

FROM:	GEORGE KOTSIFAS DIRECTOR OF BUILDING CONTROLS AND CHIEF BUILDING OFFICIAL
SUBJECT:	APPLICATION BY: STAR HOMES LIMITED LOCATION: 537 CRESTWOOD DRIVE PUBLIC PARTICIPATION MEETING ON: MONDAY MAY 28, 2012 (NOT TO BE HEARD BEFORE 4:30 P.M.)

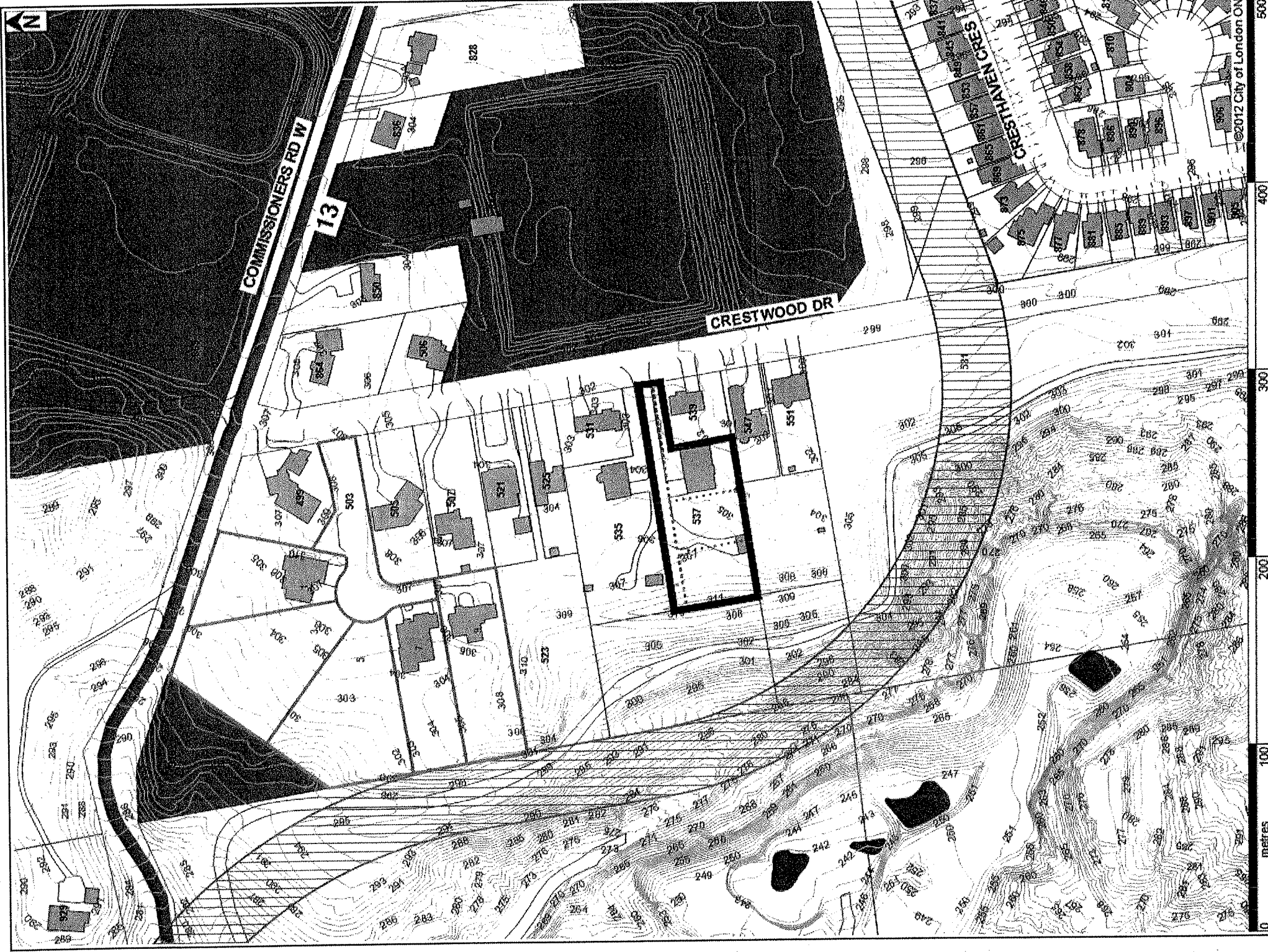
RECOMMENDATION

That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the application of Star Homes Limited relating to the property located at 537 Crestwood Drive:

- a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on June 12th, 2012 to change the designation of lands from Urban Reserve Community Growth to Low Density Residential;
- b) the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on June 12, 2012 to amend Zoning By-law No. Z.-1 (in conformity with the Official Plan, as amended in part (a) above) to change the zoning on the easterly portion of the subject property **FROM** a Residential R1 (R1-9) Zone which permits single detached dwellings on lots with a minimum lot frontage of 18 metres and a minimum lot area of 690 m² and an Urban Reserve (UR1) Zone, **TO** a Holding Residential R6 Special Provision (h-_-h-_-R6-2()) Zone, which permits cluster housing in the form of single detached dwellings at a maximum density of 20 units per hectare, with special provisions to recognize the existing 10 metre lot frontage and a 1.2 metre interior side yard for the existing dwelling;

It being noted that two holding provisions are being recommended to ensure that prior to development potential noise impacts and geotechnical issues will be addressed to the satisfaction of the City;

- c) The request to amend Zoning By-law No. Z.-1 to change the zoning on the westerly portion of the subject property from an Urban Reserve (UR1) Zone to a Residential R1 Special Provision (R1-6()) Zone **BE REFUSED** for the following reasons:
 - i) changing the zoning on the westerly portion of the subject property is premature and the Urban Reserve (UR1) Zone should remain in place until such time as a rehabilitation plan and site restoration have been completed for peripheral lands in the adjacent aggregate extraction area;
 - ii) changing the zoning on the westerly portion of the property at this time is not in conformity with the policies of the Official Plan or consistent with the Provincial Policy Statement;
- d) Planning and Environment Committee **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the application for draft plan of vacant land condominium relating to the property located at 537 Crestwood Drive; and
- e) the Approval Authority **BE REQUESTED** to utilize (if possible) one agreement in place of a separate development agreement and condominium agreement, to address the development of this site.






0 100 200 300 400 500 METRES

LOCATION MAP

Location: **537 Crestwood Drive**
 Applicant: **Star Homes Ltd**
 File No.: **OZ-7963**
 Planner: **Terry Grawey**
 Date: **2012-05-12**
 Scale: **1:2500**

Corporation of the City of London
 Prepared By: Planning, Environmental

LEGEND

-  Subject Site
-  Parks
-  Assessment Parcels
-  Buildings
-  Address Numbers
-  Future Commissioners' Rd. Alignment
-  Contours



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PREVIOUS REPORTS PERTINENT TO THIS MATTER

September 13, 2004 – Report to Planning Committee public participation meeting on application to amend the Official Plan and Zoning By-law at 503 Crestwood Drive.

November 28, 2005 – Follow-up report to Planning Committee public participation meeting on application to amend the Official Plan and Zoning By-law at 503 Crestwood Drive.

October 30, 2006 – Report to Planning Committee public participation meeting on application to amend Zoning on the adjacent property at 535 Crestwood Drive (Z-7106).

October 29, 2007 – Updated report to Planning Committee public participation meeting on application to amend the Zoning on the adjacent property at 535 Crestwood Drive.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of the recommended amendments is to allow for registration of a draft plan of vacant land condominium at 537 Crestwood Drive consisting of two (2) residential units and a common element for the driveway and related site services. A Zoning By-law amendment is required to permit the cluster single detached dwellings that are proposed for the site.

RATIONALE

1. The recommended amendment to Schedule "A" of the Official Plan will modify the alignment between the Low Density Residential and Urban Reserve Community Growth designations to more accurately reflect the boundary between existing residential land uses and licensed aggregate extraction operations.
2. Approval of the change in zoning to permit one additional single detached dwelling on the easterly portion of the subject property is recommended because studies have been prepared which satisfy the requirements in Section 3.5.6. of the Official Plan and demonstrated that development can proceed in this part of the site (subject to appropriate conditions) without limiting the operation of the adjacent aggregate extraction area.
3. Refusal of the requested Zoning By-law amendment and application for Draft Plan Approval on the westerly portion of the site is recommended because:
 - a) The studies prepared by the applicant have not demonstrated that the separation distance on the westerly part of the site is satisfactory to protect the residential development from adverse impacts of extraction operations pursuant to Section 3.5.6 of the Official Plan.
 - b) A change in zoning on the westerly portion of this site is not consistent with Sections 2.5.2.4. and 3.2.1 of the Provincial Policy Statement, which require that the continued use of the mineral aggregate operation be protected from development and activities that would be incompatible for reasons of public health, public safety or environmental impact.
 - c) Development should not be approved on the westerly portion of the site until such time as the peripheral portions of the adjacent aggregate extraction area have rehabilitated, and the Erosion Hazard Limit has been confirmed.

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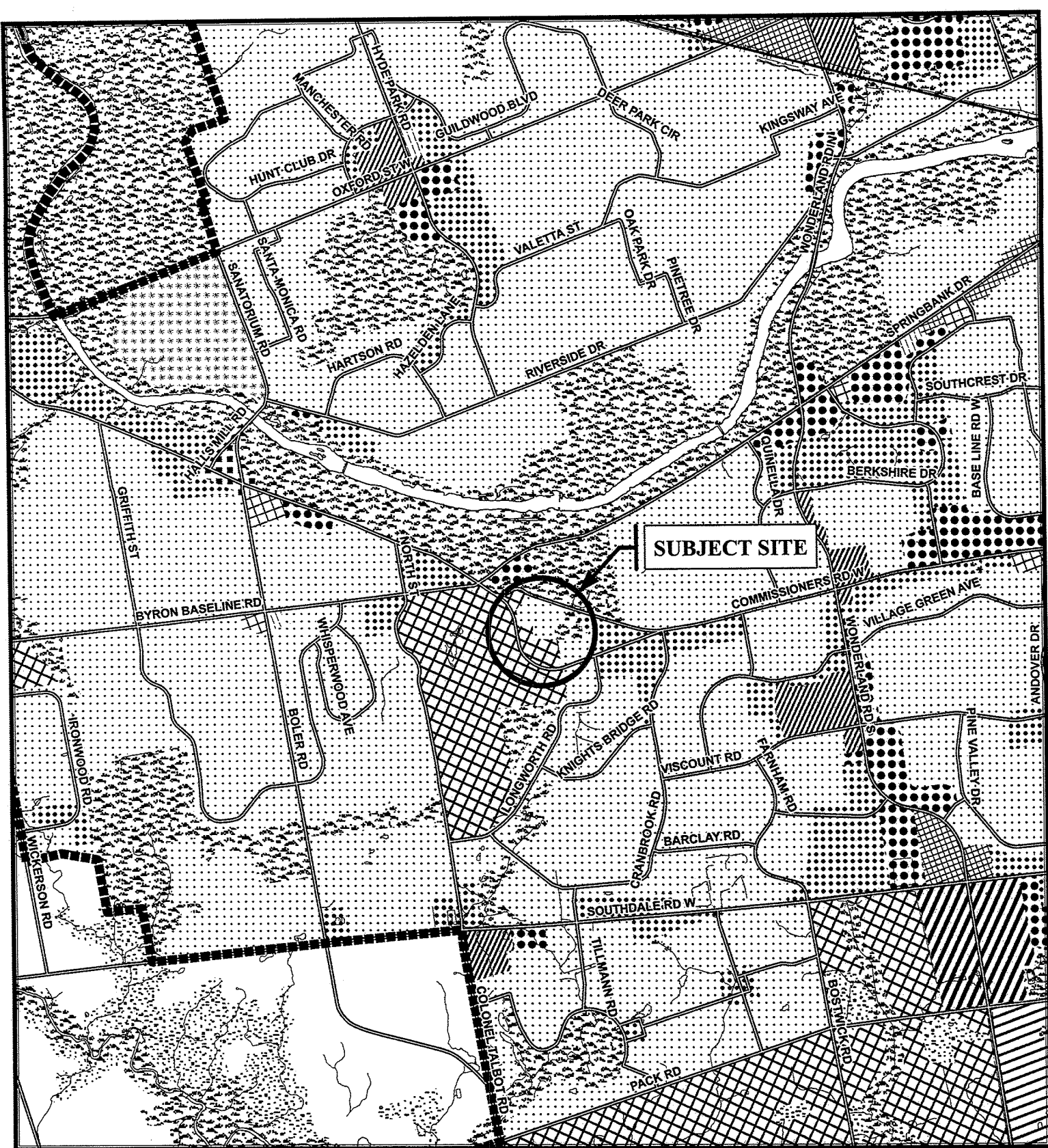
BACKGROUND

Date Application Accepted: September 30, 2011	Agent: Jay McGuffin, Monteith Brown Planning Consultants
<p>REQUESTED ACTION: Amend the Official Plan by changing the land use designation on Schedule "A" from "Urban Reserve Community Growth" to "Low Density Residential".</p> <p>Amend Zoning By-law Z.-1 by changing the Zoning from: a Residential R1 (R1-9) Zone, which permits single detached dwellings; and an Urban Reserve (UR1) Zone, which permits existing dwellings, agricultural uses, conservation lands managed woodlots, wayside pits and passive recreation uses; to a Residential R6 Special Provision (R6-2()) Zone, to permit cluster housing in the form of single detached dwellings at a maximum density of 20 units per hectare and a maximum building height of 10.5 metres. The special provision would recognize the non-conforming frontage and sideyard for the existing residential dwelling site.</p> <p>Approval for a draft plan of Vacant Land Condominium consisting of three (3) single detached residential units and one (1) common element access block.</p>	

























<p>SITE CHARACTERISTICS:</p> <ul style="list-style-type: none"> • Current Land Use – one single detached dwelling, associated driveway, landscaping and detached garage; earth berm along the westerly property boundary. • Frontage - 10 metres frontage on Crestwood Drive • Depth – 121 metres along the north property boundary; 84.88 metres along the south property boundary • Area - 4188 m² (1.03 acres) • Shape – Generally rectangular shape on an east-west orientation, narrowing to a 10 metre wide access corridor at Crestwood Drive.

<p>SURROUNDING LAND USES:</p> <ul style="list-style-type: none"> • North – Single detached residential properties • South - Single detached residential property and vacant parcel • East – City of London water reservoir (east side of Crestwood Drive) • West – Byron Gravel Pit operation (Lafarge Canada Inc. license)
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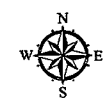
<p>OFFICIAL PLAN DESIGNATION: (refer to map on following pages)</p> <ul style="list-style-type: none"> • The site is currently designated Urban Reserve Community Growth
<p>EXISTING ZONING: (refer to map on following pages)</p> <ul style="list-style-type: none"> • Residential (R1-9) on the eastern half of the site • Urban Reserve (UR) on the western half of the site



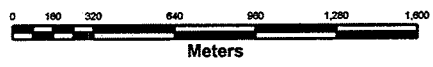
Legend

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

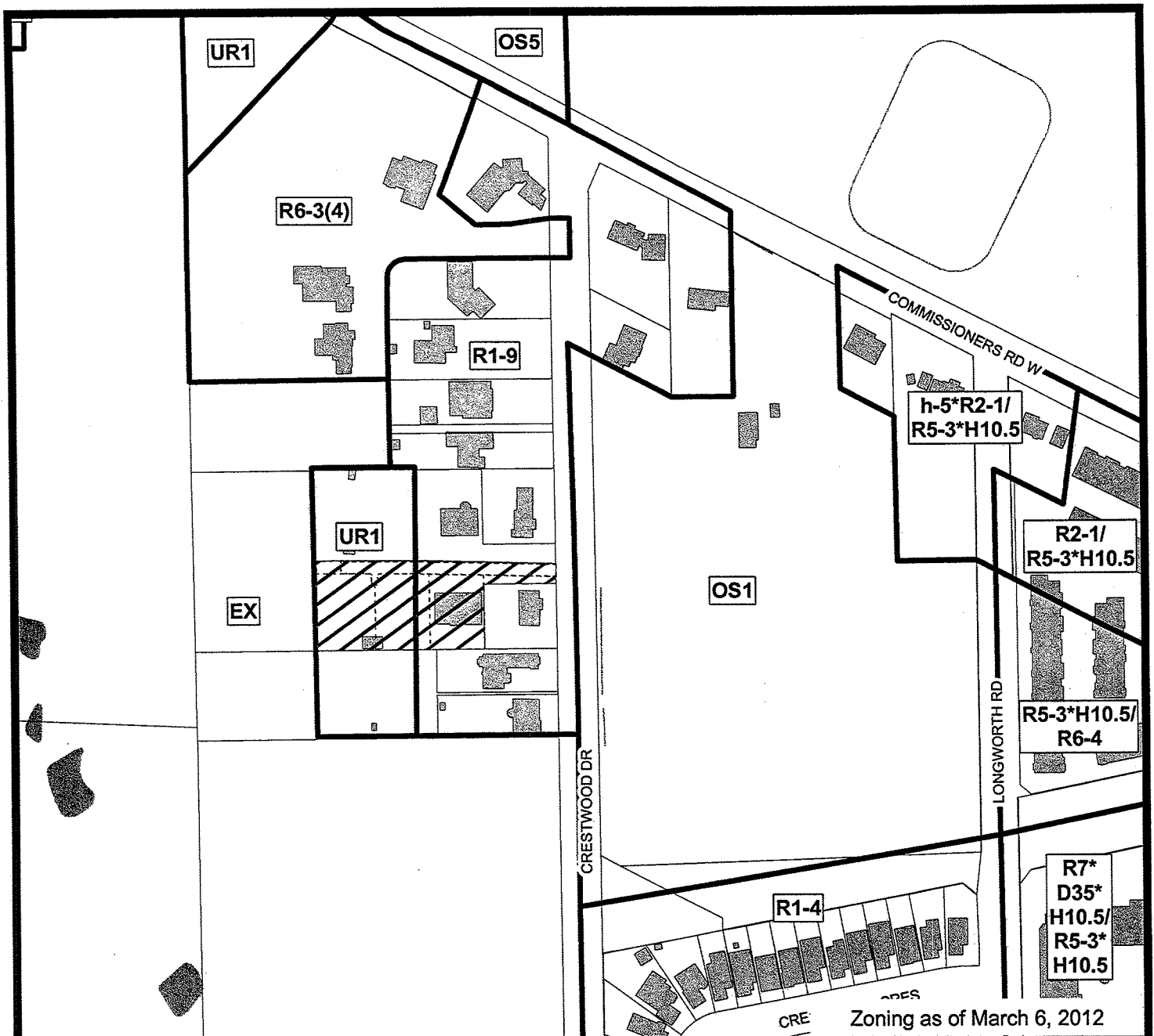
CITY OF LONDON
 Department of
 Planning and Development
 OFFICIAL PLAN SCHEDULE A
 - LANDUSE -



Scale 1:30,000



FILE NUMBER: OZ-7963
 PLANNER: TG
 TECHNICIAN: DT
 DATE: May 11, 2012



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: R1-9, UR1

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

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

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

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

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

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

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

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

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

2)  **ANNEXED AREA APPEALED AREAS**

CITY OF LONDON

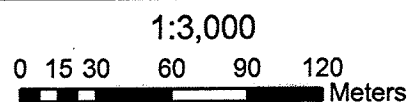
PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES

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



FILE NO:
OZ-7963 TG

MAP PREPARED:
May 11, 2012 DT



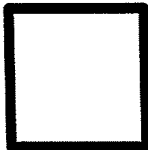
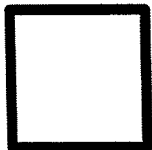
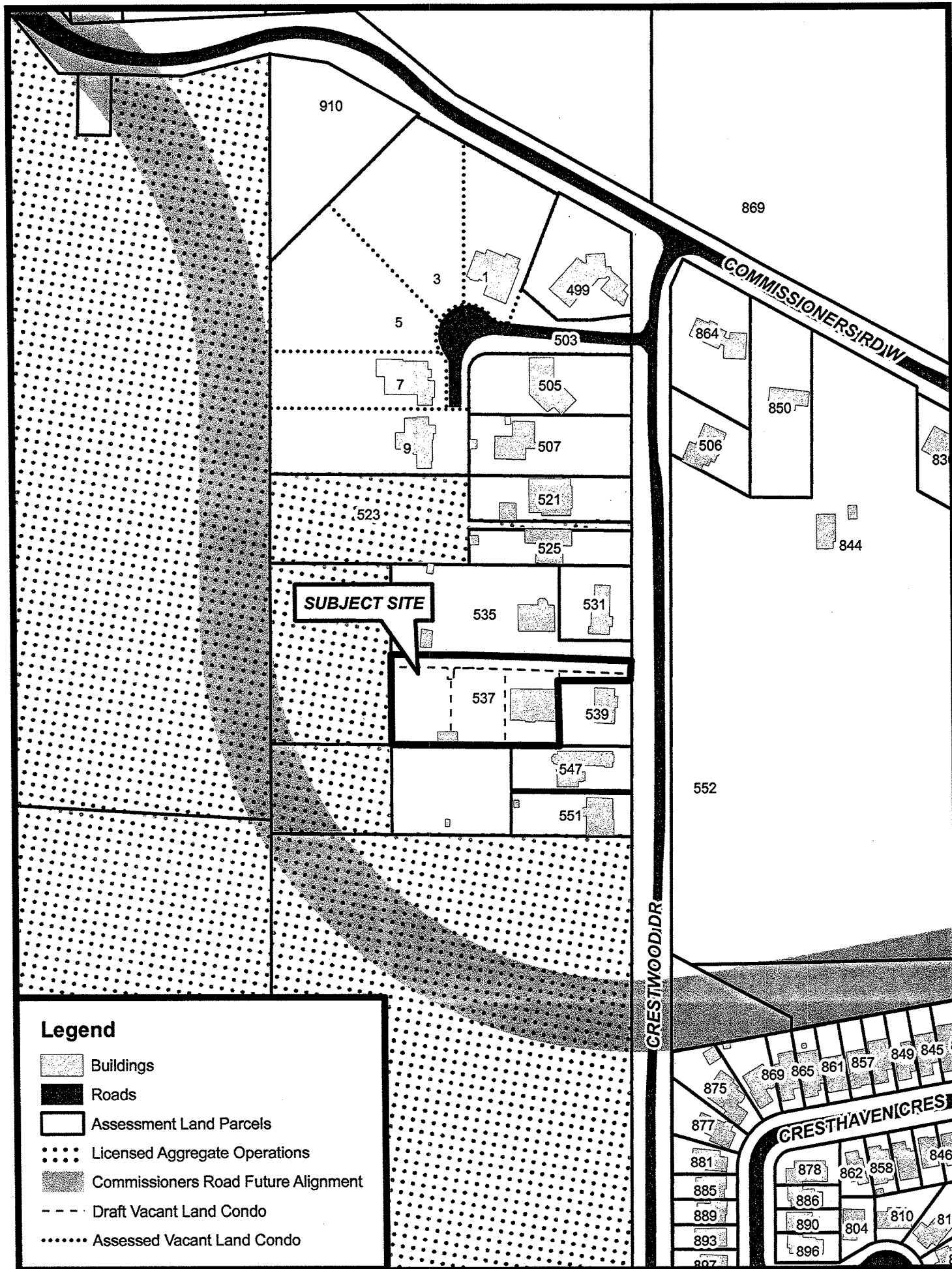
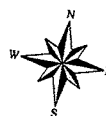
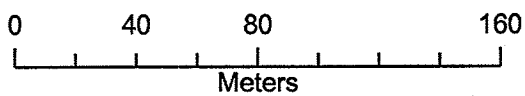


Figure 1
537 Crestwood Drive
Area Map



1:2,500



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PLANNING HISTORY

The "South-East Byron Area Study", which provided a comprehensive review of land use issues encompassing the Byron gravel pits and surrounding undeveloped properties, was initiated by Council in 1988. The area study and associated Official Plan and Zoning By-law amendments were adopted by Council on September 21, 1992 and were the subject of an Ontario Municipal Board (OMB) hearing in the fall of 1992.

The 1992 OMB decision confirmed land use designations, zoning and special policies for development in the vicinity of the Byron gravel pits. While some modifications have been made to the land use designations and zoning based on individual applications and changes to licensed aggregate operations, all development in the vicinity of the gravel pit operation continues to be subject to the criteria in OP Policy 3.5.6 which provides for protection of the aggregate resource, restricts premature development activity and ensures that appropriate measures will be applied to mitigate potential impacts from the aggregate operations.

In 1990, a consent was granted to sever the existing dwellings fronting on Crestwood Drive from the subject property and the adjacent property to the north. As a result of subsequent consent decisions B97/90 and B38/91, the westerly portion of these lands was severed and sold to licence holders in the Byron Gravel Pit.

In 1997, application was made to sever the easterly (retained) lands in half (Consent application B21/97), resulting in the subject property at 537 Crestwood Drive, and the adjacent property to the north at 535 Crestwood Drive. These parcels represent a "mirror" lotting pattern with each one having a frontage of 10 metres (33ft.) on Crestwood Drive and an overall area of 0.4 hectares (1 acre).

The 1997 consent included provision for a mutual access driveway between the owner of the subject property and the adjacent property at 535 Crestwood. As a result of a dispute over the legal status of the access easements, two separate driveways were established, with a concrete curb separating the 3 metre wide granular driveway at 535 Crestwood Drive from the 5 metre wide asphalt driveway on the subject property. The mutual driveway easement was abandoned by the owners of the two properties in 2010.

In 2006, the owner of the adjacent property at 535 Crestwood Drive applied for a change in zoning from Residential R1-9 and Urban Reserve (UR) to a Residential R6 Special Provision (R6-2()) Zone, to permit cluster single detached dwellings (File: Z-7108). This application was considered at Planning Committee on October 30th, 2006 and further considered at a public participation meeting on October 29th, 2007. The application was refused by Council at its meeting on November 5, 2007 for the following stated reasons:

- a) The proposed amendment does not conform to the Official Plan policies regarding noise and dust studies for lands adjacent to the Byron pits;
- b) The proposed amendment does not conform to the intent of the Official Plan and Zoning By-law Z.-1 regarding provision of access; and
- c) The proposed amendment does not conform to the intent of the Official Plan and Zoning By-law requiring orderly development of lands and is premature.

The westerly 12 metres of the subject property and the property to the north, contain a berm at the top of the slope adjacent to the Byron pit. The pit operator (Lafarge Canada) holds an easement on the 12 metre wide corridor until August 2013 at which time it expires. Lafarge has advised that they will be putting a plan in place to remove the berm this summer.

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

Notice of the application was liaised to municipal departments, public utilities and review agencies on October 4, 2011. Detailed comments are appended to this report and have been addressed under the "Analysis" section below.

PUBLIC LIAISON:	Notice of the applications was mailed out to 23 area property owners on October 4, 2011 and published in the London Free Press "Living in the City" on October 8, 2011	Three (3) written replies received, to date
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Nature of Liaison: Amend the Official Plan land use designation on Map Schedule "A" from "Urban Reserve Community Growth" to "Low Density Residential";

Change the Zoning from: a Residential R1 (R1-9) Zone and an Urban Reserve (UR1) Zone, to a Residential R6 Special Provision (R6-2()) Zone, to permit cluster housing in the form of single detached dwellings at a maximum density of 20 units per hectare and a maximum building height of 10.5 metres. The requested special provision would recognize the non-conforming frontage and side yard for the existing residential dwelling site.

Requesting approval for a draft plan of Vacant Land Condominium consisting of three (3) single detached residential units and one (1) common element access block.

Responses: A submission from the owners of residential properties at 531 Crestwood Drive and 539 Crestwood Drive expressed several concerns about potential impacts from this proposed development, including:

- A request from the owner of the adjacent property at 535 Crestwood was denied in 2008 based, in part on a 300 metre buffer requirement around the adjacent gravel pit.
- When we purchased our home 8 years ago at 551 Crestwood, we were told that narrow walkways were provided between some of the houses to provide access to the vacant lands behind. This was not a problem while the vacant lands were not developed; now there could be a "domino effect" if the vacant lands to the west are developed.
- If each of the vacant landowners are allowed to develop lands on the west side of Crestwood Drive another street will be created, with additional access driveways every two or three properties.

Comments from Pit Operator Lafarge Canada

- Any decision made regarding the OPA, ZBA and consent applications must be consistent with the Provincial Policy Statement (PPS) and specifically Section 2.5.2.4 which protects existing operations from development and activities that would preclude or hinder their expansion or continued use. Also, known deposits are protected in the same manner though Section 2.5.2.5. As such, the City must obtain sufficient information to be satisfied that any land use change will not preclude or hinder existing or future aggregate within this area.
- To ensure that landowners are aware of the existing operation on the adjacent lands, we request that the following Warning Clause be included in a schedule to all Offers or Agreement of Purchase and Sale or Lease for all lots in his application and within the subdivision agreement:

"Purchasers are advised that various industrial operations are conducted by Lafarge Aggregates at 1030 Baseline Road West, including, without limitation, loading and operation of trucks and other heavy equipment and the operation of an aggregate (crushed stone and sand) manufacturing and/or storage facility an/or concrete and/or asphalt recycling facility (the "Aggregate Operations"). Purchasers are advised that despite the inclusion of noise attenuation features within the development area and within the individual dwelling units, noise dust and vibration levels from the Aggregate Operations may occasionally interfere with or adversely affect the building's occupants."

- Lafarge wishes to ensure that the potential impact from this proposed development on their existing Licenced aggregate operations on the abutting property has been considered, and we request confirmation from the applicant/City that the proposed development will not impact existing or future aggregate operations within this area.
- Along the common boundary between the Lafarge property and the applicant property, Lafarge can extract up to 15 metres from the property line. This boundary has a 15 metre setback from the property line to the limit of extraction, as approved under the Aggregate Resources Act on our MNR approved site plans.

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ANALYSIS

Existing Situation:

The subject property is bounded by Crestwood Drive on the east and the Byron Pit on the west, which is currently under license to Lafarge Canada. The property has a frontage of 10.01 metres (32.8 ft.) on Crestwood Drive, a depth of 121 metres (397 ft.), and an overall area of 0.4 hectares (1 acre). An existing single detached dwelling is located on the eastern part of the subject property and this dwelling is proposed to be included in the draft plan of condominium. The existing residential envelope, which includes an access driveway, accessory structure and manicured lawn, extends to the western part of the site. An earth berm and fence extend in a north/south direction along the western edge of the site (within a 12 metre wide easement held by Lafarge and due to expire in August 2013).

The current site configuration and development pattern mirror that of the property to the north and the driveways that serve both parcels run along the common property boundary; however, due to a dispute between property owners there is an existing concrete curb along the boundary that precludes a shared common access and two separate driveways currently exist. In 2006, the abutting landowner at 535 Crestwood Drive applied to rezone his property from Residential (R1-9) to a Residential R6 Special Provision Zone, to permit cluster single detached dwellings in the same configuration and intensity as the application that is the subject of this report. While the application was deemed to be premature and ultimately refused by Council in 2007, the staff report indicated that the Planning Department would not be opposed to a future cluster residential development of these lands, provided that:

1. prior to any Zoning By-law amendment of these lands based on policies in the Official Plan, a completed noise and dust study is finalized;
2. mitigation measures if identified in the above noise and dust study must be completed to the satisfaction of the City of London;
3. a comprehensive development plan for the lands designated Urban Reserve at 535 and 537 Crestwood Drive be proposed to ensure future orderly development that is in keeping with the surrounding residential uses; and
4. access to the property must be in keeping with the residential character of the existing streetscape.

The application at 537 Crestwood Drive is to permit the same form of development that was proposed in the previous application at 535 Crestwood. With access aligned along the common property boundary, the concept of three cluster housing units on each property would be feasible and in keeping with the general pattern of development in the area, provided the potential impact of extraction operations can be satisfactorily addressed. Specific requirements to be addressed are outlined in the policy framework of the Official Plan.

In 2006, a similar application was approved to permit the development of single detached cluster housing units on property to the north at 503 Crestwood Drive (OZ-6333). This application included an Official Plan Amendment to change the designation of lands from Urban Reserve Community Growth to Low Density Residential, and rezone the lands to Residential R6 Special Provision (R6-3()), to permit five (5) cluster units on a site with a 1.76 hectare area and a 20 metre frontage. The application included a noise study and dust study, which were evaluated and initially found to be deficient but subsequently revised and determined to be acceptable. The recommended mitigation measures were implemented through conditions of the site plan/development agreement and condominium approval.

The residential area on the west side of Crestwood Drive has existed in close proximity to the Byron Pits and in recent years, has been the subject of residential infill activity. While consideration must be given to relevant Official Plan policies and Provincial policies this area is recognized as an unusual circumstance and not a greenfield location. As such, the established land use pattern in this area is a relevant consideration in the evaluation of the application.

Official Plan Designations:

The subject property is currently designated Urban Reserve Community Growth, along with the adjacent residential lands at 539, 547 & 551 Crestwood Drive. This designation is not accurately delineated and an adjustment is required to the boundary between the Low Density Residential and Urban Reserve Community Growth, to more clearly reflect the existing development pattern. This boundary clarification is consistent with the approach that has been applied on the lands to the north. The Low Density Residential designation should apply to

Agenda Item #	Page #

existing (i.e. long term) residential uses and all lands within licensed aggregate operations should continue to be designated Urban Reserve Community Growth until such time as the licenses are relinquished and the lands have been rehabilitated.

There are no features on Map Schedule "B1" of the Official Plan (Natural Heritage Features) in or adjacent to the subject property. No changes are required to Map Schedule "B2" (Natural Resources and Natural Hazards), which accurately delineates the existing licensed areas as "Aggregate Extraction".

The subject property is located in proximity to the Commissioners Road future alignment, which is identified as a "Proposed Future Arterial Road Corridor" on Schedule "C" of the Official Plan (Transportation Corridors Map). While the timing for the realignment work is considered long-term and subject to the completion of aggregate extraction activity in the Byron Pit, the corridor alignment is protected through relevant policies in Chapter 18 of the Plan. At the closest point, the alignment is approximately 45 metres to the west of the subject property and it is not expected that the proposed development will interfere with the corridor alignment.

Official Plan Policies:

The general objectives for the residential designations in the Official Plan support infill development in appropriate locations. Section 3.1.1.vi) supports this objective, as follows:

Encourage infill residential development in residential areas where existing land uses are not adversely affected and where development can efficiently utilize existing municipal services and facilities.

The current application constitutes the development of an underutilized lot within a previously developed area and is subject to the requirements in **Policy 3.2.3.** of the Official Plan, which applies to intensification within the Low Density Residential designation. A Residential Intensification Report (Monteith Brown, August 23, 2011) was submitted with the application, which addressed neighbourhood character, land use compatibility issues.

The lotting pattern and dwelling orientation, with a narrow lot frontage and "flag" configuration, was previously established for the subject property and adjacent property to the north (535 Crestwood). The current application proposes to add two additional dwellings in the same orientation and behind the existing dwelling. There will be no discernable visual impact on the Crestwood Drive streetscape.

The proposed Condominium Units (cluster single detached lots), with frontages of between 25.7 and 28.5 metres, lot depths of 37.8 metres, and lot areas of between 1,027 and 1,147 square metres) are similar in size and configuration to the adjacent single detached residential properties at 531 and 539 Crestwood Drive. The proposed housing form and lotting configuration will have a negligible impact on the residential character of the Crestwood Drive residential neighbourhood. Design elements such as landscaping, fencing and access within the site, can be effectively addressed through the site plan development agreement and conditions of draft plan approval.

Policy 3.5.6. of the Official Plan provides a framework for the evaluation of land use and development applications in the vicinity of the Byron Pits. This policy, which was enacted at the time of the "Southeast Byron Area Study", reads as follows:

3.5.6. Lands in the vicinity of the Byron Pits

The development of lands within the vicinity of the Extractive Industrial Area of Aggregate Resource Area, as shown on Schedule "B" for residential uses, shall have regard for the mitigation of the noise and dust impact of extraction operations on the proposed residential development. The review of applications for rezoning or plan of subdivision approval shall include the following considerations:

- i) prior to rezoning or final approval of a plan of subdivision within 300 metres (984 feet) of an Extractive Industrial Area or Aggregate Resource Area, a noise and dust impact study shall be completed and any recommended mitigation measures contained therein shall be carried out to the satisfaction of the City of London, the Ministry of the Environment and Ministry of Natural Resources. Furthermore, the subdivider shall notify*

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prospective lot purchasers, in agreements of purchase and sale and in notices registered on title that are binding on successors and assigns to the subdivision lands and in a separate agreement with the City, of the potential for new licenses in the identified aggregate resource area and of the long-term continuation of active aggregate operations in the Byron gravel pits and of the noise and dust impacts associated with extraction and related operations.

- ii) residential subdivisions shall be developed in phases so that the maximum possible separation distance between areas of residential development and extraction operations is maintained. A minimum separation distance of 150 metres (492 feet) between residential development and the maximum extent of extraction activity (this separation distance being measured from the limit of extraction, not the licensed area boundary) shall normally be required.*

As peripheral portions of the extraction area are rehabilitated, the separation area could shift to reflect any adjusted limits of active extraction operations. Any deviation from the 150 metre (492 foot) norm would only be considered on the basis of studies undertaken by a qualified consultant which demonstrates to the satisfaction of the City of London and Ministry of the Environment and the Ministry of Natural Resources that the deviation is satisfactory to protect the residential development from adverse impacts of extraction operations.

Other policies that address future rehabilitation of the Byron Pit and adjacent lands include Section 15.10.1.iii), which provides a framework for the evaluation of planning applications within and adjacent to Extractive Industrial Areas; Section 15.10.4.iii), which provides criteria for the planning and rehabilitation of licensed pits and peripheral lands; and Section 15.10.6., which provides for the extraction of aggregate resources from lands identified on Schedule "B2" as a means of assisting with pit rehabilitation.

Section 15.10.1.iii) of the Official Plan speaks to phasing of development to protect identified aggregate resources and maintenance of suitable protection for adjacent residential uses. This section, as stated below, is relevant to the application:

- iii) In evaluating Proposals for change in land use within, or adjacent to Extractive Industrial Area shown on Schedule "B2" – Natural Resources and Natural Hazards, the potential impact of the pit or quarry on the proposed use and the future availability of aggregate resources for extraction will be considered. Existing mineral aggregate extraction operations shall be protected from new development and activities that would preclude or hinder their expansion or continued use, or which would be incompatible for reasons of public health, public safety or environmental impact. The following measures may be required to ensure that extraction is undertaken in a manner which minimizes social and environmental impacts between the mineral aggregate resource extraction and new development:*

- (a) phasing of the proposed development, such that portions of the site furthest away from the pit or quarry are developed first. This will assist in the maintenance of a buffer area between the two uses;*

- (b) phasing of the proposed development, so that rehabilitation of portions of the pit or quarry precedes the development of adjacent residential uses; and*

- (c) the provision of berms, landscaping, and fencing.*

The subject property is less than 150 metres from the limit of extraction activity and to address the requirements of policy 3.5.6, the application was accompanied by several studies including a land use planning report, a slope stability assessment, a noise & vibration impact assessment, and a dust impact assessment:

Land Use Planning Report: This report (Monteith Brown, August 2011) confirmed the land use designations, aggregate extraction areas, transportation corridors and relevant Official Plan policies that apply to development on the subject property. The report addressed policies relating to the protection of aggregate resources, and the protection of adjacent residential development from potential impacts associated with noise, dust and vibration. This report also outlined the proposed Zoning amendment, servicing infrastructure and recognized consistency

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with applicable provisions in the 2005 Provincial Policy Statement (PPS).

In describing the background and rationale for the development proposal, the Land Use Planning Report states: *“The applicant currently resides in the dwelling on the subject lands and has recently built the neighbouring dwelling at 547 Crestwood Drive. The objective is to sell the existing dwelling at 537 Crestwood Drive as Unit 1 in the proposed condominium and retain the lands to the west of the house for future development, intended for creation of two single detached building lots. The proposal will enable the applicant to sell his house on the subject lands and move to his property at 547 Crestwood Drive while development of the subject lands takes place.”*

The report reviews current Official Plan policies, Zoning regulations and relevant provisions in the PPS. It concludes that *“the subject lands are ideally suited for the proposed expansion of single detached residential type land use. The proposal is consistent with the Provincial Policy Statement, maintains the general intent and purpose of the City Official Plan and Zoning By-law; and constitutes sound land use planning.”*

Noise and Vibration Impact Assessment: A noise and vibration impact assessment report was submitted with the application (RWDI Consulting Engineers & Scientists, July 2011) to identify and address potential impacts from the adjacent aggregate operations on the proposed residential development. The report reviewed potential impacts from current and proposed pit operations, with modeling inputs from three recent noise studies. The report concluded that the proposed residential units will not experience noise levels above the relevant Ministry of Environment noise guideline limit 50 dBA.

The report also noted that the vast majority of pit activities will take place at a distance of greater than 100 metres; and this constitutes an adequate separation distance between residences and large machine presses. It was concluded that no adverse vibrational impacts are anticipated for the proposed residential dwellings. The following recommendations are identified in the report:

- *Based on our review of operations and our previous studies, we predict that all applicable noise guidelines will be met at all lots within the proposed Phase 2 of the subdivision;*
- *Because there may be equipment impacts or other extraordinary events at the pit we recommend a noise warning clause should be registered on title for the homes. stating: “Purchasers are advised that due to the proximity of the adjacent aggregate operations, sound levels from the facility may at times be audible.”*

The noise assessment report has been reviewed and while it states that predicted noise levels meet acceptable guidelines, it relies on the findings of previous studies and needs to be confirmed on the basis of site specific readings at 537 Crestwood Drive. This should be required prior to development and can be implemented through the inclusion of a holding provision on the recommended Zoning. The registration of a noise warning clause on title can be implemented through conditions in the Draft Plan of Condominium and/or site plan development agreement.

Dust Impact Assessment: A dust impact assessment was prepared and submitted with this application (RWDI Consulting Engineers & Scientists, July 2011). The report reviewed the potential for dust impacts based on a number of factors including current and future aggregate operations; the separation distance between pit operations and the proposed development; and, the frequency of winds directed toward the development from the pits.

The study also reviewed the complaint history of residents in the vicinity and notes that most reported complaints have been north of the Try Aggregates and Lafarge pits due to dust emissions from trucks travelling on the haul route. It also notes that based on the complaint history from existing residents surrounding the Byron Pits, there remains the potential for dust related complaints from new residents in the proposed development lands.

The study concludes that the relative probability of periodic occurrences of dust impacts are estimated to be moderate to high for the proposed development lands and similar to the impact experienced at the existing residential property. While it was recognized that there is a foreseeable end to operations in the pits, the following mitigation measures are recommended for homes within 300 metres of the aggregate operations:

- *Warning clauses be included in purchase agreements; and*
- *Central air conditioning units be provided for residents.*

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The potential for periodic occurrences of dust impacts in this location will be addressed through warning clauses to be registered on title. This requirement will be implemented through conditions in the Draft Plan of Condominium and/or site plan development agreement. A similar condition was applied to the cluster residential development at 503 Crestwood Drive.

Slope Stability Assessment: A slope stability assessment report (EXP Services Inc., June 2011) was submitted with the application to address geotechnical requirements associated with the application. This report was prepared in accordance with provisions in the MNR Natural Hazards Manual and Technical Guides for geotechnical and slope stability purposes. A sample borehole was drilled near the western limit of the property and the soil conditions were found to be comprised of sandy silt till material used to construct the existing berm, underlain by dense to very dense sand and gravel deposits. Although no groundwater was observed in the borehole at the site, the stable slope analysis incorporated the presence of groundwater infiltration into the granular subgrade soils

The stable slope boundary was defined by a line extending upwards from the toe of the slope (at the bottom of the adjacent aggregate extraction area), at an inclination of approximately 2 horizontal to 1 vertical. A 6 metre wide access allowance was added, in accordance with Section 3.1.3. of the 2005 Provincial Policy Statement, to ensure that there is a large enough safety zone for people and vehicles to enter and exit the area during an emergency.

The "Erosion Hazard Limit", comprised of the Erosion Allowance, Stable Slope Setback and 6 metre Access Allowance component, was delineated on the draft plan of condominium. This alignment is located slightly inside (1.5 metres at the south end and 4 metres at the north end) of the westerly property and within Unit 3 on the draft plan of condominium.

The report states that future development should not be permitted to occur within the Erosion Hazard Limit and that final design drawings, including building locations and services should be reviewed by a geotechnical consultant to ensure that the Erosion Hazard Limit is properly interpreted. Geotechnical inspection and testing are also recommended during construction to confirm that the following recommendations in the report will be followed:

- *Spoils from any excavation should be removed from the slope area. Excavated soils should not be placed over the table land near the crest of slope, unless the soil is placed as engineered structural fill. In addition, any fill placement or changes to existing grades in proximity to the site slopes may be subject to review and approval by the UTRCA, under their Generic Regulation.*
- *Any buildings and permanent structures associated with the proposed site development must be located outside of the Erosion Hazard Limit, which is identified on the Site Plan. The Cross Section drawings also help identify the location of this line. Exp would be pleased to review the founding elevations and site grading plans for the proposed development to confirm that this requirement is met.*
- *The site should be graded such that surface water is directed away from the slope, to limit the amount of uncontrolled surface water flow over the face of the slope, which can contribute to surficial erosion damage to the slope surface. If it is necessary to outlet this water from the table land down the slope it should be collected and taken down the slope in a controlled channel or solid pipe. Where required, suitably designed outlets including such measures as rodent screens etc. should be incorporated.*
- *Water from downspouts and perimeter weeping tile etc. must also be collected in a controlled manner and re-directed away from the slope.*
- *Vegetation on the slope should be maintained. A program of plantation where appropriate, including deciduous trees and deep-rooted vegetation is preferred.*

Unit 3, which is directly impacted by the Erosion Hazard Limit, is not being recommended for approval at this time. The Urban Reserve (UR1) zoning will continue to apply to this part of the site until such time as the rehabilitation of the peripheral lands in the extraction area has been completed. This will ensure that the final residential site envelope is accurately delineated based on the finalized grades and Erosion Hazard Limit.

It has been recommended in the geotechnical report that prior to any construction on the site final design drawings (including building locations, services and site grading) should be reviewed by a geotechnical consultant to ensure that the Erosion Hazard Limit is properly

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interpreted. This requirement will be implemented by applying a holding provision on the recommended Zoning. Conditions of the Draft Plan of Condominium and/or site plan development agreement will require the implementation of relevant recommendations from the geotechnical report.

Servicing & Access:

The subject property is fully serviced and no significant servicing constraints have been identified for this proposed development. The Planning Report submitted with the application stated that a 200mm diameter sanitary service is located under the west edge of the asphalt on Crestwood Drive and the two new units being proposed should not trigger a sanitary capacity study (if deemed necessary this could be required at the site plan approval stage). There is an existing 600mm diameter water main within Crestwood Drive and an open ditch on the east side of the road. If required, provisions for stormwater management can be addressed through the site plan approval process.

One issue was identified with respect to the driveway access to the existing dwelling at 537 Crestwood Drive and the abutting property to the north at 535 Crestwood. The shared access between the two properties, established as a condition of consent application in 1997, is currently in dispute. A curb barrier has been installed along the common property boundary to separate the 5 metre wide asphalt driveway at 537 Crestwood from the 3 metre wide granular driveway at 535 Crestwood. While the current application only affects the property at 537 Crestwood Drive, a condition could be included in the draft plan of condominium and/or development agreement, requiring provision for a future joint access agreement when new development is proposed on the property to the north.

Standard servicing requirements will be applied through the site plan/development agreement process, to ensure that all relevant municipal standards are satisfied. The development agreement is registered on title and includes the posting of appropriate securities to ensure completion of the required works.

Provincial Policy Statement:

The relevant components of the Provincial Policy Statement (PPS) were addressed in the Land Use Planning Report for this development (Monteith Brown, August, 2011). Comments were also provided by the Ministry of Natural Resources and have been considered in the evaluation of this application. Policies of the PPS that are supportive of this application include 1.1.3.3 and 1.1.3.4, which support intensification and compact form. Policy 1.1.3.7 supports compact form, mixes of uses and densities that allow for the efficient use of land, infrastructure and public service facilities. Policy 1.6.4.2 supports intensification and redevelopment within settlement areas on existing municipal sewage and water services. The subject property is currently underutilized and intensification is considered to be desirable because it supports compact form and the efficient use of municipal infrastructure.

The following policies specifically pertain to the protection and rehabilitation of long-term mineral aggregate resources, and are relevant in the consideration of this application:

2.5.2.4 Mineral aggregate operations shall be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact. Existing mineral aggregate operations shall be permitted to continue without the need for official plan amendment, rezoning or development permit under the Planning Act. When a licence for extraction or operation ceases to exist, policy 2.5.2.5 continues to apply.

2.5.2.5 In areas adjacent to or in known deposits of mineral aggregate resources, development and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:

- a) resource use would not be feasible; or*
- b) the proposed land use or development serves a greater long-term public interest; and*
- c) issues of public health, public safety and environmental impact are addressed.*

2.5.3 Progressive and final rehabilitation shall be required to accommodate subsequent land uses, to promote land use compatibility, and to recognize the interim nature of extraction. Final rehabilitation shall take surrounding land use and approved land use designations into consideration.

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The studies that were submitted with the application have addressed land use compatibility, as well as potential impacts associated with dust, noise and vibration from the adjacent aggregate operation. While the Province has declined to undertake a review and provide comments, these studies include the information that is required to identify and evaluate potential impacts of the adjacent aggregate operation on the proposed residential development.

Potential noise, dust and vibration impacts on the three residential units have been identified and are proposed to be addressed through a combination of implementation measures including warning clauses in purchase agreements and requirements for central air conditioning units. These are standard requirements for development in the vicinity of aggregate operations and can be applied through conditions in the site plan/development agreement and plan of condominium. Similar conditions were applied to the condominium development at 503 Crestwood Drive, which was draft approved in 2007 and is now registered.

The geotechnical report states that future development should not occur within the Erosion Hazard Limit. The report includes a number of recommendations to be addressed at the site development stage including the direction of surface water away from the slope, the controlled collection of water from downspouts and perimeter weeping tiles and maintenance of vegetation on the adjacent slope. It is also stated that final design drawings including building locations, services etc. should be reviewed by a geotechnical consultant to ensure that the Erosion Hazard Limit is properly interpreted.

The development of Units 1 (existing dwelling) and 2 is not expected to hinder the feasibility of the aggregate operation and can be supported on the basis of the studies that have been prepared. Given the current delineation of the Erosion Hazard Limit (inside of the proposed residential envelope for Unit 3), and the need for confirmation of this alignment based on final design drawings and building locations, the approval of residential development on Unit 3 cannot be supported at this time. The residential development envelope could change on the basis of further geotechnical information and this area should be held out of development until such time as restoration activities have been completed on the adjacent slope, to ensure land use compatibility.

It is noted in the reports from the applicant that site restoration is an ongoing operation at the adjacent Lafarge pit and a common rehabilitation plan is shared by Lafarge with other pits in the area. It is intended that the lands will gradually be restored to grass and treed parkland with mixed residential use and a small lake at the south end of the property. As part of the restoration activities, equipment will be required to restore the pit walls (immediately west of Unit 3) to a 2:1 slope to provide a more gradual incline. The life span for the Lafarge pit has been estimated to be 5 years or longer. Unit 3 should not be approved for development at this time, to ensure that there are sufficient "contingency" lands adjacent to the slope of the aggregate operation to accommodate final restoration activities.

Development on the westerly portion of the subject lands should only be considered after the rehabilitation plan and restoration activities for the adjacent aggregate extraction area have been finalized. In the interim, the zoning should not be changed in the area identified as Unit 3 since the ultimate configuration of this site will be determined by the finalized restoration plan and resulting Erosion Hazard Limit delineation. Progressive and final rehabilitation should be required before development is approved for this component of the site, in accordance with Section 2.5.3 of the PPS.

Proposed Zoning:

The subject property is currently Zoned Residential R1-9 (eastern half) and Urban Reserve UR1 (western half). The original zoning inquiry proposed a zone to permit a severance and access via a private road; however, staff recommended that zoning to permit cluster housing and draft plan of condominium would be the preferred approach for this site. A vacant land condominium will allow for the private sale of individual units in the development, while ensuring that there is a formal mechanism in place to provide for the ongoing maintenance of required common elements such as internal access, servicing and common open space.

The application proposes to rezone the entire parcel to Residential R6 Special Provision (R6-2(

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)), which permits cluster single detached dwellings at a maximum density of 20 units per hectare and a maximum height of 10.5 metres. Special provisions are being requested to recognize the existing 10 metre lot frontage (vs. 6 metres) and 1.2 metre interior side yard (vs. 3 metres). A similar Special Provision R6-3(4) Zone Variation was approved for the cluster housing development at 503 Crestwood Drive in 2006.

A Residential R6 Special Provision Zone Variation is being recommended for the developable portion of the site, which includes the area occupied by proposed Units 1 & 2, and the adjacent common element (internal access road). The requested special provisions to recognize the 10 metre lot frontage and 1.2 metre interior side yard are appropriate and will ensure that the proposed zoning accurately reflects the existing pattern of development. To ensure that specific requirements have been addressed prior to development two holding provisions are recommended with the residential zoning - to ensure that site specific geotechnical and noise impact assessment reports are completed to the satisfaction of the City.

The effect of the recommended rezoning will be to shift the boundary of the Urban Reserve (UR1) Zone 20 metres to the west, with a Holding Residential R6 Special Provision (h-_.h-_.R6-2()) Zone applying on the easterly part of the site. The Urban Reserve (UR1) Zoning would continue to apply on the westerly 30 metres of the site, to provide separation distance between the residential site and the periphery of the licensed extraction area.

It is not recommended that the Zoning on Unit 3 be changed at this time since it would predetermine the final lotting pattern immediately adjacent to the aggregate operation. The ultimate size and configuration of Unit 3 could change as a result of the final aggregate restoration works and Erosion Hazard Limit delineation. Changing the zoning at this time would be premature and contrary to policies in both the Official Plan and Provincial Policy Statement. This portion of the site can be rezoned after the peripheral portion of the extraction area is rehabilitated and there is no longer a potential for impacts from the aggregate operation.

Urban Design:

The application proposes to permit the development of two single detached cluster dwellings in addition to the existing single detached residence at 537 Crestwood Drive. No changes are proposed to the existing lot configuration or driveway access at 537 Crestwood Drive. The proposed condominium units (lots) have a depth of 38 metres and a width of 26 metres or more, which is sufficient in size to accommodate required landscaping and amenity area for the proposed single detached units.

This application will have no discernable impact of the streetscape along Crestwood Drive since there is an existing driveway access that will be retained. The new infill units will be minimally visible from Crestwood Drive - located more than 60 metres from the public road allowance and to the west of the existing residential dwelling.

The internal orientation of the proposed units is consistent with the orientation of the existing dwelling and will not result in the creation of front to back residential sites. There is an opportunity to "mirror" the residential pattern on the subject site with the abutting property at 535 Crestwood Drive. The combined site could ultimately accommodate a cluster housing development comprised of six single detached units served by a common internal driveway. This concept was previously proposed at the time the two properties were severed in 1997 and should be considered for approval if infill development is proposed on the abutting property.

With the red line revision that is being recommended, Unit 3 will be eliminated and Unit 2 will extend to the westerly property boundary. The westerly part of the property will continue to be zoned Urban Reserve (UR1) until after the rehabilitation plan and restoration works for the adjacent aggregate extraction area have been finalized. Once rehabilitation on the perimeter of the aggregate extraction area is completed, rezoning to include the third unit can be considered.

Section 3.2.3. of the Official Plan (Residential Intensification) requires a public site plan review process for residential intensification proposals to address potential impacts and ensure that the proposed intensification project is sensitive to the scale and design of existing development in the surrounding area. Since this application constitutes a residential intensification proposal, the site plan application will be brought back to a future public meeting at Planning and Environment Committee, as required by the Official Plan.

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Condominium Application:

The recommended Draft Plan of Condominium would consist of two (2) vacant land condominium units, each of which would accommodate a single detached dwelling, and one common element block to provide internal access to the units. Although this application is for a minimal number of units, a vacant land condominium is the preferred form of tenure for single detached infill developments. Policies for vacant land condominiums are provided in Section 19.15.5 of the Official Plan. These policies require design requirements for draft plan of vacant land plan of condominiums to be consistent with the Site Plan Control By-law and policies. Site plan approval is required before a recommendation for draft plan of condominium will be made to the Approval Authority.

Red line revisions are required to the draft plan of condominium in keeping with the Zoning By-law amendment that is being recommended for this development. The required revisions will eliminate Unit 3 and consolidate this site with Unit 2 on the plan. The common element (Block "A") will also be adjusted to reflect this modification. These revisions (identified on the following page) will be addressed as part of the draft plan of condominium approval process.

To ensure that this vacant land plan of condominium functions properly the following matters will be addressed through conditions of draft plan approval;



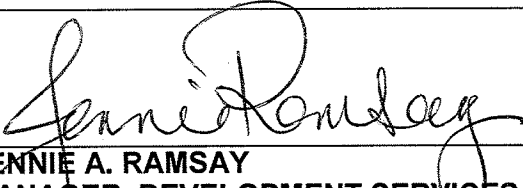

- the completion of site works in the common element and the posting of security in addition to that held under the Development Agreement (if applicable), in the event these works are not completed prior to registration of the plan of condominium;
- installation of fire route signs to the satisfaction of the City prior to registration;
- confirmation of municipal addressing information;
- payment of any outstanding taxes or local improvement charges;
- provision of servicing easements for utility providers (London Hydro, Union Gas, Bell etc.);
- ensuring that any homes already constructed at the time of registration are located within the unit boundaries to be registered;
- ensuring that a final geotechnical study will be completed to the satisfaction of the City based on final design drawings, and that all required site grading, drainage and landscaping are completed and maintained in accordance with recommendations in the approved geotechnical study;
- consideration of future joint access with the property to the north;
- ensuring that warning clauses will be registered on title to identify the requirement for air conditioning units, as well as potential noise levels and dust impacts that may be encountered due to the proximity of the adjacent aggregate operations;
- ensuring that the Condominium Declaration to be registered on title adequately addresses the distribution of responsibilities between the unit owners and the condominium corporation for the maintenance of services, the internal driveway, fencing and other components of the common element;
- a complete application for Site Plan Approval has been provided and a development agreement is entered into and registered on title;
- the obligations of the development agreement have been substantially completed.

After rehabilitation has been completed in the peripheral aggregate extraction area, an application to change the zoning can be considered and a third unit could potentially be created through an amendment to the Zoning By-law and plan of condominium.

CONCLUSION

The City has received an application to amend the Zoning By-law and approve a draft plan of condominium on the property at 537 Crestwood Drive, to permit an infill cluster development comprised of the existing dwelling and two additional single detached dwellings. The subject property is located adjacent to the Byron Pit aggregate extraction area. Proposed development in this area must be considered within the context of relevant policies in the Official Plan and Provincial Policy Statement, to ensure that the aggregate extraction operation will not be hindered, and that any proposed residential development will be suitably protected from potential impacts associated with the aggregate operation including erosion, noise, vibration and dust.

An evaluation of the application and related background studies supports the approval of one additional unit on easterly part the site at this time, subject to confirmation that applicable noise, geotechnical and design issues have been satisfied. Approval is not recommended to change the zoning on the westerly 30 metres of the site as this area currently serves as a buffer between the residential development and the licenced aggregate operation. Further consideration can be given to a change in zoning on the westerly part of the site after rehabilitation of the perimeter aggregate extraction area has been completed.

RECOMMENDED BY:	REVIEWED BY:
	
TERRY GRAWAY SENIOR PLANNER, DEVELOPMENT SERVICES	BRUCE HENRY MANAGER OF DEVELOPMENT PLANNING
CONCURRED BY:	SUBMITTED BY:
	
JENNIE A. RAMSAY MANAGER, DEVELOPMENT SERVICES DEVELOPMENT AND COMPLIANCE DIVISION	GEORGE KOTSIFAS DIRECTOR OF BUILDING CONTROLS AND CHIEF BUILDING OFFICIAL

May 16, 2012
TG/tg

Y:\shared\sub&spec\subdiv\OZ- 7963\Report to P&E Committee

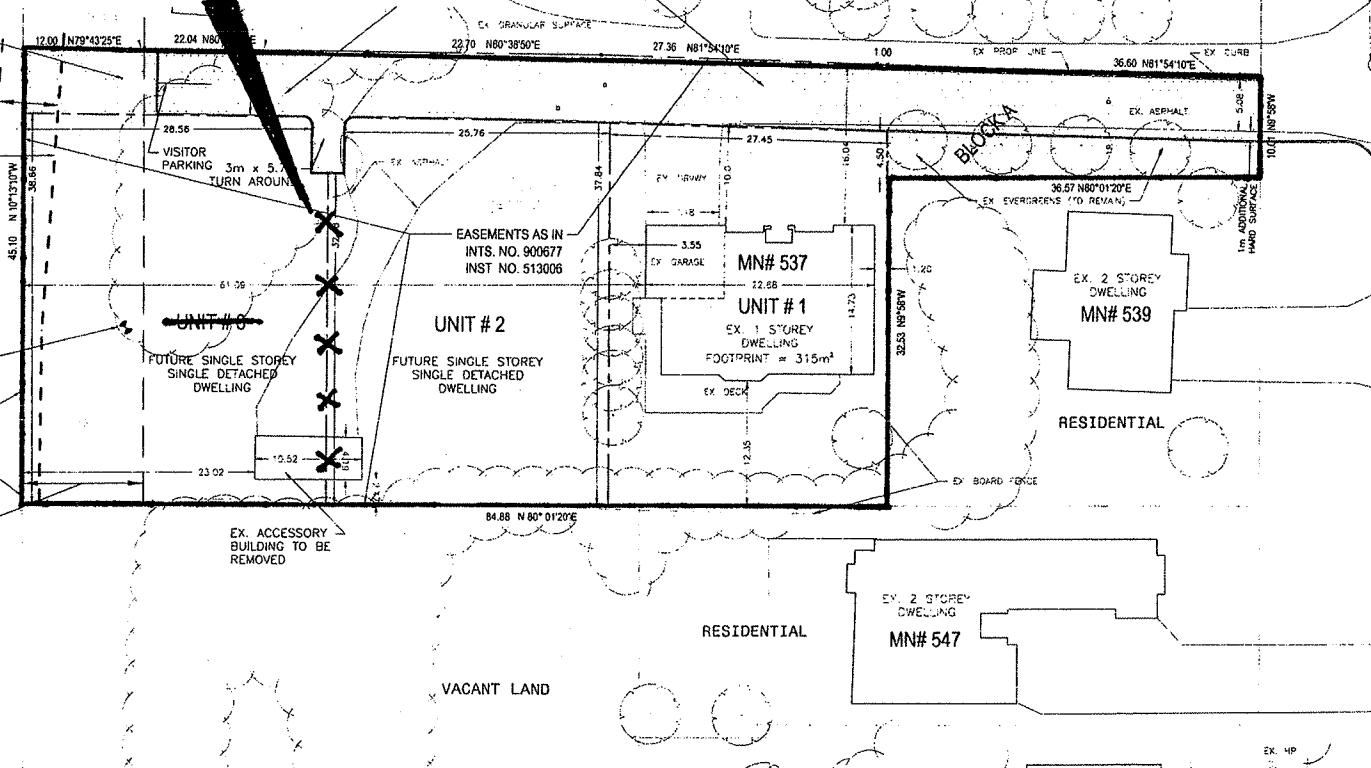
THIS DRAFT PLAN, APPROVED BY THE LONDON CONVEYANCE BOARD, IS THE PROPERTY OF MONTETH & BROWN CONSULTANTS

BYRON GRAVEL PIT

SEEDING ACCESS TO SLOPE
 6.00 EROSION ACCESS ALLOWANCE
 EROSION HAZARD LIMIT (OBTAINED FROM EXP SLOPE STABILITY ASSESSMENT DATED JUNE 2011)
 TOP OF STABLE SLOPE
 BOREHOLE #1 SEE EXP REPORT LON0001:290-GE FOR DETAILS
 EX. PROP. LINE
 EX. CHAIN LINK FENCE
 EXISTING 12m EASEMENT (EXPIRES AUG. 2013) EASEMENT AS IN INTS. NO. 918971

Recommended Red Line Revisions:

- Delete Unit 3
- Consolidate Unit 3 with Unit 2
- Adjust Common Element boundary



CRESTWOOD DRIVE

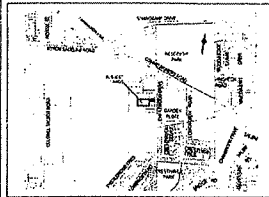
OPEN SPACE



DRAFT PLAN OF CONDOMINIUM
 Part of Lot 41, Concession 1
 Paris 14, 15 and 16 of 33R-13008
 City of London
 County of Middlesex

OWNER'S CERTIFICATE
 I, the undersigned, Monteith & Brown Planning Consultants, am authorized to submit this Draft Plan of Condominium on behalf of the owner, Star Homes Ltd.
 Date: August 29, 11

SURVEYOR'S CERTIFICATE
 I hereby certify that the boundary of the condominium as shown on this plan and their relationship to the adjacent lands are accurately and correctly shown.
 Date: August 29, 2011
 BRUCE BARBER O.C.S.
 A.S.M.



KEY PLAN
 N.T.S.

REQUIREMENTS UNDER SECTION 51 (17) OF THE PLANNING ACT, 1990 (as amended)

1) as shown on plan	2) as shown on plan	3) as shown on plan	4) as shown on plan
5) as shown on plan	6) as shown on plan	7) as shown on plan	8) as shown on plan
9) as shown on plan	10) as shown on plan	11) as shown on plan	12) as shown on plan

LAND USE SCHEDULE

EXISTING UNIT 1	1027m ²
FUTURE UNIT 2	1037m ²
FUTURE UNIT 3	1187m ²
BLOCK A - COMMON ELEMENT	917m ²
TOTAL SITE AREA	4168m²

STAR HOMES LTD.

NOTES
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048
 SCALE 1:250

No.	By	Date	Revision
1	MBPC	2011	Added a separate file no.

PROJECT TITLE:
 537 Crestwood Drive

Prepared by MBPC-04
 Checked by JMB
 Scale: 1:250
 Date: 04/03/11

Drawn by CA
 Surveyed by JMB
 Date: Aug. 18, 2011

Drawing No. DP
 Version No. 1
 File No. 10-1500

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

Telephone

Sharon Whitfield
551 Crestwood Drive
London, ON N6K 1Y1

Written

Sharon & Terry Whitfield
551 Crestwood Drive
London, ON N6K 1Y1

Victoria & Zoltan Harnos
539 Crestwood Drive
London, ON N6K 1Y1

Lafarge Canada Inc.
7880 Keele Street, 3rd floor
Concord, ON L4K 4G7
Attention: Chris Galway,
Land Manager Southwest Ontario

Reference Documents

- City of London Official Plan, as amended
- Zoning By-law No. Z.-1, as amended
- South-East Byron Area Study, 1992
- 2005 Provincial Policy Statement
- Slope Stability Assessment Report, exp, June 2011
- Noise Impact Assessment Report, RWDI, July, 2011
- Dust Impact Assessment Report, RWDI, July 2011
- Land Use Planning Report, Monteith Brown, August 2011
- Residential Intensification Report, Monteith Brown, August 2011
- September 13, 2004 Report to Planning Committee on application for 503 Crestwood Drive.
- November 28, 2005 Follow-up report to Planning Committee on 503 Crestwood Drive application
- October 30, 2006 Report to Planning Committee on 535 Crestwood Drive application
- October 29, 2007 Updated report to Planning Committee on 535 Crestwood Drive application
- All correspondence and documents in Files 39CD-11519 & OZ-7963

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Significant Department and Agency Comments

Development Approvals Unit – Development Planning:

Draft Condominium approval should include the following conditions to be completed prior to final approval of the condominium:

- (i) The site works are substantially complete and a final grading certificate has been accepted by the City;
- (ii) The fire route signs have been installed to the satisfaction of the City;
- (iii) A complete application for Site Plan Approval has been provided and a development agreement is entered into and registered on title; and
- (iv) The obligations of the development agreement have been substantially completed.

Transportation Planning:

Based on a report by the Planning Department in October 2006 regarding a similar zoning amendment for 535 Crestwood Drive, the severance that created 535 & 537 Crestwood Drive included a condition to create one mutual access for these properties. Therefore parts were registered on title to provide rights-of-way for access. The intent was to provide shared mutual access for any residential development on these lots. It is our understanding that shared access is in dispute between the two property owners and therefore two driveways exist side-by-side, separated by a curb, to provide separate access for each lot. We therefore request a holding provision be placed on the zoning until the issue of shared access is resolved between the property owners. *(Note: The current application does not include the adjacent property at 535 Crestwood Drive, which is not under the same ownership as the subject property. The issue of site access will be considered with the site plan/development agreement for this application and consideration can be given to a requirement for a future shared access if an application is submitted received for the adjacent property)*

London Hydro:

London Hydro has adequate distribution in place along Crestwood Drive for this development. The internal servicing of this development should present no foreseeable problems. The applicant will be responsible for the cost associated with the underground system expansion within the development. Transformation lead times are minimum 16 weeks. London Hydro recommends that their Engineering Department be contacted to confirm transformer requirements and availability. The applicant will be responsible for the cost associated with the relocation of any existing infrastructure as a result of this development. London Hydro will require a blanket easement over the entire property. London Hydro has no objection to this proposal to the Zoning or Official Plan amendment.

Ministry of Natural Resources:

The Ministry has concerns with a zoning change that would allow additional residential development directly adjacent to an active mineral aggregate operation licenced under the Aggregate Resources Act by Lafarge Canada Inc. (licence no. 13115). The licenced boundary abuts this parcel on the west side. It is assumed that the additional housing development would be located towards the west end of the property, which may be in closer proximity to the active licenced boundary than any other residential development along this stretch of Crestwood Drive (Note: 503 Crestwood Drive OZ-6333 is adjacent to a rehabilitated area).

The Provincial Policy Statement (2005) states:

2.5.2.4 Mineral aggregate operations shall be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact. Existing mineral aggregate operations shall be permitted to continue without the need for official plan amendment, rezoning or development permit under the Planning Act. When a licence for extraction or operation ceases to exist, policy 2.5.2.5 continues to apply.

2.5.2.5 In areas adjacent to or in known deposits of mineral aggregate resources, development and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:

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- a) *resource use would not be feasible; or*
- b) *the proposed land use or development serves a greater long-term public interest; and*
- c) *issues of public health, public safety and environmental impact are addressed.*

The City of London Official Plan also states in section 3.5.6. Lands in the vicinity of Byron Pits ii) "a minimum separation distance of 150 metres (492 ft.) between residential development and the maximum extent of extraction activity (this separation distance being measured from the limit of extraction, not the licenced area boundary) shall normally be required." Please clarify how this policy is being considered in the current application.

The Mineral Aggregate Resources Manual (2001) provides guidance to implement the protection of existing mineral aggregate operations. Allowing an incompatible land use adjacent to the active licence boundary would not protect the existing mineral aggregate operation. Any present mitigation measures for the pit have been developed to mitigate existing land uses. Additional residential development closer to the active extraction boundary will not necessarily be protected by these existing measures. MNR will not support a request for additional mitigation measures to the licenced operation as they may preclude or hinder operations.

In summary, MNR does not support any development application that decreases the separation distance between the existing residential development and the active licenced mineral aggregate extraction operation.

Ministry of Municipal Affairs:

In response to a request for comments on the noise, dust and vibration impact assessments on this application, MMAH advises that MOE and MNR no longer review noise and dust studies as part of the Municipal Plan Review Process. It is the expectation that MOE can provide some guidance and technical information relating to the Provincial minimum standards for noise and dust, and that MNR can provide guidance and technical information relating to existing operations in the Byron Pit area.

It is the expectation of MMAH that as the Approval Authority, it is the City's responsibility to review these studies and where in-house technical expertise is unavailable, to have noise and dust studies peer reviewed to ensure the intent of policy 3.5.6.ii) is being maintained and more importantly that any decision to deviate from the minimum required setback will result in no impacts on the future residential development.

Canada Post:

The subdivision will receive mail service to centralized mail facilities provided through our Community Mailbox program. The owner shall include in 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.

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 on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation with 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 showing specific Centralized Mail Facility locations.

Agenda Item #

Page #

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File: OZ-7963
Planner: T. Grawey

Appendix "A"

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

By-law No. C.P.-1284-_____

A by-law to amend the Official Plan for the City of London, 1989 relating to lands located at and adjacent to 537 Crestwood Drive.

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

1. Amendment No. (to be inserted by Clerk's Office) to the Official Plan for the City of London Planning Area – 1989, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. This by-law shall come into effect in accordance with subsection 17(38) of the *Planning Act, R.S.O. 1990, c.P.13*.

PASSED in Open Council on June 12, 2012.

Joe Fontana
Mayor

Catharine Saunders
City Clerk

First Reading – June 12, 2012
Second Reading – June 12, 2012
Third Reading – June 12, 2012

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Appendix "A"

AMENDMENT NO.

to the

OFFICIAL PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is:

1. To change the designation of certain lands described herein from "Urban Reserve Community Growth" to "Low Density Residential" on Schedule "A", Land Use, to the Official Plan for the City of London.

B. LOCATION OF THIS AMENDMENT

1. This Amendment applies to lands located at and adjacent to 537 Crestwood Drive, on the west side of Crestwood Drive and south of Commissioners Road, in the City of London.

C. BASIS OF THE AMENDMENT

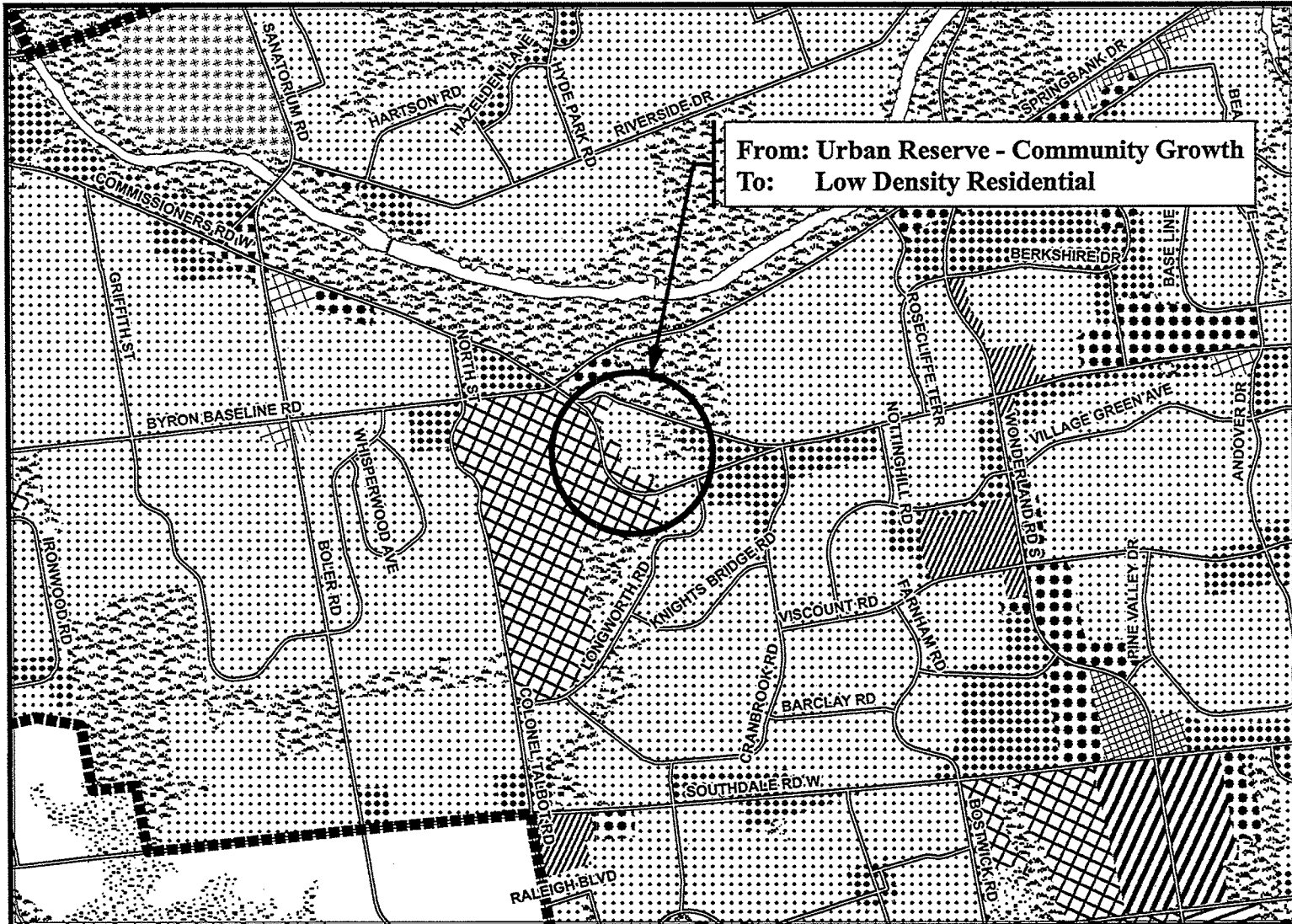
The lands in question are located to the east of the licensed aggregate operations known as the Byron Pit, and on lands that are currently in residential use. The current delineation between Urban Reserve Community Growth and Low Density Residential is not accurate and Low Density Residential is the appropriate designation, based on the existing residential use and long term land use plan for the area.

The land is of a sufficient size and appropriate configuration to accommodate low density residential uses and consideration has been given to the policies pertaining to lands in the vicinity of the Byron pits. A change in designation to Low Density Residential will establish a more accurate policy framework for the long-term land use and development pattern in this area.

D. THE AMENDMENT

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

1. Schedule "A", Land Use, to the Official Plan of the City of London Planning Area is amended by redesignating lands located at and adjacent to 537 Crestwood Drive in the City of London, as identified in "Schedule 1" attached hereto, from "Urban Reserve Community Growth" to "Low Density Residential".



**From: Urban Reserve - Community Growth
To: Low Density Residential**

Legend

- Downtown Area
- 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
- 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

This is an excerpt from the Planning Division's working consolidation of Schedule A to the City of London Official Plan, with added notations.

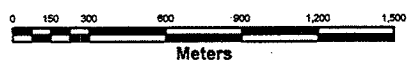
**SCHEDULE 1
TO
OFFICIAL PLAN**

AMENDMENT NO. _____

PREPARED BY: Graphics and Information Services



Scale 1:30,000



FILE NUMBER: OZ-7963

PLANNER: TG

TECHNICIAN: DT

DATE: May 11, 2012

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Appendix "B"

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

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 537 Crestwood Drive.

WHEREAS Star Homes Limited has applied to rezone an area of land located at 537 Crestwood Drive, as shown on the map attached to this by-law, as set out below;

AND WHEREAS upon approval of Official Plan Amendment Number __, this rezoning will conform 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 537 Crestwood Drive, as shown on the attached map comprising part of Key Map No. 127, from a Residential R1 (R1-9) Zone and an Urban Reserve (UR1) Zone, to a Holding Residential R6 Special Provision (h-__h-__R6-2()) Zone.

1) Section Number 3.8 of By-law No. Z-1 is amended by adding the following holding provisions:

2) xx) h-__ *Purpose:* To ensure there will be no conflicts between the existing aggregate resource extraction use and the proposed residential uses, the h-__ shall not be deleted until a geotechnical report is prepared which confirms the Erosion Hazard Limit and addresses potential erosion hazards based on the proposed development, layout and site grading, to the satisfaction of the City of London,

Permitted Interim Uses: Existing Uses

xx) h-__ *Purpose:* To ensure there will be no conflicts between existing aggregate resource extraction use and the proposed residential uses, the h-__ shall not be deleted until a noise impact assessment is prepared which confirms that noise levels at 537 Crestwood Drive are within MOE guidelines, to the satisfaction of the City of London.

Permitted Interim Uses: Existing Uses

2) Section Number 10.4 of the Residential R6 Zone to By-law No. Z.-1 is amended by adding the following Special Provision:

b) R6-2 Zone Variation

_) R6-2()

a) Regulations:

- i) Lot Frontage (Minimum) 10.0 metres
- ii) East Interior Side Yard (Minimum) 1.2 metres

Agenda Item # Page #

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File: OZ-7963/39CD-11519
Planner: T. Grawey

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

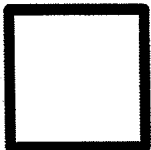
This By-law shall come into force and be deemed to come into force in accordance with subsection 34(21) of the Planning Act, R.S.O. 1990, c. P.13, either upon the date of the passage of this by-law or as otherwise provided by the said subsection.

PASSED in Open Council on June 12, 2012.

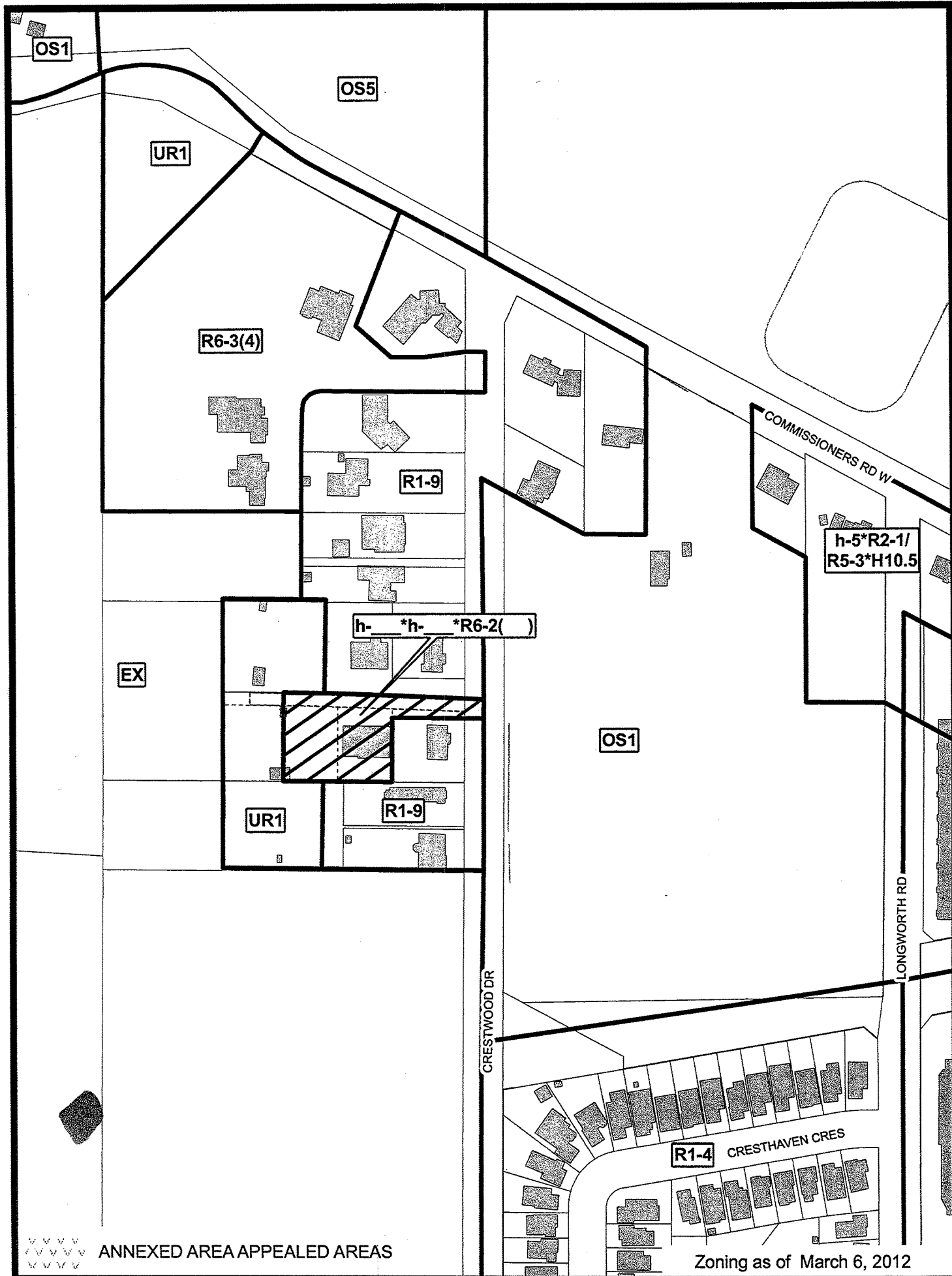
Joe Fontana
Mayor

Catharine Saunders
City Clerk

First Reading - June 12, 2012
Second Reading - June 12, 2012
Third Reading - June 12, 2012



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



File Number: OZ-7963
 Planner: TG
 Date Prepared: May 11, 2012
 Technician: DT
 By-Law No: Z.-1-

SUBJECT SITE 

1:2,500

0 12.525 50 75 100 Meters

