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File No: 39CD-17503 / SPA17-026
Planner: L. Mottram

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: SIFTON PROPERTIES LIMITED 2810 SHEFFIELD PLACE APPLICATION FOR VACANT LAND CONDOMINIUM PUBLIC PARTICIPATION MEETING ON AUGUST 28, 2017

RECOMMENDATION

That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the application of Sifton Properties Limited relating to the lands located at 2810 Sheffield Place:

- (a) the Planning and Environment Committee **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the application for Draft Plan of Vacant Land Condominium relating to the property located at 2810 Sheffield Place; and,
- (b) the Planning and Environment Committee **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the Site Plan Approval application relating to the property located at 2810 Sheffield Place.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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September 10, 2013 – Report to Planning and Environment Committee – 1603 Hamilton Road – Application for Revisions to Draft Plan of Subdivision and Zoning By-law Amendments – Sifton Properties Limited (File No. 39T-09502) (*Agenda Item #11*)

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of this application is to consider a proposed draft plan of Vacant Land Condominium. The plan consists of five (5) vacant land units and a common element for internal driveway and services, with access from Sheffield Place.

RATIONALE

1. The proposed draft plan of Vacant Land Condominium conforms to the City's Official Plan and Condominium Submission Review and Approval Guidelines.
2. The proposed residential use is permitted under the Zoning By-law. A concurrent application has been made to remove the holding provisions, and is being brought forward under separate report.

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3. Application for Site Plan Approval has also been submitted and reviewed in conjunction with the application for Vacant Land Condominium. The application for Site Plan Approval has advanced to the stage where a development agreement is being finalized and securities have been received by the City.

BACKGROUND

Date Application Accepted: May 15, 2017	Agent: n/a
REQUESTED ACTION: Request for approval of a draft plan of vacant land condominium. The application proposes a residential plan of vacant land condominium creating 5 residential units, and a common element for the access driveway, site services, and landscaped open space.	

SITE CHARACTERISTICS: <ul style="list-style-type: none"> • Current Land Use – vacant • Frontage – Approx. 14 metres (46 ft.) • Depth – Approx. 75 metres (246 ft.) • Area – 0.438 hectares (1.08 acres) • Shape – Irregular
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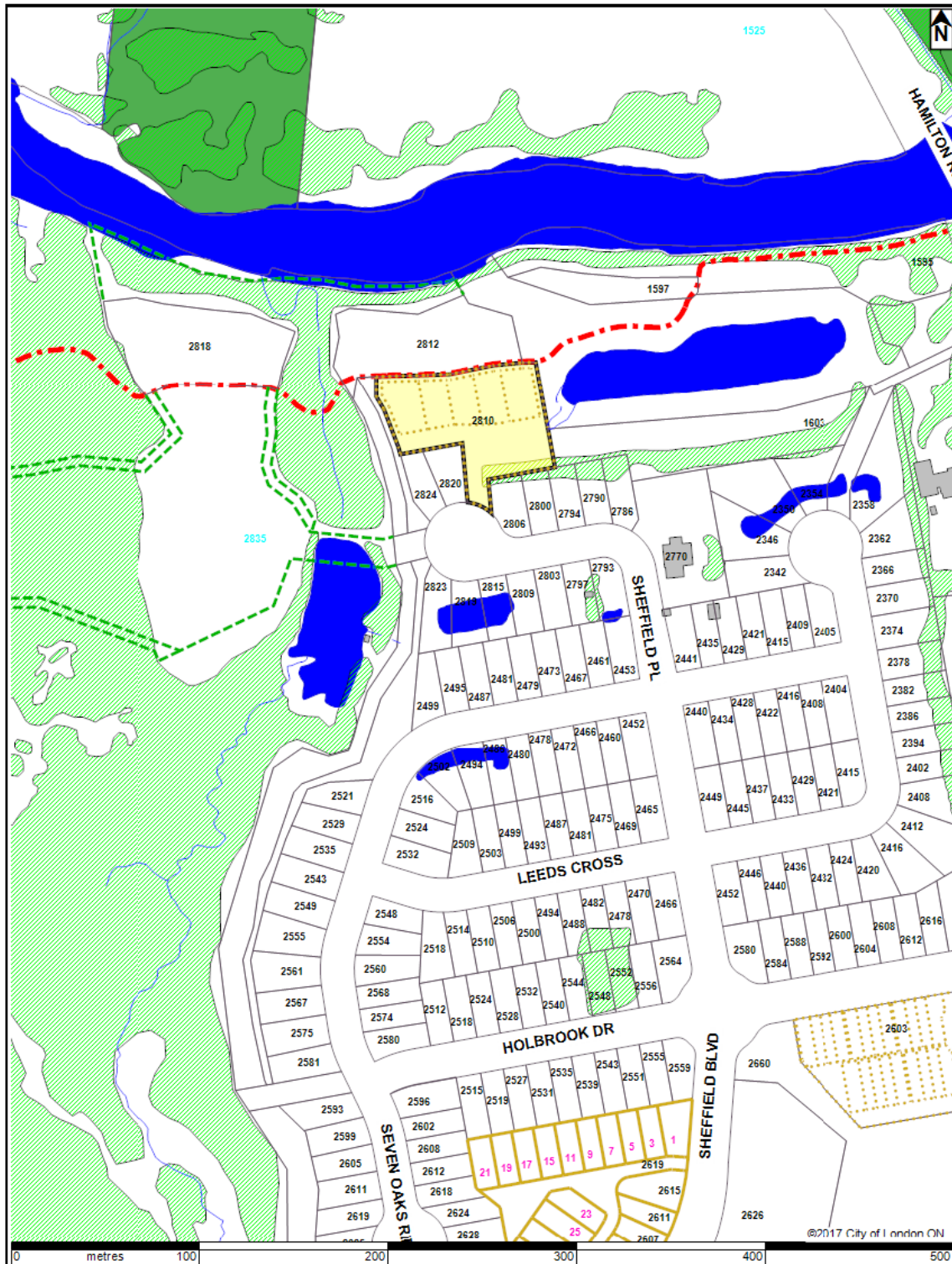
SURROUNDING LAND USES: <ul style="list-style-type: none"> • North – open space • South – low density residential • East – low density residential / SWM facility • West – open space

OFFICIAL PLAN DESIGNATION: “Low Density Residential”
EXISTING ZONING: Holding Residential R6 Special Provision (h•h-100•R6-2(11))

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Location Map



<p style="text-align: center;">LOCATION MAP</p> <p>Subject Site: 2810 Sheffield Place Applicant: SIFTON PROPERTIES LIMITED File Number: H-8767 Planner: LM Created By: lm Date: 2017-07-28 Scale: 1:2500</p>	<p style="text-align: center;">LEGEND</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20px; text-align: center;">□</td> <td>Subject Site</td> </tr> <tr> <td style="width: 20px; text-align: center;">■</td> <td>Parks</td> </tr> <tr> <td style="width: 20px; text-align: center;">⊘</td> <td>Assessment Parcels</td> </tr> <tr> <td style="width: 20px; text-align: center;">■</td> <td>Buildings</td> </tr> <tr> <td style="width: 20px; text-align: center;">123</td> <td>Address Numbers</td> </tr> </table>	□	Subject Site	■	Parks	⊘	Assessment Parcels	■	Buildings	123	Address Numbers
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<p>Corporation of the City of London Prepared By: Planning and Development</p>											

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PLANNING HISTORY

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On July 30, 2014 the Approval Authority for the City of London granted Final Approval for the first phase of the Victoria on the River subdivision consisting of 59 single detached residential lots, one (1) low density residential block, one (1) multi-family, high density residential block, and several park, buffer, open space and restoration blocks; served by Sheffield Boulevard, Sheffield Place, Seven Oaks Ridge and Leeds Crossing. The subdivision plan was registered on July 31, 2014 as Plan 33M-672. The current application for approval of a Vacant Land Condominium applies to the low density residential block within the first phase registration (Block 60). The Subdivision Agreement included conditions for the transfer of a multi-purpose easement over a portion of this block to the City of London for a storm sewer outlet to the adjacent SWM Facility, which was registered on August 14, 2014.

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

Upper Thames River Conservation Authority (UTRCA)

The UTRCA issued Permit No. 90/13 for Phase 1 - Victoria on the River Subdivision on August 15, 2013. This approval pertained to Lot Grading and Erosion and Sediment Control Measures. An updated UTRCA approval will be required for the proposed plan of condominium.

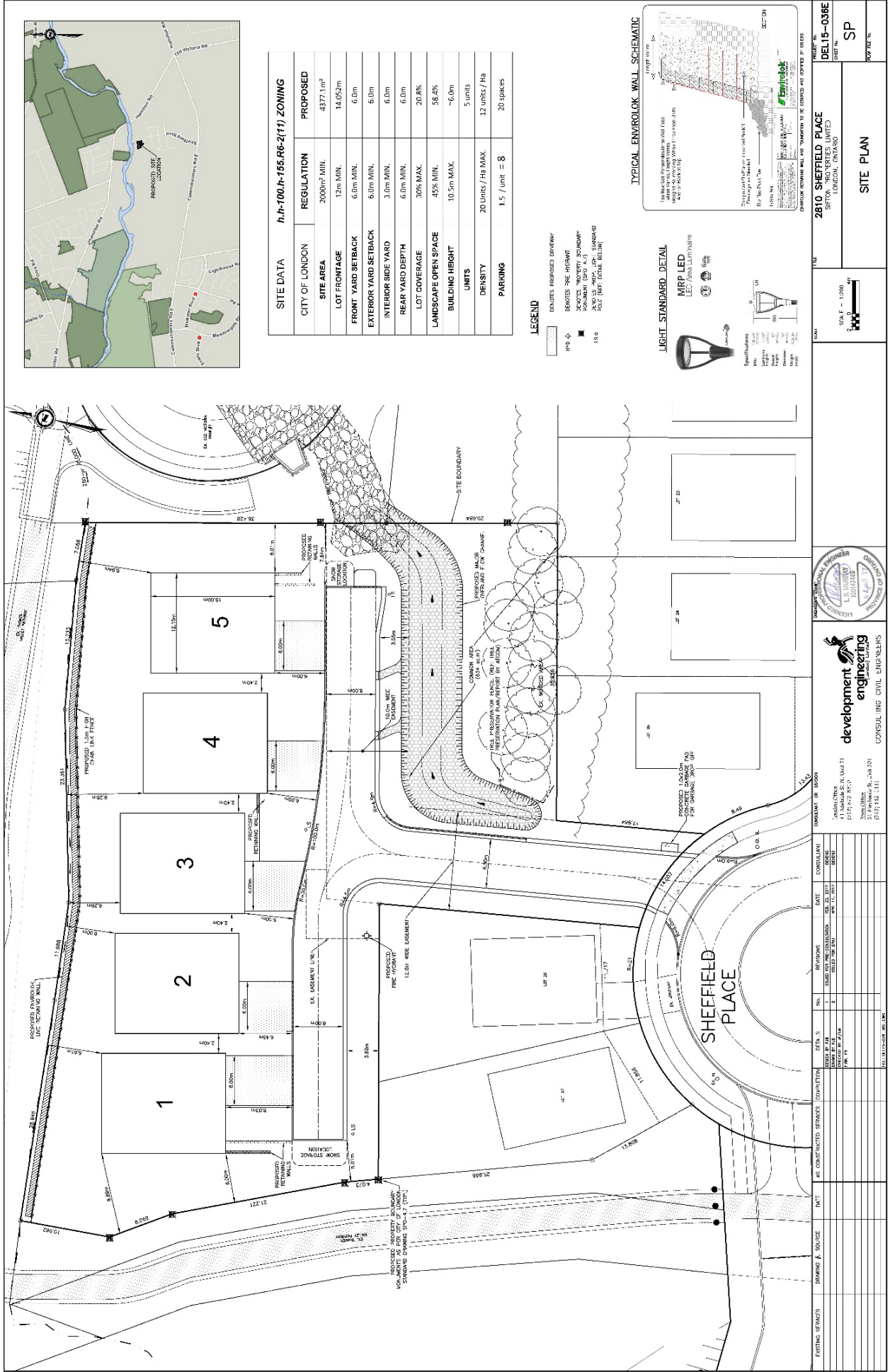
The UTRCA has reviewed and accepted a geotechnical study for these lands as part of the subdivision approval process.

The UTRCA has no objections to this application. As indicated, additional Section 28 approvals will be required for the proposed development and we recommend that the applicant contact our Land Use Regulations Officer.

PUBLIC LIAISON:	On May 18, 2017, a Notice of Application for approval of Draft Plan of Vacant Land Condominium was sent to 43 surrounding property owners within 120 metres of the site. Notice was published in "The Londoner" on June 1, 2017.	2 replies received
Nature of Liaison: see "Requested Action" section.		
<p>Responses: There was one telephone inquiry and one written response to the public liaison notice, including a petition containing 20 signatures from residents on Sheffield Place opposed to the proposed condominium development. The main concerns are summarized as follows:</p> <ul style="list-style-type: none"> - Building Height – was told there would be one storey units behind the homes on Sheffield Place - Flooding/Ponding – the area is very close to the Thames River and susceptible to flooding and ponding - Wildlife Habitat – the area is inhabited by various forms of wildlife - Density - the area is too small to accommodate five (5) detached housing units making the current landscape overcrowded, distasteful, and disruptive to nature and wildlife 		

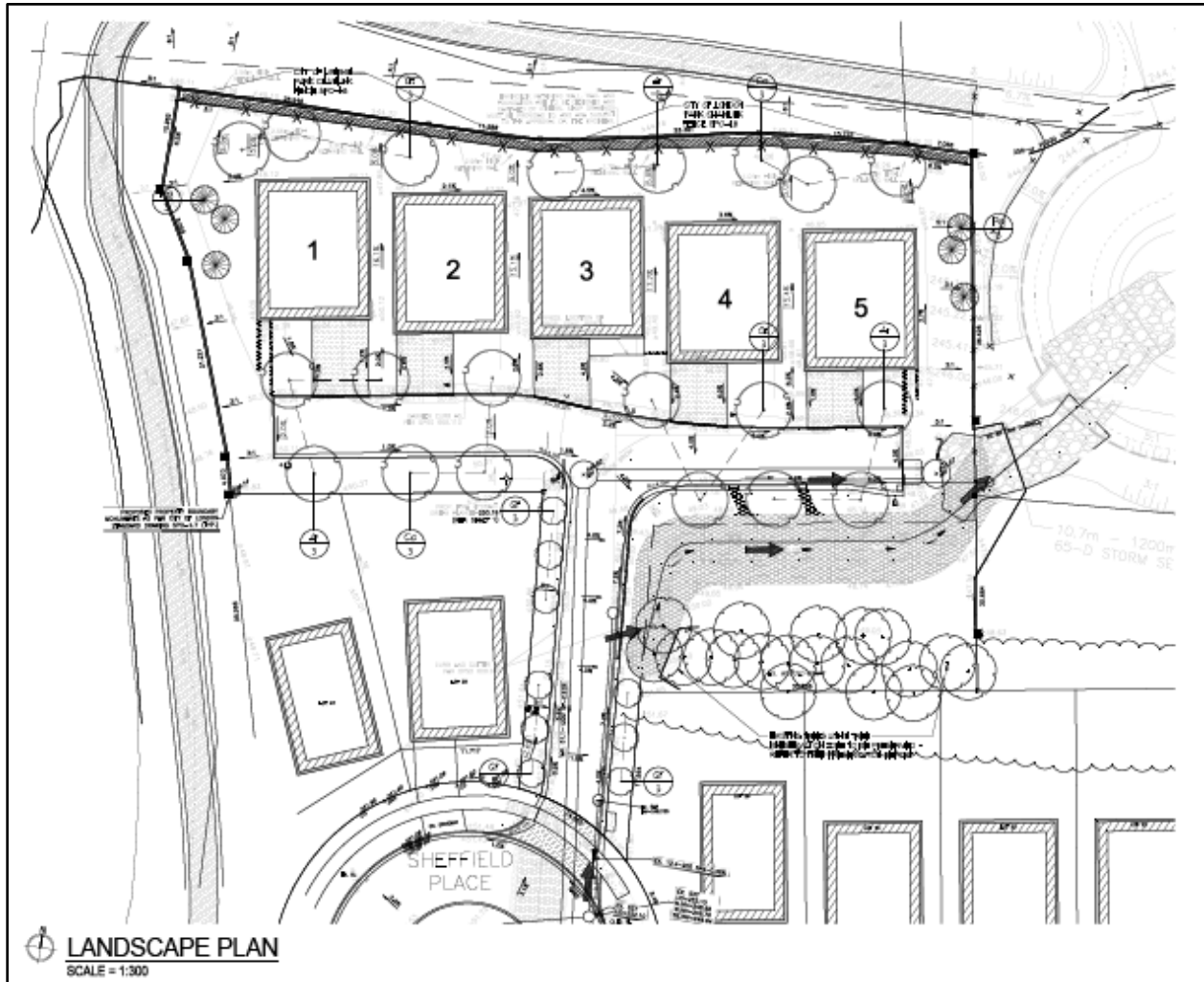
Proposed Draft Plan of Vacant Land Condominium

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ANALYSIS

The effect of the registration of the draft plan of condominium would be to create five (5) Vacant Land Condominium units on which individual homes may be constructed either before or after registration of the condominium corporation. The registration of the condominium allows the future occupants to purchase their unit, which will include the land surrounding each dwelling unit. At the time the subdivision plan was approved, provision was made for access and servicing to Block 60 from Sheffield Place. The access driveway is located internally within the common element which will be maintained by the condominium corporation.

Applications for Site Plan Approval and removal of holding provisions have been made in conjunction with the application for draft plan of Vacant Land Condominium. The site plan submission, including servicing, grading, landscaping plans, have been reviewed and accepted by City staff and the Development Agreement is in the process of being finalized.

Official Plan

The subject lands are designated “Low Density Residential” on Schedule ‘A’ of the City’s Official Plan. This land use designation permits single detached, semi-detached, and duplex dwellings as well as other forms of low density residential uses at a maximum density of 30 units per hectare. The proposal to develop this parcel with five (5) residential single detached dwellings will result in an overall density of approximately 12 units per hectare which is within the density limits in the Low Density Residential designation.

The proposed draft plan of vacant land condominium represents a cluster housing form of

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development consisting of single detached dwellings. The use is compatible with the scale and type of housing existing and planned for the immediate area. When the subdivision plan was approved, the intent was for a small cluster housing development on a private access driveway. Building design and orientation is influenced in large part by the site configuration and the presence of a storm sewer easement which crosses a portion of the site. Based on Staff’s review, the proposed use, form and intensity conform to the City’s Official Plan policies.

With respect to *The London Plan*, which has been adopted by City Council but is not yet in force and effect, the subject lands are within the “Neighbourhoods” Place Type permitting a range of uses such as single detached, semi-detached, duplex, triplex, and townhouse dwellings, and small-scale community facilities.

Zoning By-law

The zoning is Holding Residential R6 (h•h-100•R6-2(11)) which permits cluster housing in the form of single detached dwellings up to a maximum density of 20 units per hectare and maximum height of 10.5 metres, subject to removal of the holding provisions. The special provision permits a minimum lot frontage of 12 metres on a public road being Sheffield Place.

An application has been submitted to remove the holding provisions from the zoning. The draft by-law is being brought forward under a separate report. The zoning will be reviewed again for compliance as building permits are issued for dwelling units. The proposed use is permitted by the Zoning By-law and cluster detached housing in the form of vacant land condominium represents an appropriate use for the site.

Response to Public Comments

Building Height – “Told there would be one storey units behind the homes on Sheffield Place”.

The maximum building height in the Zoning By-law is 10.5 metres which would be sufficient to permit at least a 2 storey home. Future home purchasers would have the option of building one or two floor homes. The site grading plan requires existing grades to be matched along the rear of adjacent lots fronting Sheffield Place. The proposed finished grades around the five residential units are shown to be generally equal to or lower in elevation than the adjacent residential lots as the site slopes downwards to the north and northeast. Therefore, potential impacts from building height are expected to be minimal.

Flooding/Ponding – “The area is very close to the Thames River and susceptible to flooding and high water ponding”.

These lands have gone through a previous subdivision approval process at which time it was confirmed that the parcel at 2810 Sheffield Place (described as Block 60 Plan 33M-672) was located above the Regulatory Floodline as shown on City of London and UTRCA mapping (250 year floodline). The UTRCA have been circulated a Notice of Application of Vacant Land Condominium, and in their response indicated no objections subject to the applicant receiving the required Section 28 permit approvals for the proposed condominium development. Servicing and grading plans have been accepted as part of the site plan review and approval process. The majority of the overland flow will be routed from the site directly to the adjacent SWM Facility. The drainage system includes a combination swale and subdrain (Modified French Drain) in conjunction with a retaining wall extending along the northerly limit of the site.

Wildlife Habitat – “The area is inhabited by various forms of wildlife including deer, wild turkey, turtles, squirrels, and various species of birds such as woodpeckers, blue jays, swallows, robins, owls, etc”.

The site is outside the limits of the Environmentally Significant Area (ESA) and designated Open Space areas. Environmental Impact Studies were prepared as part of the subdivision planning process and recommendations for protecting natural heritage features have been implemented in the preparation of the draft plan of subdivision, including specific measures to enhance significant natural heritage resources and wildlife habitat through re-naturalization and restoration / compensation programs, in accordance with objectives and policies as outlined in the City’s Official Plan and the Thames Valley Corridor Plan.

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Density – “The area is too small to accommodate five (5) detached housing units making the current landscape overcrowded, distasteful, and disruptive to nature and wildlife”.

The maximum density regulation in the Zoning By-law is 20 unit per hectare. Based on the site plan, the density yielded by the proposed five residential units will be 12 units per hectare which is relatively low. A storm sewer easement occupies a good portion of the site that cannot be built on, as well as there is an existing wooded area of deciduous trees identified as a tree preservation area, as shown on the site plan. The Landscape Plan identifies additional tree plantings (Red Maple, Hackberry, Shademaster Locust, and White Spruce) spaced at regular intervals along the “T” section of the internal access driveway in front of the proposed units, as well as at the rear of the units. A well designed landscaping and planting plan will help to integrate the site with the neighbourhood and natural surroundings, and softens the appearance of overcrowding.

Vacant Land Condominium Application

The same considerations and requirements for the evaluation of draft plans of subdivision also apply to draft plans of vacant land condominiums, such as:

- This proposal is consistent with the objectives and policies of the Official Plan and the Old Victoria Area Plan, and represents new development within an approved plan of subdivision.
- Sewer and water services are available to service this site.
- The proposed development is in close proximity to employment areas, community facilities, neighbourhood parks, and open space.
- The proposed development meets the intent of the Placemaking policies.
- The applicant is proposing to construct five (5) new cluster dwellings on Vacant Land Condominium units (lots). The proposed units satisfy the locational and compatibility criteria of the Official Plan.
- The draft plan of Vacant Land Condominium illustrates how these lands are to develop for cluster housing. The proposed size and style of dwellings are anticipated to meet the community demand for housing type, tenure and affordability.
- The applicant must ensure that the proposed grading and drainage of this development does not adversely impact adjacent properties. All grading and drainage issues will be addressed by the applicant’s consulting engineer to the satisfaction of the City through the Site Plan Approval process.

The City may require applicants to satisfy reasonable conditions prior to Final Approval and registration of the plan of condominium, as authorized under the provisions of subsection 51(25) of the Planning Act. In order to ensure that this Vacant Land Condominium development functions properly, the following issues at a minimum will be addressed through conditions of draft approval:

- Completion of site works in the common elements and the posting of security in addition to that held under the Development Agreement (if applicable), in the event these works are not completed prior to registration of the plan of condominium;
- Installation of fire route signs prior to registration;
- Confirmation of addressing information;
- Payment of outstanding taxes or local improvement charges, if any;
- Provision of servicing easements for utility providers (such as London Hydro, Union Gas, Bell, etc.);
- A warning clause provision in the Condominium Declaration if the water service for the site is determined to be a regulated drinking water system by the MOECC, the Owner or Condominium Corporation may be required to meet the regulations under the Safe Drinking Water Act and the associated regulation O.Reg. 170/03.
- Ensuring that any homes already constructed at the time of registration are located within the unit boundaries to be registered; and,
- Ensuring that the Condominium Declaration to be registered on title adequately addresses the distribution of responsibilities between the unit owners and the condominium corporation for the maintenance of services, the internal driveway, amenity areas, and any other structures in the common elements.

Provincial Policy Statement 2014

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The proposed use achieves objectives for efficient development and land use patterns. It represents new development taking place within the City's urban growth area, adjacent to the existing built up area of the City. It also achieves objectives for compact form, mix of uses, and densities that allow for the efficient use of land, infrastructure and public service facilities, supports the use of public transit, and maintains appropriate levels of public health and safety. These lands are within an approved plan of subdivision and are designated and intended over the long term for low density residential uses. Natural Heritage and Environmental Impact Studies were prepared as part of the initial planning and approval process for this subdivision. Recommendations for protecting natural heritage features have been implemented including specific measures to enhance significant natural heritage resources through re-naturalization and restoration/compensation programs. Provincial concerns for archaeological resource assessment and cultural heritage were satisfied as part of the subdivision approval process. The proposed draft plan of Vacant Land condominium application as recommended by staff is found to be consistent with the Provincial Policy Statement.

CONCLUSION

Based on the review performed by staff, the proposed vacant land condominium is appropriate and compatible with the surrounding residential land uses, and conforms to the City's Official Plan, Zoning By-law, and Condominium Submission, Review and Approval Guidelines. The application has also been reviewed for consistency with the Provincial Policy Statement and the Planning Act requirements.

PREPARED AND RECOMMENDED BY:	REVIEWED BY:
LARRY MOTTRAM, MCIP, RPP SENIOR PLANNER – DEVELOPMENT SERVICES	LOU POMPILII, MPA, RPP MANAGER, DEVELOPMENT PLANNING
CONCURRED IN BY:	SUBMITTED BY:
PAUL YEOMAN, RPP, PLE DIRECTOR, DEVELOPMENT SERVICES	GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL

September 7, 2017
 GK/TG/AM/LM/lm
 "Attach."

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Responses to Public Liaison Letter and Publication in “The Londoner”

Telephone

Ian Holding
2824 Sheffield Place
- Concern about building height.
- Was told condo units would be one storey.

Written

Terri Zuccherato
2800 Sheffield Place
- Presenting a petition on behalf of residents on Sheffield Place opposed to the proposed condo development. Reasons for opposition are summarized as follow:
- The area is very close to the Thames River and susceptible to flooding and high water ponding.
- The area is inhabited by various forms of wildlife including deer, wild turkey, turtles, squirrels, and various species of birds such as woodpeckers, blue jays, swallows, robins, owls, etc.
- The area is too small to accommodate five (5) detached housing units making the current landscape overcrowded, distasteful, and disruptive to nature and wildlife.

Bibliography

Request for Approval:

City of London Condominium Application Form, completed by Sifton Properties Limited, dated April 27, 2017

Draft Plan of Condominium prepared by AGM, dated April 19, 2017

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, *Planning Act, R.S.O. 1990, CHAPTER P. 13*,

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as amended

Ontario Ministry of Municipal Affairs and Housing, *Provincial Policy Statement*, April 30, 2014

City of London, Condominium Submission, Review and Approval Guidelines, March 2003.

City of London Development Services – Application for Approval of Draft Plan of Subdivision, Official Plan and Zoning By-law Amendments - Victoria on the River Subdivision - Sifton Properties Limited File No. 39T-09502 / OZ-7692 / Z-8528

Correspondence: (located in City of London File No. 39CD-17503 unless otherwise stated)

Various hard copy and e-mail correspondences