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TO:	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE
FROM:	GEORGE KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL
SUBJECT:	APPLICATION BY: YORK DEVELOPMENTS 185 & 199 COMMISSIONERS ROAD EAST PUBLIC PARTICIPATION MEETING ON NOVEMBER 14, 2016
RECOMMENDATION	

That on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the applications of York Developments relating to the properties located at 185 and 199 Commissioners Road East:

- (a) Planning and Environment Committee **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the application by York Developments for the revised draft plan of subdivision(39T-08501) relating to the properties located at 185 and 199 Commissioners Road East;
- (b) Council **SUPPORTS** the Approval Authority issuing draft approval of the recommended revised plan of residential subdivision, which shows 26 single detached residential lots, served by two (2) local streets **SUBJECT TO** the conditions contained in the attached Appendix "B",
- (c) The proposed by-law attached hereto as **Appendix "A"** **BE INTRODUCED** at the Municipal Council meeting on November 22, 2016 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 Residential R1 (h.R1-7) Zone; a Holding Residential R1 (h.R1-8) Zone; and a Holding Residential R1 Special Provision h.h-54.(R1-9(7)) Zone **TO** a holding Residential R1 Special Provision (h.R1-8(*)) Zone to permit single detached dwellings with a 20.0m front yard setback from an arterial road with the front face of the dwelling unit oriented towards the arterial road along with other design related enhancements;; and a holding Residential R1 Special Provision (h.R1-8(**)) Zone to permit single detached dwellings on lots with a reduced lot area of 580m2, a reduced rear yard setback of 6.0m (except where lot depth is <20.0m, the rear yard shall be not less than 3.0.m), and a reduced interior side yard setback of 1.2m(except where there is no attached garage, one side shall be 3.0m)
- (d) The request to amend Zoning By-law No. Z.-1 to change the zoning of the subject property **FROM** a Holding Residential R1 (h.R1-7) Zone; a Holding Residential R1 (h.R1-8) Zone; and a Holding Residential R1 Special Provision h.h-54.(R1-9(7)) Zone **TO** a Residential R1 Special Provision (R1-8()) Zone to permit single detached dwellings with an 8.0m front yard setback from an arterial road; and to remove the h. holding provisions from the zones **BE REFUSED** for the following reasons:
 - The minimum setback front yard setback of 8m to Commissioners Road East is incompatible with the prevailing pattern of development in the area and does not represent good planning and,
 - The subdivision agreement has not been executed and therefore the ‘h’ holding provision cannot be removed.

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(e) The applicant **BE ADVISED** that the Director of Development Finance has summarized claims and revenues information as attached in **Appendix "C"**.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

July 14, 2008 - Report to Planning Committee on application for Draft Plan of Subdivision approval and associated Zoning By-law amendment. The Committee directed Planning staff to delete the staff recommended red-line amendments from the plan and to bring revised recommendations and draft plan back for Committee’s consideration at a special meeting prior to the Council meeting on July 21, 2008.

July 21, 2008 - Report to Special Meeting of Planning Committee on the referral of July 14th, 2008.

September 27, 2010 - Report to Environment & Transportation Committee recommending the replacement of Conditions 28 & 29 (relating to the construction of a pumping station and forcemain) with a new condition requiring payment to cover the basement flooding mitigation measures for homeowners in the area.

April 11, 2016 – Report to PEC recommending a three (3) year extension.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

This proposal is to revise an existing Draft Approved Plan of Subdivision. A Zoning Amendment application has also been submitted by the applicant to re-zone the subject site to permit additional site specific regulations for the proposed lots.

RATIONALE

1. The recommended revised residential development is consistent with the Provincial Policy Statement and the Planning Act.
2. The proposed revision to the draft plan to create an additional lot and slightly shift lot lines adjacent to this lot is minor in nature. The creation of this lot does not change the original area of the draft plan and provides for efficient use of the lands.
3. The ‘h-54’ holding provision is recommended to be removed as a noise study has been submitted and accepted by the City of London. The recommendations of this study will be implemented through the subdivision agreement.
4. The requested zoning for reduced rear yard and interior yard setbacks, and lot area are in keeping with the intent of the Zoning By-law will provide for development that is in keeping with the surrounding area.
5. The conditions of draft approval will ensure that development will occur in an orderly manner and on full municipal services.
6. The existing 20 metre setback from Commissioners Road is suitable for new construction and in character with existing built form.
7. The subdivision agreement has not been executed and as a result it is appropriate to keep the h. holding provision on these lands.

File: 39T-08501/Z-8682
Planner: Alanna Riley



LOCATION MAP

Subject Site: 185 and 199 Commissioners Road E
Applicant: York Developments London Inc.
File Number: **Z-8682**
Planner: **Alanna Riley**
Created By: **Ania Serrano**
Date: **2016-09-02**
Scale: **1:5000**

LEGEND

Subject Site

Parks

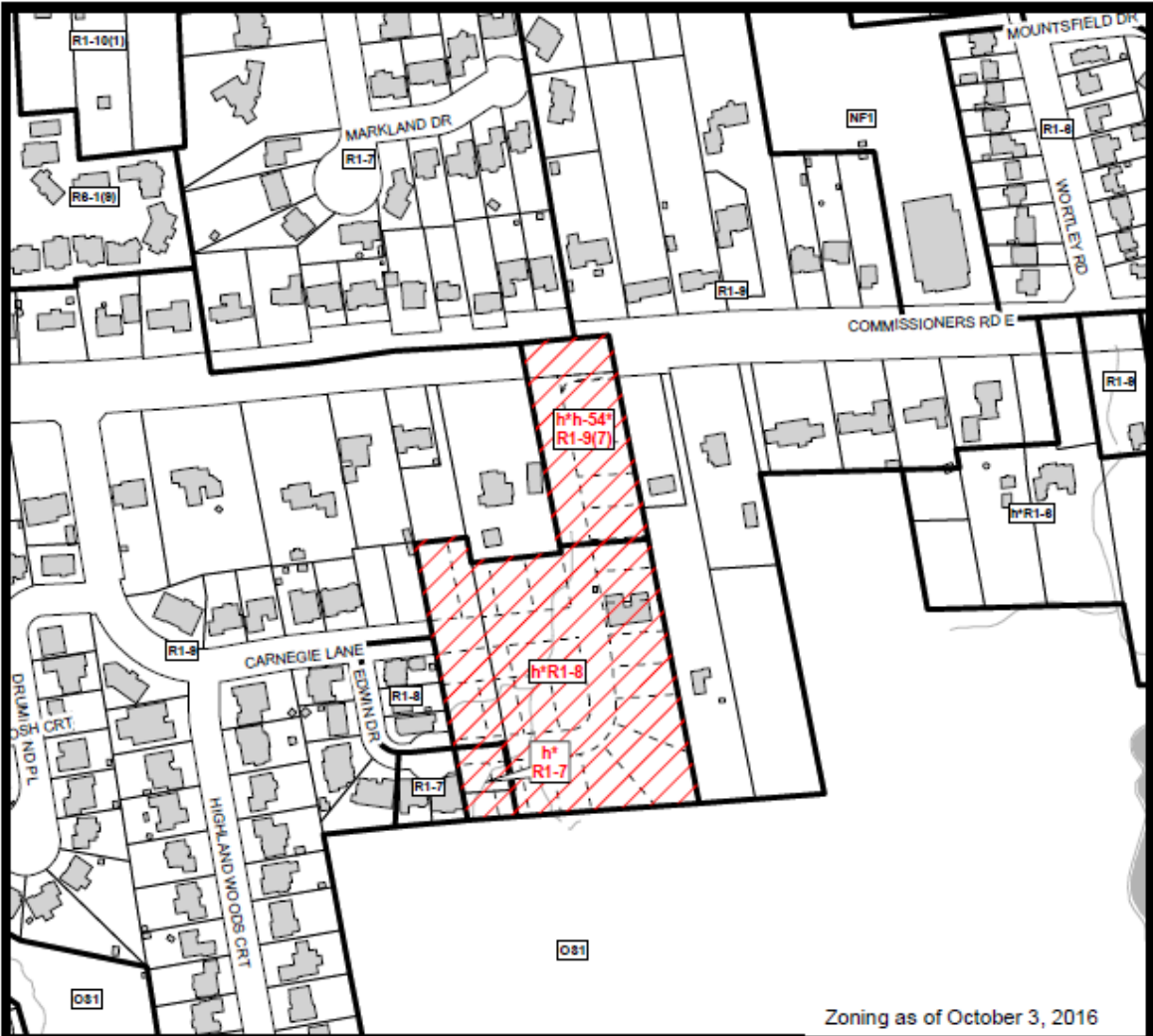
Assessment Parcels

Buildings

Address Numbers

Corporation of the City of London
Prepared By: Development and Compliance Services

File: 39T-08501/Z-8682
Planner: Alanna Riley



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

- T* - HOLDING SYMBOL

D* - DENSITY SYMBOL

H* - HEIGHT SYMBOL

B* - BONUS SYMBOL

T* - TEMPORARY USE SYMBOL

CITY OF LONDON

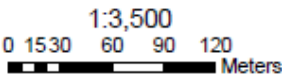
PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES

ZONING BY-LAW NO. Z-1

SCHEDULE A

FILE NO:
Z-8682 AR

MAP PREPARED:
2016/11/02 JS



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BACKGROUND	
Date Application Accepted: September 2, 2016	Agent: Maneesh Poddar
This proposal is to revise an existing draft approved plan of subdivision. A Zoning Amendment application has also been submitted by the applicant to re-zone the subject site to address an oversight in the original subdivision draft approval and to permit site specific regulations for the proposed lots.	
SITE CHARACTERISTICS:	
<ul style="list-style-type: none">• Current Land Use – Residential• Frontage –approximately 53 metres• Area – approx. 2.6 hectares	
SURROUNDING LAND USES:	
<ul style="list-style-type: none">• North – SFD Residential• South – Highland Golf Course• East – SFD Residential• West – SFD Residential	
OFFICIAL PLAN DESIGNATION: (refer to attached map)	
<ul style="list-style-type: none">• Schedule A - Low Density Residential	
EXISTING ZONING: (refer to attached map)	
<ul style="list-style-type: none">• Holding Residential R1 (h.R1-7) Zone;• A Holding Residential R1 (h.R1-8) Zone; and• A Holding Residential R1 Special Provision h.h-54.(R1-9(7)) Zone	

PLANNING HISTORY

An application for Draft Plan of Subdivision Approval was accepted on May 28, 2007 and was assigned the subdivision file number 39T-07505. Draft Approval was granted by the Approval Authority on July 31, 2008.

On September 22, 2008 a consent to was granted to sever 181 Commissioners Road(which was part of the original draft plan) into two single detached dwellings lots. This resulted in a reduction of the number of lots in the draft approved plan of subdivision to 25.

The following extensions have been granted for this draft plan of subdivision:

- A six (6) month emergency extension – July 20, 2011
- A one (1) year extension – October 25, 2011
- A six (6) month extension – October 18, 2012
- A one (1) year extension – April 23, 2013
- A one (1) year extension – October 27, 2014
- A six (6) month emergency extension – September 10, 2015
- A three (3) year extension – April 30, 2016

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PUBLIC COMMENTS		
PUBLIC LIAISON:	On September 13, 2016, Notice of Application was sent to property owners in the surrounding area and also published in The Londoner.	1 Reply
<p>Nature of Liaison: This proposal is to revise an existing draft approved plan of subdivision. A Zoning Amendment application has also been submitted by the applicant to re-zone the subject site to permit site specific regulations for the proposed lots.</p> <p>It should be noted that the revision to the draft plan of subdivision is for boundary adjustments and the addition of one lot.</p> <p>Consideration of a Revised Draft Residential Plan of Subdivision showing 26 single detached lots served by two local street extensions (Edwin Drive and Carnegie Lane).</p> <p>Possible Amendment to Zoning By-law Z.-1 to change the zoning regulations as follows:</p> <p>from:</p> <ul style="list-style-type: none">• A Holding Residential R1 (h.R1-7) Zone;• A Holding Residential R1 (h.R1-8) Zone; and• A Holding Residential R1 Special Provision h.h-54.(R1-9(7)) Zone <p>to:</p> <ul style="list-style-type: none">• A Residential R1 Special Provision (R1-8()) Zone to permit single detached dwellings with an 8.0m front yard setback from an arterial road; and• A Residential R1 Special Provision (R1-8()) Zone to permit single detached dwellings on lots with a reduced lot area of 580m2, a reduced rear yard setback of 6.0m (except where lot depth is <20.0m, the rear yard shall be not less than 3.0.m), and a reduced interior side yard setback of 1.0m(except where there is no attached garage, one side shall be 3.0m) <p>Responses:</p> <p>Inquiry asking about access and traffic on Carnigie Lane.</p>		

ANALYSIS

EXISTING SITUATION

The following report addresses issues raised by the public (noted above) and also includes a review of the Zoning By-law amendment; Revised Draft Plan of Subdivision in conjunction with the Provincial Policy Statement (2014), relevant Official Plan policies; the London Plan; the Council adopted Subdivision Guidelines; and the City’s Placemaking Policies.

SUBJECT SITE

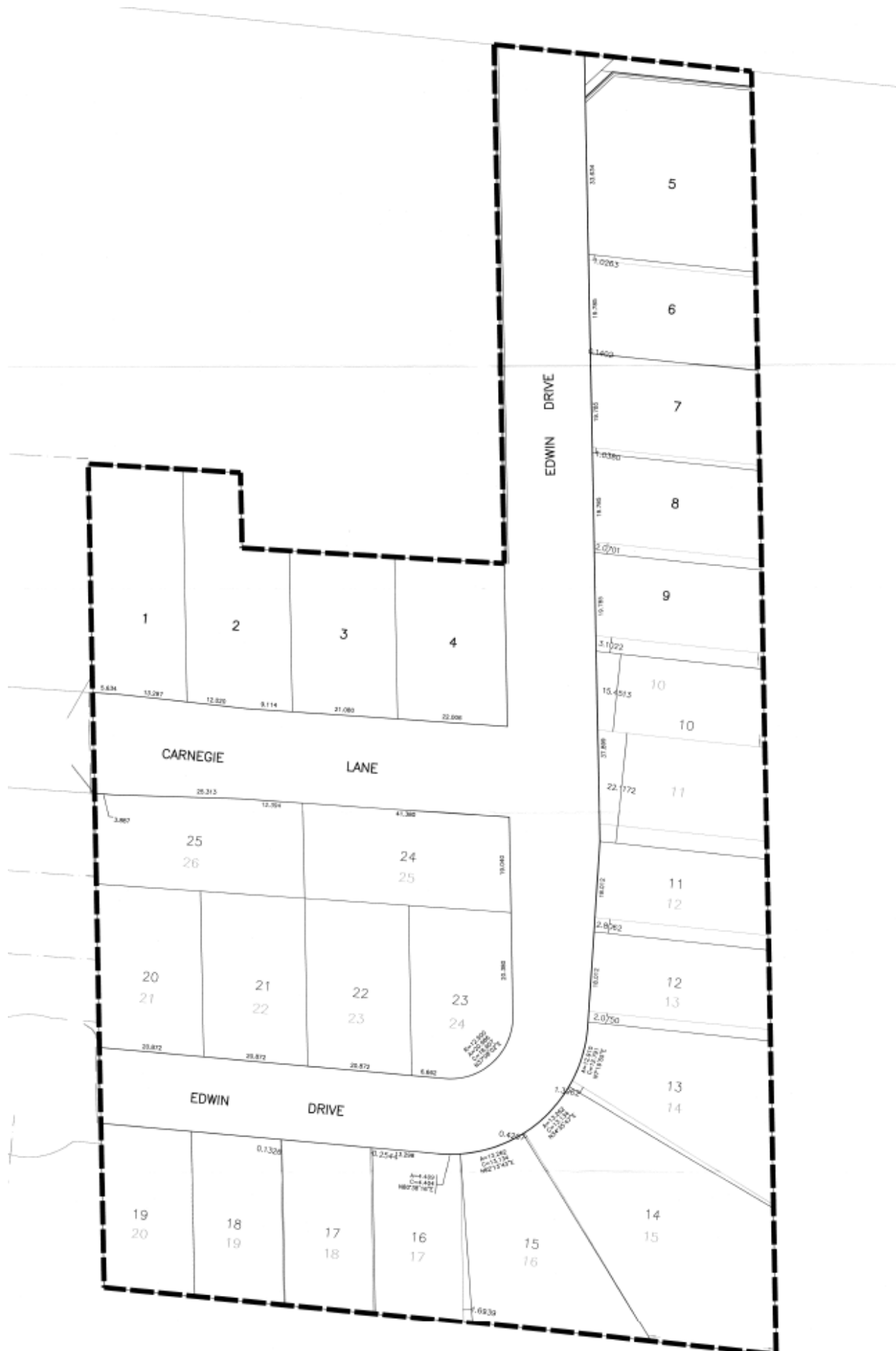
The subject sites are located on the south side of Commissioners Road East, north of the Highland Golf and Country Club. To the east and west there are single detached dwellings. The 2.6 hectare site is irregular in shape with frontage along Commissioners Road East, which is classified as an arterial road.

The proposal is to increase the number of lots in the subdivision from 25 to 26 as shown below. The increase to the number of lots will not change the overall area in the subdivision and the extension of Carnegie Lane and Edwin Drive will remain.

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REVISED PLAN



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ARE THE PROPOSED APPLICATIONS APPROPRIATE?

Given the minor change to the draft plan staff are of the opinion that it is still consistent with the Provincial Policy Statement(2005 and 2014), Section 51(24) of the Planning Act and relevant Official Plan policies.

THE LONDON PLAN

The London Plan was approved by Council on June 23, 2016 and will provide the future framework for planning and development in the City of London upon approval by the Province of Ontario. The proposed applications have been reviewed having regard for the London Plan.

The London Plan identifies the subject lands as a ‘Neighbourhood’ place type. The permitted uses for this site would range from single detached, semi-detached, duplex, converted dwellings (max 2 units), secondary suites, home occupations and group homes at a height of 1 to 2.5 storeys. Also, the London Plan supports appropriate residential intensification that is a good fit within existing neighbourhoods.

The proposed development is consistent with the classification of streets and their intended character, goals and functions as it:

- Provides for a high quality pedestrian realm along the neighbourhood connector and the neighbourhood streets.
- The proposed single detached dwellings will provide for a quality pedestrian realm.

The proposed development is consistent with the policies of the Neighbourhood place type as it:

- Provides for attractive streetscapes, and buildings.
- Provides for connections to the surrounding neighbourhoods.
- Provides for residential intensification within an existing neighborhood which is an effective use of land.

The proposed development is consistent with the policies of the London Plan.

ZONING BY-LAW AMENDMENTS

Planning Impact Analysis

A Planning Impact Analysis is used to evaluate applications for a Zone change.

Proposals are evaluated on the basis of the following relevant criteria:

- compatibility of proposed uses with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area.
- the size and shape of the parcel of land on which a proposal is to be located, and the ability of the site to accommodate the intensity of the proposed use;
- the supply of vacant land in the area which is already designated and/or zoned for the proposed use; and
- the height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses;
- the extent to which the proposed development provides for the retention of any desirable vegetation or natural features that contribute to the visual character of the surrounding area;

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- the location of vehicular access points and their compliance with the City's road access policies and Site Plan Control By-law, and the likely impact of traffic generated by the proposal on City streets, on pedestrian and vehicular safety, and on surrounding properties;
- the exterior design in terms of the bulk, scale, and layout of buildings, and the integration of these uses with present and future land uses in the area;
- the potential impact of the development on surrounding natural features and heritage resources;
- constraints posed by the environment, including but not limited to locations where adverse effects from landfill sites, sewage treatment plants, methane gas, contaminated soils, noise, ground borne vibration and rail safety may limit development;
- compliance of the proposed development with the provisions of the City's Official Plan, Zoning By-law, Site Plan Control By-law, and Sign Control By-law; and
- measures planned by the applicant to mitigate any adverse impacts on surrounding land uses and streets which have been identified as part of the Planning Impact Analysis.

Compatibility

The applicant has indicated the development was designed specifically for the subject site to be in keeping with the scale and density of surrounding development. The residential lands surrounding this site have been developed with single detached dwellings. Given the current draft approved plan area is not changing due to the addition of one lot, the revised plan is still in keeping with the scale and density of the surrounding residential uses in the area.

Ability of Site to Accommodate Development

The original subdivision lots were designed mainly to be in keeping with the Residential R1 (R1-8) Zone which currently covers the majority of the development. However, there are a few lots which are not currently in compliance with the Zoning By-law currently zoned Residential R1 Special Provision (R1-9(7)). This zoning requires a minimum lot area of 690m² which these lots do not have. Therefore a Zoning amendment is required to address this oversight in the original draft approval. The applicant has also requested changes to the zoning for reduced lot areas , reduced rear yard setbacks and interior side yard setbacks and a reduced front yard setback from Commissioners Road East.

The requested reduction of lot area from 600m² to 580m², rear yard setbacks from 7.5m to 6.0m and interior side yard setbacks from 1.8m to 1.2m are appropriate and generally in keeping with the current trends in development of single detached dwellings in new subdivisions.

The site is of sufficient size to allow for the development of these lots with on-site parking and amenity areas. This development represents an efficient use of land and resources. The proposed density is well within the 30 units per hectare density permitted in the Official Plan's Low Density designation.

Vacant Land in the Area

There are no other available vacant lands in the area appropriately zoned for this type of residential development.

Building Size and Siting, and Any Potential Impacts on Surrounding Land Uses

The size of structures for the proposed single detached dwellings within this development are

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proposed to be regulated by the R1-8 zone regulations with special provisions. The applicant has indicated that the dwellings in this development are to be two storeys in height with attractive landscaping. Staff are generally supportive of the requested zoning with the exception of the requested front yard setback from Commissioners Road and have recommended refusal to reduce this setback to 8 metres as requested by the applicant.

Planning principles were reviewed with the original draft plan which included a suitable building setback from Commissioners Road East and staff were of the opinion that a suitable is 20 metres. The intent at that time was to achieve a reasonable building setback with the other residential dwellings along the south side of the Commissioners Road E frontage. Between Wharncliffe Road S. and Upper Queen Street, the building setbacks generally range from 20-65 metres, with exceptions on a few lots having setbacks as shallow as 8-10 metres and as deep as 130 metres. The total average setback is approximately 39 metres, however the majority located between 20-30 metres.

Section 4.23 of the General Provisions of the Zoning By-law indicates:

The minimum setback required for a residential use on a lot that is between two adjacent lots on which are located existing buildings not more than 90.0 metres (295 feet) apart shall be the established minimum setback of the adjacent buildings up to a maximum of the average of the established building lines on the said adjacent lots. A building line is considered to be established where at least 5 dwellings have been erected on a continuous 300 m (984 ft) of the same street frontage.

The applicant has indicated that the current 20 m setback requirement is excessive and unnecessary for providing sufficient landscaping and buffering noise from Commissioners Road East. Additionally it is indicated the side of the planned dwelling will be designed to resemble a front façade and generous landscaping with fencing similar to neighbouring properties will be provided. This setback was established at the time of Draft Approval in 2008, based on a review of the existing development pattern and input from area residents.

Staff have reviewed this request and as noted above are not supportive. To achieve a desired building location along the arterial road edge it is recommended that an existing requirement for a 20 metre minimum building setback from Commissioners Road E requirement remain in the zoning. As explained above, the intent of having the minimum setback from the arterial road is to ensure a reasonable building setback, consistent with the existing residential dwellings along the south side of Commissioners Road E to will achieve continuity of the streetscape. Two other requirements are recommended to remain to ensure streetscape is maintained which include that the front face of the dwelling unit shall be oriented towards the arterial road, and to incorporate enhanced landscape and design features such as black Wrought iron fencing and vegetation in the landscaped open space area between the arterial road and the face of the main building, and in the boulevard or side entrances of the local road in the subdivision.

The recommended zoning is considered to be appropriate and represents sound land use planning.

Vegetation and Natural Features

There are no significant natural features on the site, however there are some existing trees. There is an accepted tree preservation plan for this proposed development in accordance with Draft Plan Condition 22.

Site Access

Given the low number of units of this proposed development, there will be a minimal traffic impacts. The limited increase in traffic should not pose any further risk to the public as a result of this development.

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Development Constraints

The subject lands abut Commissioners Road East which is an arterial road. Due to the impacts of noise generated by vehicles on arterial roads, a noise study was required. This noise study has been submitted and accepted by the City of London. The report assesses predicted noise levels resulting from road traffic volumes for Commissioners Road East for Lots 5 and 6. The recommendations in the accepted noise study will be included in the subdivision agreement and implemented through warning clauses.

Based on the above analysis, the applicant’s proposal to amend the Zoning By-law to allow for single detached dwellings with slightly reduced lot frontages, side yards and rear yards (with the exception of the requested front yard of 8 metres from Commissioners Road E.) is appropriate and the proposed development will be compatible with adjacent low density residential uses.

Issues dealing with servicing will be addressed through revised servicing drawings and associated subdivision agreement.

Compliance with OP

The proposed development is in conformity with the Official Plan. The density of the proposed development complies with the density criteria outlined in the Official Plan and can achieve a high degree of compatibility with the existing residential uses in the area.

Holding Provisions

As noted previously in the report the recommendation is to remove the ‘h-54’ holding provision as a noise study has been accepted by the City. However, the ‘h’ holding provision is recommended not to be removed at this time as a subdivision agreement has not been executed.

Servicing

The proposed revised subdivision will utilize existing municipal servicing infrastructure to meet the current and projected needs of the development as outlined in the original draft plan of subdivision application. Appropriate conditions of draft approval were approved through the original draft plan to address municipal servicing. Through this revised plan there are a few changes reflecting lot numbers. Also, the Water Division has added some new conditions to address such matters as fire flows, water quality and water distribution. Updated conditions, which are identified in **bold** in the attached Appendix ‘B’, will ensure that the subdivision is developed in accordance with current municipal servicing and design standards.

CONCLUSION

Approval and development of these lands is consistent with Provincial Policy, the City of London Official Plan and the Zoning By-law(as amended). The recommended revised draft plan and conditions of draft approval ensures a compatible form of development with the existing neighbourhood. Overall, the revised draft plan of subdivision with associated conditions represents good land use planning and is an appropriate form of development. The recommended Zoning By-law amendments, save and except the requested front yard setback of 8.0 metres to an arterial road, is appropriate and represents sound land use planning.

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Planner: Alanna Riley

PREPARED AND RECOMMENDED BY:	REVIEWED BY:
ALANNA RILEY MCIP, RPP SENIOR PLANNER, DEVELOPMENT SERVICES	ALLISTER MACLEAN MANAGER, DEVELOPMENT PLANNING
REVIEWED BY:	SUBMITTED BY:
TERRY GRAWLEY MCIP, RPP MANAGER, DEVELOPMENT SERVICES & PLANNING LIAISON	G. KOTSIFAS, P.ENG MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL

“Attach”
AR/ar

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to draft plan\FINAL REVISED PEC - Nov. 14, 2016.docx

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Appendix “A”

Zoning By-law Amendment

Bill No. (number to be inserted by Clerk's Office)
2016

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to
rezone an area of land located at 185 and
199 Commissioners Road East

WHEREAS York Developments has applied to rezone an area of land located at 185 and 199
Commissioners Road East, 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 185 and 199 Commissioners Road East, as shown on the attached map, from a
Holding Residential R1 (h.R1-7) Zone; a Holding Residential R1 (h.R1-8) Zone; and a Holding
Residential R1 Special Provision h.h-54.(R1-9(7)) Zone to a holding Residential R1 Special
Provision (h.R1-8(**)) Zone and a holding Residential R1 Special Provision (h.R1-8(*)) Zone
- Section 5.4 Residential R1 Zone is amended by adding the following Special Provisions:

a) R1-8(**) Zone Variation

Regulation:	i)	Lot Area	580m2
		(Minimum)	
	ii)	Rear Yard Setback	6.0m
		(Minimum)	
	iii)	Interior Yard Setback	1.2m
		(Minimum)	

b) R1-8(*) Zone Variation

Regulation:	i)	Notwithstanding Section 4.23 of the Z-1 Zoning By-law, the Front Yard Setback shall be 20.0m (Minimum)
	ii)	The front face of the dwelling unit shall be oriented towards Commissioners Road East
	iii)	Incorporate enhanced landscape and design features such as black Wrought iron fencing and vegetation in the landscaped open space area between the arterial road and the face of the main building, and in the boulevard or side entrances of the local road in the subdivision.

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

This By-law shall come into force and be deemed to come into force in accordance with
subsection 34 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.

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Planner: Alanna Riley

PASSED in Open Council on

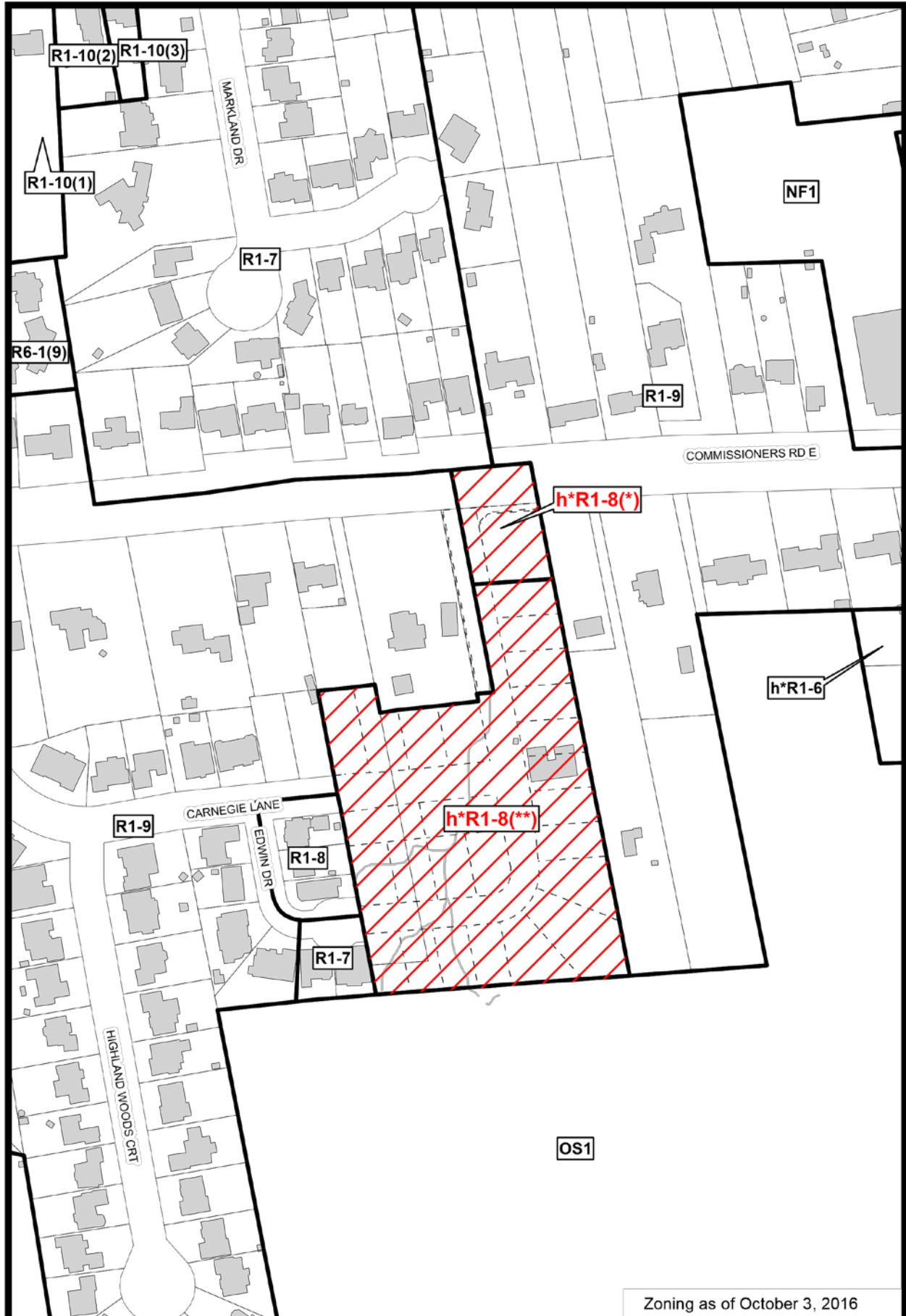
Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading - November 22, 2016
Second Reading – November 22, 2016
Third Reading - November 22, 2016

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File: 39T-08501/Z-8682
Planner: Alanna Riley



Zoning as of October 3, 2016

File Number: Z-8682

Planner: AR

Date Prepared: 2016/11/02

Technician: JS

By-Law No: Z.-1-

SUBJECT SITE



1:2,500

0 12.525 50 75 100
Meters



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Planner: Alanna Riley

Appendix “B”

Conditions of Draft Approval

THE CORPORATION OF THE CITY OF LONDON’S CONDITIONS AND AMENDMENTS TO FINAL APPROVAL FOR THE REGISTRATION OF THIS SUBDIVISION, FILE NUMBER 39T-08501 ARE AS FOLLOWS:

1. This draft approval applies to the draft plan, submitted by York Developments (File No. 39T-08501 prepared by ENG Plus, surveyor J. Andrew Smith, Callon Dietz Inc. (Project No. 06.257, dated December 18, 2007), which shows **26** single-detached lots, served by two local streets.
2. This approval of the draft plan applies until **April 30, 2019**, and if final approval is not given by that date, the draft approval shall lapse, except in the case where an extension has been granted by the Approval Authority.
3. The road allowances included in this draft plan shall be shown on the face of the plan and dedicated as public highways.
4. The Street ‘A’ shall be named Edwin Drive.
5. The Owner shall request that municipal addresses be assigned to the satisfaction of the Director of Development Planning.
6. Prior to final approval, the Owner shall submit to the Approval Authority a digital file of the plan to be registered in a format compiled to the satisfaction of the City of London and referenced to NAD83UTM horizon control network for the City of London mapping program.
7. Prior to final approval, appropriate zoning shall be in effect for this proposed subdivision.
8. The Owner shall satisfy all the requirements, financial and otherwise, of the City of London in order to implement the conditions of this draft approval.
9. The subdivision agreement between the Owner and the City of London shall be registered against the lands to which it applies.
10. In conjunction with registration of the Plan, the Owner shall provide to the appropriate authorities such easements and/or land dedications 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.
11. This subdivision shall be registered in one phase, to the satisfaction of the City.
12.
 - a) Prior to any work on the site, the Owner shall post security and construct temporary measures to control silt to the specifications of the City Engineer. These measures are to remain in place until no longer needed, to the satisfaction of the City Engineer.
 - b) The Owner shall have its professional engineer inspect the measures on a daily basis and keep a log of the dates inspected and any deficiencies identified. The Owner shall have any deficiencies corrected forthwith. The logs shall be made available to the City Engineer upon request.
13. Prior to the acceptance of the Design Studies submission, the Owner shall have a report

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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, private domestic or farm wells in the area and to assess the impact on the water balance of the subject plan, identifying all required mitigation measures, 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 the 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 Engineer, at no cost to the City.

14. Prior to any work on the site, the Owner shall decommission and permanently cap any abandoned wells located in this Plan, in accordance with current provincial legislation, regulations and standards. In the event that an existing well in this Plan is to be kept in service, the Owner shall protect the well and the underlying aquifer from any development activity.
15. Prior to registration of this Plan, the Owner shall obtain consent from the City Engineer to reserve capacity at the Greenway Pollution Control Centre 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.
16. Prior to final approval, all required connections from this plan to all municipal services shall be available. No servicing of these lands shall take place until adequate servicing connections are available.
17. The Owner's professional engineer shall provide inspection services during construction for all work to be assumed by the City, and shall supply the City with a Certification of Completion of Works upon completion, in accordance with the plans accepted by the City Engineer.
18. The Owner shall comply with all City of London standards, guidelines and requirements in the design of this draft plan 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.
19. Prior to final approval, for the purposes of satisfying any of the conditions of draft approval herein contained, the Owner shall file with the Approval Authority a complete submission consisting of all required clearances, fees, and final plans, and to advise the Approval Authority in writing how each of the conditions of draft approval has been, or will be, satisfied. The Owner acknowledges that, in the event that the final approval package does not include the complete information required by the Approval Authority, such submission will be returned to the Owner without detailed review by the City.
20. For the purpose of satisfying any of the conditions of draft approval herein contained, the Owner shall file, with the City, complete submissions consisting of all required studies, reports, data, information and/or detailed engineering drawings, all to the satisfaction of the Director of Development Planning and the City Engineer. The Owner acknowledges that, in the event that a submission does not include the complete information required by

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the Director of Development Planning and the City Engineer, such submission will be returned to the Owner without detailed review by the City.

PARKLAND:

21. Prior to registration, the Owner shall make a cash-in-lieu payment of the 5% parkland dedication pursuant to City of London By-law CP-9.
22. Prior to the submission of engineering drawings, the Owner shall have a Tree Preservation Report, prepared by a Landscaped Architect or a Registered Professional Forester, for lands within the proposed draft plan of subdivision. The Tree Preservation Report shall be established prior to any grading/servicing design to accommodate maximum tree preservation.

The Tree Preservation Report shall focus on the preservation of quality specimen trees within Lots and Blocks and shall be completed in accordance with the current City of London Guidelines for the preparation of Tree Preservation Reports and Tree Preservation Plans to the satisfaction of the City Planner. The Owner shall incorporate the approved Tree Preservation Report and its recommendations into the accepted grading plans.

23. As part of the design studies, the Owner shall prepare and submit a detailed tree restoration plan including Lots 20 to 25, inclusive as identified on the draft plan of subdivision. The species selected to be planted both on the municipal road allowance and on the proposed lots shall meet the requirements of the City of London Guidelines for Tree Planting.

A restoration/tree replanting plan shall be prepared in consultation with the City' Planning Division and to the satisfaction of the City Planner. All planting work on the public road allowance shall be undertaken within one year of registration of this plan, at the sole expense of the Owner, completed to the satisfaction of the City Planner.

For **Lots 21 to 26**, inclusive, all plantings will be completed within one year of issuing the first building permit for the lot. Required securities to be posted and warranty periods shall be contained within the subdivision agreement and will be established to the satisfaction of the Director of Development Planning.

PLANNING:

24. Prior to final approval, the Owner shall remove, or demolish any accessory structures that exist on the subject lands necessary to bring any proposed lot into compliance with the zoning by-law.
25. Prior to submission of engineering drawings, the Owner shall have a qualified acoustical consultant prepare a noise study concerning the impact of traffic noise which considers alternative noise abatement measures that are to be applied in accordance with the requirements of the M.O.E. and the City Official Plan to be reviewed and accepted by the Director of Development Planning. The final accepted recommendations shall be constructed or installed by the Owner or may be incorporated into the subdivision agreement.
26. As part of the engineering drawing submission, the Owner shall incorporate enhanced landscaping and design on the north limit of proposed Lot 5, as amended, and the face of the dwelling, and in the side-exit of the local road accessing to Commissioners Road E, to the satisfaction of the Director of Development Planning. Any fence treatment shall consist of wrought iron, consistent with the fence treatment on the south side of Commissioners Road E.

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SANITARY:

27. Prior to final approval, the Owner shall provide a lump sum payment in the amount of \$189,000 to the City of London, to cover the cost of basement flooding mitigation measures for homeowners in the area, who are determined by the City to require protection and agree to have the works undertaken.
28.
 - a) In accordance with City standards or as otherwise required by the City Engineer, the Owner shall complete the following for the provision of sanitary services for this draft plan of subdivision:
 - i) Construct sanitary sewers to serve this Plan and connect them to the existing municipal sewer system, namely, the 200 mm (8") diameter sewer located on Commissioners Road E and.;
 - ii) 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 specifications of the City Engineer. This sewer must be extended to the limits of this plan and/or property line to service the upstream external lands.
 - b) In order to prevent any inflow and infiltration from being introduced to the sanitary sewer system, the Owner shall undertake the following, 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 Engineer, at no cost to the City, including but not limited to the following:
 - i) Not allow any weeping tile connections into the sanitary sewers within this Plan;
 - ii) Have his consulting engineer confirm that the sanitary sewers meet allowable inflow and infiltration levels as per OPSS 410 and OPSS 407 and;
 - iii) 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 sewers.

STORM/STORMWATER MANAGEMENT:

29.
 - a) The Owner shall have its consulting professional engineer design and supervise the construction of the storm/drainage system to service this plan and the total catchment area, to the specification and satisfaction of the City Engineer and according to the requirements of the following:
 - i) The SWM targets and criteria for the Thames Valley Area Subwatershed Study;
 - ii) The approved storm/servicing and Stormwater Management Functional Report for these lands;
 - iii) City of London SWM Pond requirements (update January 2003);
 - iv) The City's Drainage and Waste Discharge By-laws, lot grading standards, policies, requirements and practices;
 - v) Ministry of the Environment SWM Practices Planning and Design Manual; and
 - vi) Applicable Acts, Policies, Guidelines, Standards and Requirements of all relevant SWM agencies.

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- b) The Owner shall construct the storm/drainage system to service this plan and the total catchment area, entirely at its own expense, to the satisfaction of the City Engineer and according to the requirements in part (a) above.
- 30. Prior to acceptance of the Design Studies submission, the Owner shall develop an erosion/sediment control plan (ESCP) 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 on construction. Prior to any work on the site, the Owner 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 shall correct any deficiencies of the erosion and sediment control measures forthwith.
- 31. Prior to the acceptance of the Design Studies submission, the Owner shall implement 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.
- 32. 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.
- 33. Prior to the submission of engineering servicing drawings, the Owner shall have its consulting professional engineer identify the major and minor storm flow routes for the entire catchment area(s) to the satisfaction of the City Engineer.
- 34. The Owner shall construct storm sewers to serve this plan and connect them to the existing municipal sewer system, namely, the existing 600 mm (24") diameter storm sewer on Commissioners Road East.
- 35. In conjunction with the submission of the design studies, the Owner shall have their consulting engineer submit a stormwater servicing report/plan satisfactory to the City Engineer. This report shall include identification of the major and minor stormwater overland flow routes for the entire catchment area to the satisfaction of the City Engineer.
- 36. Prior to the issuance of a Certificate of Conditional Approval for lots and blocks in this plan or as otherwise approved by the City Engineer, all storm/drainage and stormwater management (SWM) works, including major and minor storm flow routes, shall be constructed and operational in accordance with the approved design criteria and accepted drawings, all to the satisfaction of the City Engineer.
- 37. In accordance with City standards or as otherwise required by the City Engineer, the Owner shall complete the following for the provision of stormwater management (SWM) and stormwater services for this draft plan of subdivision:
 - i) Implement all geotechnical recommendations with respect to all geotechnical issues, including erosion, maintenance and structural setbacks related to slope stability, if necessary, and ensure they are adequately addressed for the subject lands, to the satisfaction of the City;
 - ii) Make provisions to oversize and deepen the internal storm sewers in this plan to accommodate flows from upstream lands external to this plan;
 - iii) Construct and implement erosion and sediment control measures as accepted in the Storm/Drainage and SWM Servicing Functional Report or a SWM Servicing

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- Letter/Report of Confirmation for these lands and the Owner shall correct any deficiencies of the erosion and sediment control measures forthwith; and
- iv) Address forthwith any deficiencies of the stormwater works and/or monitoring program.
38. The Owner shall ensure the post-development discharge flow from the subject site must not exceed capacity of the stormwater conveyance system. In an event, where the condition cannot be met, the Owner shall provide SWM on-site controls that comply to the accepted Design Requirements for Permanent Private Stormwater Systems.
39. The Owner shall ensure that all existing upstream external flows traversing this plan of subdivision are accommodated within the overall minor and major storm conveyance servicing system(s) design, all to the specifications and satisfaction of the City Engineer.
40. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall install the proposed stormwater management system, as identified on the accepted engineering drawings, including all orifice control devices on private property and on Commissioners Road East, to the satisfaction of the City.
41. The Owner shall have it's professional engineer submit semi-annual monitoring reports to the City demonstrating that the works perform in accordance with the approved design criteria. The reports are to provide test results on the volume and nature of the sediment accumulating in the stormwater management works. The timing and content of the monitoring reports is to be in accordance with the City's "Monitoring and Operational Procedure for Stormwater Management Facilities" guidelines. The Owner shall ensure that the monitoring program commences when building permits have been issued on fifty percent (50%) of the lots in the Plan and shall continue until assumption.
42. The Owner shall register against the title of **Lots within this plan as shown on the accepted engineering drawings** and shall include the following in the Agreement of Purchase and Sale for the transfer of each of the said lots, a covenant by the purchaser or transferee to observe and comply with the following:
- i) Stormwater management controls have been implemented on the affected lots which will provide storage volumes on these lots in conjunction with the stormwater management system for this Plan of subdivision in accordance with the approved SWM Report prepared by Eng Plus Ltd.
 - ii) The purchaser or transferee shall not alter or adversely affect the said stormwater management controls and/or stormwater storage areas on the said lots as shown on the accepted lot grading and servicing drawings for this subdivision.

WATER:

43. **Prior to the issuance of any Certificates of Conditional Approval, and in accordance with City standards, or as otherwise required by the City Engineer, the Owner shall complete the following for the provision of water service to this draft Plan of Subdivision:**
- i. **The subject lands are located within the Westmount/Pond Mills high-level water distribution system service area. Construct watermains to serve this Plan and connect them to the existing high-level municipal system, namely the existing 300mm (12") diameter watermain on Commissioners Road East, the 200mm (8") diameter watermain on Carnegie Lane, and the 100mm (4") diameter watermain on Edwin Drive;**
 - ii. **The available fire flow and appropriate hydrant colour code marker (in accordance with the City of London Design Criteria) are to be shown on the engineering drawings; the coloured fire hydrant markers will be installed by the City of London at the time of Conditional Approval; and**

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- iii. **Have their consulting engineer confirm to the City that the watermain system has been constructed, is operational, and is looped from the watermain on Commissioners Road East through this Plan to Carnegie Lane and Edwin Drive in Plan 33M-433 to the west.**

- 44. Prior to the acceptance of the Design Studies submission, the Owner shall have it's 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.

New Water Conditions

- # **In conjunction with the submission of revised engineering drawings, the Owner shall provide an addendum to the Water Distribution System Analysis design study addressing the following:**

- i) **Provide modelling to address water quality and identify measures to maintain water quality (as necessary) at zero build-out (no demand) of the subdivision;**
- ii) **Identify fire flows available from each proposed hydrant to be constructed and determine the appropriate colour hydrant markers (identifying hydrant rated capacity);**
- iii) **Although it appears the plan will be developed in one phase, in the event it is not, include a phasing report as applicable which addresses the requirement to maintain interim water quality.**

- # **Prior to the issuance of any Certificates of Conditional Approval the Owner shall install and commission the accepted water quality measures required to maintain water quality within the water distribution system during build-out, all to the satisfaction of the City Engineer, at no cost to the City. The measures which are necessary to meet water quality requirements, including their respective flow settings, etc shall be shown clearly on the engineering drawings.**

- # **Implemented water quality measures shall remain in place until there is sufficient occupancy demand to maintain water quality within the Plan of Subdivision without their use. The Owner is responsible to meter and pay the billed costs associated with any automatic flushing devices including water discharged from any device from the time of their installation until removal. Any incidental and/or ongoing maintenance of the automatic flushing devices is/are the responsibility of the Owner.**

TRANSPORTATION:

- 45. At the time of registration, the Owner shall dedicate sufficient land to widen Commissioners Road E to 18 metres (59.06 ft.) from the centreline of the original road allowance.
- 46. At the time of registration, the Owner shall dedicate 6.0 m x 6.0 m "daylighting triangles" at the intersection of Edwin Drive and Commissioners Road E in accordance with Section 4.24 of Zoning By-law no. Z.-1, and such "daylighting triangles" shall be shown and dedicated as public highways on the final plan.

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47.

The Owner shall construct a 1.5 metres (5') sidewalk on one side of the following streets within a time-frame as directed by the City Engineer:

 - i) Carnegie Lane – north boulevard
 - ii) Edwin Drive – west boulevard, from Carnegie Lane to Commissioners Road E
48.

The Owner shall design and construct Edwin Drive access at Commissioners Road E to rights-out only using a design satisfactory to the City Engineer.
49.

The Owner shall direct all construction traffic associated with this draft plan of subdivision to use Commissioners Road E or other routes as designated by the City Engineer from time to time.
- 50..

Prior to the submission of engineering drawings, the Owner shall notify the Utilities Co-ordinating Committee (UCC) that the extension of Edwin Drive in this draft plan of subdivision, being the extension of Edwin Drive, is a non-standard cross section previously approved under Plan 33M-433.
51.

The Owner shall establish and maintain a Traffic Management Plan (TMP), when directed by the City, in conformance with City guidelines and to the satisfaction of the City Engineer for any construction activity that will occur on existing public 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 for this plan of subdivision.
52.

At the time of registration, the Owner shall dedicate 0.3 metre road reserve blocks at the following locations:

 - i. West side of Street 'A' abutting lands (191 Commissioners Road E) outside of this plan, and
 - ii. North boundary of the subdivision, east of Street 'A',
53.

The Owner shall have the common property line of Commissioners Road East 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 Commissioners Road East are the existing centreline 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 existing road, all to the satisfaction of the City Engineer.
54.

During the construction of Edwin Drive, the Owner shall remove the temporary turning circle at the limit of Edwin Drive in Plan 33M-433, all at no cost to the City. Upon completion of the removal of the temporary turning circle, the City shall provide \$10,000 to the Owner, which the City presently holds for this work.
55.

The Owner shall have it's professional engineer construct the roadworks in accordance with the following road widths:

 - i) Edwin Drive (between Commissioners Road East and Carnegie Lane) and Carnegie Lane have a minimum road pavement width (excluding gutters) of 6.0 metres (19.7') with a minimum road allowance of 18 metres (60').

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- ii) Edwin Drive (from Carnegie Lane to the west limit of the plan) shall have a minimum road pavement width (excluding gutters) of 6.0 metres (19.7') with a minimum road allowance of 15.0 metres.
56. The Owner shall be required to make minor boulevard improvements on Commissioners Road East adjacent to this Plan, to the specifications of the City and at no cost to the City, consisting of clean-up, grading and sodding as necessary.
 57. Within one year of registration of the plan, the Owner shall install street lighting on all streets and walkways in this plan to the satisfaction of the City, at no cost to the City. Where an Owner is required to install street lights in accordance with this draft plan of subdivision and where a street from an abutting developed or developing area is being extended, the Owner shall install street light poles and luminaires, along the street being extended which match the style of street light already existing or approved along the developed portion of the street, to the satisfaction of the City.
 58. Prior to any construction activity in this plan of subdivision, the Owner shall install a temporary rights-in/rights-out only access from Commissioners Road to Edwin Drive, to the satisfaction of the City, at no cost to the City.
 59. The Owner shall maintain the temporary rights-in/rights-out only access until the permanent rights-out access is installed and barricades at Carnegie Lane and Edwin Drive are removed as directed by the City.
 60. Barricades are to be maintained at the east limit of Edwin Drive and Carnegie Lane in Plan 33M-433 until the removal of the temporary rights-in/rights-out only access on Commissioners Road East servicing Edwin Drive, or as otherwise directed by the City Engineer. At that time, the Owner shall remove the barricades with the removal of the temporary turning circles in Plan 33M-433.
 61. The Rights-in/Rights-out access servicing Edwin Drive at Commissioners Road East will only be permitted on a temporary basis. The Owner shall install base asphalt and curb and gutter in this Plan of Subdivision prior to the removal of the temporary rights-in/rights-out only access from Commissioners Road East. At that time, the Owner shall construct the permanent rights-out only access to Commissioners Road East at Edwin Drive and remove the barricades at Carnegie Lane and Edwin Drive in Plan 33M-433 to the west of this Plan, all to the satisfaction and/or direction by the City.
 62. The Owner shall register against the title of all lots in this plan and shall include the following in the Agreement of Sale for the transfer of each of the said lots, a covenant by the purchaser or transferee to observe and comply with the following:
 - i) Temporary rights-in/rights-out only access to Commissioners Road East at Edwin Drive will remain in place only during the construction stage of this plan or as directed by the City; and
 - ii) The permanent rights-out only access to Commissioners Road East at Edwin Drive will be installed following the removal of the temporary rights-in/rights-out access. Full access to Commissioners Road East will be available via Carnegie Lane.

OTHER SERVICE ISSUES:

63. 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.
64. The Owner shall not burn any materials on site.

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65. **Prior to the issuance of a Certificate of Conditional Approval, the Owner shall have the existing accesses and services to 203 and 205 Commissioners Road East, located within this Plan, relocated and/or reconstructed to the satisfaction of the City, at no cost to the City. Any portion of existing services not used shall be abandoned and capped to the satisfaction of the City, all at no cost to the City.**
66. As part of the detailed design drawings, the Owner shall identify locations of all existing infrastructure, ie, water, septic, storm, hydro, driveways, etc., and their decommissioning or relocation, to the satisfaction of the City Engineer.
67. As part of the design studies submission, the Owner shall have his consulting engineer investigate whether there is a municipal drain located on this site. Should there be a municipal drain, the Owner shall identify and prepare a report of any works required to keep this municipal drain in operation or the decommissioning of the drain, to the satisfaction of the City Engineer.
68. Upon registration of the plan, the Owner shall register a warning clause on the title of Lots 10 to 26 ~~25~~, as amended, inclusive to advise potential purchasers that their use and enjoyment of their property may be negatively impacted by proximity of golf course operations on an adjoining property.
69. As part of the design studies submission, the Owner shall have its consulting engineer identify how the grading issues will be resolved along the west limit of this plan, to the satisfaction of the Director of Development Planning and City Engineer, any remedial action is at the cost of the Owner.
70. As part of the design studies submission, the Owner shall provide the dwelling design on Lot 5 by incorporating street-oriented development to avoid the need for a noise attenuation wall along Commissioners Road E, to the satisfaction of the Director of Development Planning.
71. The Owner shall have its professional engineer design and supervise the construction of Edwin Drive, between Commissioners Road East and Carnegie Lane to City standards with regards to the existing grade and conditions along the boundary of this street and the abutting lands to the west, to the specifications of the City Engineer. The Owner shall make any necessary adjustments to the right-of-way, pavement, boulevard, sidewalks, utilities and services to accommodate the existing grades and conditions without requiring a retaining wall and to the satisfaction of the City Engineer, at no cost to the City.
72. The Owner shall not commence construction or installations of any services (eg. clearing or servicing of land) involved with this Plan prior to obtaining all necessary permits, approvals and/or certificates that need to be issued in conjunction with the development of the subdivision, unless otherwise approved by the City in writing (eg. Ministry of the Environment Certificates, City/Ministry/Government permits: Approved Works, water connection, water-taking, crown land, navigable waterways, approvals: Upper Thames River Conservation Authority, Ministry of Natural Resources, Ministry of the Environment, City, etc.)
74. Prior to the issuance of a Certificate of Conditional Approval for each construction stage of this subdivision, all servicing works for the stage and downstream works must be completed and operational, in accordance with the approved design criteria and accepted drawings, all to the specification and satisfaction of the City.
75. Prior to final approval, the Owner shall make arrangements with the affected property owner(s) for the construction of any portions of services or grading situated on private lands outside this plan, and shall provide satisfactory easements over these works, as necessary, all to the specifications and satisfaction of the City, at no cost to the City.

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76. 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.
77. 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.
78. 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.
79. 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.
80. 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.
81. 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".
82. All costs related to the plan of subdivision shall be at the expense of the Owner, unless specifically stated otherwise in this approval.

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83. 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.
84. The Owner shall decommission any existing infrastructure affected by the development of this site, at no cost to the City, including cutting the water service and capping it at the watermain, as required by and to the specifications of the City Engineer.
85. Prior to final approval, the Owner shall apply for and receive draft plan of condominium approval (and if required, an associated Zoning By-law amendment) on Lots 1, 2, 3 and 4, to provide for the ongoing maintenance of the private drywell system that receives surface drainage from these lots. The ongoing maintenance and associated cost of the system shall be identified as the sole responsibility of the benefitting lot owners.
87. 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.
88. 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 Sites 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.
89. The Owner shall remove all existing accesses and restore all affected areas, all to the satisfaction of the City, at no cost to the City.
90. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall remove the existing retaining walls at the east limit of Carnegie Lane and Edwin Drive in Plan 33M-433 to the west of this Plan and make all necessary arrangements to grade the adjacent lands outside the boundaries of this Plan to be compatible with the accepted grades in this Plan, to the satisfaction of the City, at no cost to the City.
- 91. Prior to the issuance of a Certificate of Conditional Approval, in order to develop this site, the Owner shall make arrangements with the adjacent property owner to the west of Edwin Drive and north of Lots 1 to 4, to regrade a portion of the property abutting Lots 1 to 4 and Edwin Drive, in conjunction with grading and servicing of this subdivision, to the specifications of the City, at no cost to the City.**
92. Should the current or any future Owner submit a revised development proposal for these lands, the applicant may be required to complete a design studies submission as per the File Manager process and resubmit engineering drawings, all to the satisfaction of the City.
- # Prior to registration of the Plan, the Owner shall submit revised engineering drawings to reflect the revised draft plan of subdivision, incorporating all servicing requirements, all to the satisfaction of the City.**

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Appendix C

Related Estimated Costs and Revenues

Estimated DC Funded Servicing Costs ^{Note 1}	Estimated Cost ^{Note 3} (excludes HST)
Claims for developer led construction from CSRF - None Identified.	\$0
Total	\$0
Estimated Total DC Revenues ^{Note 2} (2016 Rates)	Estimated Revenue ^{Note 3}
CSRF	\$683,072
UWRF	\$61,386
TOTAL	\$744,458

- 1 No claims have been identified by the applicant.
- 2 Estimated Revenues are calculated using 2016 DC rates and may take many years to recover. The revenue estimates includes DC cost recovery for "soft services" (fire, police, parks and recreation facilities, library, growth studies). There is no comparative cost allocation in the Estimated Cost section of the report, so the reader should use caution in comparing the Cost with the Revenue section.
- 3 The revenues and costs in the table above are not directly comparable. The City employs a "citywide" approach to recovery of costs of growth – any conclusions based on the summary of Estimated Costs and Revenues (above table) should be used cautiously.

Reviewed by:

Nov 3 / 16

Date

Peter Christiaans

Peter Christiaans
Director, Development Finance

Agenda Item #	Page #

File: 39T-08501/Z-8682
Planner: Alanna Riley

Bibliography of Information and Materials

Request for Approval:
City of London Draft Plan of Subdivision Application Form, completed by York Developments
City of London Zoning By-law Amendment Application Form, completed by York Developments

Reference Documents:
City of London. Official Plan, June 19, 1989, as amended.
City of London. Zoning By-law No. Z.-1, May 21, 1991 , as amended.
Ontario. Ministry of Municipal Affairs and Housing. Provincial Policy Statement, April 30, 2014.
The London Plan

Correspondence:
*all located in City of London File No. 39T-08501 unless otherwise stated.
Also see attached public correspondence in previous section.

Internal responses -
R. McDougall, Development Services

External responses-
B. DeSando, Canada Post
C. Creighton, UTRCA

Reports submitted with Application:
Noise Study
Planning Justification