

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: BARVEST REALTY INC. 58 SUNNINGDALE ROAD WEST MEETING ON AUGUST 28, 2017

RECOMMENDATION

That, on the recommendation of the Senior Planner, Development Planning, in response to appeals to the Ontario Municipal Board, dated July 19, 2017, submitted by Analee Ferreira on behalf of Barvest Realty Inc. (attached Schedule "1") on the basis of a non-decision by the City of London Approval Authority within 180 days relating to a draft plan of subdivision application; and a non-decision by Municipal Council within 120 days relating to an Official Plan and Zoning By-law amendment applications concerning lands located at 58 Sunningdale Road West:

- (a) The Ontario Municipal Board **BE ADVISED** that Municipal Council does not support draft approval of the proposed plan of subdivision, submitted by Barvest Realty Inc. (File No. 39T-16503), prepared by Holstead and Redmond Limited OLS., drawing No. BAR/LON/07-02, which shows 41 single detached lots, one (1) medium density blocks, two (2) commercial blocks, two (2) residential part blocks, and several 0.3m reserve blocks all served by an extension of Callingham Drive, an extension of Pelkey Road, and three (3) new local streets:
 - i) The proposed plan of subdivision is not consistent with the Provincial Policy Statement;
 - ii) The proposed plan of subdivision is not consistent with the Planning Act;
 - iii) The proposed plan of subdivision is not consistent with the Sunningdale Area Plan and the Official Plan;
 - iv) The proposed plan of subdivision does not encourage the development of plan of subdivision that includes an appropriate mix of low, medium and commercial uses that support pedestrian oriented development; and,
 - v) The proposed plan of subdivision is not consistent with the Council approved London Plan.

- (b) The Ontario Municipal Board **BE ADVISED** that Municipal Council **RECOMMENDS** that the request to amend the Official Plan to change the designation of the subject lands **FROM** a Multi-Family, Medium Density Residential designation which allows townhouses and various forms of cluster housing at a maximum density of 75 units per hectare **TO** a Community Commercial Node designation to allow all types of retail outlets including department stores, home improvement and furnishings stores, supermarkets, food stores and pharmacies; convenience commercial uses; personal services; restaurants; commercial recreation establishments; financial institutions and services; a limited range of automotive services; service-oriented office uses such as real estate, insurance and travel agencies; community facilities, such as libraries or day care centres; professional and medical/dental offices; commercial and private schools and some small scale office uses with a total maximum gross floor area of 16, 778 m² (180,600 ft²) **BE REFUSED** for the following reasons:
 - i) The proposed expansion does not meet the intent of the Sunningdale Area Plan;
 - ii) The proposed expansion does not meet the intent of the City of London Official Plan policies;
 - iii) The proposed expansion does not meet the intent of the City of London Council approved London Plan; and,

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- iv) The proposed expansion does not provide for an orderly distribution and development of commercial uses to satisfy the shopping and service needs of residents and shoppers previously considered in this area through the Sunningdale Area Plan.
- (c) The Ontario Municipal Board **BE ADVISED** that Municipal Council **RECOMMENDS** that the request to amend Zoning By-law No. Z.-1 to change the zoning of the subject property **FROM** an Urban Reserve (UR3) Zone **TO** a Community Shopping Area Special Provision (CSA4 ()) Zone, to permit various retail and commercial uses with a 20, 000 square metre maximum gross floor area, a 0 metre minimum front and exterior side yard setback, a 15 metre maximum height and 1 parking space per 30m² for all uses excluding office uses **BE REFUSED** for the following reasons:
- i) The proposed CSA4 () Zone would permit a sizable amount of commercial development that is not in keeping with the policies of the Multi-Family Medium Density Residential designation which applies to this parcel, and is not consistent with the Sunningdale Area Plan.
- (d) The Ontario Municipal Board **BE ADVISED** that Municipal Council **SUPPORTS** the issuing draft approval of the proposed plan of residential subdivision, submitted by Barvest Realty Inc. (File No. 39T-16503), prepared by Holstead and Redmond Limited OLS., drawing No. BAR/LON/07-02, as red-line amended, which shows 41 single detached lots, three (3) medium density blocks, one (1) commercial blocks, two (2) residential part blocks, and several 0.3m reserve blocks all served by an extension of Callingham Drive, an extension of Pelkey Road, and three (3) new local street, **SUBJECT TO** the conditions contained in the attached Appendix “39T-16503”.
- (e) The Ontario Municipal Board **BE ADVISED** that Municipal Council **RECOMMENDS** that the Zoning By-law No. Z.-1 **BE AMENDED** as attached as Appendix “A”, in conformity with the Official Plan **FROM** an Urban Reserve (UR3) Zone which permits existing uses **TO**:
- i.) A Holding Residential R1 Special Provision (h*h-94*h-100*R1-6 ()) Zone, to permit single detached dwellings with a minimum lot frontage of 15.0 metres, a minimum lot area of 450m², a maximum height of 10.5 metres and a minimum 1.2 metre interior sideyard setback for one and two storey dwellings plus an additional 0.6 metre setback for dwellings above 2 storeys as per section 5.3 of Zoning By-law Z-1;
 - ii.) A Holding Residential R1 Special Provision (h*h-100*R1-6 ()) Zone, to permit single detached dwellings with a minimum lot frontage of 15.0 metres, a minimum lot area of 450m², a maximum height of 10.5 metres and a minimum 1.2 metre interior sideyard setback for one and two storeys dwellings plus an additional 0.6 metre setback for dwellings above 2 storeys as per section 5.3 of Zoning By-law Z-1;
 - iii.) A Holding Residential R5 Special Provision / Residential R6 Special Provision (h*h-5*h-53*h-54*h-100*h-108*R5-7 ()/R6-5 ()) Zone, to permit medium density development in various forms of townhouses and cluster townhouses to a maximum density of 60 units per hectare and height of 12 metres maximum and to permit cluster housing from single detached dwellings to townhouses and apartments to a maximum density of 35 units per hectare, a maximum height of 12 metres maximum and with a minimum 4.5 metre front and exterior yard setback;
 - iv.) A Holding Residential R5 Special Provision / Residential R6 Special Provision (h*h-5*h-53*h-54*h-100*R5-7 ()/R6-5 ()) Zone, to permit medium density development in various forms of townhouses and cluster townhouses to a maximum density of 60 units per hectare and height of 12 metres maximum and to permit cluster housing from single detached dwellings to townhouses and apartments to a maximum density of 35 units per hectare, a maximum height of 12 metres and with a minimum 4.5 metre front and exterior yard setback;
 - v.) A Holding Residential R5 Special Provision / Residential R6 Special Provision (h*h-5*h-100*R5-7 ()/R6-5 ()) Zone, to permit medium density development in various forms of townhouses and cluster townhouses to a maximum density of 60 units per hectare and height of 12 metres maximum and to permit cluster housing from single detached dwellings to townhouses and apartments to a maximum density of 35 units per hectare, a maximum height of 12 metres maximum and with a minimum 4.5 metre front and exterior yard setback; and,
 - vi.) A Holding Community Shopping Area Special Provision (h*h*-5*h-53*h-100*h-173*CSA3 ()) Zone to permit various retail and commercial uses with a 15,000 square metre maximum gross floor area with 0.0 metre minimum front and exterior side yard setback, a maximum 15 metre height, 40% maximum lot coverage and 1 parking space per 30m²

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for all uses excluding office uses.

The following is a description of the holding provisions which have been applied:

- i.) (h) to ensure that there is orderly development through the execution of a subdivision agreement;
 - ii.) (h-5) to ensure that development takes a form compatible with adjacent land uses, agreements shall be entered into following public site plan review specifying the issues allowed for under Section 41 of the Planning Act, R.S.O. 1990, c. P.13, prior to the removal of the "h-5" symbol;
 - iii.) (h-53) to encourage street-oriented development and discourage noise attenuation walls along arterial roads, a development agreement shall be entered into to ensure that new development is designed and approved, consistent with the Community Plan, to the satisfaction of the City of London;
 - iv.) (h-54) to ensure there are no land use conflicts between arterial roads and the proposed residential uses, the h-54 shall not be deleted until the owner agrees to implement all noise attenuation measures, recommended in noise assessment reports acceptable to the City of London;
 - v.) (h-94) to ensure that there is a consistent lotting pattern in this area, the "h-94" symbol shall not be deleted until the block has been consolidated with adjacent lands;
 - vi.) (h-100) to ensure there is adequate water service and appropriate access, a looped watermain system must be constructed and a second public access must be available;
 - vii.) (h-108) to ensure that this parcel is developed in conjunction with abutting lands, to the satisfaction City of London, prior to removal of the "h-108" symbol; and,
 - viii.) (h- 173) to ensure that development is consistent with the City of London Urban Design Principles and Placemaking Guidelines, the h-173 shall not be deleted until urban design guidelines have been prepared and implemented through a development agreement, to the satisfaction of the City of London.
- (f) The Ontario Municipal Board **ADVISE** the applicant that Development Finance has summarized claims and revenues information as attached in Appendix "B".
- (g) That the City Solicitor **BE DIRECTED** to provide legal and planning or expert witness representation at the Ontario Municipal Board hearing in support of Municipal Council's position.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

June 1998 – Report to the Planning Committee recommending adoption of the Sunningdale Area Plan.

June 2007- 1985 Richmond Street OMB decision and Official Plan Amendment (OPA409).

November 2009- Staff report to Planning Committee OMB decision PL-090268 upholding Council's decision at 2118 Richmond Street.

November 14, 2016- Public Participation Meeting and Report to Planning Committee recommending the consideration of a red line draft plan of subdivision, Official Plan Amendment and Zoning By-law Amendment (Staff report attached Schedule 4).

PURPOSE AND EFFECT OF RECOMMENDED ACTION

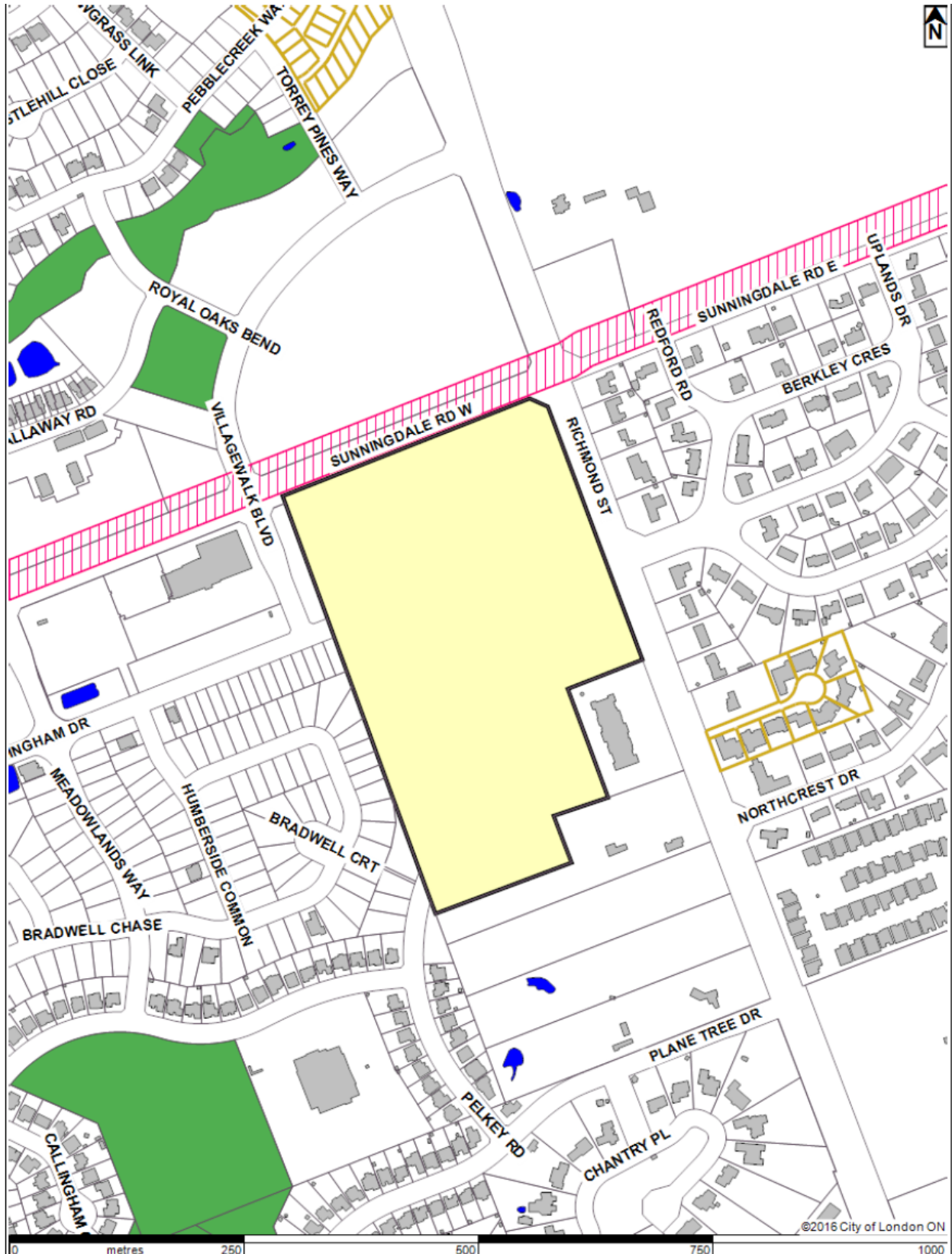
The purpose of this report is to seek Council direction to the appeal to the Ontario Municipal Board, dated July 19, 2017, submitted by Analee Ferreira on behalf of Barvest Realty Inc. on the basis of a non-decision by the City of London Approval Authority within 180 days relating to a draft plan of subdivision application; and a non-decision by Municipal Council within 120 days relating to an Official Plan and Zoning By-law amendment applications.

Staff has reviewed its November 14, 2016 recommendation for a redlined draft plan of subdivision

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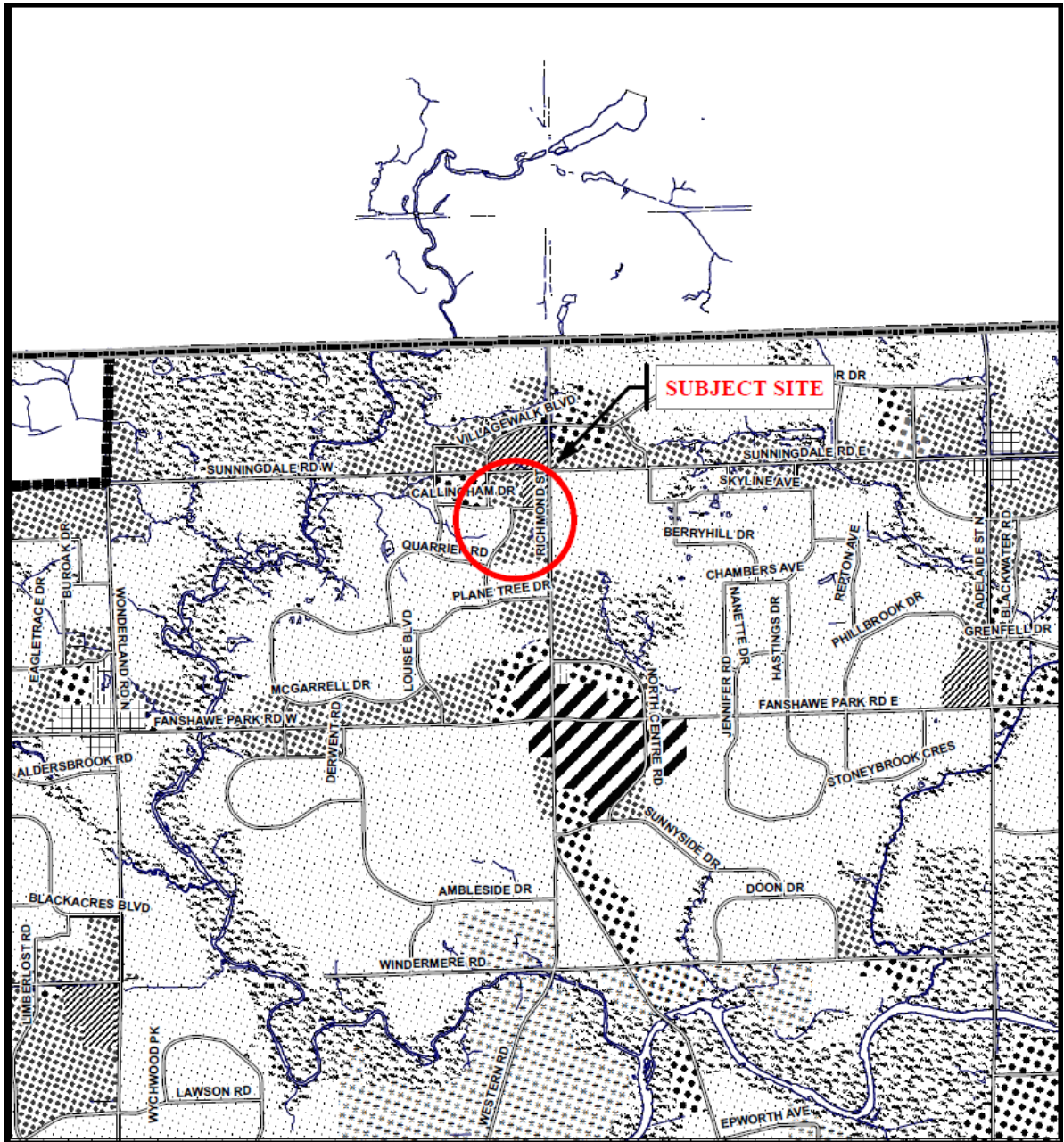
containing 41 single detached lots, three (3) medium density blocks, one (1) commercial blocks, two (2) residential part blocks, and several 0.3m reserve blocks all served by an extension of Callingham Drive, an extension of Pelkey Road, and three (3) new local streets and zoning by-law amendment and sees no reason to revise its recommendation.



<p style="text-align: center;">LOCATION MAP</p> <p>Subject Site: 58 Sunningdale Rd W File Number: OZ-8637 Planner: Craig Smith Created By: Jeffrey Shaughnessy Date: 2016-09-30 Scale: 1:5000</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
■	Subject Site										
■	Parks										
▨	Assessment Parcels										
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123	Address Numbers										
<p>Corporation of the City of London Prepared By: Planning and Development</p>											

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Existing Official Plan

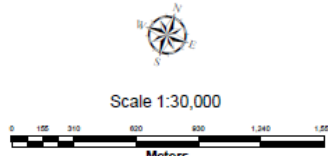


Legend

- | | |
|---|---|
| <ul style="list-style-type: none"> Downtown Wonderland Road Community Enterprise Corridor Enclosed Regional Commercial Node New Format Regional Commercial Node Community Commercial Node Neighbourhood Commercial Node Main Street Commercial Corridor Auto-Oriented Commercial Corridor Multi-Family, High Density Residential Multi-Family, Medium Density Residential Low Density Residential Office Area | <ul style="list-style-type: none"> Office/Residential Office Business Park General Industrial Light Industrial Regional Facility Community Facility Open Space Urban Reserve - Community Growth Urban Reserve - Industrial Growth Rural Settlement Environmental Review Agriculture Urban Growth Boundary |
|---|---|

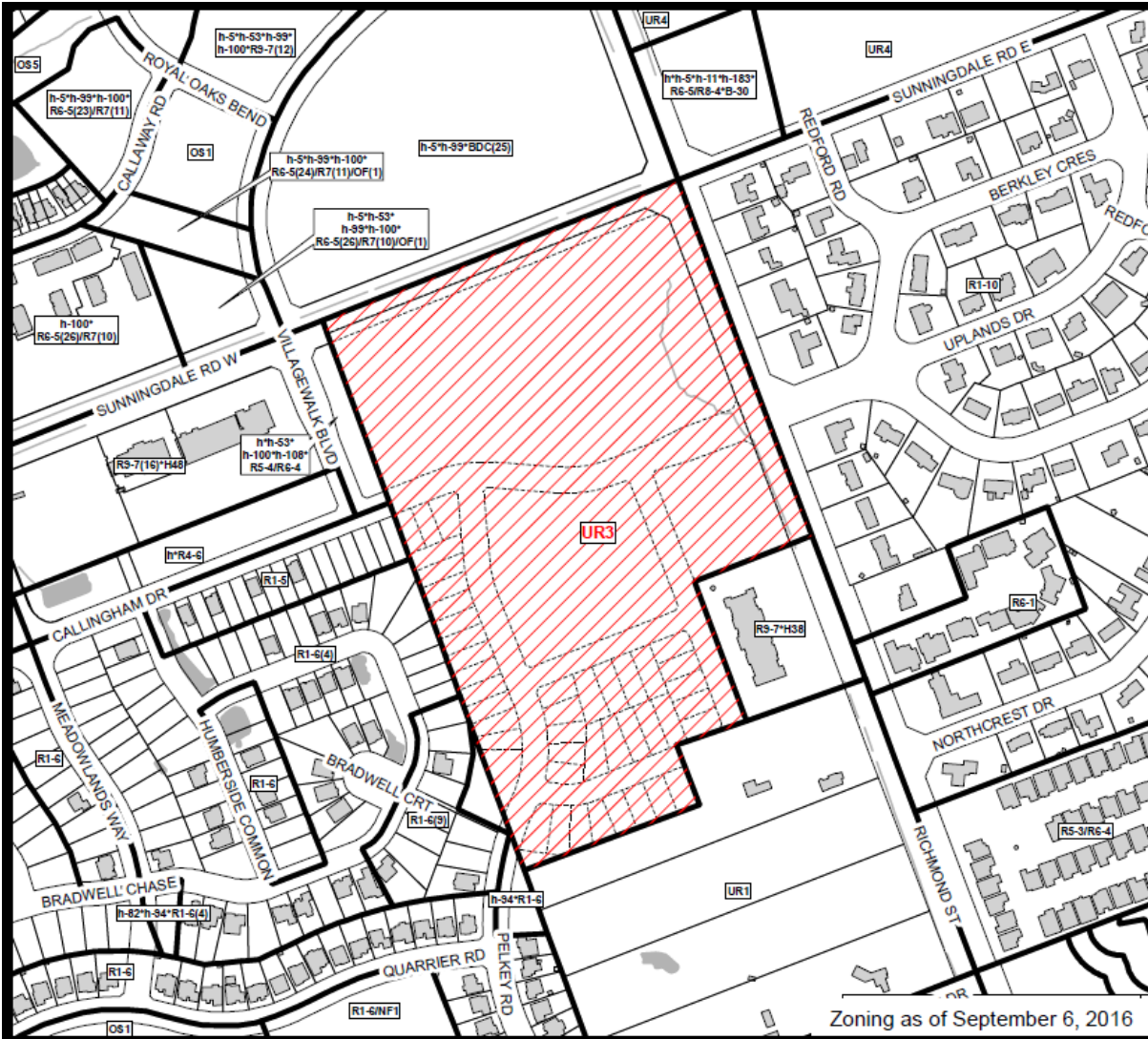
CITY OF LONDON
Department of
Planning and Development
OFFICIAL PLAN SCHEDULE A
- LANDUSE -

PREPARED BY: Graphics and Information Services



FILE NUMBER: 39T-16503/OZ-8637
PLANNER: CS
TECHNICIAN: JS
DATE: 2016/09/30

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COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

- | | |
|--|---|
| <ul style="list-style-type: none"> 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 | <ul style="list-style-type: none"> RF - REGIONAL FACILITY CF - COMMUNITY FACILITY NF - NEIGHBOURHOOD FACILITY HER - HERITAGE DC - DAY CARE
 OS - OPEN SPACE CR - COMMERCIAL RECREATION ER - ENVIRONMENTAL REVIEW
 OB - OFFICE BUSINESS PARK LI - LIGHT INDUSTRIAL GI - GENERAL INDUSTRIAL HI - HEAVY INDUSTRIAL EX - RESOURCE EXTRACTIVE UR - URBAN RESERVE
 AG - AGRICULTURAL AGC - AGRICULTURAL COMMERCIAL RRC - RURAL SETTLEMENT COMMERCIAL TGS - TEMPORARY GARDEN SUITE RT - RAIL TRANSPORTATION
 "h" - HOLDING SYMBOL "D" - DENSITY SYMBOL "H" - HEIGHT SYMBOL "B" - BONUS SYMBOL "T" - TEMPORARY USE SYMBOL |
|--|---|

CITY OF LONDON

PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES

**ZONING
BY-LAW NO. Z.-1
SCHEDULE A**



FILE NO:
39T-16503/OZ-8637 CS

MAP PREPARED:
2016/09/30 JS

1:5,000
0 25 50 100 150 200
Meters

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RATIONALE

The rationale for approval of the recommended Zoning By-law amendments and support for the redlined draft plan of subdivision is as follows:

- i) The proposed red line revised draft plan is consistent with the Provincial Policy Statement;
- ii) The proposed red line revised draft plan is consistent with the Planning Act;
- iii) The proposed red line revised draft plan is consistent with the Sunningdale Area Plan and the Official Plan;
- iv) The recommended Zoning By-law amendments encourage the development of plan of subdivision that includes an appropriate mix of low, medium and commercial uses that support pedestrian oriented development; and,
- v) The proposed red line revised draft plan and Zoning By-law amendment is consistent with the Council approved London Plan.

BACKGROUND

SITE CHARACTERISTICS:
<ul style="list-style-type: none"> • Current Land Use – Agriculture • Frontage – 284m • Area - 12.5 ha • Shape - Irregular

SURROUNDING LAND USES:
<ul style="list-style-type: none"> • North – Commercial • South – Single detached dwellings • East – Apartment and single detached dwellings • West – Apartment and single detached dwellings

OFFICIAL PLAN DESIGNATION:
Schedule “A” - Multi-Family, Medium Density Residential, Low Density Residential, and Community Commercial Node.
EXISTING ZONING:
<ul style="list-style-type: none"> • Urban Reserve (UR4)

Date Application Accepted: June 14, 2016	Agent: Michelle Doornbosch, Zelinka Priamo
APPLICANT’S REQUESTED ACTION: Consideration of a draft plan of subdivision consisting of 41 single detached lots (Lots 1-41), 1 medium density residential block (Block 44), 2 commercial blocks (Block 45 & 46), extension of two primary collector streets Callingham Drive and Pelkey Road, 3 local streets (Streets “A” “B” & “C”), 1 road widening block (Block 47), 1 future road allowance block (Block 48) and 2 residential part blocks (Blocks 42 & 43).	

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PLANNING HISTORY

November 14, 2016- A public participation meeting was held at the Planning and Environment Committee meeting to consider a red line draft plan of subdivision, Official Plan amendment and Zoning By-law Amendment. At the public participation meeting, the agent for the applicant requested that the application be referred back to staff for further discussion with the public, staff and the applicant regarding the requested expansion of the commercial block.

At its meeting held on November 22, 2016, Municipal Council resolved that the following actions be taken with respect to the application by Barvest Realty Inc., relating to the property located at 58 Sunningdale Road West:

- a) *the application **BE REFERRED** to a future Planning and Environment Committee meeting to provide an opportunity for further discussions between the community, including members of the public who spoke at the November 14, 2016 Planning and Environment Committee public participation meeting, the applicant and the Civic Administration; and,*
- b) *pursuant to Section 34(17) of the Planning Act, as determined by the Municipal Council, no further notice **BE GIVEN** except to the members of the public in attendance at the Planning and Environment Committee meeting held on November 14, 2016;*

it being pointed out that at the public participation meeting associated with this matter, the individuals indicated on the attached public participation meeting record made oral submissions regarding this matter;

it being further noted that the Municipal Council approves this application for the following reasons:

- *the proposed red line revised draft plan is consistent with the Provincial Policy Statement;*
- *the proposed red line revised draft plan is consistent with the Planning Act;*
- *the proposed red line revised draft plan is consistent with the Sunningdale Area Plan and the Official Plan;*
- *the recommended Zoning By-law amendments encourage the development of plan of subdivision that includes an appropriate mix of low, medium and commercial uses that support pedestrian oriented development; and,*
- *the proposed red line revised draft plan and Zoning By-law amendment is consistent with the Council approved London Plan.*

DISCUSSION

Actions following the November 14, 2016 PEC meeting:

November 28, 2017: Staff met with the applicant and applicant's agent to discuss a proposed submitted plan for the development of the residential block along Villagewalk Boulevard and to discuss future actions to engage and communicate with the public.

February 7, 2017: Staff reviewed plans submitted by the applicant confidential and without prejudice

June 6, 2017: Applicant held a community meeting at St. John the Devine Church. Notice of the neighbourhood meeting as attached as Schedule 3 of this report.

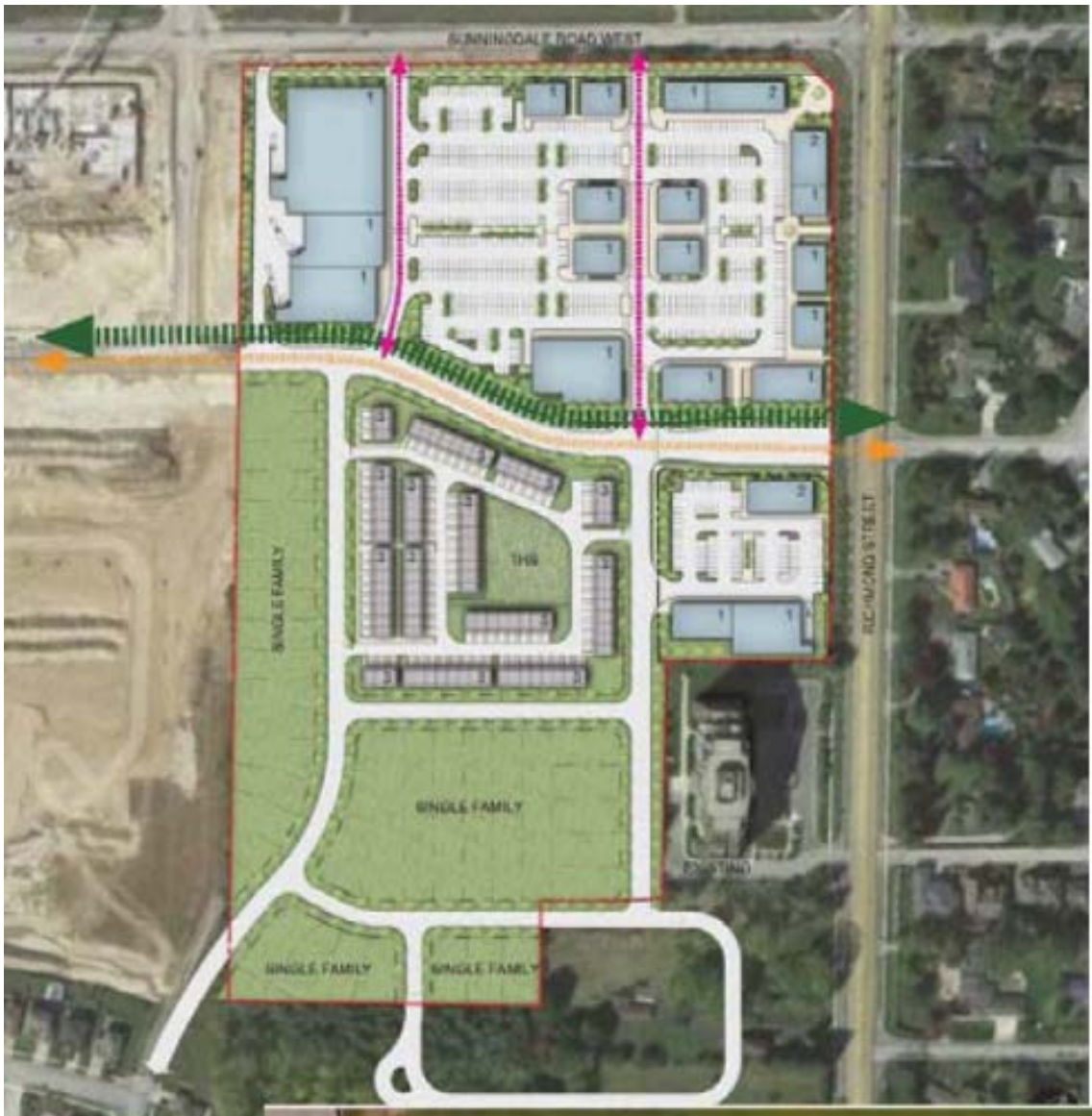
June 28, 2017: Staff and the Applicant met and discussed all plans submitted to date. The applicant requested that the application be scheduled on the July 31, 2017 PEC for decision.

July 19, 2017: Analee Ferreira on behalf of Barvest Realty Inc. submitted appeals to the Ontario Municipal Board, on the basis of a non-decision by the City of London Approval Authority within 180 days relating to a draft plan of subdivision application; and a non-decision by Municipal Council within 120 days relating to an official Plan and zoning by-law amendment application.

Staff has reviewed all of the applicant's proposed plans that were submitted to the City, including the plans presented at the community meeting (see attached) and note that the proposed plans do not address or resolve the urban design, transition of the use, size, and scale of use issues as identified in Staff's November 14, 2016 report. The applicant has not requested any revision to their submitted draft

plan of subdivision or Zoning By-law amendment based on discussions with the community and Staff. As stated in Staff's November 14th report, the applicant's submitted draft plan of subdivision and Zoning By-law amendments do not meet the intent of the City of London Official Plan, London Plan and Sunningdale Area Plan.

Applicants Proposed Plan, Presented at Community Meeting June 6, 2017



Additional correspondence has been received from adjacent property owners following the November 14, 2016 PEC meeting and the Applicant's June 6, 2017 community meeting and is attached as Schedule 2 to this report.

CONCLUSION

The appeals from Barvest Realty Inc. are in response to the failure of Municipal Council and the Approval Authority to make decisions on applications for Official Plan and Zoning By-law amendments and draft plan of subdivision approval within the statutory periods prescribed in the Planning Act. As a result of the appeals, the authority to decide on the applications now rests with the Ontario Municipal Board

Planning Staff recommend that Council inform the Ontario Municipal Board that it supports Staff's November 14, 2016 recommended redline draft plan of subdivision and Zoning By-law amendment. Staff's recommended plan of subdivision and zoning by-law amendment are consistent with the 2014 PPS, the Planning Act, the City's Official Plan, the London Plan and the Sunningdale Area Plan. The recommended redlined draft plan and conditions of draft approval will create a diverse, mixed use subdivision with strong placemaking features. The proposed plan represents good land use planning and is an appropriate form of development.

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PREPARED AND RECOMMENDED BY:	REVIEWED BY:
C. SMITH, MCIP RPP SENIOR PLANNER, DEVELOPMENT PLANNING DEVELOPMENT SERVICES	LOU POMPILII, MCIP RPP MANAGER, DEVELOPMENT PLANNING DEVELOPMENT SERVICES
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

August 18, 2017

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Appendix "A"
Zoning By-law Amendment

Bill No. (number to be inserted by Clerk's Office)
2017

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 58 Sunningdale Road West.

WHEREAS Barvest Realty Inc. has applied to rezone an area of land located at 58 Sunningdale Road West, 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 58 Sunningdale Road West, from an Urban Reserve (UR3) Zone to a Holding Residential R1 Special Provision (h.*h-100.*R1-6() Zone, a Holding Residential R1 Special Provision (h.*h-94.*h-100*R1-6() Zone, a Holding Residential R5 Special Provision/Residential R6 Special Provision (h. h-5*100*h*108*h()*R5-7()/R6-5() Zone, a Holding Residential R5 Special Provision/Residential R6 Special Provision (h.*h-5*h-54*h-100*h-173*R5-7()/R6-5() Zone, a Holding Residential R5 Special Provision/Residential R6 Special Provision (h.*h-5*h-100*h-173*R5-7()/R6-5() Zone and a Holding Community Shopping Area Special Provision (h.*h-5*h-100*h-173*CSA3() Zone.

- 1) Section 5.4 of the Residential R1 Zone to By-law No. Z.-1 is amended by adding the following Special Provision:

5.4 f) ___ R1-6 ()

(a) Regulations

- | | | |
|----|--|--|
| i) | Interior Side Yard
(minimum)
(one or two storeys) | 1.2 metres
3.0 metres one side
if no attached garage |
| i) | Interior Side Yard
(single detached dwellings greater than two storeys) | See Section 5.3 (5) |

- 2) Section 9.4 of the Residential R1 Zone to By-law No. Z.-1 is amended by adding the following Special Provision:

9.4 g) ___ R5-7 ()

(a) Regulations

- | | | |
|----|--|------------|
| i) | Front and Exterior
Yard Setback
(Minimum): | 4.5 metres |
|----|--|------------|

- 3) Section 10.4 of the Residential R1 Zone to By-law No. Z.-1 is amended by adding the following Special Provision:

10.4 e) ___ R6-5 ()

(a) Regulations

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- i) Front and Exterior Yard Setback (Minimum): 4.5 metres
- 4) Section 22.4 of the Residential R1 Zone to By-law No. Z.-1 is amended by adding the following Special Provision:
- 22.4 f) ___CSA3 ()
- (a) Regulations
 - i) All Yard Setback (Minimum): 0.0 metres
 - ii) Height (Maximum): 15.0 metres
 - iii) Coverage (Maximum): 40%
 - iv) Parking excluding Office Area (Minimum): 1 space per 30m² gross floor area

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

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

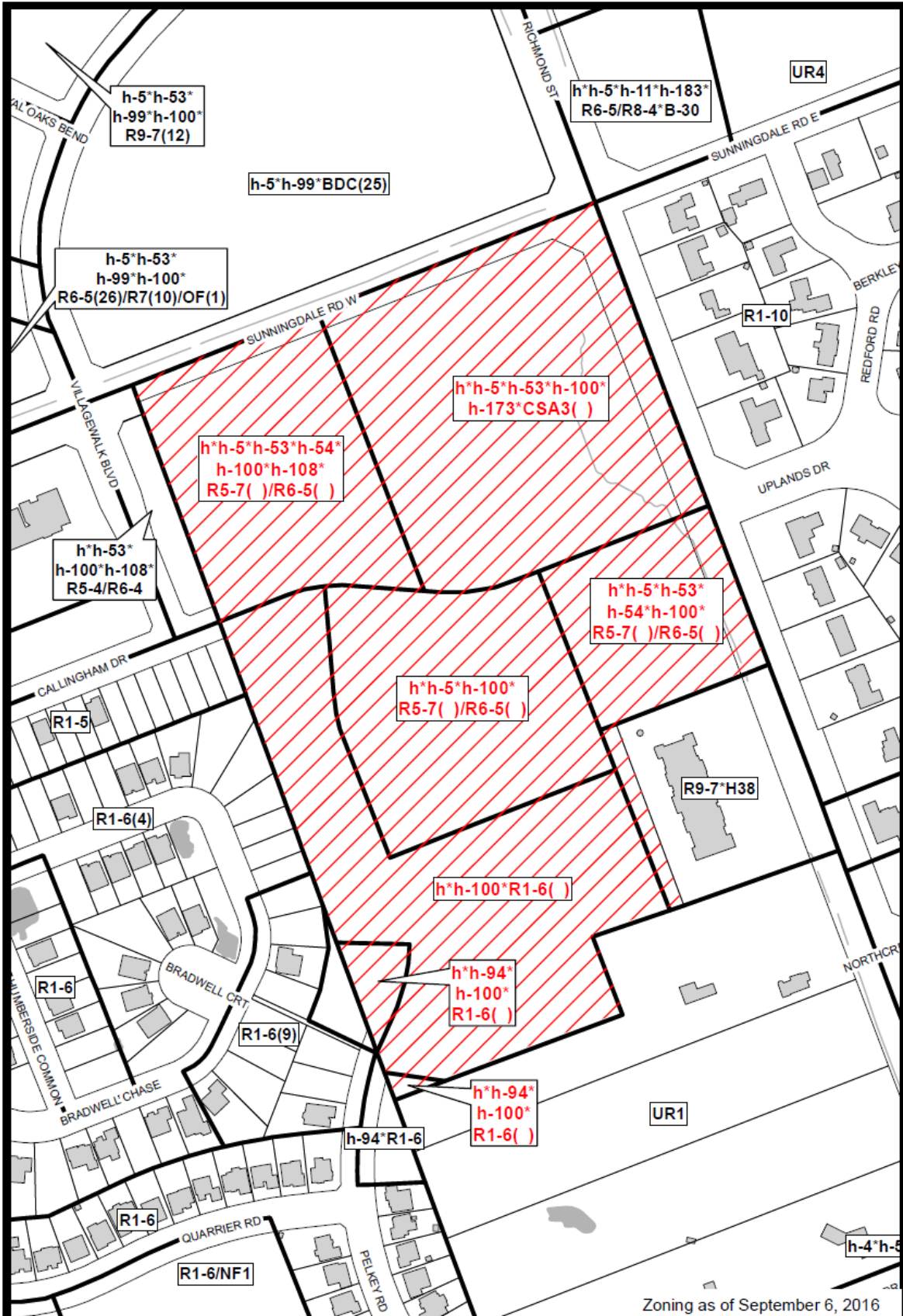
PASSED in Open Council on .

Matt Brown
 Mayor

Catharine Saunders
 City Clerk

First Reading -
 Second Reading -
 Third Reading -

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

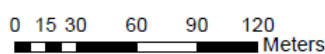


File Number: 39T-16503/OZ-8637
 Planner: CS
 Date Prepared: 2016/10/28
 Technician: JS
 By-Law No: Z.-1-

SUBJECT SITE



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Appendix "39T-16503"
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-16503 ARE AS FOLLOWS:

- | NO. | CONDITIONS |
|-----|---|
| 1. | This draft approval applies to the draft plan as submitted by Barvest Realty Inc. (File No. 39T-16503), prepared by Zelinka Priamo Limited and certified by P.R. Levac OLS, (Project No. BAR/LON/07-02, dated June 2016), <u>as red-lined</u> , which shows 41 single detached lots, three (3) medium density blocks, one (1) commercial blocks, two (2) residential part blocks, and several 0.3m reserve blocks all served by an extension of Callingham Drive, an extension of Pelkey Road, and three (3) new local street. |
| 2. | This approval applies for three years, and if final approval is not given by that date, the draft approval shall lapse, except in the case where an extension has been granted by the Approval Authority. |
| 3. | The road allowances included in this draft plan shall be shown on the face of the plan and dedicated as public highways. |
| 4. | The Owner shall request that street(s) shall be named to the satisfaction of the City. |
| 5. | The Owner shall request that the municipal address shall be assigned to the satisfaction of the City. |
| 6. | Prior to final approval, the Owner shall submit to the City 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. | The subdivision agreement between the Owner and the City shall be registered against the lands to which it applies. Prior to final approval the Owner shall pay in full all municipal financial obligations/encumbrances on the said lands, including property taxes and local improvement charges. |
| 8. | Prior to final approval, appropriate zoning shall be in effect for this proposed subdivision |
| 9. | Phasing of this subdivision (if any) shall be to the satisfaction of the City |
| 10. | In conjunction with registration of the plan, the Owner shall provide to the appropriate authorities such easements as may be required for all municipal works and services associated with the development of the subject lands, such as road, utility, drainage or stormwater management (SWM) purposes, to the satisfaction of the City, at no cost to the City. |
| 11. | Prior to final approval, for the purposes of satisfying any of the conditions of draft approval herein contained, the Owner shall file with City a complete submission consisting of all required clearances, fees, and final plans, and to advise the City 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 City, such submission will be returned to the Owner without detailed review by the City. |
| 12. | The Owner shall not commence construction or installations of any services (e.g. clearing or servicing of land) involved with this plan prior to obtaining all necessary permits, approvals and/or certificates that need to be issued in conjunction with the development of the subdivision, unless otherwise approved by the City in writing; (e.g. Ministry of the Environment Certificates; City/Ministry/Government permits: Approved Works, water connection, water-taking, Crown Land, navigable waterways; approvals: Upper Thames River Conservation Authority, Ministry of |

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Natural Resources, Ministry of Environment, City; etc.)

Planning

13. In conjunction with the Design Studies submission, the Owner shall prepare updated detailed urban design guidelines for this subdivision and implementation processes, to be appended to the subdivision agreement to the satisfaction of the City.
14. The Owner shall obtain and submit to the City a letter of archaeological clearance from the Southwestern Regional Archaeologist of the Ministry of Culture. The Owner shall not grade or disturb soils on the property prior to the release from the Ministry of Culture.
15. The Owner to register on title and include in all Purchase and Sale Agreements the requirement that the homes to be designed and constructed on all corner lots in this Plan, are to have design features, such as but not limited to porches, windows or other architectural elements that provide for a street oriented design and limited chain link or decorative fencing along no more than 50% of the exterior sideyard or to be extended to the rear wall of the dwelling unit if greater than 50% abutting the exterior side yard road frontage. Further, the owner shall obtain approval of their proposed design from the Manager of Urban Design prior to any submission of an application for a building permit for corner lots with an exterior sideyard in this Plan
16. The Owner shall have its consulting engineer have regard to the Urban Design Guidelines and Placemaking Guidelines for this development to the satisfaction of the City during the preparation of engineering drawings to ensure that items such as sidewalk width, paving patterns, lighting, tree planting and landscape treatments are properly addressed.
17. The Owner shall transfer the Future Development Block 49, on the south side of Street “C” as needed, at no cost to the City. Should the adjacent lands develop for residential use and Future Development Block 49 is required for access purposes, the Future Development Block 49 shall be sold at market value, as determined by the City acting reasonably to the owners of the adjacent lands for access purposes, and the City shall pay the net proceeds of that sale (minus any City costs) to the Owner of this plan (39T-16503) within 30 days of such sale. Should the City determine that the Future Development Block 49 is not needed for access purposes, then the City would transfer the lot back to the Owner of this plan for a nominal fee.
18. The Owner shall comply with Canada Post in regards to Community Mailbox requirements, to the satisfaction of the City.

Parks Planning

19. The Owner shall provide 2% of the value of the commercial blocks the day before the issuance of the first building permit and cash in lieu will be required for all residential development in accordance with By-law CP-9 all to the satisfaction of the City.

Engineering - Sanitary

Sanitary:

20. In conjunction with the Design Studies submission, the Owner shall have his consulting engineer prepare and submit the following sanitary servicing design information:
 - i.) Provide a sanitary drainage area plan, including the preliminary sanitary sewer routing and the external areas to be serviced (eg. 1985 Richmond Street, Winder Lands to the south, Baran lands and existing lands east of Richmond Street), to the satisfaction of the City;
 - ii.) Propose a suitable routing for the sanitary sewer to be constructed through this plan;
 - iii.) To meet allowable inflow and infiltration levels as identified by OPSS 410 and OPSS 407, provide an hydrogeological report that includes an analysis to establish the water table level of lands within the subdivision with respect to the depth of the sanitary sewers and recommend additional measures, if any, which need to be undertaken; and
21. In accordance with City standards or as otherwise required by the City Engineer, the Owner shall

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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 diameter sanitary sewer located on Callingham Drive and the 250 mm diameter sanitary sewer located on Pelkey Road;
 - ii.) Construct servicing for 1985 Richmond Street
 - iii.) Make provisions for oversizing of the internal sanitary sewers in this draft plan to accommodate flows from the upstream lands external to this plan, all to the satisfaction of the City. This sewer must be extended to the limits of this plan and/or property line to service the upstream external lands; and
 - iv.) Where trunk sewers are greater than 8 metres in depth and are located within the municipal roadway, the Owner shall construct a local sanitary sewer to provide servicing outlets for private drain connections, to the satisfaction of the City. The local sanitary sewer will be at the sole cost of the Owner. Any exception will require the approval of the City Engineer.
22. In order to prevent any inflow and infiltration from being introduced to the sanitary sewer system, the Owner shall, throughout the duration of construction within this plan, undertake measures within this draft plan to control and prevent any inflow and infiltration and silt from being introduced to the sanitary sewer system during and after construction, satisfactory to the City, at no cost to the City, including but not limited to the following:
- i.) Not allowing any weeping tile connections into the sanitary sewers within this Plan;
 - ii.) Permitting the City to undertake smoke testing or other testing of connections to the sanitary sewer to ensure that there are no connections which would permit inflow and infiltration into the sanitary sewer.
 - iii.) Install Parson Manhole Inserts (or approved alternative satisfactory to the City Engineer) in all sanitary sewer maintenance holes at the time the maintenance hole(s) are installed within the proposed draft plan of subdivision. The Owner shall not remove the inserts until sodding of the boulevard and the top lift of asphalt is complete, all to the satisfaction of the City Engineer.
 - iv.) Having his consulting engineer confirm that the sanitary sewers meet allowable inflow and infiltration levels as per OPSS 410 and OPSS 407; and
 - v.) Implementing any additional measures recommended through the Design Studies stage.
23. Prior to registration of this Plan, the Owner shall obtain consent from the City Engineer to reserve capacity at the Greenway/Adelaide Pollution Control Plant for this subdivision. This treatment capacity shall be reserved by the City Engineer subject to capacity being available, on the condition that registration of the subdivision agreement and the plan of subdivision occur within one (1) year of the date specified in the subdivision agreement.
- i.) 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.

Storm and Stormwater Management (SWM)

24. In conjunction with the Design Studies submission, the Owner shall have his consulting engineer prepare and submit a Storm/Drainage and SWM Servicing Functional Report or a SWM Servicing Letter/Report of Confirmation to address the following:
- i.) Identifying the storm/drainage and SWM servicing works for the subject and external lands and how the interim drainage from external lands will be handled, all to the satisfaction of the City;
 - ii.) Identifying major and minor storm flow routes for the subject and external lands, to the satisfaction of the City;
 - iii.) 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.
 - iv.) Providing a geotechnical report or update the existing geotechnical report recommendations to address all geotechnical issues with respect to construction, grading and drainage of this subdivision and any necessary setbacks related to erosion, maintenance and structural setbacks related to slope stability for lands within this plan, if

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- necessary, to the satisfaction and specifications of the City.
- v.) Developing an erosion/sediment control plan that will identify all erosion and sediment control measures for the subject lands in accordance with City of London and Ministry of the Environment standards and requirements, all to the satisfaction of the City. This plan is to include measures to be used during all phases on construction; and
 - vi.) Implementing SWM soft measure Best Management Practices (BMP's) within the Plan, where possible, to the satisfaction of the City. The acceptance of these measures by the City will be subject to the presence of adequate geotechnical conditions within this Plan and the approval of the City Engineer.
25. The above-noted Storm/Drainage and SWM Servicing Functional Report or a SWM Servicing Letter/Report of Confirmation, prepared by the Owner's consulting professional engineer, shall be in accordance with the recommendations and requirements of the following:
- i.) The SWM criteria and environmental targets for the Medway Creek Subwatershed Study and any addendums/amendments;
 - ii.) The approved Functional Stormwater Management Plan for the Sunningdale SWM Facility # 4 and Compensation Area, prepared by DelCan (April 2011) or any updated Functional Stormwater Management Plan;
 - iii.) The City's Design Requirements for Permanent Private Stormwater Systems approved by City Council and effective as of January 1, 2012. The stormwater requirements for PPS for all medium/high density residential, institutional, commercial and industrial development sites are contained in this document, which may include but not be limited to quantity/quality control, erosion, stream morphology, etc.;
 - iv.) The City of London Environmental and Engineering Services Department Design Specifications and Requirements, as revised;
 - v.) The City's Waste Discharge and Drainage By-laws, lot grading standards, Policies, requirements and practices;
 - vi.) The Ministry of the Environment SWM Practices Planning and Design Manual, as revised; and
 - vii.) Applicable Acts, Policies, Guidelines, Standards and Requirements of all required approval agencies.
26. 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.) Construct storm sewers to serve this plan, located within the Medway Creek Subwatershed, and connect them to the existing municipal storm sewer system, namely, the 975 mm diameter storm sewer located on Pelkey Road and the 825 mm diameter storm sewer on Callingham Drive, outletting to the existing Regional Sunningdale SWM Facility # 4 via the existing sewer connections within plans 33M-664 and 33M-665;
 - ii.) Construct servicing for 1985 Richmond Street;
 - iii.) Make provisions to oversize and deepen the internal storm sewers, if necessary, in this plan to accommodate flows from upstream lands external to this plan
 - iv.) Construct and implement erosion and sediment control measures as accepted in the Storm/Drainage and SWM Servicing Functional Report or a SWM Servicing Letter/Report of Confirmation for these lands and the Owner shall correct any deficiencies of the erosion and sediment control measures forthwith; and
 - v.) Address forthwith any deficiencies of the stormwater works and/or monitoring program.
27. Prior to the issuance of any Certificates of Conditional Approval for any lot in this plan, the Owner shall complete the following:
- i.) For lots and blocks in this plan or as otherwise approved by the City Engineer, all storm/drainage and SWM related works to serve this plan must be constructed and operational in accordance with the approved design criteria and accepted drawings, all to the satisfaction of the City;
 - ii.) Construct and have operational the major and minor storm flow routes for the subject lands, to the satisfaction of the City;
 - iii.) Implement all geotechnical/slope stability recommendations made by the geotechnical report accepted by the City; and
28. Prior to the acceptance of engineering drawings, the Owner's professional engineer shall certify the subdivision has been designed such that increased and accelerated stormwater runoff from

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this subdivision will not cause damage to downstream lands, properties or structures beyond the limits of this subdivision. Notwithstanding any requirements of, or any approval given by the City, the Owner shall indemnify the City against any damage or claim for damages arising out of or alleged to have arisen out of such increased or accelerated stormwater runoff from this subdivision.

29. In conjunction with the Design Studies submission, the Owner shall have a report prepared by a qualified consultant, and if necessary, a detailed hydro geological investigation carried out by a qualified consultant, to determine the following:
- i.) the effects of the construction associated with this subdivision on the existing ground water elevations and domestic or farm wells in the area
 - ii.) identify any abandoned wells in this plan
 - iii.) assess the impact on water balance in the plan
 - iv.) any fill required in the plan
 - v.) provide recommendations for foundation design should high groundwater be encountered
 - vi.) identify all required mitigation measures including Low Impact Development (LIDs) solutions
 - vii.) address any contamination impacts that may be anticipated or experienced as a result of the said construction
 - viii.) provide recommendations regarding soil conditions and fill needs in the location of any existing watercourses or bodies of water on the site.

all to the satisfaction of the City.

30. Prior to the issuance of any Certificate of Conditional Approval, the Owner's professional engineer shall certify that any remedial or other works as recommended in the accepted hydro geological report are implemented by the Owner, to the satisfaction of the City, at no cost to the City.
31. 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.

Watermains

32. In conjunction with the Design Studies submission, the Owner shall have his consulting engineer prepare and submit the following water servicing design information, all to the satisfaction of the City Engineer:
- i.) A water servicing report which addresses the following:
 - i. Identify external water servicing requirements. The Winder Lands to the south must be serviced by appropriately sized mains;
 - ii. Identify fireflows available from each hydrant proposed to be constructed and identify appropriate hydrant colour code markers;
 - iii. Confirm capacity requirements are met;
 - iv. Identify need to the construction of external works;
 - v. Identify the effect of development on existing water infrastructure – identify potential conflicts;
 - vi. Water system area plan(s)
 - vii. Water network analysis/hydraulic calculations for subdivision report;
 - viii. Phasing report and identify how water quality will be maintained until full built-out;
 - ix. Oversizing of watermain, if necessary and any cost sharing agreements.
 - x. Water quality
 - xi. Identify location of valves and hydrants
 - xii. Identify location of automatic flushing devices as necessary
 - xiii. Looping strategy
 - xiv. Adherence to the North London Water Servicing Strategy
 - xv. Identify the servicing strategy for 1985 Richmond Street North
 - ii.) An engineering analysis to determine the extent of external watermains are required to serve Blocks within this plan, at no cost to the City.

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33. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall implement the accepted recommendations to address the water quality requirements for the watermain system, to the satisfaction of the City Engineer, at no cost to the City. The requirements or measure which are necessary to meet water quality requirements shall also be shown clearly on the engineering drawings.
34. Prior to the issuance of any Certificate 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 services for this draft plan of subdivision:
 - i.) Construct watermains to serve this Plan and connect them to the existing municipal system, namely, the existing 200 mm diameter watermain on Callingham Drive, the 300 mm diameter watermain on Pelkey Road and the 400 mm diameter watermain on Richmond Street (high level system);
 - ii.) Construct water service for 1985 Richmond Street;
 - iii.) If a watermain connection is required, provide an easement and temporary watermain connection between Street 'A' and Street 'C'
 - iv.) Deliver confirmation that the watermain system has been looped to the satisfaction of the City Engineer when development is proposed to proceed beyond 80 units; and
 - v.) The available fireflow and appropriate hydrant colour code (in accordance with the City of London Design Criteria) are to be shown on engineering drawings;
The fire hydrant colour code markers will be installed by the City of London at the time of Conditional Approval
35. Prior to the issuance of a Certificate of Conditional Approval, the Owner shall install and commission temporary automatic flushing devices and meters at all dead ends and/or other locations as deemed necessary by the hydraulic modelling results to ensure that water quality is maintained during build out of the subdivision. These devices are to remain in place until there is sufficient occupancy use to maintain water quality without their use. The location of the temporary automatic flushing devices as well as their flow settings are to be shown on engineering drawings. The Owner is responsible to meter and pay billed cost of the discharged water from the time of their installation until assumption. Any incidental and/or ongoing maintenance of the automatic flushing devices is/are the responsibility of the Owner.
36. With respect to the proposed blocks, the Owner shall include in all agreements of purchase and sale, and/or lease of Blocks in this plan, a warning clause advising the purchaser/transferee that should these develop as a Vacant Land Condominium or in a form that may create a regulated drinking water system under O.Reg. 170/03, the Owner shall be responsible for meeting the requirements of the legislation.
37. If deemed a regulated system, there is potential the City of London could be ordered to operate this system in the future. As such, the system would be required to be constructed to City standards and requirements
38. The Owner shall obtain all necessary approvals from the City Engineer for individual servicing of blocks in this subdivision, prior to the installation of any water services for the blocks.

STREETS, TRANSPORTATION & SURVEYS

Roadworks

39. All through intersections and connections with existing streets and internal to this subdivision shall align with the opposing streets based on the centrelines of the street aligning through their intersections thereby having these streets centred with each other, in accordance with City standards, unless otherwise approved by the City Engineer. The following intersections are to be aligned to the satisfaction of the City:
 - i.) Callingham Drive with Callingham Drive to the west
 - ii.) Callingham Drive with Uplands Drive to the east
 - iii.) Pelkey Road with Pelkey Road to the south
40. In conjunction with the Design Studies submission, the Owner shall provide a concept plan showing the alignment of Callingham Drive opposite Uplands Drive, to the satisfaction of the

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City.

41. In conjunction with the submission of detailed design drawings, the Owner shall have his consulting engineer provide a proposed layout of the tapers for streets in this plan that change right-of-way widths with minimum 30 metre tapers (eg. from 20.0 metre to 19.0 metre road width), all to the satisfaction of the City Engineer. The roads shall be tapered equally aligned based on the alignment of the road centrelines. It should be noted tapers are not to be within an intersection.
42. In conjunction with the Design Studies submission, the Owner shall provide a conceptual layout of the roads and rights-of-way of the plan to the City Engineer for review and acceptance with respect to road geometries, including but not limited to, right-of-way widths, tapers, bends, intersection layout, daylighting triangles, pavement markings, turn lanes, etc., and include any associated adjustments to the abutting lots.
43. At 'tee' intersection, the projected road centreline of the intersecting street shall intersect the through street at 90 degrees with a minimum 6 metre tangent being required along the street lines of the intersecting road (eg. Pelkey Road at Callingham Drive and Street 'C' at Pelkey Road).
44. The Owner shall convey Future Development Block 48, to the City for future use as needed, at no cost to the City. If this Block is not needed upon development or redevelopment of the lands to the south of this block, the City agrees that the Block will be returned to the Owner, for use as a building lot, at no cost to the City.
45. In conjunction with the Design Studies submission, the Owner shall have its professional consulting engineer confirm that all streets in the subdivision have centreline radii which conforms to the City of London Standard "Minimum Centreline Radii of Curvature of Roads in Subdivisions:"
46. The Owner shall have it's professional engineer design and construct the roadworks in accordance with the following road widths:
 - i.) Callingham Drive and Pelkey Road have a minimum road pavement with (excluding gutters) of 9.5 metres with a minimum road allowance of 21.5 metres.
 - ii.) Street 'A' have a minimum road pavement width (excluding gutters) of 8.0 metres with a minimum road allowance of 20 metres.
 - iii.) Street 'C' have a minimum road pavement width (excluding gutters) of 7.0 metres with a minimum road allowance of 19 metres.
 - iv.) Street 'B' have a minimum road pavement width (excluding gutters) of 6.0 metres with a minimum road allowance of 18 metres.
 - v.) The Owner shall construct a gateway feature on Callingham Drive at the intersection of Richmond Street with a right of way width of 28.0 metres for a minimum length of 45.0 metres tapered back over a distance of 30 metres to the standard secondary collector road right of way width of 21.5 metres, to the satisfaction of the City. Landscaped gateway features shall be installed within a widened boulevard area, to the specifications and satisfaction of the City Engineer.
47. In conjunction with the Design Studies submission, the Owner shall submit a concept of the gateway feature on Callingham Drive at Richmond Street, to the satisfaction of the City Engineer.
48. The Owner shall construct Callingham Drive and Pelkey Road to secondary collector road standards, to the satisfaction of the City Engineer.
49. Sidewalks/Bikeways
50. The Owner shall construct a 1.5 metre sidewalk on both sides of the following streets:
 - i.) Callingham Drive
 - ii.) Pelkey Road
51. The Owner shall construct a 1.5 metre sidewalk on one side of the following streets:
 - i.) Street 'A' – west boulevard
 - ii.) Street 'B' – north boulevard

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iii.) Street 'C' – north boulevard

Street Lights

- 52. At the time of site plan approval for Block 45, the Owner shall install temporary street lights at the intersection of the commercial driveway and Sunningdale Road West, to the satisfaction of the City Engineer, at no cost to the City.
- 53. 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 London Hydro for the City of London.

Boundary Road Works

- 54. In conjunction with the Design Studies submission, the Owner shall update the 58 Sunningdale Road Traffic Impact Study, to the satisfaction of the City. Prior to undertaking this study, the Owner shall contact the Transportation Planning and Design Division regarding the scope and requirements of this study. .
- 55. The Owner shall implement all recommendations outlined in the approved Transportation Impact Assessment, at no cost to the City, to the satisfaction of the City Engineer.
- 56. The Owner shall be required to make minor boulevard improvements on Sunningdale Road West and Richmond Street North 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. The Owner shall grade their site in accordance with the Sunningdale Road Environmental Assessment, to the satisfaction of the City and at no cost to the City.
- 58. In conjunction with the Design Studies submission, the Owner shall submit a concept plan of the street lighting at the intersection of Richmond Street and Callingham Drive, to the satisfaction of the City.
- 59. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall make adjustments to the existing street lights on Richmond Street or provide temporary street lights to provide for sufficient illumination at the intersection of Callingham Drive and Richmond Street, at no cost to the City, to the satisfaction of the City Engineer.
- 60. In conjunction with the Design Studies submission, the Owner shall have it's professional consulting engineer submit design criteria for the left turn and right turn lanes on Richmond Street North at Pelkey Road for review and acceptance by the City.
- 61. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct left and right turn lanes at Callingham Drive on Richmond Street North and all associated works, to the satisfaction of the City Engineer.

Road Widening

- 62. The Owner shall be required to dedicate sufficient land to widen Sunningdale Road West and Richmond Street North to 18.0 metres from the centreline of the original road allowance.
- 63. The Owner shall be required to dedicate 6.0 m x 6.0 m “daylighting triangles” at the intersection of Callingham Drive and Richmond Street North and Sunningdale Road West and Richmond Street in accordance with the Z-1 Zoning By-law, Section 4.21.2.
- 64. The Owner shall be required to dedicate 3.0 m x 3.0 m “daylighting triangles” at the intersection of ‘collector’ road streets in the Plan (ie. Where Callingham Drive meets Pelkey Road) to satisfy requirements necessary for servicing bus transit routes, as specified by the City Engineer.

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Vehicular Access

- 65. The Owner shall provide access to 1985 Richmond Street from the internal road network in this plan, at no cost to the City, to the satisfaction of the City.

Traffic Calming

- 66. In conjunction with the Design Studies submission, the Owner shall have it's professional engineer provide a conceptual design of the proposed traffic calming measures, on internal streets in this plan of subdivision, to be relocated and/or constructed along Callingham Drive and Pelkey Road, including raised intersections, parking bays, curb extensions and other measures, to the satisfaction of the City.
- 67. The Owner shall relocate and/or construct traffic calming measures associated with this traffic calming plan, including parking bays, curb extensions and other measures to the satisfaction of the City.
- 68. The Owner shall construct a raised intersection on Callingham Drive at Pelkey Road, to the satisfaction of the City Engineer, at no cost to the City. Should it be determined, the raised intersection will affect the major overland flow route, the Owner shall construct alternative traffic calming measures on Callingham Drive, to the satisfaction of the City Engineer.

Construction Access/Temporary/Second Access Roads

- 69. The Owner shall direct all construction traffic associated with this draft plan of subdivision to utilize Sunningdale Road West via Villagewalk Boulevard and Callingham Drive or other routes as designated by the City.
- 70. In the event any work is undertaken on an existing street, the Owner shall establish and maintain a Traffic Management Plan (TMP) in conformance with City guidelines and to the satisfaction of the City for any construction activity that will occur on existing public roadways. The Owner shall have its contractor(s) undertake the work within the prescribed operational constraints of the TMP. The TMP will be submitted in conjunction with the subdivision servicing drawings for this plan of subdivision.
- 71. The Owner shall construct a temporary turning facility for vehicles at the following location(s), to the specifications of the City:
 - i.) Street 'A' – south limit
 - ii.) Street 'C' – east limit

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

- 72. The Owner shall remove the temporary turning facility on Pelkey Road and adjacent lands, in Plan 33M-665 to the south of this Plan, and complete the construction of Pelkey Road in this location as a fully serviced road, including restoration of adjacent lands, to the specifications of the City.

If funds have been provided to the City by the Owner of Plan 33M-665 for the removal of the temporary turning facility and the construction of this section of Pelkey Road and all associated works, the City shall reimburse the Owner for the substantiated cost of completing these works, up to a maximum value that the City has received for this work.

In the event that Pelkey Road in Plan 33M-665 is constructed as a fully serviced road by the Owner of Plan 33M-665, then the Owner shall be relieved of this obligation.

GENERAL CONDITIONS

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73. 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.
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.
76. In conjunction with the Design Studies submission, the Owner shall provide, to the City for review and acceptance, a geotechnical report or update the existing geotechnical report recommendations to address all geotechnical issues with respect to the development of this plan, including, but not limited to, the following:
- i.) servicing, grading and drainage of this subdivision
 - ii.) road pavement structure
 - iii.) dewatering
 - iv.) foundation design
 - v.) removal of existing fill (including but not limited to organic and deleterious materials)
 - vi.) the placement of new engineering fill
 - vii.) any necessary setbacks related to slope stability for lands within this plan
 - viii.) identifying all required mitigation measures including Low Impact Development (LIDs) solutions,
- and any other requirements as needed by the City, all to the satisfaction of the City.
77. The Owner shall implement all geotechnical recommendations to the satisfaction of the City.
78. 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.
79. 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.
80. In conjunction with Design Studies submission, the Owner shall have his consulting engineer submit a concept plan which shows how all servicing (water, sanitary, storm, gas, hydro, street lighting, water meter pits, Bell, Rogers, etc.) shall be provided to condominiums/townhouses indicated on Block 44. It will be a requirement to provide adequate separation distances for all services which are to be located on the municipal right-of-way to provide for required separation distance (Ministry of Environment Design Standards) and to allow for adequate space for repair, replacement and maintenance of these services in a manner acceptable to the City.
81. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall implement the approved servicing for the street townhouse units on Block 44, to the satisfaction of the City Engineer.
82. The Owner shall have the common property line of Sunningdale Road West and Richmond Street North 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 Sunningdale Road West and Richmond Street North are the the future ultimate centreline of road grades as determined by the Owner's professional engineer, satisfactory to the City. From these, the Owner's professional engineer is to determine the ultimate elevations along the common property line which will blend with the the ultimate reconstructed road, all to the satisfaction of the City.

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83. 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.

84. 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, 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.

85. 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.

The connection into and use of the subject services by an outside Owner will be conditional upon the outside Owner satisfying any requirements set out by the City, and agreement by the outside Owner to pay a proportional share of the operational maintenance and/or monitoring costs of any affected unassumed services and/or facilities.

86. 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.

87. 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, in accordance with the requirements of latest Ministry of Environment and Climate Change "Guidelines for Use at Contaminated Sites in Ontario" and file appropriate

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C. Smith

documents to the Ministry in this regard with copies provided to the City. The City may require a copy of the report should there be City property adjacent to the contamination.

Should any contaminants be encountered within this Plan, the Owner shall implement the recommendations of the geotechnical engineer to remediate, removal and/or disposals of any contaminates within the proposed Streets, Lot and Blocks in this Plan forthwith under the supervision of the geotechnical engineer to the satisfaction of the City at no cost to the City.

In the event no evidence of contamination is encountered on the site, the geotechnical engineer shall provide certification to this effect to the City.

88. 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.
89. 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.
90. 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".
91. 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.)
92. 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.
93. In conjunction with the Design Studies submission, in the event the Owner wishes to phase this plan of subdivision, the Owner shall submit a phasing plan identifying all required temporary measures, and identify land and/or easements required for the routing of services which are necessary to service upstream lands outside this draft plan to the limit of the plan to be provided at the time of registration of each phase, all to the specifications and satisfaction of the City.
94. If any temporary measures are required to support the interim conditions in conjunction with the phasing, the Owner shall construct temporary measures and provide all necessary land and/or easements, to the specifications and satisfaction of the City Engineer, at no cost to the City.
95. 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.
96. 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.
97. The Owner shall decommission any abandoned infrastructure, at no cost to the City, including cutting the water service and capping it at the watermain, all to the specifications and satisfaction of the City.
98. 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.

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99. All costs related to the plan of subdivision shall be at the expense of the Owner, unless specifically stated otherwise in this approval.
100. Prior to the issuance of a Certificate of Conditional Approval for Blocks 42 and 43 in this plan, Blocks 42 and 43 shall be combined with lands to the south and west to create developable lots and/or blocks, to the satisfaction of the City. The above-noted blocks shall be held out of development until they can be combined with adjacent lands to create developable lots and/or blocks.
101. Prior to the issuance of a Certificate of Conditional Approval for Block 45 in this plan, Block 45 shall be combined with lands to the west to create a developable block, to the satisfaction of the City. The above-noted block shall be held out of development until they can be combined with adjacent lands to create a developable block.
102. Lot 30 shall be held out of development until lands to the south and east develop.
103. Prior to the issuance of a Certificate of Conditional Approval for Pelkey Road, the Owner shall construct new services and make adjustments to the existing works and services on Pelkey Road in Plan 33M-665, adjacent to this plan to accommodate the proposed works and services on this street to accommodate the lots in this plan fronting this street (eg. private services, street light poles, traffic calming, etc.) in accordance with the approved design criteria and accepted drawings, all to the satisfaction of the City Engineer, at no cost to the City.
104. Should Commercial, Industrial or Institutional blocks exist within this plan of subdivision, the Owner shall either register against the title of Blocks 45 and 46, inclusive, in this Plan, or shall include in the agreement of purchase and sale for the transfer of each of the Blocks, a covenant by the purchaser or transferee stating that the purchaser or transferee of the Blocks may be required to construct sewage sampling manholes, built to City standards in accordance with the City's Waste Discharge By-law No. WM-2, as amended, regulating the discharge of sewage into public sewage systems. If required, the sewage sampling manholes shall be installed on both storm and sanitary private drain connections, and shall be located wholly on private property, as close as possible to the street line, or as approved otherwise by the City Engineer.

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Appendix "B"
Related Estimated Costs and Revenues

Bierens (Westfield) - Kenmore Homes - Ph 2
Draft Plan Revision
39T-08502

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 - No claims identified.	\$0
Total	\$0
Estimated Total DC Revenues ^{Note 2} (2016 Rates)	Estimated Revenue ^{Note 3}
CSRF	\$3,091,938
UWRF	\$278,200
TOTAL	\$3,370,138

1 There are no claims identified in this phase of the subdivision.

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:

Oct 7 / 16
Date

P. Christiaans
Peter Christiaans
Director, Development Finance

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“Schedule 1”

OMB Appeal Dated July 19, 2017 Submitted by Analee Ferreira on Behalf of Barvest Realty Inc.



July 19, 2017

Via Courier

The Corporation of the City of London
300 Dufferin Avenue
London, ON N6B 1Z2

Attention: Cathy Saunders, Clerk

**Re: Ontario Municipal Board- OPA/ZPA/SPA Appeal
58 Sunningdale Road – Barvest Realty Inc.**

Enclosed please find:

- Zoning By-law Appeal/Official Plan Amendment Appeal/ Site Plan Appeal; and
- Cheque in the amount of \$900.00 made payable to the Minister of Finance.

Kindly file the respective material on our behalf and thank you in advance for doing so.

Yours Truly,
FERREIRA LAW

April MacPherson
Law Clerk to Analee J.M. Ferreira

Encl.
/adm

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Environment and Land Tribunals Ontario
Ontario Municipal Board
 655 Bay Street, Suite 1500
 Toronto ON M5G 1E5
 Telephone: 416-212-6349
 Toll Free: 1-866-448-2248
 Fax: 416-326-5370
 Website: www.elto.gov.on.ca

Appellant Form (A1)

Receipt Number (OMB Office Use Only)
Date Stamp - Appeal Received by Municipality

1. Appeal Type (Please check all applicable boxes) *

Subject of Appeal	Type of Appeal	Act Reference (Section)
Planning Act Matters		
Official Plan or Official Plan Amendment	<input type="checkbox"/> Appeal a decision by local council that adopted an OP or OPA (exempt from approval by Minister or Approval Authority)	17(24)
	<input type="checkbox"/> Appeal a decision of an Approval Authority that approved or did not approve all or part of a plan or amendment	17(36)
	<input type="checkbox"/> Approval Authority failed to make a decision on the plan within 180 days	17(40)
	<input checked="" type="checkbox"/> Council failed to adopt the requested amendment within 180 days	22(7)
	<input type="checkbox"/> Council refused the requested amendment	
Zoning By-law or Zoning By-law Amendment	<input type="checkbox"/> Appeal the passing of a Zoning By-law	34(19)
	<input checked="" type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days	34(11)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – refused by the municipality	
Interim Control Zoning By-law	<input type="checkbox"/> Appeal the passing of an Interim Control By-law	38(4)
Minor Variance	<input type="checkbox"/> Appeal a decision of the Committee of Adjustment that approved or refused the application	45(12)
Consent/Severance	<input type="checkbox"/> Appeal a decision that approved or refused the application	53(19)
	<input type="checkbox"/> Appeal conditions imposed	
	<input type="checkbox"/> Appeal changed conditions	53(27)
	<input type="checkbox"/> Application for consent – Approval Authority failed to make a decision on the application within 90 days	53(14)
Plan of Subdivision	<input checked="" type="checkbox"/> Application for a plan of subdivision – Approval Authority failed to make a decision on the plan within 180 days	51(34)
	<input type="checkbox"/> Appeal a decision of an Approval Authority that approved a plan of subdivision	51(39)
	<input type="checkbox"/> Appeal a decision of an Approval Authority that did not approve a plan of subdivision	
	<input type="checkbox"/> Appeal a lapsing provision imposed by an Approval Authority	
	<input type="checkbox"/> Appeal conditions imposed by an Approval Authority	51(43)
	<input type="checkbox"/> Appeal conditions - after expiry of 20 day appeal period but before final approval (only applicant or public body may appeal)	
	<input type="checkbox"/> Appeal changed conditions	51(48)

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39T-16503/OZ-8637
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Subject of Appeal	Act/Legislation Name	Section Number
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2. Location Information

Address and/or Legal Description of property subject to the appeal *
58 Sunningdale Road West

Municipality *
London ON

Upper Tier (Example: county, district, region)

3. Appellant/Objector Information

Note: You must notify the OMB of any change of address or telephone number in writing. Please quote your OMB Case/File Number(s) after they have been assigned.

Last Name First Name

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation) *
Barvest Realty Inc.

Professional Title

Email Address

Daytime Telephone Number * ext. Alternate Telephone Number Fax Number
519-455-7060

Mailing Address

Unit Number	Street Number *	Street Name *	PO Box
	725	Third Street	
City/Town *	Province *	Country *	Postal Code *
London	ON	Canada	N5V 5G4

4. Representative Information

I hereby authorize the named company and/or individual(s) to represent me

Last Name First Name
Ferreira Analee

Company Name
Ferreira Law

Professional Title
Lawyer

Email Address
analee@ferreiralaw.ca

Daytime Telephone Number * ext. Alternate Telephone Number Fax Number
519-200-3776

Mailing Address

Unit Number	Street Number	Street Name	PO Box
16	3399	Castlerock Place	
City/Town	Province	Country	Postal Code
London	Ontario	Canada	N6L 0C8

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Note: If you are representing the appellant and are not a solicitor, please confirm that you have written authorization, as required by the OMB's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box below.

I certify that I have written authorization from the appellant to act as a representative with respect to this appeal on his or her behalf and I understand that I may be asked to produce this authorization at any time.

5. Appeal Specific Information

Municipal Reference Number(s)
39T-16503 and OZ-8637

Outline the nature of your appeal and the reasons for your appeal *

The Applicant submitted Applications for an Official Plan Amendment, Zoning By-law Amendment, and Approval of a Draft Plan of Subdivision to permit community commercial and residential uses on the Subject Lands. The application was deemed complete on June 14, 2016.

The lands are located within the southerly component of the Community Shopping Centre Node and the Richmond and Sunningdale road intersection. The proposal, if approved, will, among other things, result in an expansion of an existing community commercial node.

The City of London failed to approve the Applications within the statutory time limit.

The proposed development is consistent with the Provincial Policy Statement. The development represents an efficient use of land, municipal services and infrastructure within the Settlement Area.

The proposed development is consistent with the intent and policies in the 1989 City of London Official Plan, including Sections 4.5.2, 4.3.7, 4.3.7.5 and 11.1.

The proposed development is consistent with the intent of the Sunningdale Community Plan, including ensuring adequate provision for Community Commercial facilities.

There is confirmed market demand for additional commercial floor space in this area.

The proposed development represents sound land use planning and will not create adverse impacts.

Such further and other grounds as Counsel may advise.

Oral/written submissions to council

Did you make your opinions regarding this matter known to council?

Oral submissions at a public meeting Written submissions to council

Planning Act matters only

Applicable only to official plans/amendments, zoning by-laws/amendments and minor variances that came into effect/were passed on or after July 1, 2016 (Bill 73)

Is the 2-year no application restriction under section 22(2.2) or 34(10.0.0.2) or 45(1.4) applicable?

Yes No

6. Related Matters

Are there other appeals not yet filed with the Municipality?

Yes No

Are there other matters related to this appeal? (For example: A consent application connected to a variance application)

Yes No

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7. Scheduling Information

How many days do you estimate are needed for hearing this appeal?

- 1 day
 2 days
 3 days
 4 days
 1 week
 More than 1 week

How many expert witnesses and other witnesses do you expect to have at the hearing providing evidence/testimony?

3

Describe expert witness(es)' area of expertise (For example: land use planner, architect, engineer, etc.)

Land Use Planner, Market Expert, Traffic Expert

Do you believe this matter would benefit from mediation?

(Prior to scheduling a matter for mediation, the OMB will conduct an assessment to determine its suitability for mediation)

- Yes
 No

8. Required Fee

Total Fee Submitted * \$ 900

Payment Method * ► Certified cheque
 Money Order
 Solicitor's general or trust account cheque

9. Declaration

I solemnly declare that all of the statements and the information provided, as well as any supporting documents are true, correct and complete.

Name of Appellant/Representative	Signature of Appellant/Representative	Date (yyyy/mm/dd)
Analee J.M. Ferreira		2017/07/18

Personal information requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, and the *Ontario Municipal Board Act*, R.S.O. 1990, c. O. 28 as amended. After an appeal is filed, all information relating to this appeal may become available to the public.

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C. Smith

“Schedule 2”

Comments Received Following November 14 PEC and the Applicant’s June 6, 2017 Community Meeting

January 9, 2017

To: Chair and Members of the Planning and Environment Committee, City of London
Re: Application by Barvest Realty Inc regarding 58 Sunningdale Rd. W., File no. 39T-16503/OZ-8637

Dear Chair and Members of the Planning and Environment Committee,

Through this letter we, the undersigned residents living on properties adjacent or in vicinity of 58 Sunningdale Rd. W., would like to formally express our opinion regarding this file to return on the agenda of PEC for further discussion and possibly a decision.

As an additional clarification of our status, we would like to mention here that we have all attended in-person the PEC meeting on November 14, 2016 („Public Participation Meeting”) in which the file 39T-16503/OZ-8637 was item number 14 on the agenda. Furthermore, while we cannot claim that we are the official representatives of a neighbourhood association that was not yet constituted, it is perhaps important to mention that our informal conversations with other area residents revealed that they are in agreement with our point of view to be detailed further.

As a brief background of our position on the topic at hand, we would like to remind you that at the Nov. 14 meeting, all participating area residents have expressed their strong opposition against Barvest plans towards the development of approximately 19,500 m² gross floor area of commercial space roughly positioned in the SW corner of Sunningdale and Richmond intersection over an area totalling 5.7 ha (Blocks 45 and 46 in Barvest’s Draft Plan). Furthermore, in addition our views that were delivered both orally and in writing to the Nov. 14 meeting of PEC, we have also presented a petition signed by over 70 area residents requesting that blocks R6-5 and R5-7 to retain a low and medium density residential status, essentially by denying the addition of any new commercial space as requested through Barvest’s application. The rationale behind area residents’ opposition was complex and multifaceted, but – since it was accurately recorded at the time – we believe that it would be unnecessary to reiterate it at this time.

However, we would like to emphasize that it was only at the Nov. 14 meeting when most of us became aware of the precedent decisions affecting the land constituting the object of Barvest’s application, namely: Amendment No. 409 to London’s Official Plan (OPA 409) and Ontario Municipal Board’s (OMB) Decision No. 1765/Jun. 27, 2007. Based on these antecedents, Chapter 10 of London’s Official Plan adopted on Jun. 23, 2016 states at paragraph 129 that: *„The lands designated Multi-Family, Medium Density Residential west, north and south 1985 and 1967 Richmond Street North serve an important function. They provide a transition between the high density residential lands at 1985 and 1967 Richmond Street North and the existing, and planned, low density residential uses to the west and south of these lands.”* In our view, this represents a clear indication that Block 46 (0.82 ha) on Barvest’s Draft Plan cannot receive a commercial designation since it is located north of the property at 1985 Richmond. Furthermore, it is our view that Block 45 on Barvest’s Draft Plan cannot extend to the west to become adjacent to the property located at 240 Sunningdale W. since this would mean that the low density residential to be placed in the future in the SW corner between Callingham Dr. and the future extension of Pelkey Rd. would become directly adjacent to the 4.7 ha of commercial area requested by Barvest for Block 45. This would represent a contradiction of Section 3.3 of London’s Official Plan that states: *„the Multi-Family, Medium Density Residential designation may serve as a suitable transition between Low Density Residential areas and more intense forms of land use.”* which – in our view – essentially means that medium density residential should always be used as a „buffer” between the low density residential in the future SW corner of Callingham and Pelkey and a possible commercial property to be located in the SW corner of Richmond and Sunningdale.

The rationale presented above **allows us to support City Staff’s redline revised proposal** that was presented at Nov. 14, 2016 meeting of PEC. While we acknowledge that this represents a certain deviation from our initial position, we believe that is an acceptable compromise between our original

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viewpoint (*i.e.*, „absolutely no commercial space”) and Barvest’s intention to maximize the commercial use of the land at 58 Sunningdale W. We strongly believe that any deviation from the aforementioned redline proposal could be perceived as contradictory with both the Official Plan of London and any prior relevant OMB decisions and therefore it should not be approved. Moreover, we believe that the remainder of 3.2 ha with a commercial designation in Block 46 (redline revised proposal) would represent a more than sufficient complement of the planned commercial space to be placed in the NW corner of Sunningdale and Richmond and the ample commercial space located one block south of this intersection.

In the light of our current position and with the future commercial development in Block 46 (redline revised proposal) as well as north of it, we trust that both City Staff and PEC will continue to remain open and address appropriately our prior concerns expressed at the Nov. 14 meeting of PEC, particularly those related to the accommodation of the future increased traffic through the Richmond and Sunningdale intersection.

Sincerely,
 Remus Tutunea-Fatan (177 Bradwell Chase)
 Reinhard Schmidt (2079 Pelkey Rd.)
 Luz Torres (195 Bradwell Chase)
 Jack Halip (2-1956 Richmond St.)



January 9th, 2016

City of London,
 300 Dufferin Ave.
 London, ON N6A 4L9

Attention : Ms. Catherine Saunders, City Clerk

Re: Barvest Realty Inc. – 58 Sunningdale Rd W
Application for Approval of Draft Plan of Subdivision and Official Plan and Zoning By-law Amendment - 39T-16503/OZ-8637

We have been advised that the above referenced file has been referred back to staff for further discussions with “the community” and we would like to advise Council of our desire to be included in ongoing deliberations and meetings regarding the expansion of the commercial lands.

Our concerns relate specifically to the planned function associated with the Planning area and specifically as it relates to 135 Villagewalk Blvd (Block 90, Plan 33M-633) and the restrictions/requirements applying to the lands. As part of the Community Planning process, the City identified restrictions and limitations on specific uses and sizes and also increased urban design components relating to streetscape and orientation for these commercial lands. It appears that similar limitations and restrictions are not being applied to this application. Expansion of the commercial designation without similar restrictions or limitations prejudices lands to the north and undermines the planned function and the vision associated with the objectives of the Sunningdale North Community Plan and the ability to fully realize the development of these lands as envisioned.

In summary, we believe that the current proposal prejudices the fulfillment of the planned function and overall vision of the Sunningdale North Community Plan and that this file must be reviewed in a broader context.

We look forward to discussions with all parties and to resolving these concerns.

Yours truly,
 Auburn Developments Inc.

Per; Stephen Stapleton,
 Vice President

c.c. Mr. Craig Smith, Senior Planner, City of London
 Mr. Greg Priamo, Zelinka, Priamo Ltd

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Good Morning,

I am writing this email to concerns regarding the proposed commercial area at the Southwest corner of Richmond and Sunningdale Road.

1. The size of the commercial development, given that there are plans for a similar development on the Northwest corner seems excessive and could lead to vacant store fronts reminiscent of many commercial developments south of the border that now sit empty and invite crime. The planner hired by Barvest (spelling?) has not in my opinion clearly addressed the actual need for more commercial space and the city should demand a more thorough analysis(impartial survey of the community) of the need given the proximity to already established commercial areas nearby.
2. The design pushes the largest of the commercial buildings adjacent to residential properties. These large buildings should be positioned to back on to Sunningdale Rd or Richmond Street and not directly into the neighbourhood surrounding the commercial area.
3. The parking lot lighting from this large commercial area will create light pollution causing nearby homeowners to have to cover windows with blackout curtains in order to stop the light from entering bedrooms at night at additional expense to these surrounding homeowners.
4. The proposed roads in to and out of the development create significant traffic concerns given that they do not appear to have any traffic calming measures proposed to address this. Pelkey Rd is used by the nearby St. Catherine of Siena elementary school (Approx. 700 students) as a route to and from school for a significant portion of the school population. From the design it is clear that Pelkey will become the back road into the commercial plaza raising considerable safety concerns with children coming and going to school along this road. I encourage you to look at the Pelkey Rd and Callingham Rd road designs and revisit the safety issues evident from the design.
5. The suspicious scheduling of a neighbourhood information session at the same time as a City Planning Committee, preventing Mr. Morgan from attending the meeting calls into question the integrity of the property owner and planner. If this is to be an open and transparent engagement with the neighbours it should have been held when our representative at city hall would have been available.
6. The representative from this developer was not able to provide concrete information. He used a lot of "Can", "Could" about ways to mitigate the presence of this large commercial area and did not provide any " we will" or "we are" when addressing the concerns from the group.

Thank you for taking the time to listen to our concerns and assist us with coming to a resolution that benefits all parties.

Fred Ross
137 Bradwell Chase

Hello,

Myself, my husband, and my three children were in attendance at the June 6th Open House in Arva with respect to the future developments at the corner of Richmond and Sunningdale Road. We had some concerns that we would like to express about this development.

Our first concern is for the safety of the neighbourhood children. In particular, the plan presented to us last night shows an extension of the commercial area beyond what the city had initially planned for. As we were informed, access to the extension of that commercial area would occur directly from Pelkey Road. Although we were told that no increase of traffic would occur with the introduction of the extended commercial area, we find this hard to believe. It seems reasonable that someone seeking to access the commercial area would turn onto Plane Tree Drive, then Pelkey Road, which would provide direct access to the commercial area. Given the number of families with children in the area, in addition to St. Catherine of Siena School just steps from Pelkey Road, this seems like a safety risk for our children. Pelkey Road is particularly busy in the morning and afternoon with parents parking to

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drop off and pick up their children from school. Quarrier Road (which meets Pelkey Road) has recently been addressed because of traffic/safety concerns, and additional stop signs/speed bumps have been put in place on that road within the past year or so. The proposed commercial area at Sunningdale and Richmond could only serve to further this traffic problem in the area and create additional safety concerns for our children beyond those already present on Quarrier Road.

Our second concern is what the commercial area says about our subdivision in general. Years ago, during graduate school, my husband and I set our sights on this neighbourhood as the desired location to raise our children. We were excited to have them attend St. Catherine of Siena (a wonderful school!), play at Plane Tree Park, and experience peaceful walks in the neighbourhood. The word I would use to describe this area is "serene". We were ecstatic to attain one of the last lots in the subdivision just a few months ago. We now live on Bradwell Chase, and our backyard will face the new single-family homes to be developed. We were excited to know that the plans for the space behind us were for other families to move into this much desired space. However, we are saddened to realize that our backyard may now feature views of the side of a grocery store or some other large commercial development. We are disheartened to realize that the lights coming off of the commercial development may require us to get blackout curtains and the noises from trucks backing up to deliver their goods may require us to keep our windows closed at night. Although this probably sounds cheesy, I feel like part of our dream was lost in learning of the possibility of the extended commercial area to be placed just north of us. My concern has extended so far as to consider moving but, sadly, there are no lots still available in this area.

Given that each of Village Walk, Callingham, Sunningdale, and Richmond residents will see the backs of the buildings (and their loading docks, etc.) suggests to me that this space wasn't created for *us* as a community, as was suggested to us last night. If one were to ask what "we" want as a neighbourhood, I truly believe that more homes and green spaces is what many of my neighbours would say. I urge you to please continue with the plan to develop residential space instead of extending the commercial space at Sunningdale and Richmond so that more people can enjoy our neighbourhood as much as we do.

Best regards,

Sarah Ross, PhD
137 Bradwell Chase

Alin Cojocaru, P.Eng.
2345 Humberside Common:

June 6th 2017, "open house" meeting in Arva with Barvest Realty.

Several residents spoke against this development in the original proposed form with arguments such as traffic, noise, impact on the enhanced commercial development planned north of Sunningdale and also argued that there is no need for such an extensive commercial area.

It is about needs that I would like to discuss tonight. Before coming here, I was able to quickly count from publicly available sources that there are over 200 stores and businesses and over 1.2 mil sqft of GLA less than 2 km away from this site. Add to this what is planned north of Sunningdale and it becomes quickly apparent that there is absolutely no **need** for the proposed commercial development. It can only be justified by the **wants** of the developer given the highly lucrative nature of commercial development. They want to achieve the largest gross floor area for the lowest development cost.

A **real need** in the area, and far more important, is that for lands developed for residential purposes. This is a highly desirable area of the city for people to live in, build homes and raise families with children attending one of the great schools in the area. A testament to this fact is the nearly completion of Sunningdale Green subdivision in record time, over 150 houses in 3 years! Not to mention the Tricar buildings, the Domus development and Upper Richmond Village.

More commercial development will not contribute to the city's economic growth. At this point it's just a shell game, geographically shifting around parts of the pie. If more growth is desired, that can only come from residential development, done according to the official plan. People have spent a lot of time

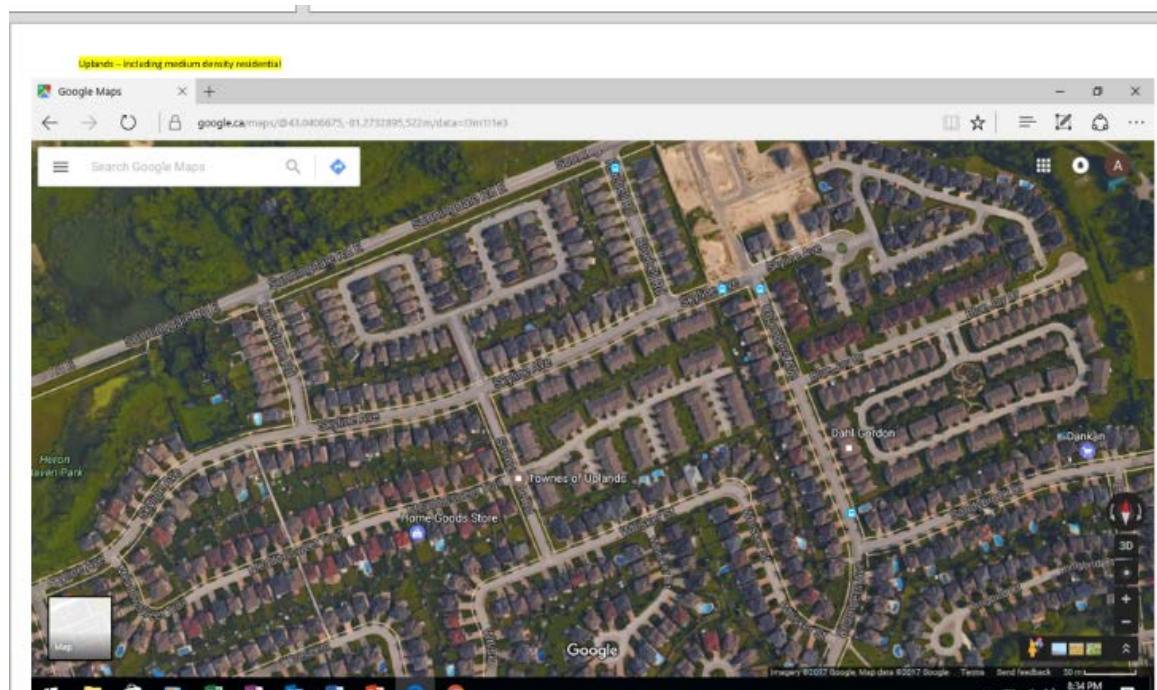
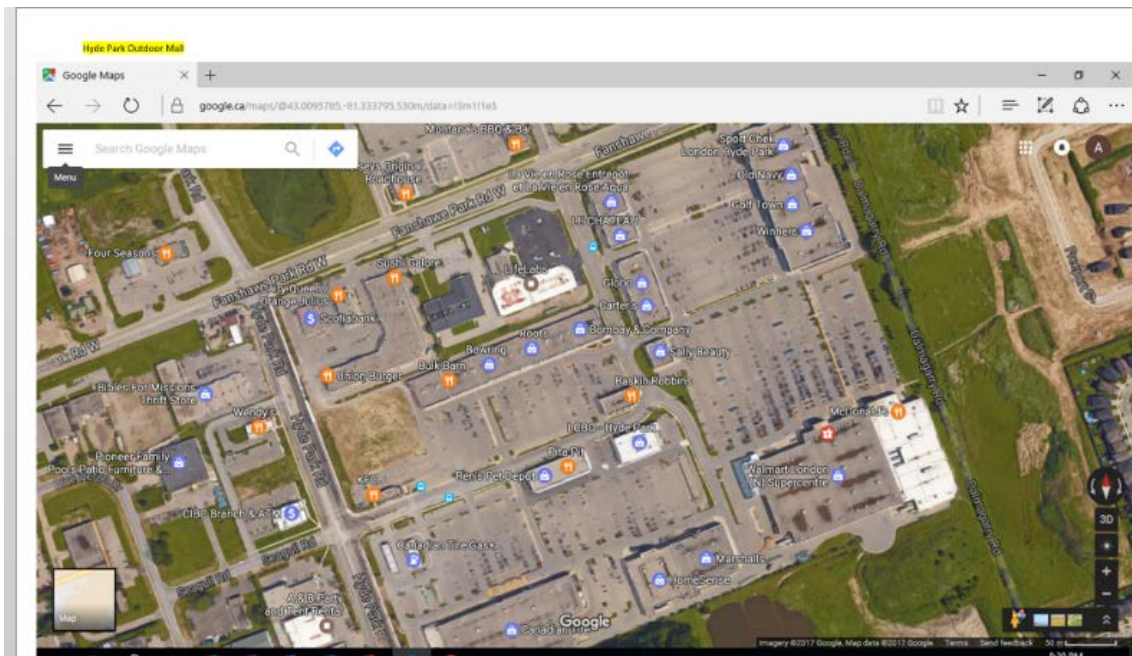
carefully crafting the future of London. Modifying it as every developer sees fit means having NO plan. If any re-zoning is on the table it would make sense to rezone the commercial to residential not the other way around.

That being said, and seeing the red-line revised proposal, I realize that sometimes we need to take the middle road. Intensifying the commercial development, in keeping with the “build inwards and upwards” principle, is a workable compromise. The times of urban sprawl and inefficient development are gone. All market studies, commercial justification, environmental assessment, urban design and so on, are just “lipstick on a pig” in the original proposal.

Let’s call it what it is:

- Unnecessary
- Inefficient in the use of land
- Environmentally damaging
- Incompatible with the official plan and Sunningdale Area Plan, displacing valuable land for residential development - which is rapidly vanishing in this area.

Once this land is paved there is no going back, it is lost forever for residential development. Let’s do the right thing for the existing and future residents. Twenty years from now, do you want this area of the city, **the Northern Gateway to Forest City**, to look like this.... or like this? (see next two pages). For me, the answer is clear. YES to red-lined revised, NO to the original proposal.



STIKEMAN ELLIOTT

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BY E-MAIL
crsmith@London.ca

July 5, 2017

City of London
300 Dufferin Avenue
London, Ontario
PO BOX 5035
N6A 4L9

Attention: Craig Smith, Senior Planner

Dear Mr. Smith:

Re: Applications by Barvest Realty Inc. - 58 Sunningdale Road West
File No.: 39T-16503/OZ-8637

We represent York Developments Inc. with respect to the following properties:

1. 135 Villagewalk Boulevard (located at the northwest corner of Richmond Street and Sunningdale Road with 2560334 Ontario Inc. as the registered owner).

Under the City's existing Official Plan, this property is designated 'Community Commercial Node' and is subject to special polices prescribed for the 'Sunningdale North Planning Area'. The intent of this special policy framework is set out in Section 4.3.7.6.(1) of this Plan, which directs that these commercially-designated lands are generally, "... intended to support retail uses of a distinctive character within a lifestyle commercial theme, small to medium scale office uses, and stand alone or mixed-use residential development".

The City's new Official Plan (*The London Plan*) designates the portion of this property fronting Villagewalk Boulevard 'Main Street' Place Type, with the balance of the site designated 'Shopping Area' Place Type. Additionally, these lands are subject to 'Sunningdale North' policies which (1) require that new development has regard for urban design

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guidelines that encourage a lifestyle commercial theme and (2) prescribe the following floor space 'caps':

- Retail floor space will not exceed 16,000 m² (172,222 ft²);
- Individual office uses will be 5,000 m² (53,820 ft²) or less and will not exceed 10,000 m² (107,639 ft²) in total floor space for the entire Shopping Area Place Type and the adjacent Main Street Place Type.

These floor space caps are reflected in the site-specific 'Business District Commercial (BDC(25))' Zone applied to this property. The zoning also permits only one primary retail/service use up to 5,500 m² (59,202 ft²); all other individual retail/service uses cannot exceed 2,000 m² (21,528 ft²). Further, provisions in the BDC(25) Zone require development fronting Villagewalk Boulevard to be in a mixed-use, main street (multi-storey) form.

2. 2118 Richmond Street (located at the northeast corner of Richmond Street and Sunningdale Road with Encore at Upper Richmond Village Inc. as the registered owner).

This property is designated 'Multi-Family, Medium Density Residential' under the existing Official Plan and has a 'Specific Area' permission allowing for increased building height and residential density subject to site-specific bonus zone provisions. These provisions are defined in Bonus Zone 'B-30' of the Zoning By-law. The London Plan designates the property as 'Neighbourhoods' Place Type and includes special policies that carry forward the permissions prescribed in the existing bonus zone.

3. 1830 Adelaide Street North (located at the southeast corner of Adelaide Street North and Sunningdale Road with 2560533 Ontario Inc. as the registered owner).

This property is currently designated 'Neighbourhood Commercial Node' under the existing Official Plan. A variety of service/retail commercial uses, professional and medical/dental offices, community facilities and medium/high density residential uses are permitted in this designation. The London Plan designates the property 'Shopping Centre' Place Type, which permits a similar range of uses. The 'Neighbourhood Shopping Area (NSA1/NSA2/NSA5)' zoning applied to the site permits a total gross floor area of up to 4,000 m² (43,0556 ft²). This zoning also applies floor area caps to certain uses, including food stores (3,200 m²; 34,444 ft²), restaurants (500 m²; 5,382 ft²) and offices (20% of total gross floor area).

We have reviewed the Official Plan Amendment, Draft Plan of Subdivision and Zoning By-law Amendment applications (the "Applications") for 58 Sunningdale Road West (the "Property") by Barvest Realty Inc. ("Barvest") and we

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C. Smith

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3

are concerned with the proposed expansion of the 'Community Commercial Node' designation on the Property and the plans for a traditional shopping centre on these lands.

The Market Justification Study prepared by UrbanMetrics, dated June 18, 2015, submitted in support of the Applications does not include a quantitative impact assessment to account for both developed and vacant commercial lands in the trade area. As stated in the Staff Report, submitted to Planning & Environment Committee on November 14, 2016, "... the demand and supply comparison does not account for the existing vacant commercial space and all of the proposed commercial developments in the Trade Area". The Staff Report goes on to conclude that:

... the analysis provided in the Retail Market Justification Study does not demonstrate that there is a need to expand the CCN designated lands located at the intersection of Sunningdale Road and Richmond Street. The proposed required gross floor area as demonstrated in the Retail Market Study is less than the 15,000m² of gross floor area permitted in the proposed CSA3 Zone. The proposed special provision to allow 40% coverage can accommodate all identified required gross floor area identified in the Retail Market Study on the designated 3.2ha site.

Without warranted demand, the expansion of the Community Commercial Node on the Property has the potential to undermine the planned function of York's commercial properties at 135 Villagewalk Boulevard and 1830 Adelaide Street North, which are within the same trade area as the Property, as well as other commercial sites. As such, it is imperative that a quantitative impact assessment is completed prior to any consideration of the addition of commercial space in this trade area.

We will be following the Applications closely and ask that we be added to the notifications list so that we receive all correspondence related to this matter, including but not limited to staff reports, notice of any meetings and notice of any decision of Council or committee of Council.

Thank you for your attention to this matter.

“Schedule 3”

Open House Notice

NEIGHBOURHOOD OPEN HOUSE

**PROPOSED SUBDIVISION ON
58 SUNNINGDALE ROAD**

LOCATION: ST. JOHN THE DEVINE CHURCH
PARISH HALL
21557 Richmond Street, Arva

DATE: TUESDAY, JUNE 6, 2017

TIME: 6:30 PM TO 8:00 PM

At the recent meeting of the Planning and Environment Committee a number of issues were discussed regarding the applications for Official Plan and Zoning By-law Amendments as well as a Draft Plan of Subdivision for 58 Sunningdale Road.

These matters dealt primarily with the scale and location of lands proposed for commercial development beyond that already permitted, as well as the scale and location of medium density residential blocks. As agreed to at the Public Meeting the applicant has studied the matters discussed and is proposing possible revisions to the original proposal.

A Neighbourhood Open House is being organized to provide interested neighbours an opportunity to review and provide feedback on these matters prior to planning staff preparing the final report and recommendations to Council.

Representatives of Zelinka Pramo Ltd. will provide an overview of the revised subdivision design for the subject lands and outline the overall urban design features that have been incorporated to enhance the plan.

ANY QUESTIONS OR CONCERNS YOU MAY HAVE CAN BE ADDRESSED AT THIS MEETING

We encourage you and your neighbours to attend the meeting and learn more about the proposed subdivision.



“Schedule 4”

November 14 PEC Report

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: BARVEST REALTY INC. 58 SUNNINGDALE ROAD WEST PUBLIC PARTICIPATION MEETING ON NOVEMBER 14, 2016

RECOMMENDATION

That, on the recommendation of the Senior Planner, Development Planning, the following actions be taken with respect to the Draft Plan of Subdivision, Official Plan amendment and Zoning By-law amendment applications relating to the property located at 58 Sunningdale Road West, located on the southwest corner of Sunningdale Road West and Richmond Street:

- (h) 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 lands **FROM** an Urban Reserve (UR3) Zone **TO**:
 - i.) A Holding Residential R1 Special Provision (h*h-94*h-100*R1-6 ()) Zone, to permit single detached dwellings with a minimum lot frontage of 15.0 metres, a minimum lot area of 450m², a maximum height of 10.5 metres and a minimum 1.2 metre interior sideyard setback for one and two storey dwellings plus an additional 0.6 metre setback for dwellings above 2 storeys as per section 5.3 of Zoning By-law Z-1;
 - ii.) A Holding Residential R1 Special Provision (h*h-100*R1-6 ()) Zone, to permit single detached dwellings with a minimum lot frontage of 15.0 metres, a minimum lot area of 450m², a maximum height of 10.5 metres and a minimum 1.2 metre interior sideyard setback for one and two storeys dwellings plus an additional 0.6 metre setback for dwellings above 2 storeys as per section 5.3 of Zoning By-law Z-1;
 - iii.) A Holding Residential R5 Special Provision / Residential R6 Special Provision (h*h-5*h-53*h-54*h-100*h-108*R5-7 ()/R6-5 ()) Zone, to permit medium density development in various forms of townhouses and cluster townhouses to a maximum density of 60 units per hectare and height of 12 metres maximum and to permit cluster housing from single detached dwellings to townhouses and apartments to a maximum density of 35 units per hectare, a maximum height of 12 metres maximum and with a minimum 4.5 metre front and exterior yard setback;
 - iv.) A Holding Residential R5 Special Provision / Residential R6 Special Provision (h*h-5*h-53*h-54*h-100*R5-7 ()/R6-5 ()) Zone, to permit medium density development in various forms of townhouses and cluster townhouses to a maximum density of 60 units per hectare and height of 12 metres maximum and to permit cluster housing from single detached dwellings to townhouses and

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- apartments to a maximum density of 35 units per hectare, a maximum height of 12 metres and with a minimum 4.5 metre front and exterior yard setback
- v.) A Holding Residential R5 Special Provision / Residential R6 Special Provision (h*h-5*h-100*R5-7 ()/R6-5 ()) Zone, to permit medium density development in various forms of townhouses and cluster townhouses to a maximum density of 60 units per hectare and height of 12 metres maximum and to permit cluster housing from single detached dwellings to townhouses and apartments to a maximum density of 35 units per hectare, a maximum height of 12 metres maximum and with a minimum 4.5 metre front and exterior yard setback
 - vi.) A Holding Community Shopping Area Special Provision (h*h*-5*h-53*h-100*h-173*CSA3 ()) Zone to permit various retail and commercial uses with a 15,000 square metre maximum gross floor area with 0.0 metre minimum front and exterior side yard setback, a maximum 15 metre height, 40% maximum lot coverage and 1 parking space per 30m² for all uses excluding office uses.

The following is a description of the holding provisions which have been applied:

- ix.) (h) to ensure that there is orderly development through the execution of a subdivision agreement;
 - x.) (h-5) to ensure that development takes a form compatible with adjacent land uses, agreements shall be entered into following public site plan review specifying the issues allowed for under Section 41 of the Planning Act, R.S.O. 1990, c. P.13, prior to the removal of the "h-5" symbol.
 - xi.) (h-53) to encourage street-oriented development and discourage noise attenuation walls along arterial roads, a development agreement shall be entered into to ensure that new development is designed and approved, consistent with the Community Plan, to the satisfaction of the City of London
 - xii.) (h-54) to ensure there are no land use conflicts between arterial roads and the proposed residential uses, the h-54 shall not be deleted until the owner agrees to implement all noise attenuation measures, recommended in noise assessment reports acceptable to the City of London.
 - xiii.) (h-94) to ensure that there is a consistent lotting pattern in this area, the "h-94" symbol shall not be deleted until the block has been consolidated with adjacent lands
 - xiv.) (h-100) to ensure there is adequate water service and appropriate access, a looped watermain system must be constructed and a second public access must be available;
 - xv.) (h-108) to ensure that this parcel is developed in conjunction with abutting lands, to the satisfaction City of London, prior to removal of the "h-108" symbol
 - xvi.) (h- 173) to ensure that development is consistent with the City of London Urban Design Principles and Placemaking Guidelines, the h-173 shall not be deleted until urban design guidelines have been prepared and implemented through a development agreement, to the satisfaction of the City of London.
- (i) 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 subdivision of Barvest Realty Inc. relating to the property located at 58 Sunningdale Road West;
 - (j) Council **SUPPORTS** the Approval Authority issuing draft approval of the proposed plan of residential subdivision, submitted by Barvest Realty Inc. (File No. 39T-16503), prepared by Holstead and Redmond Limited OLS., drawing No. BAR/LON/07-02, as red-line amended, which shows 41 single detached lots, three (3) medium density blocks, one (1) commercial blocks, two (2) residential part blocks, and several 0.3m reserve blocks all served by an extension of Callingham Drive, an extension of Pelkey Road, and three (3) new local street, **SUBJECT TO** the conditions contained in the attached Appendix "39T16503".
 - (k) the applicant **BE ADVISED** that the Director of Development Finance has summarized claims and revenues information as attached in Appendix "B".
 - (l) the request to amend the Official Plan to change the designation of the subject lands

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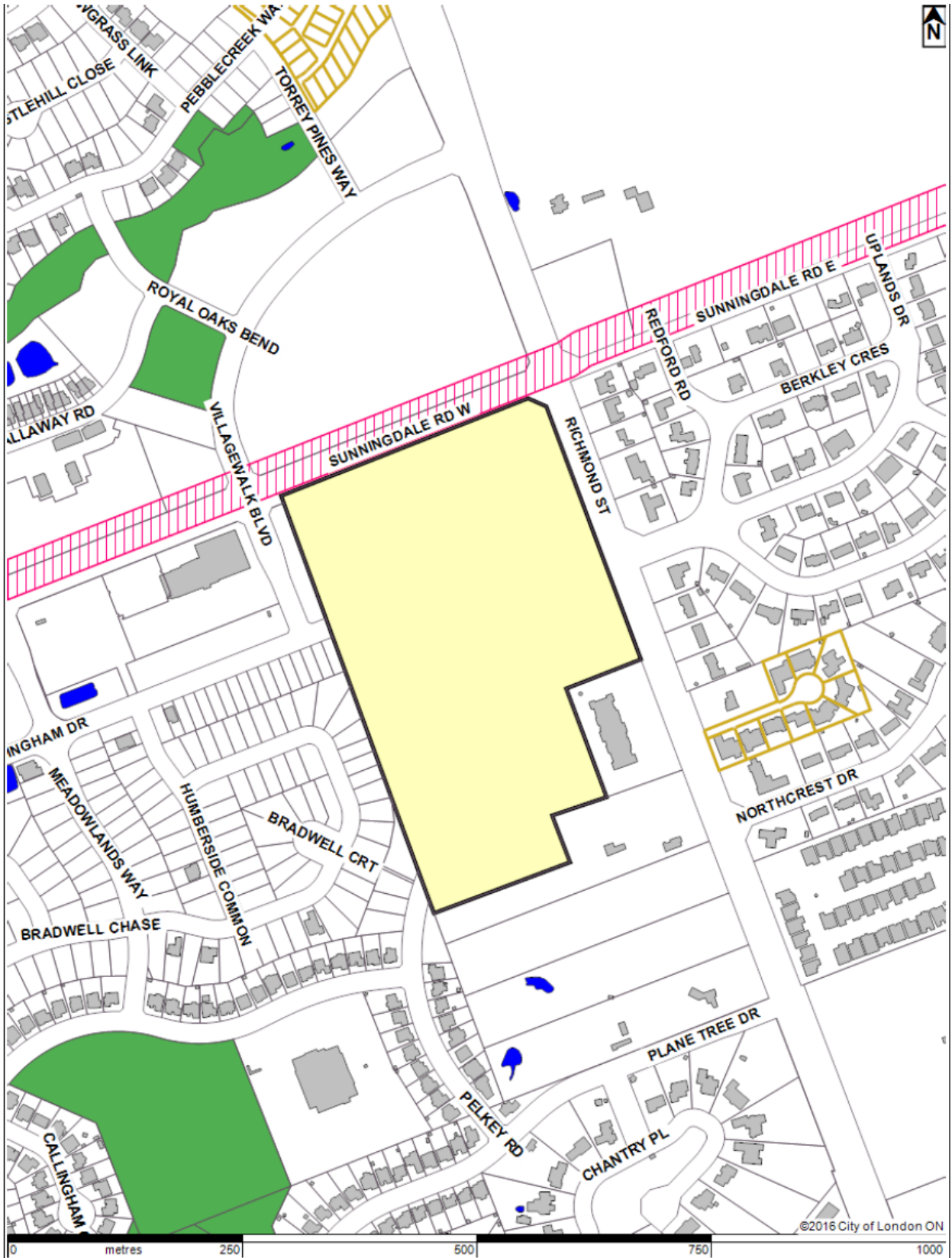
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FROM a Multi-Family, Medium Density Residential designation which allows townhouses and various forms of cluster housing at a maximum density of 75 units per hectare **TO** a Community Commercial Node designation to allow all types of retail outlets including department stores, home improvement and furnishings stores, supermarkets, food stores and pharmacies; convenience commercial uses; personal services; restaurants; commercial recreation establishments; financial institutions and services; a limited range of automotive services; service-oriented office uses such as real estate, insurance and travel agencies; community facilities, such as libraries or day care centres; professional and medical/dental offices; commercial and private schools and some small scale office uses with a total maximum gross floor area of 16, 778 m² (180,600 ft²) **BE REFUSED** for the following reasons:

- v) The proposed expansion does not meet the intent of the Sunningdale Area Plan;
 - vi) The proposed expansion does not meet the intent of the City of London Official Plan policies;
 - vii) The proposed expansion does not meet the intent of the City of London Council approved London Plan;
 - viii) The orderly distribution and development of commercial uses to satisfy the shopping and service needs of residents and shoppers was already considered in this area through the Sunningdale Area Plan,;
- (m) the request to amend Zoning By-law No. Z.-1 to change the zoning of the subject property **FROM** an Urban Reserve (UR3) Zone **TO** a Community Shopping Area Special Provision (CSA4 ()) Zone, to permit various retail and commercial uses with a 20, 000 square metre maximum gross floor area, a 0 metre minimum front and exterior side yard setback, a 15 metre maximum height and 1 parking space per 30m² for all uses excluding office uses **BE REFUSED** for the following reasons:
- ii) The proposed CSA4 () Zone would permit a sizable amount of commercial use that is not in keeping with the policies of the the Multi-Family Medium Density Residential designation which applies to this parcel, and is not consistent with the Sunningdale Area Plan.

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39T-16503/OZ-8637
C. Smith



LOCATION MAP
 Subject Site: 58 Sunningdale Rd W
 File Number: OZ-8637
 Planner: Craig Smith
 Created By: Jeffrey Shaughnessy
 Date: 2016-09-30
 Scale: 1:5000

Corporation of the City of London
 Prepared By: Planning and Development

LEGEND

	Subject Site
	Parks
	Assessment Parcels
	Buildings
	Address Numbers

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PREVIOUS REPORTS PERTINENT TO THIS MATTER

June 1998 – Report to the Planning Committee recommending adoption of the Sunningdale Area Plan.

June 2007- 1985 Richmond Street OMB decision and Official Plan Amendment (OPA409).

November 2009- Staff report to Planning Committee OMB decision PL-090268 upholding Council’s decision at 2118 Richmond Street.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose of this report is to recommend a redlined draft plan of subdivision containing 41 single detached lots, three (3) medium density blocks, one (1) commercial blocks, two (2) residential part blocks, and several 0.3m reserve blocks all served by an extension of Callingham Drive, an extension of Pelkey Road, and three (3) new local street

RATIONALE

The rationale for approval of the Zoning By-law amendments and support for the redlined draft plan of subdivision is as follows:

- vi) The proposed red line revised draft plan is consistent with the Provincial Policy Statement;
- vii) The proposed red line revised draft plan is consistent with the Planning Act;
- viii) The proposed red line revised draft plan is consistent with the Sunningdale Area Plan and the Official Plan;
- ix) The recommended Zoning By-law amendments encourage the development of plan of subdivision that includes an appropriate mix of low, medium and commercial uses that support pedestrian oriented development.
- x) The proposed red line revised draft plan and Zoning By-law amendment is consistent with the Council approved London Plan.

BACKGROUND

SITE CHARACTERISTICS:

- **Current Land Use** – Agriculture
- **Frontage** – 284m
- **Area** - 12.5 ha
- **Shape** - Irregular

SURROUNDING LAND USES:

- **North** – Commercial
- **South** – Single detached dwellings
- **East** – Apartment and single detached dwellings
- **West** – Apartment and single detached dwellings

OFFICIAL PLAN DESIGNATION:

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**39T-16503/OZ-8637
C. Smith**

Schedule "A" - Multi-Family, Medium Density Residential, Low Density Residential, and Community Commercial Node.

EXISTING ZONING:

- Urban Reserve (UR4)

Date Application Accepted: June 14, 2016

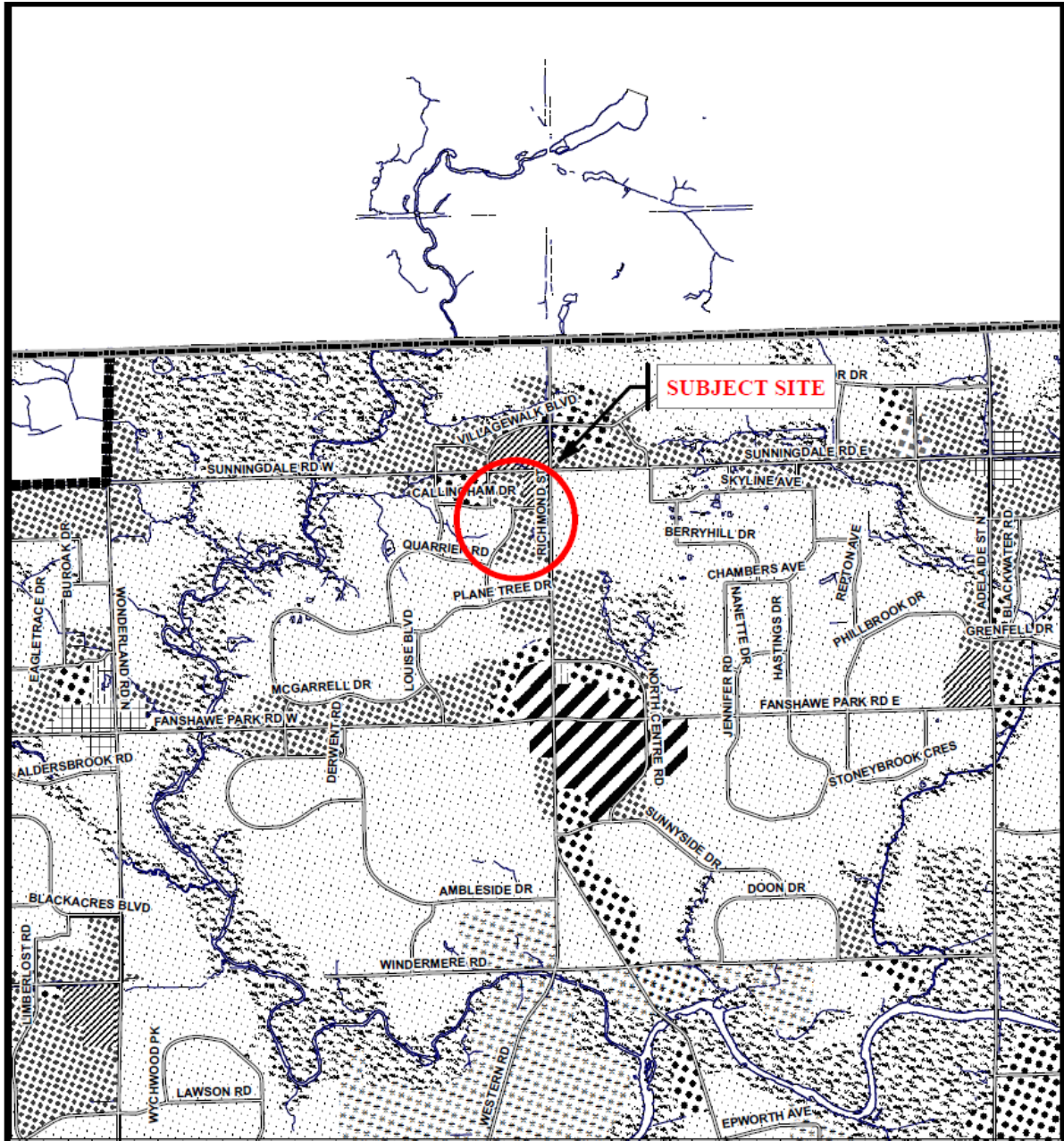
Agent: Michelle Doornbosch, Zelinka Priamo

APPLICANT'S REQUESTED ACTION: Consideration of a draft plan of subdivision consisting of 41 single detached lots (Lots 1-41), 1 medium density residential block (Block 44), 2 commercial blocks (Block 45 & 46), extension of two primary collector streets Callingham Drive and Pelkey Road, 3 local streets (Streets "A" "B" & "C"), 1 road widening block (Block 47), 1 future road allowance block (Block 48) and 2 residential part blocks (Blocks 42 & 43).

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Existing Official Plan

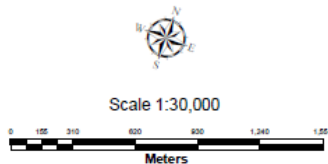


Legend

- | | |
|---|---|
| <ul style="list-style-type: none"> Downtown Wonderland Road Community Enterprise Corridor Enclosed Regional Commercial Node New Format Regional Commercial Node Community Commercial Node Neighbourhood Commercial Node Main Street Commercial Corridor Auto-Oriented Commercial Corridor Multi-Family, High Density Residential Multi-Family, Medium Density Residential Low Density Residential Office Area | <ul style="list-style-type: none"> Office/Residential Office Business Park General Industrial Light Industrial Regional Facility Community Facility Open Space Urban Reserve - Community Growth Urban Reserve - Industrial Growth Rural Settlement Environmental Review Agriculture Urban Growth Boundary |
|---|---|

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

PREPARED BY: Graphics and Information Services

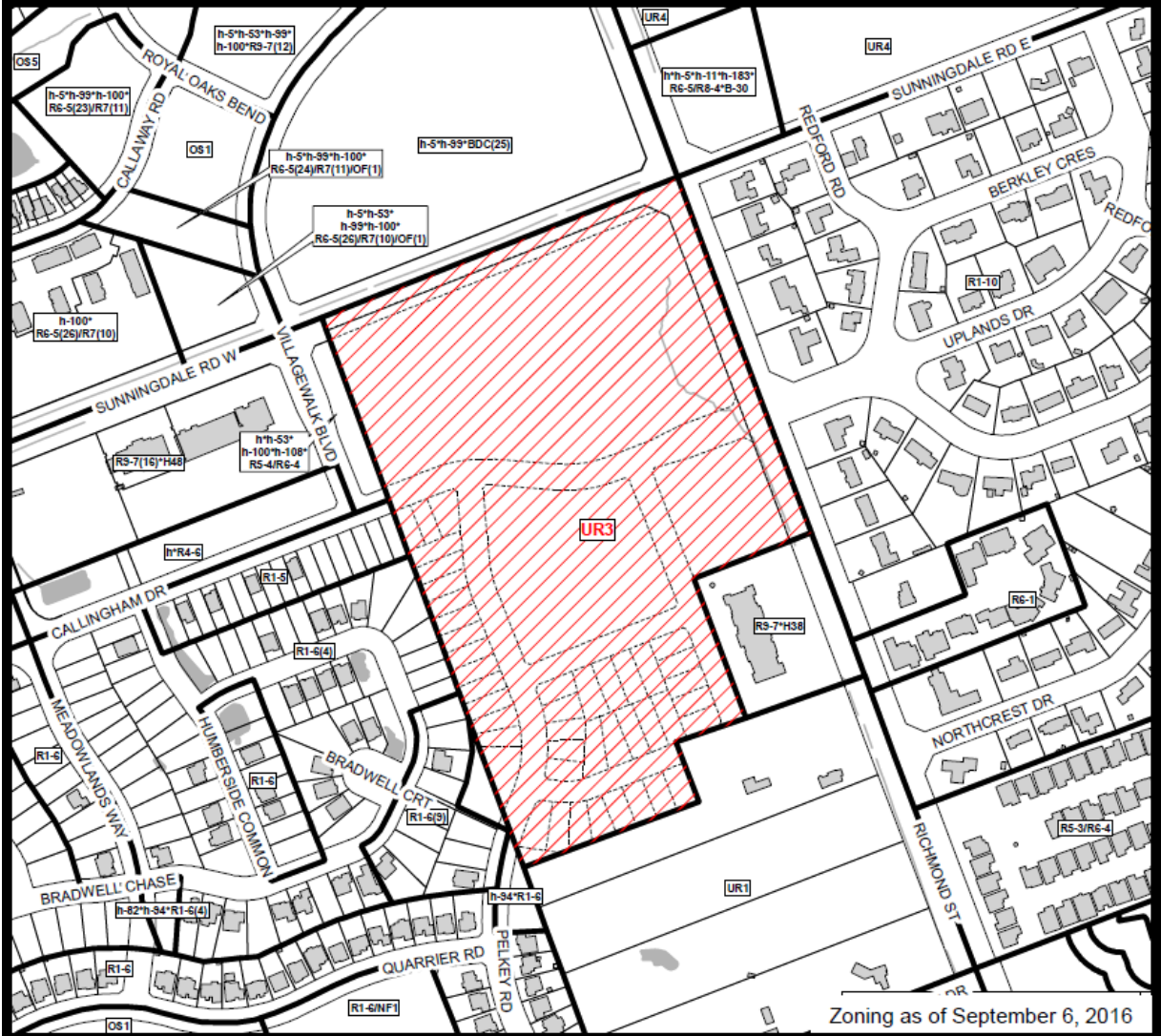


FILE NUMBER: 39T-16503/OZ-8637
PLANNER: CS
TECHNICIAN: JS
DATE: 2016/09/30

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39T-16503/OZ-8637
C. Smith

Existing Zoning



Zoning as of September 6, 2016



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

- | | |
|--|---|
| <ul style="list-style-type: none"> 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 | <ul style="list-style-type: none"> RF - REGIONAL FACILITY CF - COMMUNITY FACILITY NF - NEIGHBOURHOOD FACILITY HER - HERITAGE DC - DAY CARE
 OS - OPEN SPACE CR - COMMERCIAL RECREATION ER - ENVIRONMENTAL REVIEW
 OB - OFFICE BUSINESS PARK LI - LIGHT INDUSTRIAL GI - GENERAL INDUSTRIAL HI - HEAVY INDUSTRIAL EX - RESOURCE EXTRACTIVE UR - URBAN RESERVE
 AG - AGRICULTURAL AGC - AGRICULTURAL COMMERCIAL RRC - RURAL SETTLEMENT COMMERCIAL TGS - TEMPORARY GARDEN SUITE RT - RAIL TRANSPORTATION
 "H" - HOLDING SYMBOL "D" - DENSITY SYMBOL "H" - HEIGHT SYMBOL "B" - BONUS SYMBOL "T" - TEMPORARY USE SYMBOL |
|--|---|

CITY OF LONDON

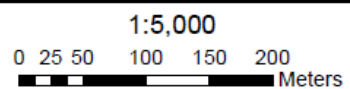
PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES

**ZONING
BY-LAW NO. Z.-1
SCHEDULE A**



FILE NO:
39T-16503/OZ-8637 CS

MAP PREPARED:
2016/09/30 JS



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PLANNING HISTORY

1996 - Sunningdale Area Plan

In 1996, the City initiated an Area Study for the lands. The Area Plan was adopted by Council June 1998. Through the Area Planning process a 3.2 ha site was identified for community commercial shopping uses on the southwest corner of Richmond Street and Sunningdale Road West.

2007 - 1985 Richmond Street (Apartment abutting subdivision on the southeast portion)

Designation of Multi Family Medium Density Residential north, south and west of 1985 Richmond and the City of London Official Plan Special Policy Chapter 10 cxxix)

1985 Richmond Street Registered Development Agreement (ER503412)

Through the Site Plan Approval process the City entered into a development agreement in 2007 with the developer. The development agreement requires that the following occur:

Close Existing Driveway

- (i) The Owner agrees to close the existing driveway as shown on Schedule "C" to Richmond Street and restore the boulevard to the satisfaction of the City Engineer at such time as the lands to the north and/or west have been developed and a joint access and/or internal driveway has been established.
- (ii) Prior to the closing of the access to Richmond Street, the Owner(s) will make a new application to change the Municipal Address including all fees and have the new address established before closing the access to Richmond Street.

Amend the Fire Route

Prior to the closing of the access to Richmond Street, the Owner(s) will make an application to amend the fire route including all fees and plans and have the revised fire route established out to the new street to the west before the access to Richmond is closed.

Redirection of Storm and Sanitary Services

The Owner agrees to disconnect the storm outlet and sanitary sewer on Richmond Street and make all the necessary connections to redirect storm and sanitary flows to the future storm and sanitary sewers to the west at the time they are available.

Note: The configuration of the draft plan in conjunction with specific conditions of Draft Approval will allow for the existing condominium at 1985 Richmond Street to satisfy the above noted conditions of the development agreement.

2009 - OMB decision PL090268, 2118 Richmond Street (northeast corner Richmond and Sunningdale)

OZ-7602 Official Plan and Zoning Amendment application to permit the expansion of the Community Commercial Node at 2118 Richmond. The Ontario Municipal Board hearing was held on September 28th – October 1st 2009. The Board noted in its decision that:

- *The existing land use designations at the intersection of Richmond Street and Sunningdale Road are the result of years of involvement by many individuals.*
- *They were not prepared to undo that which has been achieved by extensive public involvement, thoughtful municipal planning and by prudent decision making on the part of municipally elected officials.*
- *In their view, Council's decision in this matter was correct.*
- *They were not satisfied that the Designated Amendments conform with the City's OP.*

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SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

Heritage Planner- City of London

Stage 3 archaeological assessment is required and must be completed prior to development or site alteration.

Note: proposed draft plan condition 14 addresses this issue.

Canada Post

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

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

Staff Response: proposed draft plan condition 18 addresses this comment

Upper Thames River Conservation Authority

No Comment

Urban Design Peer Review Panel (URPRP) (Memo attached Appendix C)

On August 3, 2016 the proposed subdivision was presented to and reviewed by City of London Urban Design Peer Review Panel(UDPRP). Below is a summary of their comments.

1. The design of Callingham Drive is characterized by a vehicle-priority collector road, at the edge of a commercial development. To establish a vibrant and animated mixed-use village, an opportunity exists to re-imagine Callingham Drive as a village main street, framed by active uses with primary building entrances, which are directly visible and accessible from, the street. Consideration should be given to creating opportunities for outdoor spillover commercial uses; a double row of street trees; using high quality surface materials; and providing street furnishings, landscaping, pedestrian-scaled lighting, and on-street parking with landscaped bump-outs.
2. Urban design guidelines should be prepared and provided to all future tenants to ensure conformity with the vision for the mixed-use village.

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C. Smith

3. Consideration should be given to incorporating a greater mix of uses, and an increased density of development to promote the creation of a mixed-use village. Specifically, the applicant is encouraged to reduce the number of commercial units, recognizing the potential over-saturation of such uses within the vicinity of the subject property. In doing so, it is recommended that remaining commercial buildings retain ground-floor retail functions seeking a mix of mercantile and personal service uses, incorporating a combination of office and residential uses on upper storeys.

Note: the proposed Zoning By-law amendment includes the “h-173” holding provision that will require an Urban Design Guideline to be prepared, accepted and implemented to the satisfaction of the City that incorporated the UDPRP comments. The proposed redline revised plan proposes to reduce the size of the applicants requested commercial lands and provides for a greater mix of residential uses.

City of London Urban Design

- Ensure that there is enough land to develop street oriented residential or commercial along Villagewalk Blvd. between the street and the west property line of the subject site.
- In order to ensure an appropriate interface between the proposed residential and commercial include either residential along Callingham Drive, on the north side, in order to avoid the rear of commercial building interfacing with the street, alternatively ensure that the commercial buildings are oriented to the street.
- Ensure urban design guidelines are created for the commercial portion of the subdivision. The guidelines should take into consideration the comments provided by the Urban Design Peer Review Panel.

Proposed Holding provision related to Urban Design:

- Include the h-173 for any commercial blocks proposed within the subdivision
- Include a holding provision for proposed commercial blocks to ensure that new development is designed and approved consistent with the urban design guidelines that will be created for the commercial blocks in this subdivision.
- Include a holding provision for all medium density blocks to ensure street orientation along all street frontages adjacent to the block.
- Include a holding provision for all commercial blocks to ensure street orientation along all street frontages adjacent to the block.

Note: the proposed Zoning By-law amendment includes the “h-53 and h-173” holding provision that will require an Urban Design Guideline and street orientation of the multifamily and commercial blocks that front Richmond Street and Sunningdale Road West.

City of London Transportation Division

Transportation has reviewed the parking rate reduction and would be supportive of the 1 space per 30m² for the commercial uses.

Note: the proposed Community Shopping Area Zoning By-law amendment includes a special provision implementing the proposed parking rate.

PUBLIC COMMENTS

PUBLIC LIAISON:	On July 7, 2016, Notice of Application was sent to 80 property owners in the surrounding area. Notice of Application was also published in the Londoner on February June 30, 2016	2 emails, 1 letter and 3 telephone calls.
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Nature of Liaison: Consideration of a draft plan of subdivision consisting of 41 single detached lots (Lots 1-41), 1 medium density residential block (Block 44), 2 commercial blocks (Block 45 & 46), extension of two primary collector streets Callingham Drive and Pelkey Road, 3 local streets (Streets "A" "B" & "C"), 1 road widening block (Block 47), 1 future road allowance block (Block 48) and 2 residential part blocks (Blocks 42 & 43).

Possible Amendment(s) to the Official Plan to change the designation from Multi Family Medium Density Residential to Community Commercial Node to allow all types of retail outlets including department stores, home improvement and furnishings stores, supermarkets, food stores and pharmacies; convenience commercial uses; personal services; restaurants; commercial recreation establishments; financial institutions and services; a limited range of automotive services; service-oriented office uses such as real estate, insurance and travel agencies; community facilities, such as libraries or day care centres; professional and medical/dental offices; commercial and private schools and some small scale office uses with a proposed gross floor area of 16, 778 m² (180,600 ft²)

Possible Amendment to Zoning By-law Z.-1 to change the zoning of the lands from an Urban Reserve (UR3) Zone to:

- A Residential R1 Special Provision (R1-6 ()) Zone, to permit single detached dwellings with a minimum lot frontage of 15.0 metres, a minimum lot area of 450m², a maximum height of 10.5 metres and a maximum 2.8 metre interior sideyard setback for dwelling units two storeys or higher; and
- A Residential R5 Special Provision (R5-7 ())/ Residential R6 Special Provision (R6-5 ()) Zone, to permit medium density development in various forms of townhouses and cluster townhouses to a maximum density of 60 units per hectare and height of 12 metres maximum and to permit cluster housing from single detached dwellings to townhouses and apartments to a maximum density of 35 units per hectare, a height of 12 metres maximum and with a 4.5 metre minimum front and exterior yard setback; and
- A Community Shopping Area Special Provision (CSA4 ()) Zone, to permit various retail and commercial uses with a 20, 000 square metre maximum gross floor area, a 0 metre minimum front and exterior side yard setback, a 15 metre maximum height and 1 parking space per 30m² for all uses excluding office uses.

The City may consider applying holding provisions in the zoning to ensure for but not limited to the adequate provision of municipal services and that a subdivision agreement or development agreement is entered into; street orientation and the provision of urban design features; and the consolidation of part blocks with adjacent lands.

Responses:

- Do not support adding additional commercial lands.
- Ontario Municipal Board decision and Official Plan Amendment permitting the apartment use at 1985 Richmond Street designating the lands to the west and north of 1985 Richmond Street as Multi Family Medium Density Residential should not be changed to allow additional commercial lands
- Additional commercial lands will compete with and negatively impact existing commercial uses and vacancies at Masonville.
- Increase of Traffic from commercial uses and negative impact on Richmond Street and Sunningdale Road West.

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C. Smith

Submitted Draft Plan

DRAFT PLAN OF SUBDIVISION
FOR ALL OF LOT 56
REGISTRAR'S COMPILED PLAN No. 1029
CITY OF LONDON
MIDDLESEX COUNTY

INFORMATION REQUIRED UNDER SECTION 51 (17) OF THE PLANNING ACT

A) As shown
B) As shown
C) As shown
D) As shown above
E) As shown
F) As shown
G) As shown
H) Municipal water supply available
I) City Day
J) As shown
K) As shown
L) As shown
M) As shown

PROPOSED LAND USES AND AREAS

LOT 56	12.472 ha
LOT 57	1.000 ha
LOT 58	1.000 ha
LOT 59	1.000 ha
LOT 60	1.000 ha
LOT 61	1.000 ha
LOT 62	1.000 ha
LOT 63	1.000 ha
LOT 64	1.000 ha
LOT 65	1.000 ha
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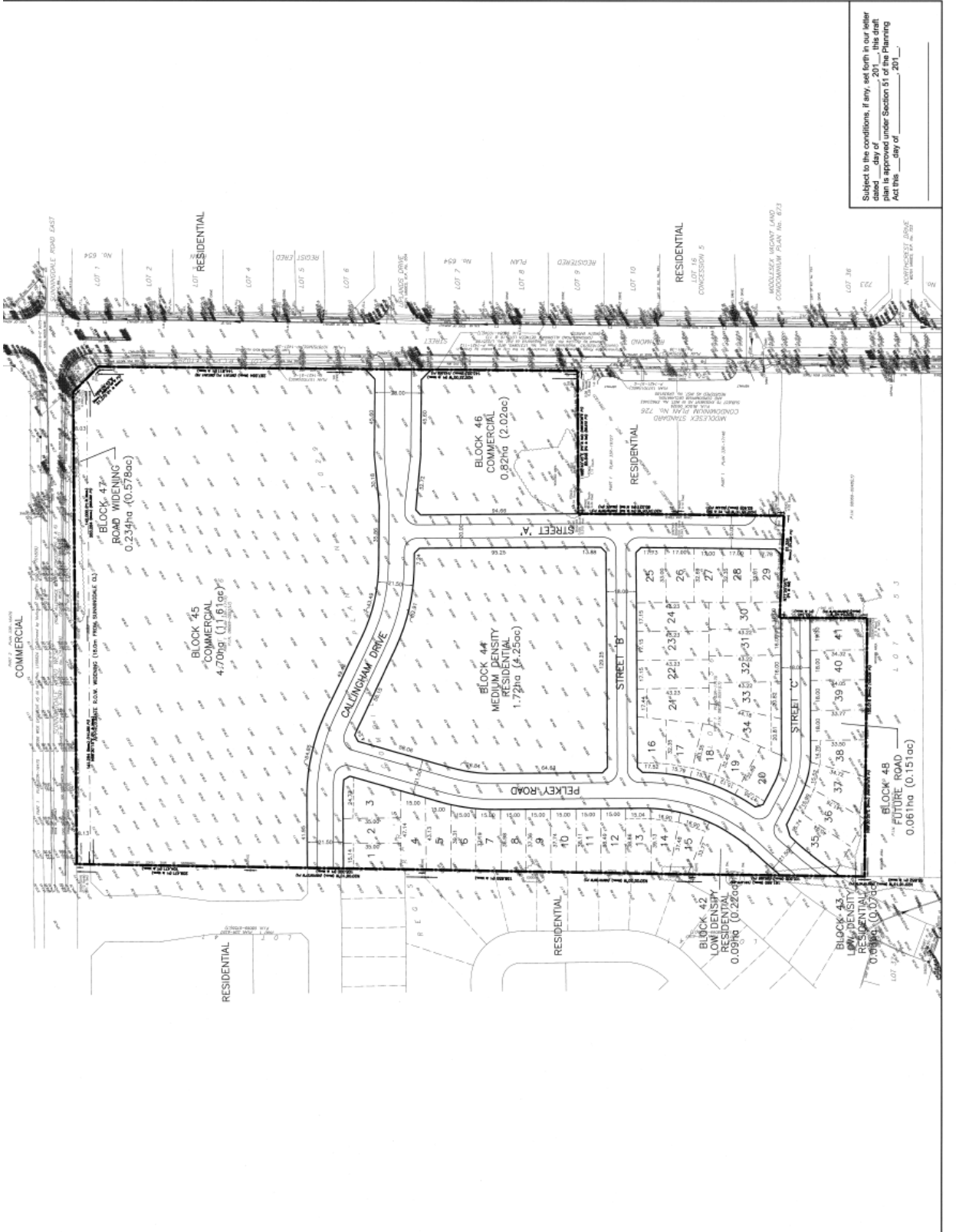
OWNER'S CERTIFICATE
I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LAND SHOWN ON THIS PLAN ARE ACCURATELY SHOWN ON THIS PLAN AND I HEREBY CONSENT TO THE FILING OF THIS PLAN IN DRAFT FORM

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LAND SHOWN ON THIS PLAN ARE ACCURATELY SHOWN ON THIS PLAN AND I HEREBY CONSENT TO THE FILING OF THIS PLAN IN DRAFT FORM

NO.	REVISION	DATE	INITIAL
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ZELINKA PRUDOM LTD
A Professional Planning Practice
111 Wellington Road, London, Ontario, N2C 4K4
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DATE: NOVEMBER 2014 SCALE: 1:1,000
DRAWN BY: CTK PROJECT NO.: BAR/LON/07-02



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Redline Revised Plan

DRAFT PLAN OF SUBDIVISION
FOR ALL OF LOT 56
REGISTRAR'S COMPLETED PLAN NO. 1029
CITY OF LONDON
MIDDLESEX COUNTY

INFORMATION REQUIRED UNDER SECTION 51 (17) OF THE PLANNING ACT

A) As shown
B) As shown
C) As shown
D) As shown
E) As shown
F) As shown
G) As shown
H) As shown
I) As shown
J) As shown
K) As shown
L) As shown

PROPOSED LAND USES AND AREAS

RESIDENTIAL LOT 56
COMMERCIAL BLOCK 45
COMMERCIAL BLOCK 46
COMMERCIAL BLOCK 47
RESIDENTIAL

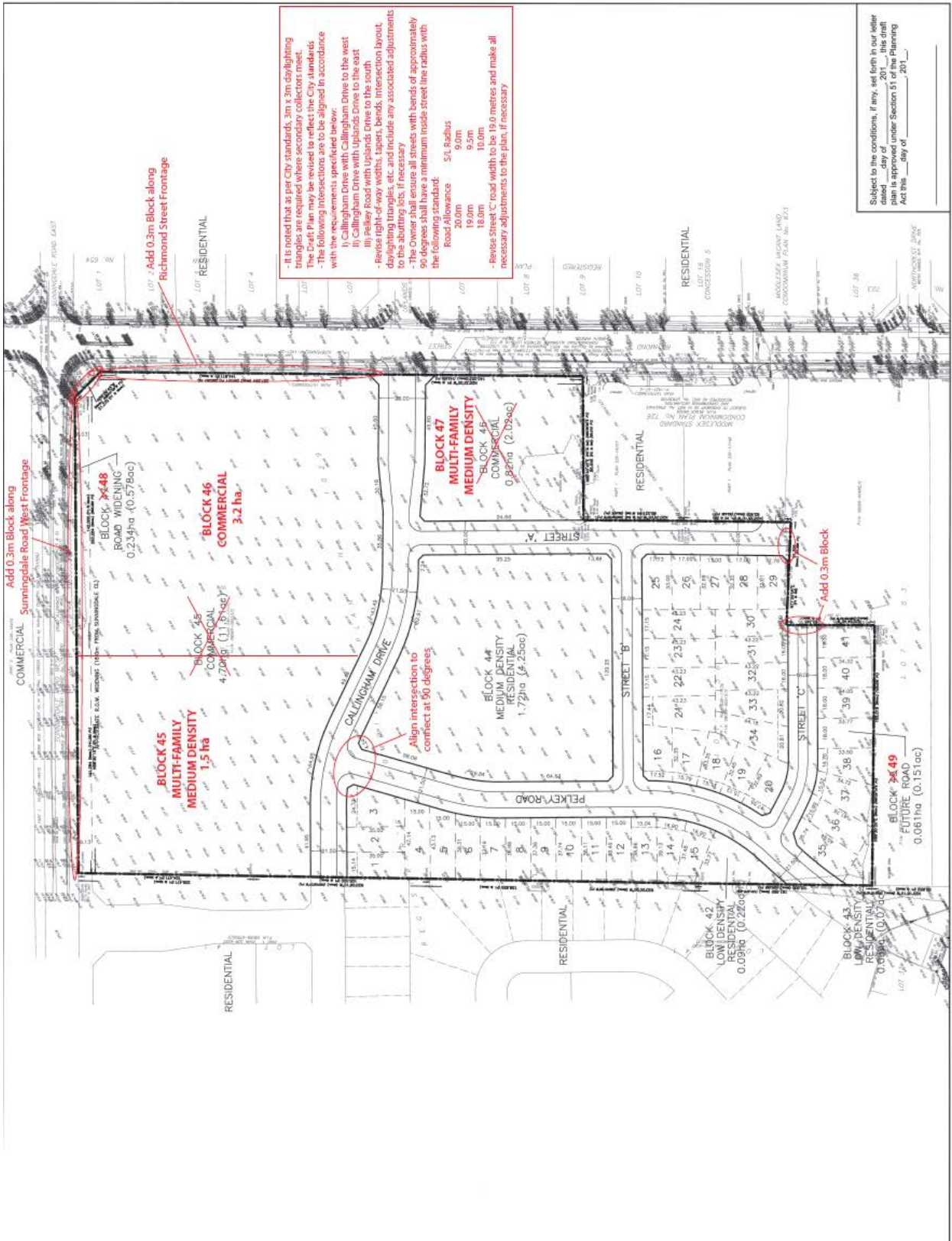
OWNER'S CERTIFICATE
BARVEST REALTY INC.
HEREBY CONSENTS TO THE FILING OF THIS PLAN IN DRAFT FORM

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LAND TO BE SUBDIVIDED AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY SHOWN ON THIS PLAN

NO.	REVISION	DATE	INITIAL
1	Revise Palkey Road Alignment	May 13	CRK
2	Revise Palkey Road Alignment	Jan 25	CRK
1	Revised on per comments		

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DRAWN BY: CRK
PROJECT NO.: BARY/LON/07-02
DATE: NOVEMBER 2014
SCALE: 1:1,000



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C. Smith

ANALYSIS

This report assesses the proposed plan with regards to conformity with the Provincial Policy Statement, the Planning Act, the City's Official Plan including the London Plan, the Sunningdale Area Plan, the City's Placemaking Guidelines, and provides a response to area residents concerns. It evaluates the proposed draft plan with respect to single detached lots, medium density blocks and commercial blocks and evaluates the proposed zoning for each block. The analysis concludes with a summary of the proposed redline amendments to the plan.

Subject Site

The subject site is a 12.4 ha parcel of land located at the southwest corner of Richmond Street North and Sunningdale Road West. The site currently is still being farmed for cash crops and no structures exist on the property.

The subject site is surrounded by the Sunningdale Meadows Subdivision (39T10502) to the west, which consists mainly of single detached dwellings and high and medium density blocks along Sunningdale Road West. To the east of Richmond Street, south of Sunningdale Road is the existing Uplands subdivision (circa 1970) consisting mostly of single detached dwellings. There is also a high-rise apartment building immediately adjacent to this proposed subdivision. To the north is the Richmond North subdivision (39T-04513) which consists of low, medium and high density blocks as well as 6.0 ha of Main Street Commercial designated lands. To the south are large single detached dwelling lots designated for future low density residential development.

Provincial Policy Statement

The proposed subdivision accommodates a range and mix of residential units and densities and commercial uses. The mix of housing types and location of and size of the proposed community commercial uses promotes a subdivision pattern that allows for pedestrian connectivity and efficiency in services. The subject lands are within the Urban Growth Boundary (settlement area) as identified in the Official Plan and are designated to permit a mix of uses. The proposed development will be serviced by full municipal services. Connections to the proposed recreational trail to be located along the northern edge of the City and the existing trail system in the Medway Natural Heritage Corridor provide for pedestrian and cycling opportunities.

Overall, the plan has been reviewed and it has been determined to be "consistent with" the 2014 Provincial Policy Statement.

Planning Act - Section 51(24)

Planning Staff have reviewed the requirements under section 2 of the Planning Act and regard has been given to matters of provincial interest. The subject lands are bordered by existing and planned development. Municipal services are planned for the site and will need to be extended by the Applicant prior to development occurring. The municipality has constructed the necessary stormwater management facilities required to serve this development. Other municipal services such as roads and transportation infrastructure will be provided and constructed as part of the conditions of draft plan approval. The proposed draft plan is located in a municipality which actively promotes waste recycling/recovery programs, and will be served by the Blue Box collection and other municipal waste recycling facilities. No parkland is being provided under this plan so Cash in lieu-of-parkland will be collected at the time of building permit. There is also access to nearby parks, schools, recreational facilities, medical facilities, and emergency and protective services. The surrounding area is predominantly single family residential, with some higher density along Sunningdale Road West and Richmond Street. This plan proposes a full range of housing types. All multi-family residential and commercial blocks are within the Site Plan Control Area and will be developed through that process. There is adequate provision of employment areas throughout the City and in close proximity to this site. The proposed draft plan implements the land use policies in accordance with the City's Official Plan, London Plan and the

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Sunningdale Area Plan. The proposed draft plan supports public transit and promotes pedestrian movement through the adjacent subdivisions.

The requirements of London Hydro, Union Gas, and the City of London to adequately provide utilities and services are addressed in the draft plan conditions.

Based on staff's review of the criteria in the Planning Act under Section 51(24), the proposed draft plan has regard for the health, safety, convenience, accessibility for persons with disabilities, and welfare of the present and future inhabitants of the municipality.

Sunningdale Area Plan

The Sunningdale Area Plan provided specific policy direction to be considered in the development of these lands.

Commercial

The Sunningdale Area Plan states:

Commercial lands constitute approximately 7 hectares, (17 acres) or 4% of the of the development land area for the Sunningdale Community Planning Area. Existing lands zoned commercial located on the north-east corner of Fanshawe Park Road and Wonderland Road include approximately 3.2 hectares of the total commercial land allocation. This area has been increased to 3.6 hectares and will have a Neighbourhood Shopping Area designation. An additional Neighbourhood Shopping Area (3.2 hectares) is proposed for the south-west corner of Sunningdale Road and Richmond Street. Based on an approximate population of 6,900 residents, the commercial floor area needs for the Sunningdale Community are approximately 172,500 square feet. This can be accommodated within the two blocks identified for commercial use.

The applicant is proposing to increase the size of the commercial area on the site to 5.7ha with a proposed total gross floor area for both blocks of 19,560m² (210,500ft²). The proposed expansion would permit commercial use greater than as was identified as being required for the whole of the Sunningdale Area Plan. The proposed commercial expansion is not consistent with the intended scale, form, and function of the commercial uses in the Sunningdale Area Plan.

Residential

The Sunningdale Area Plan states:

Low Density Residential units comprise 65% of the total units for the Sunningdale Community Planning Area. Low Density Residential uses have also been located away from the arterial road to minimize land use compatibility problems and avoid the need for noise walls along the arterial roads. Medium Density Residential land uses have been allocated to areas adjacent to arterial roads, and in close proximity to shopping areas and transit opportunities. Regarding unit mix, Medium Density Residential units comprise 35% of the total units for the Sunningdale Community Planning Area.

The proposed redline amended plan has approx. 4.0 ha of proposed multi-family medium density residential uses that is to be located along Sunningdale Road West and Richmond Street and is to be located adjacent to the proposed 3.2 ha commercial block. There is approximately 2.6 ha of single detached dwelling lots located in the west and south portion of the lands behind the apartment block at 1985 Richmond Street. The proposed single detached lots are located away from the arterial roads and will not require noise mitigation measures. The registered development agreement at 1985 Richmond Street requires that Street "A" allow for vehicular and municipal servicing to be accessed through this subdivision. The street will provide some buffering between the proposed single detached lots and apartment use. The proposed amount of low and medium density housing is consistent with and supports the overall mix of housing types for this neighbourhood as identified in the Sunningdale Area Plan.

The proposed draft plan incorporates the approximate mix of land uses as was recommended by the Area Plan. Conditions of draft plan approval, will ensure development of the subject lands is

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consistent with the Council adopted Sunningdale Area Plan. Overall, the proposed redlined plan meets the intent of the Sunningdale Area Plan.

Official Plan

The existing Official Plan designations were applied through the Sunningdale Area Planning process, which was concluded in June 1998. The area is currently designated Multi-Family, Medium Density Residential along the Sunningdale Road West and Richmond Street and includes the lands north and west of 1985 Richmond Street. There is Low Density Residential designated along the western portion of the lands. Through the Sunningdale Area Plan, a 3.2 ha block was designated as Community Commercial Node on the southwest corner of Richmond Street and Sunningdale Road.

Commercial

The applicant has offered the following concept for consideration of commercial development on these lands.

Commercial Concept



There are a number of Official Plan policies which must be considered as part of any review of an

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expansion to a Community Commercial Node designation.

OP Policies 4.3.10.1 – expansion to commercial nodes

Council shall encourage infilling and the consolidation of existing commercial nodes and limit the extension or introduction of new nodes. Where new nodes and expansions are proposed, amendments to permit such expansions or new nodes shall be evaluated on the basis of:

- i.) compliance with the size, function, and form criteria of this Plan for the specific nodal area;*
- ii.) consideration of traffic impacts through the preparation of a traffic study which identifies and addresses the timing of proposed future road infrastructure improvements relative to the proposed expansion or new area and ensures that there is adequate capacity in the road system to accommodate new commercial development or expansion to existing nodes;*
- iii.) consideration of noise impacts on abutting sensitive land uses;*
- iv.) completion of a commercial justification report which addresses the availability of other designated lands to accommodate the uses proposed, the effect of the change in designation on the supply of commercial lands; and to determine the need for new commercial floor space in this area;*
- v.) submission of an overall design concept and design guidelines;*
- vi.) consideration of design improvements contained in the Commercial Design Guidelines including enhanced street edge landscaping, street-oriented buildings, limited and joint access and pedestrian connections to the street and transit;*
- vii.) conceptual site plan which identifies how the proposed expansion or new area relates to the existing node and surrounding areas with respect to land use, privacy, noise, signage, lighting, appropriate building height, location and height of parking areas and structure, the location and function of delivery routes and bays as well as site access and circulation including pedestrian and transit access and connections;*
- viii.) the availability of municipal services to accommodate the proposed use; and,*
- ix.) Planning Impact Analysis according to the provisions of Section 4.5*

OP Policies 4.3.10.3 Criteria for Expansion of Shopping Areas across Intersection

Proposals to amend the Official Plan to extend Commercial Nodes across intersections or roads shall be evaluated on the basis of the Commercial Node policies, and on the following criteria:

- i) all the criteria identified in subsection 4.3.10.1. above;*
- ii) the ability to integrate the design, function and road characteristics of the proposed development with the existing Commercial Node;*
- iii) pedestrian accessibility and vehicular access across a road or intersection; and,*
- iv) consideration of design improvements to integrate development across the intersection*

Size, Function and Form

The lands to the north in the Sunningdale North Area Plan are designated under a Special Policy in the City of London Official Plan as a Commercial Node. The area is approximately 6.0 ha in size and allows for a maximum of 16,000 m² (172,000ft²) retail floor area. The special policy states that:

In general the Community Commercial Node designation within this area is intended to support retail uses of a distinctive character within a lifestyle commercial theme, small to medium scale office uses, and stand alone or mixed-use residential development.

The proposed expansion of the node would permit a gross floor area that is approximately 3,500m² greater than that permitted by the Special Policy on the north west corner of Richmond Street and Sunningdale Road which is intended to support retail uses of a “distinctive” nature. The proposed size (5.7ha), form (expanded across an intersection) and function of the proposed Community Commercial Node would adversely impact the intent of the Special Policy Community Commercial Lands north of Sunningdale Road West.

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In 2009, an application to expand the commercial node to allow commercial uses on the northeast corner at 2118 Richmond Street was refused by Council and upheld by the Ontario Municipal Board. The proposed expansion of commercial uses on 2118 Richmond Street would negatively impact the form and function of the Community Shopping node specifically the identified “distinct” retail uses permitted on the northwest corner of Richmond Street and Sunningdale Road West.

The proposed expansion of the commercial node to permit approximately 5.7 ha of commercial land that includes the expansion of the node across an intersection to the south of Callingham Drive, with 19,500m² gross floor area in this plan of subdivision also does not comply with the function, size and form of the commercial node as identified through the area planning processes. The proposed expansion may adversely impact the function of the existing designated commercial lands in the trade area.

Commercial Justification Study

A Retail Market Justification Study was submitted by the applicant in support of the requested Official Plan amendment to allow for the expansion of additional commercial lands. This study indicated that the 4.79ha block (Block 45) could be developed with commercial uses totaling 16,300m² (175,775ft²), including 13,730m² (147,775 ft²) of ground floor commercial space and 2,600m² (28,000ft²) located on the second floor and would include a 4,700 m² (50,600ft²) supermarket anchor. In addition, the 0.87ha block (Block 46) could be developed with commercial uses totaling 3,260 m² (35,100ft²), including 1,790m² (19,300ft²) of ground floor commercial space and 1,470m² (15,800 ft²) located on the second floor. The proposed total gross floor area for both blocks would be 19,560m² (210,500ft²) with 15,520m² (167,000ft²) on the ground floor and 4,070m² (43,800ft²) on the second floor.

Planning Staff has reviewed the study and subsequent comments that were provided in support of the proposed expansion of the Community Commercial Node at the intersection of Sunningdale Road and Richmond Street. Staff notes that the demand and supply comparison does not account for the existing vacant commercial space and all of the proposed commercial developments in the Trade Area.

Staff recommends that based on the analysis provided in the Retail Market Study, there is justification to increase the total gross floor area of commercial development by an additional 51,261 sq. ft. (4,762 m²) above the 103,334 sq. ft. (9,600 m²) as identified in the study.

In conclusion, it is staffs position that the analysis provided in the Retail Market Justification Study does not demonstrate that there is a need to expand the CCN designated lands located at the intersection of Sunningdale Road and Richmond Street. The proposed required gross floor area as demonstrated in the Retail Market Study is less than the 15,000m² of gross floor area permitted in the proposed CSA3 Zone. The proposed special provision to allow 40% coverage can accommodate all identified required gross floor area identified in the Retail Market Study on the designated 3.2ha site. The special provision provided by the proposed site specific zoning will permit heights and densities that can achieve the Urban Design objectives as identified through the Urban Design Peer Review Panel process.

While commercial justification studies can be useful in establishing certain parameters around commercial uses, they are not the only consideration from a Planning perspective.

Design and Site Plan

As per the Planning objectives for all Commercial land uses designations, Staff need to consider the impact the proposed commercial would have on existing and planned residential uses and the existing commercial node.

The City of London Urban Design Peer Review Panel reviewed the submitted commercial site plan and provided the following concerns:

- Prominent locations including the gateway plaza at Sunningdale Road West and Richmond Street, the entrance at Callingham Drive and Richmond Street, and the Richmond Street, Sunningdale Road West and Callingham Drive frontages should be characterized by buildings which address their respective street and open space frontages with active at-grade uses, pedestrian entrances, high quality façade

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treatments, pedestrian walkways sidewalks, street furnishings, pedestrian-scaled lighting, and landscaping

- Consideration should be given to incorporating a greater mix of uses, and an increased density of development to promote the creation of a mixed-use village. Specifically, the applicant is encouraged to reduce the number of commercial units, recognizing the potential over-saturation of such uses within the vicinity of the subject property.

The UDPRP has requested that the applicant provide specific Commercial Urban Design Guidelines for any commercial development. The proposed commercial development does not incorporate design improvements contained in the Commercial Design Guidelines including enhanced street edge landscaping, street-oriented buildings, limited and joint access and pedestrian connections to the street and transit. The UDPRP recommends that the size and scale of the commercial uses be reduced and the form of uses be increased to provide a better mix of uses to better serve the needs of the abutting residential area. UDPRP request the reduction of scale and size as not to negatively impact the function of the existing commercial node.

The proposed Official Plan amendment to amend the Official Plan from Multi Family Medium Density Residential to Community Commercial Node is requesting to extend the existing approved node which Council is encouraged to limit. The expansion does not meet the criteria of Section 4.3.10.1 and 4.3.10.3.

In the applicants Retail Market Justification report it states: *This type of minor expansion to an existing commercial node is permitted under Section 4.3.10 of the City of London Official Plan, under the condition that the proposed expansion does not impact the scale, location, form or function of the commercial structure of the City.*

OP Policies 4.3.10- Minor expansions to existing commercial nodes and/or intensification of existing development may be permitted without amendment to the Official Plan; provided that the intent of the policies are not compromised and the following conditions are met:

- i.) the proposed expansion or enlargement does not significantly affect the scale, location, form or function of the expanded node;*
- ii.) the implementing zoning by-law and site plan address the size and nature of specific uses and the impacts relating to noise, vibration, emissions, lighting, parking and traffic generation resulting from the expansion; and,*
- iii.) the neighbouring uses are protected where necessary by provisions for landscaping, buffering or screening, as well as measures to reduce impacts which may be provided through site plan control and zoning provisions.*

The proposed expansion is not a minor expansion. As stated above the proposed expansion to the commercial node does significantly affect the scale, form and function of the existing Community Commercial Node. The proposed expanded commercial block has impacts on the abutting residential neighbourhood which have not been provided for by the proposed submitted site plan and cannot be considered a minor expansion to the existing Community Commercial Node.

The requested change to amend the designation of Block 45 and 47 from "Multi-Family, Medium Density Residential" to "Community Commercial Node" is not supported by Staff.

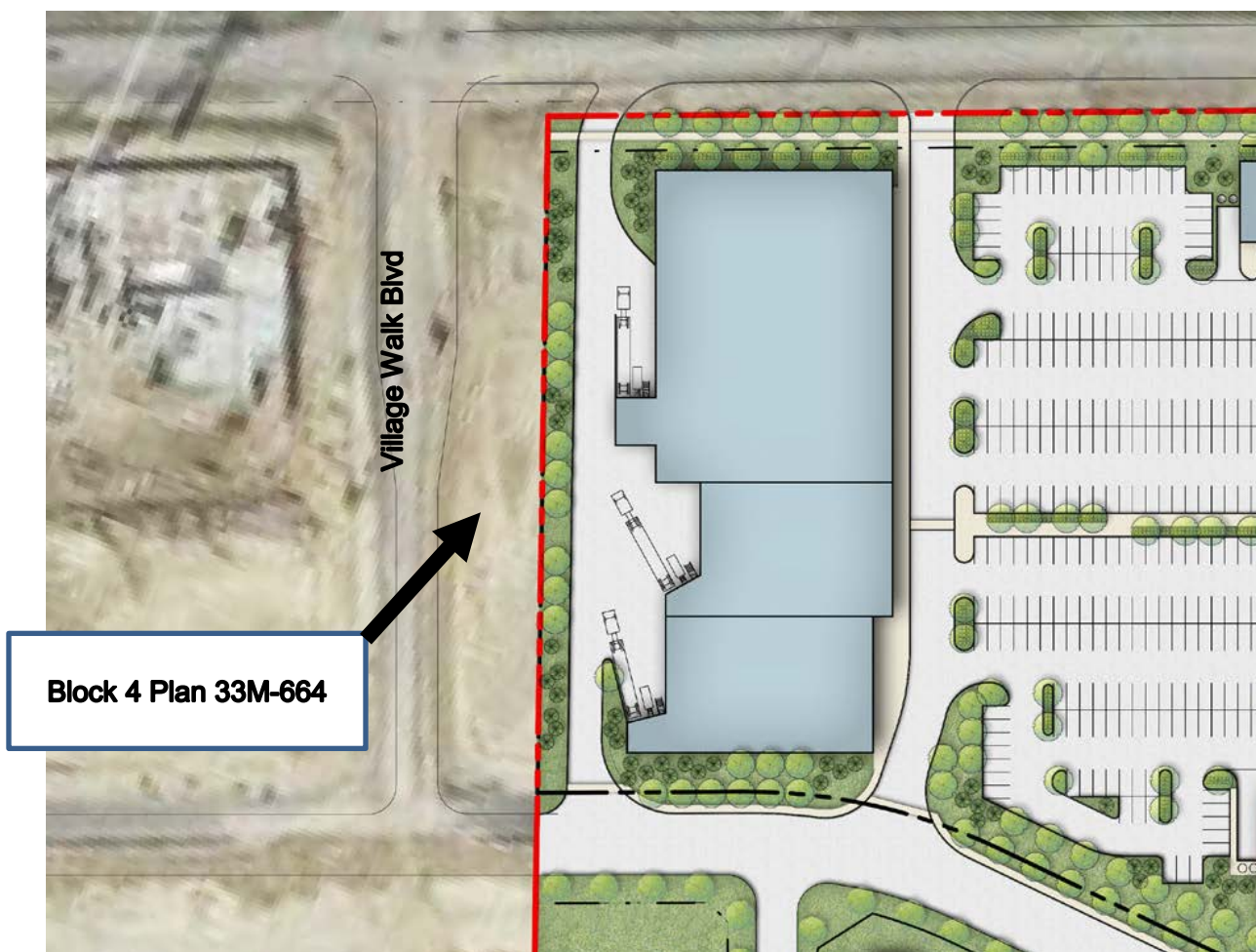
Residential

Excluding the 3.2ha Community Commercial Node designation at the corner of Richmond Street and Sunningdale Road and the Low Density Residential designation located between Pelkey Road and the west boundary of the plan, the balance of the lands in this subdivision are designated Multi-Family Medium Density Residential. The Multi-Family Medium Density Residential designation was established through the Sunningdale Area Plan and Official Plan Amendment (OPA 409).

The proposed redline revision of Blocks 45 and 46 from Commercial to Multi Family Medium Density Residential are located along the Sunningdale Road and Richmond Street frontages. The proposed blocks will provide a form of residential development that will be street oriented to discourage the use of noise walls and will provide for a pedestrian oriented development. A

holding provision is proposed to be included on Block 45 that will require the lands to be consolidated with the Multi Family Medium Density Residential Block located outside of this plan on the east side of Village Walk Boulevard (Block 4 Plan 33M-664). Other holding provisions will require the development of these blocks to be street oriented and will discourage the use of noise walls.

Block 4 Plan 33M-664 is currently zoned to permit multi-family medium density residential uses. A holding provision exists on Block 4, Plan 33M-664 that requires the block to be consolidated with the multi-family medium density designated lands to the east. As shown below, if the entirety of Block 45 was to be developed for commercial uses this would prevent the consolidation of Block 4, 33M-664 with the lands to the east and would prevent the block from being developed for an appropriate form of multi-family residential use. The existing Multi Family Medium Density Residential designation on the redline revised Block 45 on the draft plan will permit the consolidation of the blocks and will permit an appropriate form of residential transition between the remaining redlined 3.2 ha commercial lands (now Block 46) at the S/W corner of Richmond Street and Sunningdale Road and the existing apartment building to the west.



Blocks 44 (the medium density residential block in the middle of this draft plan) and redlined Block 47 (along Richmond Street) will provide for an appropriate residential transition of density from the commercial use and the multi-family high density residential use along Richmond Street to the low density single detached subdivision to the west and south.

The remaining portions of the subdivision are to be developed with 41 single detached dwellings. The single detached dwellings provide a transition into the existing single detached subdivision to the south and west and are consistent with the Low Density Residential designation located on the undeveloped lands to the south.

The proposed redline revised draft plan of subdivision and zoning amendments comply with the Low Density and Multi-Family Medium Density Residential policies of the Official Plan.

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The London Plan

The City of London Municipal Council adopted The London Plan on June 23, 2016. The London Plan involved a comprehensive review which resulted in the creation of a new Official Plan for the City. The London Plan is currently being reviewed by the Province. The proposed Plan of Subdivision, Official Plan and Zoning By-law amendment and revised have been reviewed having regard for the London Plan.

Commercial

Policy 880 states:

It is not expected that the Shopping Area Place Type will need to be expanded onto additional lands over the life of this Plan. The London Plan provides many opportunities for various sizes and configurations of new commercial floor space in a variety of locations.

Through the many place types that support commercial uses, there are many opportunities for greenfield development, large-format retail development, mixed-use development, and redevelopment opportunities. Accordingly, applications for new or expanded Shopping Area Place Types will be discouraged. However, applications may be made to add new lands into the Shopping Area Place Type subject to the following policies.

Applications for new or expanded Shopping Area Place Types will be required to clearly demonstrate the need for the proposed new Shopping Area or the proposed expansion onto additional lands, considering all other opportunities for commercial development or redevelopment that have been planned.

Applications for new Shopping Area Place Types will be required to demonstrate that the proposed Shopping Area will not undermine or detract from the planned function of an existing Shopping Area or any other place type shown in the City Structure Plan and on Map 1.

As noted previously in this report, the proposed expansion of the commercial node to permit approximately 5.7 ha of commercial land that includes the expansion of the node across an intersection to the south of Callingham Drive, with approximately 19,500m² gross floor area in this plan of subdivision has not been justified. The proposed amendment does not meet the intent of the London Plan.

Residential

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

- Provides for a high level quality pedestrian realm along the Urban Thoroughfare and neighbourhood connector.
- The proposed zoning provides for form, height and intensities on the Urban Thoroughfare and Neighbourhood that will provide for a quality pedestrian realm and high standard of urban design.
- Provides single detached residential uses on the neighbourhood streets.

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

- Provides for attractive streetscapes and buildings.
- Provides for a diversity of housing choices.
- Provides for a well-connected neighbourhood, to the Commercial node and to the Medway Valley Heritage Corridor open space to the west.
- Provides for easy access to daily goods and services within the plan of subdivision and in the commercial node.
- Provides for parks, pathways, and recreational opportunities.

The proposed development (as redline amended) is consistent with the policies of the London Plan

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Urban Design and Placemaking Guidelines

The proposed Zoning includes special provisions to locate buildings close to the street, and for the development of Urban Design Guidelines to ensure that intersections/streetscapes have active frontages and are street oriented and pedestrian friendly. Planning Services and Urban Design have indicated there is a need to ensure street oriented development and the consolidation of the multi-family block on the east side of Villagewalk Boulevard. A holding provision has been added to Block 45 that requires the consolidation of the lands on the east side of Villagewalk Boulevard. The proposed zoning will result in a mix and blend of housing types as per the City’s Placemaking Guidelines.

Sidewalks will be provided within the subdivision to connect to the commercial node and allow for pedestrian movement to the shopping opportunities provided in the subdivision and the lands to the north. The plan of subdivision can be serviced with existing infrastructure without the costly need for extensions. This subdivision will be integrated into the existing neighbourhood and will not put an undue strain on municipal services such waste collection and disposal, public utilities, fire and police protection, parks, schools, and other community facilities.

The redlined subdivision design is consistent with the Placemaking Guidelines in the general layout and arrangement of the land uses

Zoning By-law Amendment

Community Commercial Node

A 3.2 ha Community Commercial Node as identified in the Sunningdale Area Plan has been recommended by Staff. The Applicant had requested the node be expanded to 5.7 ha by extending the node along Sunningdale Road West and along Richmond Street south of Callingham Drive. As noted above Staff do not support the expanded Community Commercial Node and do not support the proposed CSA4 Zone which would permit a maximum gross floor area of 20,000m².

The proposed zoning for the Community Commercial Node permits all types of retail outlets including department stores, home improvement and furnishings stores, supermarkets, food stores and pharmacies; convenience commercial uses; personal services; restaurants; commercial recreation establishments; financial institutions and services; a limited range of automotive services; service-oriented office uses such as real estate, insurance and travel agencies; community facilities, such as libraries or day care centres; professional and medical/dental offices; commercial and private schools and some small scale office use to a maximum gross floor area of 15,000 m². The Area plan identified the need for the commercial floor area needs for the Sunningdale Community are approximately 172,500 square feet (16,025m²). This can be accommodated within the two blocks identified for commercial use.

The CSA3 Zone allows for a maximum of 15,000m². This is greater than half the proposed commercial floor area identified by the Sunningdale Area Plan, 1,000m² less than permitted in the Commercial Node on the 6.0 ha commercial lands on north side of Sunningdale Road West and greater than the required commercial gross floor area identified in the Retail Market Justification Study.

The proposed CSA3 Zone will permit densities and heights that can achieve the urban design objectives identified by the UDPRP specifically:

the location, orientation and massing of proposed buildings at prominent locations including the gateway plaza at Sunningdale Road West and Richmond Street, the entrance at Callingham Drive and Richmond Street, and the Richmond Street, Sunningdale Road West and Callingham Drive frontages. All of these locations should be characterized by buildings which address their respective street and open space frontages with active at-grade uses, pedestrian entrances, high quality façade treatments, pedestrian walkways / sidewalks, street furnishings, pedestrian-scaled lighting, and landscaping. Prominent gateways and site entrances should be framed by taller buildings.

Recommendation

- Holding Community Shopping Area Special Provision (h*h*-5*h-53*h-100*h-173*CSA3

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(_) Zone to permit a range of retail and office uses. Special provision have been included to permit 0.0 metre minimum front and exterior side yard setback, 40 % maximum coverage, and a 15 metre maximum height to allow for heights and densities to define entrances into the subdivision and to provide for street orientation and strong pedestrian connections.

The requested CSA3 Zone (over the 3.2 ha commercial parcel as redlined) will permit commercial development at a size, function, and form that can implement the positive urban design features identified by the City of London Urban Design Peer Review Panel and will not adversely impact the function, size and form of the commercial node as identified through the Area planning processes or impact the function of the existing designated commercial lands in the trade area.

Medium Density

Medium Density Blocks have been recommended by Staff along Sunningdale Road West and Richmond Street. Blocks 45 and 47, which the Applicant had requested as Commercial Shopping Area have been redlined and are recommended by Staff for the below noted zoning. The Blocks are within the Multi-Family, Medium Density residential designation offer an appropriate range of housing types and densities consistent with the designation.

The proposed zoning for the Medium Density Blocks 45, 46, and 47 provides for a range of cluster housing, including cluster single detached, semi-detached or duplex dwellings, townhouse and stacked townhouse dwellings (maximum 12 metre height), and low rise apartments, handicapped persons apartment buildings, lodging house class 2, senior citizen apartment buildings, emergency care establishments, and continuum-of-care facilities, at densities ranging from 30-75 units per hectare.

Recommendation:

- Zoning recommendation for redlined Blocks 45 and 47 is a Holding Residential R5 Special Provision (R5-7(_))/Residential R6 Special Provision (R6-5(_)) Zone. The R5 Zone would permit cluster townhouses and stacked townhouses at a maximum height of 12 m and maximum density of 60 units per hectare, and the R6 Zone would permit cluster single detached, semi-detached, duplex, triplex, townhouse, stacked townhouse, fourplex dwellings and apartments at a height of 12 m and a maximum density of 35 units per hectare. A special provision has been included to allow a 4.5 metre minimum front and exterior yard setback to encourage street oriented development.

Low Density Residential

The proposed Residential R1-6 is consistent with the residential zone applied to the single detached dwellings to the west and south. The proposed special provision will allow for interior side yard setbacks of 1.2m for one or two storeys and 2.4m for three stories. The proposed interior side yard setback is consistent with the existing form of single detached residential in the subdivision to the south.

Planning Impact Analysis

Planning Impact Analysis under Section 3.7 in the Official Plan was used to evaluate this application for the proposed zoning amendment, to determine the appropriateness of a proposed change in land use, and to identify ways of reducing any adverse impacts on surrounding uses. The proposed subdivision and zoning amendment is consistent with Section 3.7 as:

- it is compatible with the surrounding land uses and will not impact development on present and future land uses in the area.
- the size and shape of the parcel can accommodate the intensity of the proposed use;
- the property is located in proximity to the Community Commercial Node, has access to public open space and recreational facilities, community facilities, and transit services.
- the proposed zoning will permit height, location and spacing of buildings consistent with the surrounding land uses;
- the location of vehicular access points comply with the City's road access policies.
- the proposed development is consistent with the City's Official Plan and Zoning By-law,

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Staff has reviewed the proposed zoning of the subject property to implement the red line revised draft plan of subdivision and recommends that it is appropriate and represents good land use planning.

The proposed Zones will allow for development that is compatible with the zoning of surrounding lands and will not negatively impact future land uses in the area.

Holding Provisions

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

- (h) holding provision - to ensure that there is orderly development through the execution of a subdivision agreement;
- (h-5) - to ensure that development takes a form compatible with adjacent land uses, agreements shall be entered into following public site plan review specifying the issues allowed for under Section 41 of the Planning Act, R.S.O. 1990, c. P.13, prior to the removal of the "h-5" symbol.
- (h-53)- to encourage street-oriented development and discourage noise attenuation walls along arterial roads, a development agreement shall be entered into to ensure that new development is designed and approved, consistent with the Community Plan, to the satisfaction of the City of London
- (h-54) -to ensure there are no land use conflicts between arterial roads and the proposed residential uses, the h-54 shall not be deleted until the owner agrees to implement all noise attenuation measures, recommended in noise assessment reports acceptable to the City of London.
- (h-94)- to ensure that there is a consistent lotting pattern in this area, the "h-94" symbol shall not be deleted until the block has been consolidated with adjacent lands
- (h-100) -to ensure there is adequate water service and appropriate access, a looped watermain system must be constructed and a second public access must be available;
- (h-108) To ensure that this parcel is developed in conjunction with abutting lands, to the satisfaction City of London, prior to removal of the "h-108" symbol
- (h- 173) - to ensure that development is consistent with the City of London Urban Design Principles and Placemaking Guidelines, the h-173 shall not be deleted until urban design guidelines have been prepared and implemented through a development agreement, to the satisfaction of the City of London.

Public Circulation Comments

- Do not support adding additional commercial lands.
- Ontario Municipal Board decision and Official Plan Amendment permitting the apartment use at 1985 Richmond Street designating the lands to the west and north of 1985 Richmond Street as Multi Family Medium Density Residential should not be changed to allow additional commercial lands
- Additional commercial lands will compete with and negatively impact existing commercial uses and vacancies at Masonville.
- Increase of Traffic from commercial uses and negative impact on Richmond Street and Sunningdale Road West.

The proposed recommended red line revised plan of subdivision and zoning by-law amendment will permit commercial development that meets the intent of the Sunningdale Area Plan and the City of London Official Plan. The size function and form of the proposed commercial will not adversely impact existing commercial lands in the trade area.

The proposed size of the commercial designation is consistent with the area identified through the Sunningdale Area Plan. The proposed red line draft plan maintains the Multi Family Medium Density designation as identified through the OMB hearing process.

A Traffic Impact Analysis report was submitted with the complete application and was reviewed by the City of London Transportation Division. No concerns were identified by the City. Traffic

generated by the red line revised subdivision will be accommodated by the existing road network.

Servicing

To service this land, the Owner will be require to construct:

- watermains and connect them to the existing municipal system, namely, the existing 200 mm diameter watermain on Callingham Drive, the 300 mm diameter watermain on Pelkey Road and the 400 mm diameter watermain on Richmond Street;
- storm sewers and connect them to the existing municipal storm sewer system, namely, the 975 mm diameter storm sewer located on Pelkey Road and the 825 mm diameter storm sewer on Callingham Drive, outletting to the existing Regional Sunningdale SWM Facility # 4 via the existing sewer connections within plans 33M-664 and 33M-665; and
- sanitary sewers and connect them to the existing municipal sewer system, namely, the 200 mm diameter sanitary sewer located on Callingham Drive and the 250 mm diameter sanitary sewer located on Pelkey Road.

Red-line changes to the plan

Revisions are required to the draft plan as follows:

- Divide block 45 to create a 1.5ha MFMDR Block (45) and 3.2ha CCN Block (46)
- Change Block 47 from CCN to MFMDR
- Add 0.3 metre reserves at the following locations:
 - along the Sunningdale Road West frontage
 - along the Richmond Street North frontage
 - at the south limit of Street 'A'
 - at the east limit of Street 'C'
- Identify all radii on plan and ensure they are to City standards. Make any adjustments to the plan, if necessary.
- Connect Pelkey Road to Callingham Drive at 90 degrees as per City standards.
- It is noted that as per City standards 3 m x 3 m daylighting triangles are required where secondary collectors meet.
- The following intersections are to be aligned in accordance with the requirements specified below:
 - Callingham Drive with Callingham Drive to the west
 - Callingham Drive with Uplands Drive to the east
 - Pelkey Road with Pelkey Road to the south
- Revise right-of-way widths, tapers, bends, intersection layout, daylighting triangles, etc., and include any associated adjustments to the abutting lots, if necessary.
- The Owner shall ensure all streets with bends of approximately 90 degrees shall have a minimum inside street line radius with the following standard:

Road Allowance	S/L Radius
20.0 m	9.0 m
19.0 m	9.5 m
18.0 m	10.0 m
- Revise Street 'C' road width to be 19.0 metres and make all necessary adjustments to the plan, if necessary.

CONCLUSION

The Staff recommended proposed Draft Plan of Subdivision and Zoning By-law amendments are consistent with the 2014 PPS, The Planning Act, the City's Official Plan, the London Plan and the Sunningdale Area Plan. The recommended redlined draft plan and conditions of draft approval will create a diverse, mixed use subdivision with strong placemaking features. The proposed plan represents good land use planning and is an appropriate form of development.

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**39T-16503/OZ-8637
C. Smith**

PREPARED AND RECOMMENDED BY:	REVIEWED BY:
C. SMITH SENIOR PLANNER, DEVELOPMENT PLANNING DEVELOPMENT SERVICES	ALLISTER MACLEAN MANAGER, DEVELOPMENT PLANNING DEVELOPMENT SERVICES
CONCURRED BY:	SUBMITTED BY:
TERRY GRAWAY MCIP RPP. MANAGER, DEVELOPMENT SERVICES & ENGINEERING PLANNING LIAISON	GEORGE KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL

August 18, 2017

Y:\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2016\39T-16503 - 58 Sunningdale Rd W (CS)\PECRReport-39T-16503.docx

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C. Smith**

Bibliography

Request for Approval:

City of London Draft Plan of Subdivision Application Form, Official Plan and Zoning By-law Amendment Application Form, completed by Zelinka Priamo, submitted June 10, 2016.

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.

Sunningdale Area Plan, March, 2003.

City of London. Placemaking Guidelines, November, 2007.

Ministry of Municipal Affairs and Housing. Provincial Policy Statement, 2014.

Province of Ontario. The Planning Act. R.S.O 1990

Correspondence:

*all located in City of London File No. 39T-16503 unless otherwise stated.

Reports submitted with Applications:

*all located in City of London File No. 39T-16503 unless otherwise stated.

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**Responses to Public Liaison Letter and Publication in “Living in the City”
Comments Received by Mail and E-mail**

August 18, 2016

Mr. Craig Smith
Senior Planner
Development Services
City of London

Mr. Smith:

Re: NOTICE OF APPLICATION
For Approval of Draft Plan of Subdivision
Applicant: Barvest Realty Inc.
File 39T-16503/OZ8637

I wish to file an objection to the proposed application for zoning changes to accommodate the above Draft Plan of Subdivision. My objection is not to allowing residential zoning to take place, but in particular to the requested zoning changes that would allow A Community Shopping Area Special Provision (CSA4 ()).

May I submit the following questions and observations:

1. Is there a need for additional commercial space in the proposed geographical area?
 - Major commercial development exists within two kilometres on all four corners of Richmond Street and Fanshawe Road.
 - Commercial zoning has been approved for the lands being developed in the area North West of Richmond Street and Sunningdale Road.
 - Medical office space has been recently completed in Arva and currently has vacant space.
 - Additional office/medical space will be available in a new development on the west side of Richmond Street south of Fanshawe Road.
 - The above development will also include high density residential space.

2. What effect will increased commercial traffic have on residents that access Richmond Street?
 - Current traffic makes ingress and egress to Richmond Street difficult for residents on both east and west sides.
 - The area between Sunningdale Road and North Centre Road at this time does not meet the requirements for additional traffic lights.
 - The effect of increased traffic should be established.

-Will additional traffic lights be installed at the proposed Callingham Dr. and Richmond St.?
 -Will side walk access be increased?
 -Will additional lanes on Richmond Street become necessary?
 -Will the citizens of London have to pay for the above costs to accommodate entrepreneurial development?

 - New access to the high rise apartment building (1985 Richmond Street) will supposedly be established at the rear of the building when a Street “A” is eventually completed.

-Will access to Richmond be closed when proposed Street “A” is completed?
 -The current façade of the building does not appear to support a rear access.

3. Many senior citizens have chosen to purchase or lease residences in the two condominium developments on the east side of Richmond Street and the apartment building on the west side of Richmond Street. In addition there are several long established residential estates including the University of Western Ontario President’s Residence. The area known as Uplands is also a unique residential area which also has a disproportionate number of seniors. Certainly these residents,

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including myself did not believe that at some point our chosen retirement locations would become encroached upon by commercial development that would also subject us to all the inconveniences that would arise with an inordinate increase in traffic. It is my belief that the City should continue to support the Amendment passed on June 26, 2006.

4. AMENDMENT NO. 409 to the OFFICIAL PLAN FOR THE CITY OF LONDON June 26, 2006

BASIS OF THE AMENDMENT:

That the Civic Administration BE DIRECTED to develop an Official Plan Amendment for a special policy applicable to lands adjacent to 1967 and 1985 Richmond Street, recognizing the importance of this area as a transition zone; it being noted that the Municipal Council supported, in principle, the limiting of high density development in the area.

This Official Plan amendment responds to this resolution and serves to recognize the importance of the Multi-Family, Medium Density Residential lands west, north and south of the planned high density development at 1967 and 1985 Richmond Street.

THE AMENDMENT

The Official Plan for the City of London is hereby amended as follows:

1927 Richmond Street-The lands designated Multi-Family, Medium Density Residential west, north and and lands to the west south of 1985 and 1967 Richmond St. North serve an important function. They and north of 1967 and provide a transition between the high density of residential lands at 1985 and 1985 Richmond St. North 1967 Richmond Street North and the existing, and planned, low density residential uses to the west and south of these lands.

I thank you for your attention to my concerns.

Sincerely,

Jack Halip. DDS, MScD, MS
Unit 2 - 1956 Richmond Street

cc: Councillors P. Squires, J. Morgan, M. Cassidy

Hello,

It has been brought to my attention that there are plans to bring commercial buildings to the south-west corner of Richmond and Sunningdale. The Masonville Mall is a gem in the city and the neighbourhood. You must be aware that there are numerous vacant locations in the mall, evidence that there is absolutely no need for additional commercial properties in the surrounding area. Creation of more commercial spaces might even cause the mall itself to become inviable. Please don't go there.

Yours,

Wilma Lambert, 47-1790 Richmond Street.

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C. Smith

E. DIXON WINDER
L. ELAINE WINDER
39 Northcrest Drive
London, Ontario
N5X 3V7

July 29, 2016

City of London
300 Dufferin Avenue
PO Box 5035
London ON
N6A 4L9



RE: 39T-16503/ OZ- 8637
Notice of Application - 58 Sunningdale Road West
Barvest Realty Inc
Assessment Roll Number - 090450224010000

Ladies and Gentlemen:

We have your Notice of application in connection with the above noted matter.

Please sent all future Notices of any kind in connection with this matter to the writers of this letter as we own adjoining property and would like to be kept advised of all matters pertaining to the development of the above property.

We currently have no comment on the proposal other than to note that the proposed zoning for commercial space seems to be greater than what was proposed in the Official Plan.

Yours truly,

Elaine Winder
Dixon Winder

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