sewer system, namely, the existing 450 mm (18") diameter municipal sanitary sewer on South Carriage Road and the existing 375 mm (15") diameter municipal sanitary sewer on Coronation Drive.
18. The Owner shall construct an extension of the sanitary sewer on Hyde Park Road to serve the southerly portion of the site and connect the proposed extension to the existing 200 mm (8") diameter sanitary sewer on Hyde Park Road.
19. 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. The local sanitary sewer will be at the sole cost of the Owner. Any exception will require the approval of the City Engineer.
20. Prior to registration of this plan, the Owner shall obtain consent from the City Engineer to reserve capacity at the Oxford Pollution Control Plant for this subdivision. This treatment capacity shall be reserved by the City Engineer 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 Engineer. In the event of the capacity being

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forfeited, the Owner must reapply to the City to have reserved sewage treatment capacity reassigned to the subdivision.

21. The Owner shall not allow any weeping tile connections into the sanitary sewers within this plan.
22. The Owner may be required to oversize any sanitary sewers constructed as part of the outlet for the subject subdivision plan to accommodate flows from any other external lands tributary to the sanitary sewer system, as directed by the City Engineer.
23. Throughout the duration of construction within this draft plan of subdivision, the Owner shall 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 construction, all at the Owner's cost. Quality control measures are also required to prevent inflow and infiltration from entering the sanitary sewer system after construction, all satisfactory to the City Engineer and all at no cost to the City.
24. In conjunction with the Design Studies submission, the Owner shall provide an analysis which shall indicate the water table level of lands within the subdivision and an evaluation of additional measures, if any, which need to be undertaken in order to meet allowable inflow and infiltration levels as identified by OPSS 407 and OPSS 410.
25. The Owner shall permit the City to undertake smoke testing or other testing of connections to the sanitary sewer to ensure that there are no connections which would permit inflow and infiltration into the sanitary sewer. Alternatively, the City may require the Owner to undertake smoke testing at his own cost for this purpose and provide a record of the results to the City. The City may require smoke testing to be undertaken until such time as the sewer is assumed by the City.

Storm and Stormwater Management

26. The Owner shall construct private services to connect lots 153 through 156 to the existing 1800 mm (72") diameter municipal sewer on South Carriage Road.
27. The Owner shall direct the remaining minor and major storm flows from this plan (the bulk of the plan) to the proposed regional Hyde Park SWM Facility 1B1, located within the Stanton Drain Subwatershed in the Hyde Park Community Storm Drainage and Stormwater Management Servicing Municipal Class Environmental Assessment.
28. Prior to registration of the plan, the Owner shall provide all required land dedications related to the stormwater works for SWM Facility 1B1, and if necessary amend the draft plan to reflect any changes.
29. Prior to a Certificate of Conditional Approval for lots and blocks in this plan, the proposed regional Hyde Park SWM Facility 1B1 to be built by the City, and all other storm/drainage and SWM related works, must be constructed and operational to the satisfaction of the City Engineer.
30. In conjunction with the Design Studies submission, the Owner's professional engineer shall provide a Drainage Servicing Report, including major / minor flow routes for the subject lands, to the satisfaction of the City Engineer.

In conjunction with the above report, the Owner shall have his professional engineer identify how drainage from external lands will be handled, to the satisfaction of the City Engineer

31. The Owner shall have its consulting professional engineer design and construct the proposed storm/drainage servicing works for the subject lands that accommodate all

Agenda Item #	Page #

39T-08502/Z-7489/OZ-7510
A. MacLean

required drainage areas, all to the satisfaction and specifications of the City Engineer and in accordance to the requirements of the following:

- i) The SWM criteria and environmental targets for the Stanton Drain Subwatershed Study;
 - ii) The accepted Hyde Park Community Storm Drainage and Stormwater Management Servicing Schedule B Class Environmental Assessment;
 - iii) The approved Stormwater Management Functional Design Report for the Hyde Park SWM Facility 1 and the approved Stormwater Management Functional Design Report for the Hyde Park SWM Facility 1B1;
 - iv) The accepted Stormwater Letter of Confirmation prepared in accordance with the file manager process and requirements for the subject development;
 - v) The City's Waste Discharge and Drainage By-Laws, lot grading standards, policies, requirements and practices;
 - vi) The Ministry of the Environment SWM Practices Planning and Design Manual (2003); and
 - vii) Applicable Acts, Policies, Guidelines, Standards and Requirements of all required approval agencies.
32. In conjunction with the Design Studies submission, the Owner shall 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 Environment standards and requirements, all to the satisfaction of the City Engineer. This plan is to include measures to be used during all phases on construction. Prior to any work on the site, the Owner shall submit these measures as a component of the Drainage Servicing Report for these lands and shall implement these measures satisfactory to the City Engineer. The Owner shall correct any deficiencies of the erosion and sediment control measures forthwith.
33. 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 Engineer will be subject to the presence of adequate geotechnical conditions.
34. The Owner shall provide a specific security in the amount of \$60,000 for the Erosion and Sediment Control Plan (ESCP). In the event of failure to properly implement and maintain the required ESCP, the ESCP security will be used to undertake all necessary cleanup work, to the satisfaction of the City Engineer.
35. 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 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.

Water Mains

36. The Owner shall construct watermains to serve this plan and connect them to the existing municipal watermain system, namely, the existing 300 mm (12") municipal watermain on South Carriage Road (high level), the existing 300 mm (12") diameter municipal watermain on Coronation Drive (high level), and the 900 mm (36") diameter municipal watermain on Hyde Park Road (low level). NOTE Block 203 may have a future high level watermain service along Hyde Park Road.

Agenda Item #	Page #

39T-08502/Z-7489/OZ-7510
A. MacLean

37. With the submission of the Design Studies, the Owner shall have its professional engineer provide a water servicing report which addresses the following:
- i) Identify external water servicing requirements;
 - ii) Confirm capacity requirements are met;
 - iii) Identify need for the construction of external works;
 - iv) Identify the effect of development on existing water infrastructure/identify potential conflicts;
 - v) Water system area plan(s);
 - vi) Water network analysis/hydraulic calculations for subdivision report;
 - vii) Phasing report;
 - viii) Oversizing of water main/cost sharing agreements.
38. In conjunction with the Design Studies submission, 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.

Transportation

Roadworks

39. The Owner shall provide a cul-de-sac on Street 'B' in accordance with City of London Standard DWG SR-5.0 (or variation thereof as shown on the draft plan, and as approved by the City Engineer.) The Owner shall provide a raised circular center island (R=8.0 m) within the cul-de-sac.
40. The Owner shall have its professional engineer design Street 'F' to have a minimum road pavement width (excluding gutters) of 8.0 metres (26.2') with a minimum road allowance of 20 metres (66').
41. In conjunction with the submission of detailed design drawings, the Owner shall have his consulting engineer include 30 metre tapers at all locations in the plan where streets reduce from
- i) 20.0 metre to 19.0 metre road width,
 - ii) 19.0 metre to 18.0 metre road width,
- all to the satisfaction of the City Engineer.
42. For any construction within the South Carriage Road right of way, the Owner shall restore the road and relocate any utilities to the extent necessary for the lots fronting South Carriage Road, as shown on the plan of subdivision, to the satisfaction of the City Engineer, at no cost to the City.
43. For any construction within the Coronation Drive right of way, the Owner shall restore the road and relocate any utilities to the extent necessary, as shown on the plan of subdivision, to the satisfaction of the City Engineer, at no cost to the City.
44. The Owner shall provide access for lands adjacent to the plan of subdivision designated in the Official Plan for residential development through lots 20, 21, 45 and 46. The Owner shall identify how those lands can be served through the internal road network to prevent the creation of accesses onto Hyde Park Road.
45. 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 and/or around the cul-de-sac on Street 'B'.

Agenda Item #	Page #

39T-08502/Z-7489/OZ-7510
A. MacLean

Sidewalks/Bikeways:

46. The Owner shall construct, at no cost to the city, a 1.5 metre (5') sidewalk on both sides of the following streets as redline amended:
- i) Street 'A' from Coronation Drive to Street 'F'
 - ii) Street 'D' from South Carriage Road to Street 'F'
 - iii) Street 'F'
47. The Owner shall construct, at no cost to the city, a 1.5 metre (5') sidewalk on one side of the following streets:
- i) Street 'A' – from Street 'F' to north limit of lot 44
 - ii) Street 'C' – west boulevard
 - iii) Street 'D' – from Street 'F' to south limit of lot 22
 - iv) Street 'E' – outside boulevard

Boundary Road Works:

48. In conjunction with the Design Studies submission, the Owner shall submit a Transportation Study in accordance with the Transportation Impact Study Guideline to determine the impact of this development on the abutting arterial roads to the satisfaction of the City Engineer. Prior to undertaking this study, the Owner shall contact the Transportation Planning and Design Division regarding the scope and requirements of this study. The Owner shall undertake any recommendations of the study as required by the City Engineer, to the satisfaction of the City Engineer and at no cost to the City.
49. The Owner shall, prior to Final Approval of the first phase within this subdivision, provide certification from Sydenham Investments Inc. to the City of London that they have reimbursed Sydenham Investments for half the cost of the land and construction of South Carriage Road. abutting lots 1, 152-156.

Road Widening:

50. At the time of registration of this plan, the Owner shall dedicate sufficient land to widen Hyde Park Road to the greater of the recommendation in the Municipal Class EA or 18 metres (59.06') from the centerline of the original road allowance to the satisfaction of the City Engineer.

Vehicular Access:

51. At the time of registration, the Owner shall transfer the Ownership of the 0.3 m (1 ft) reserve to the respective property owners of lots 1, 152, 153, 154, 155, and 156 as shown on this draft plan, inclusive, at no cost to the City. The portion encompassing Street 'D' and South Carriage Road is to be lifted to create the Public Highway, to the satisfaction of the City Engineer.

Alternatively, the Owner is to make arrangements with the City to have Block 12, as shown on Plan 33M-526, dedicated as Public Highway with South Carriage Road, at no cost to the City, to the satisfaction of the City Engineer.

Agenda Item #	Page #

39T-08502/Z-7489/OZ-7510
A. MacLean

Construction Access/Temporary/Second Access Roads:

52. The Owner shall direct all construction traffic associated with this draft plan of subdivision to utilize Hyde Park Road via South Carriage Road or other routes as designated by the City Engineer.
53. The Owner shall agree that, in the event that an emergency access is required for this subdivision in whole or in part by the General Manager of Planning and Development, this requirement will be subject to satisfying the City Engineer with respect to all technical aspects, including adequacy of site lines, provision of channelization, adequacy of road geometries and structural design, etc.
54. 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 arterial roadways needed to provide services for this plan of subdivision. The TMP is a construction scheduling tool intended to harmonize a construction project's physical requirements with the operational requirements of the City of London, the transportation needs of road users and access concerns of area property owners. The Owner's contractor(s) shall undertake the work within the prescribed operational constraints of the TMP. The TMP will be submitted and become a requirement of the subdivision servicing drawings process for this plan of subdivision.
55. The Owner shall construct a temporary turning facility for vehicles at Street 'A' adjacent to lots 42-47 to the specifications of the City Engineer.

Temporary turning circles for vehicles shall be provided to the City as required by the City Engineer, complete with any associated easements. When the temporary turning circle(s) are no longer needed, the City will quit claim the easements which are no longer required, at no cost to the City.

GENERAL CONDITIONS

56. 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 Engineer.
57. 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 Engineer.
58. 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 Engineer.
59. 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 satisfaction of the City Engineer.
60. In the event the draft plan develops in phases, upon registration of any phase of this subdivision, the Owner shall provide land and/or easements along the routing of services which are necessary to service upstream lands outside of this draft plan to the limit of the plan.
61. The Owner shall make minor boulevard improvements on Hyde Park Road adjacent to this plan to the specifications of the City Engineer and at no cost to the City, consisting of clean-up, grading and sodding as necessary.

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- 62. The Owner shall make any adjustments to existing services e.g. street lights, fire hydrants, trees, traffic calming, etc. to accommodate the proposed lotting pattern on South Carriage Road, to the satisfaction of the City Engineer, at no cost to the City.
- 63. Should the Owner decide to grade Block 203 in proximity to Hyde Park Road, the common property line of Block 203 and Hyde Park Road graded in accordance with the City of London Standard "Subdivision Grading Along Arterial Roads" at no cost to the City. The grades to be taken as the centerline line grades on Hyde Park Road are future centerline of road grades as determined by the Owner's professional engineer satisfactory to the City Engineer. From these, the Owner's professional engineer is to determine the elevations along the common property line which will blend with the reconstructed road, all at no cost to the City, all to the satisfaction of the City Engineer.
- 64. 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;
- 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.

- 65. 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.
- 66. 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.
- 67. 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 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.

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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.

68. The Owner hereby agrees that, should any contamination or anything suspected as such, be encountered during construction, the Owner shall report the matter to the City Engineer and the Owner shall hire a geotechnical engineer to provide, in accordance with the Ministry of the Environment "Guidelines for Use at Contaminated Site in Ontario", "Schedule A – Record of Site Condition", as amended, including "Affidavit of Consultant" which summarizes the site assessment and restoration activities carried out at a contaminated site. The City may require a copy of the report should there be City property adjacent to the contamination. Should the site be free of contamination, the geotechnical engineer shall provide certification to this effect to the City.
69. The Owner's 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 Completion of Works upon completion in accordance with the plans accepted by the City Engineer.
70. In conjunction with the Design Studies submission, the Owner shall have its 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.
71. 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".
72. 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, 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. Any recommendations outlined in the report are to be reviewed and approved by the City Engineer, prior to any work on site. Any remedial works recommended in the report shall be constructed or installed by the Owner, prior to the issuance of a Certificate of Conditional Approval, to the satisfaction of the City, at no cost to the City.
73. If this plan is developed in phases and any temporary measures are required, these temporary measures shall be constructed to the specifications and satisfaction of the City Engineer, at no cost to the City.
74. 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 satisfaction of the City Engineer.
75. Prior to any work on site, the Owner shall determine if there are any abandoned wells in this plan and shall decommission and permanently cap any abandoned wells located in this plan, in accordance with current Provincial legislation, regulations and standards. It is the responsibility of the Owner to determine if any abandoned wells exist in this plan.

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.

Agenda Item #	Page #

39T-08502/Z-7489/OZ-7510
A. MacLean

lots:

"Purchasers are advised that despite the inclusion of noise control measures within the subdivision and within the individual building unit, noise levels may continue to be of concern, occasionally interfering with some activities of the dwelling occupants. There may be alterations to or expansions of the Rail facilities on such right-of-way in the future including the possibility that the Railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the subdivision and individual dwellings; and the Railway will not be responsible for any complaints or claims arising from the use of its facilities and/or operations."

"Warning to Solicitors: Solicitors are advised to stress the importance of the above noted warning clause when advising their clients on the purchase of units in the subdivision."

86. Prior to submission of engineering drawings, the Owner shall have a qualified acoustical consultant prepare a noise study concerning the impact of traffic noise between Lots 1 through 19 which considers noise abatement measures that are to be applied in accordance with the requirements of the M.O.E. and the City Official Plan policy to be reviewed and accepted by the General Manager of Planning and Development. The final accepted recommendations shall be constructed or installed by the Owner or may be incorporated into the subdivision agreement.
87. Should a noise wall not be required along the rear of lots 1-19 and 47-50, the Owner shall install a consistent fencing treatment which is graffiti proof (i.e. a living wall) along the rear of these lots.
88. Within one year of registration of the plan, the Owner shall fence all lots adjacent to open space areas to be assumed by the City with a 1.5 metre chain link fence SPO4.8 with no gates. Any other fencing arrangements shall be to the satisfaction of the General Manager of Planning and Development.
89. The Owner shall convey up to 5% of the lands included in this plan and as required in the Consent agreement (B.12/10) for the abutting lands to the south to the City of London for park purposes. This shall include the pathway access block to the woodlot; the site triangle at lot 51 and a portion of the woodlot Block 201.
90. The Owner shall sell a portion of the woodland Block 201 to the City in accordance with the parkland dedication By-law CP-9-1004 within 1 year of registration of the phase containing this block at a total cost of \$7413.
91. Within one year of registration of the plan, the Owner shall prepare and deliver to all homeowners adjacent to Block 201 an education package which explains the stewardship of natural area, the value of existing tree cover, and the protection and utilization of the grading and drainage pattern on these lots. The educational package shall be prepared to the satisfaction of General Manager of Planning and Development.
92. The Owner agrees to register on title and include in all Purchase and Sale Agreements the requirement that the homes to be designed and constructed on Lots 1, 102, 103 and 152, of this Plan, are required to have a side entry garage, with driveway access from Street "A", a main entry of the home which fronts the collector road and limited chain link or decorative fencing along the exterior side yard abutting the collector road. Further, the owner shall obtain approval of their proposed design from the General Manager of Planning and Development prior to any submission of an application for a building permit for Lots 1, 102, 103 and 152 in this Plan.

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39T-08502/Z-7489/OZ-7510
A. MacLean

93. The Owner shall prepare a report pertaining to the removal of the Van Horik Drain. The report shall address the impacts of the removal of the watercourse features on conveyance and capacity and confirm how these issues will be resolved. Compensation for the loss of the features also needs to be addressed all to the satisfaction of the UTRCA.
94. The Owner shall dedicate Block A (lots 20 and 21) and Block B (45 and 46) as shown as on the redline amended plan to the City of London to allow for future access to abutting lands. In the event that the parcels of land adjacent to Hyde Park Road do develop for Multi-family residential use, the Blocks would be purchased by those owners from the City and the City would forward the proceeds (minus any City costs) to Kenmore Homes. Should it be determined that the access blocks are not needed, the blocks could then be transferred back to Kenmore Homes for a nominal fee.
95. The Owner, in consultation with the LTC, shall indicate on the approved engineering drawings the possible "Future Transit Stop Areas". The Owner shall install signage as the streets are constructed, indicating "Possible Future Transit Stop Area" in the approximate stop locations. The exact stop locations shall be field located as the adjacent sites are built, at which time the developer shall install a 1.5 metre wide concrete pad between the curb and the boulevard at the finalized stop locations.
96. The Owner shall advise, at the time of design studies submission, how they will implement the recommendations of the EIS (prepared by EarthTech, dated March 28, 2008) and subsequent addendum (dated August 28, 2008) all to the satisfaction of the General Manager of Planning and Development.
97. The Owner shall construct a pathway from the existing park block at 1260 Coronation Drive to the proposed redline open space block at the southerly limit of lot 51 all to the satisfaction of the General Manager of Planning and Development.
98. The Owner shall not grade into the woodlot or any of the open space blocks.