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

TO:	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE
FROM:	GEORGE KOTSIFAS DIRECTOR OF BUILDING CONTROLS AND CHIEF BUILDING OFFICIAL
SUBJECT:	APPLICATION BY: KENMORE HOMES (LONDON) INC. 255 SOUTH CARRIAGE ROAD & 1331 HYDE PARK ROAD PUBLIC PARTICIPATION MEETING ON MAY 28, 2012

RECOMMENDATION

That the following information report relating to the April 10, 2012 Council referral of the application of Kenmore Homes (London) Inc. relating to the properties located at 255 South Carriage Road and 1331 Hyde Park Road **BE RECEIVED**.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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April 2000 - Hyde Park Community Plan and Urban Design Guidelines

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

March 2006 - B30/06 - Consent Application

January 2011 – Report to Built and Natural Environment Committee relating to the Subdivision, Official Plan amendment and Zoning By-law amendment applications by Kenmore Homes (London) Inc.

September 2011 – Info Report to the Built and Natural Environment Committee on Status of the application

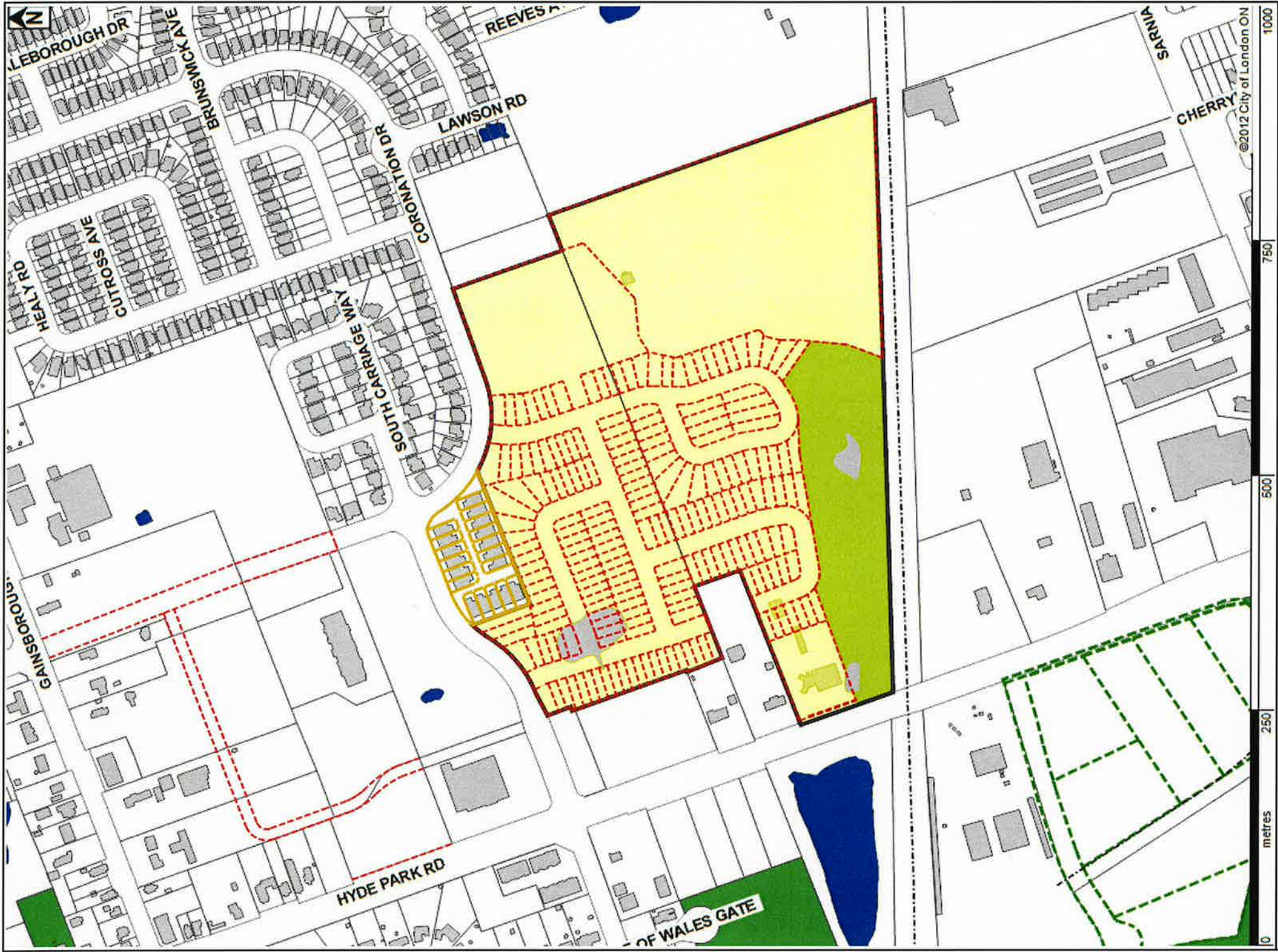
March 26, 2012 - Report to Built and Natural Environment Committee relating to the revised Subdivision, Official Plan amendment and Zoning By-law amendment applications by Kenmore Homes (London) Inc.(see attached)

BACKGROUND


On April 10, 2012 Municipal Council referred back the applications of Kenmore Homes (London) Inc., at the request of the applicant, so that staff could have further consultation with the applicant and neighbourhood to address issues relating to the proposed commercial block development setbacks, lots sizes, and timing for the adjacent park completion. Attached as Appendix B are two letters from the applicant outlining their issues.

Commercial Block

On April 25th 2012 staff met with the Ric Knutson and Phil Morrissey representing Kenmore Homes and Nicole Beauteau, President of the Hyde Park Community Association. The results of this meeting are addressed in the Planning staff report relating to the land use analysis for the proposed commercial block at 1331 Hyde Park Rd.



LEGEND

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

LOCATION MAP

Subject Site: Kenmore - Draft Plan of Subdivision
 Applicant: Kenmore Homes (London) Inc.
 File Number: 39T-08502
 Planner: Allister MacLean
 Created By: Allister MacLean
 Date: 2012-05-16
 Scale: 1:5000

0 250 500 750 1000 metres
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Lots for Public Access

In both the April 16th and April 24th letters, Mr. Ric Knutson expressed concern regarding the City's ability to acquire lots for access purposes. In particular, the applicant has advised that it is their opinion that the City is attempting to act beyond its capabilities under the Planning Act.

The Approval Authority has the authority under Section 51(25) of the Act to:

"impose such conditions to the approval of a plan of subdivision as in the opinion of the approval authority are reasonable, having regard to the nature of the development proposed for the subdivision ..."

It is not uncommon for the Approval Authority to impose a condition relating to the requirement to provide access to adjacent lands. As noted in previous reports on this application, it is still staff's contention that these blocks are necessary to provide an option for future access to abutting lands. It is also noted that access for 1369 Hyde Park Road and Block 203(within this draft plan) through these blocks will need to be reviewed in greater detail when these lands come forward for development to ensure that there are no adverse impacts on the subject lands (which are to be development for single detached dwellings). Should Block 203 be redesignated for commercial uses or be rezoned in the future for non-residential uses (ie offices) then the City would return the access blocks to the applicant.

South Carriage Road Cost Sharing

As noted in the January 31st, 2011 and the March 26th, 2012 staff reports, the landowner/developer to the north, Sydenham Investments, was required to construct South Carriage Road at the time the lands to the north were developed. Sydenham Investments requested that a one (1) foot reserve be placed along the northern limit of this draft plan (where it abuts South Carriage Road) to restrict access to the collector road. This one (1) foot reserve would be lifted when Kenmore Homes has paid its share of the costs of land and construction of South Carriage Road. Sydenham Investments also requested that a holding provision be applied to these lands to prohibit development until such time as the one (1) foot reserve has been lifted.

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

In his April 16th letter, Mr. Knutson requested that staff provide his client with the basis by which the City believes that Kenmore Homes is responsible for the cost sharing for this portion of South Carriage Rd. It is their position that Kenmore Homes should have been in a position to be able to discover this matter prior to purchasing the site.

The request for cost recovery of this portion of South Carriage Road came from Mr. Barry Card, on behalf of Sydenham Investments as a result of the liaison to the original subdivision application. This request for cost recovery has been noted in all staff reports since January 2011.

Staff are of the opinion that the City should not be involved in "best efforts" agreements where two property owners benefit from a roadway serving two property owners. As noted above, the

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Planning Act allows the Approval Authority to impose conditions to the approval of a plan of subdivision which in the opinion of the Approval Authority are reasonable, having regard to the nature of the development proposed for the subdivision. It is staffs position that the proposed condition of draft approval is a fair and reasonable condition to be applied in this situation.

Overland Flow Route (Lots 56 and 91)

During our review of the latest subdivision design an issue was raised regarding the ability to be able to accommodate overland flows to the SWM facility and to provide for the pathway which runs along the northern boundary of the Stormwater Management (SWM) block.

The original design included a window street at this location (across the full frontage of the SWM block) and the revised design eliminated a portion of the window street. This change will impact the overland flow routes, the outlet to the SWM pond and the pathway location. In discussions with the applicant's agent and his consulting engineer, it was concluded that the most appropriate way to maintain overland flows and to eliminate any impact to the outlet was to remove lots 52 and 97. The removal of lots 52 and 97 also provides sufficient room to address the location of the multi-use pathway. Based on the above, staff recommended in their March 26th report a redline amendment to remove lots 52 and 97.

In his letter of April 16th , Mr. Knutson acknowledges the necessity to allow for overland flows and the pathway but has requested that the condition be amended to indicate that all or a portion of these lots be dedicated to the City for this purpose in the event not all of the lot area is required. If during the design studies process it is determined only a portion of the lots are needed to accommodate overland flows and the pathway, the plan would be amended at final approval to adjust the adjacent lot widths in this area. Staff have reviewed this request and recommend the following changes to the condition as proposed on March 26th :

In conjunction with Design Studies, the Owner's consulting engineering shall confirm the land area required to accommodate the overland flow route and the pathway adjacent to SWM facility 1B1. Based on this review, the Owner shall dedicate transfer all or a portion of lots 52 and 97 to the City at no cost to the City as an enlargement of the stormwater management pond to accommodate overland flows and to facilitate the construction of a pathway.

Setbacks

Two residents of the condominium development at 1144 Coronation Drive requested additional information on the proposed setbacks to this development. The first issues arose with respect to the proposed lots which front South Carriage Rd. The area resident was concerned that their new view to the west would be a large two storey home in close proximity to their fence line at the west limit of the condo development. Staff requested Mr. Knutson, to look into the design of the lots in this area. Mr Knutson advised that unfortunately due to the amount of land between the condo development and the fixed local street which intersects with South Carriage Rd there is limited opportunity for a redesign of the lots in this area. Staff advised the area resident of the applicants comments. It was also noted that this issue can arise in any single detached neighbourhood where there are corner lots.

Another resident of the condominium development wanted to know what the setback would be between the house at 1-1144 Coronation Drive and the development immediately to the south. Based on the proposed zoning (R1-3(8)) the setback would be a minimum of 6 metres from the fence line for the condo. Staff advised the resident that this is the minimum setback and that the design of the house could increase the setback to greater than 6 metres.

Lot Sizes

As noted in previous reports relating to this application, staff have met with a number of the area residents to discuss the issue of lots sizes in this plan. In particular, the issue that was

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discussed related to the northern limit of this draft plan where it abuts Coronation Drive and the existing condo development abutting South Carriage Rd (1144 Coronation Drive - MCC 611).

**Area of Concern
(Lots 116-132 and Lots 141-149)**

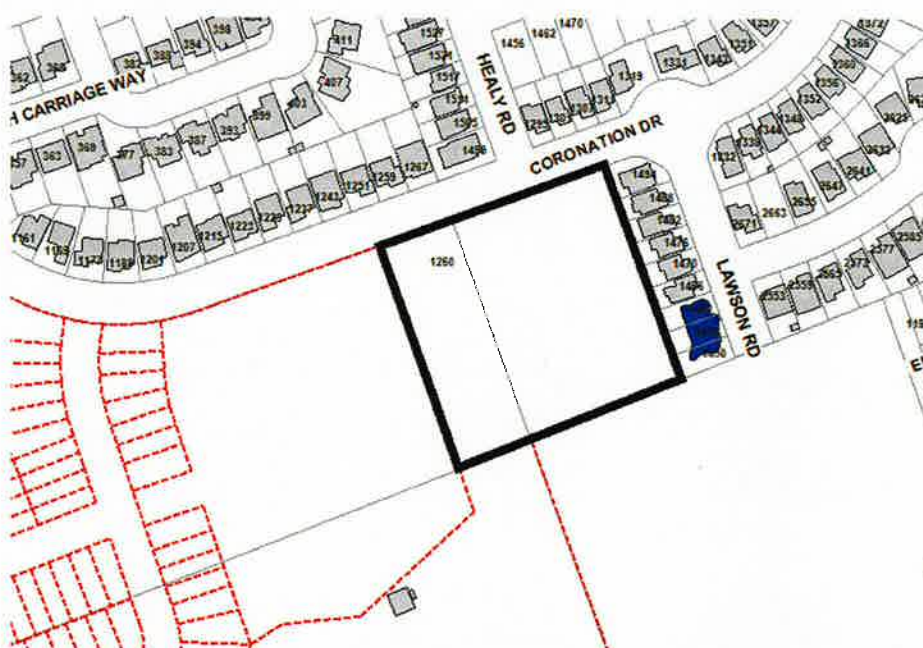


The applicant has repeatedly advised that they do not support adjusting the lot sizes in this area (see comments in attached report). Development Services staff support the applicant's position. The new design and lot configuration provides for a reasonable range of lot sizes which will be compatible with surrounding development. Further, staff have no information to support the notion that varying lot sizes and housing types have a negative impact on adjacent property values.

**Future Park
(Immediately adjacent to this subdivision)**

A number of area residents raised concerns as to when active parkland would be available in this area (immediately to the east of the subject lands). Parks Planning and Design staff have advised that there is still some outstanding work (clearing, grading and seeding) which needs to be completed by the developer before the City can begin construction of the park. The City is actively negotiating with the Owner of these adjacent lands to have this work completed in order to allow the City to construct the park this fall.

Location of Park



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PROCESSING OPTIONS

If the Planning and Environment Committee is in agreement with Administrations March 26th recommendations (with minor adjustments to the condition relating to lots 52 and 97 noted above), the Committee can adopt the following actions recommended by staff in their March 26th, 2012 report without further public notice:

- (a) The Planning and Environment Committee be requested on behalf of the Approval Authority to **CONDUCT** a public meeting and to **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the application for draft plan of subdivision of Kenmore Homes (London) Inc. relating to the properties located at 255 South Carriage Road and 1331 Hyde Park Road;
- (b) Council **SUPPORTS** the Approval Authority refusing to issue draft approval to the proposed plan of residential subdivision (submitted in 2010), as submitted by Kenmore Homes (London) Inc. (File No. 39T-08502) prepared by Archibald, Gray & McKay Ltd, certified by Bruce Baker, OLS (Drawing No. 9-L-3380, dated May 26, 2010), which shows 199 single detached lots, one (1) school block, one (1) open space block, one (1) commercial block and various reserve blocks served by one (1) collector road and six (6) new local streets;
- (c) Council **SUPPORTS** the Approval Authority issuing draft approval to the proposed revised plan of residential subdivision (submitted in 2011), as submitted by Kenmore Homes (London) Inc. (File No. 39T-08502 prepared by Archibald, Gray & McKay Ltd, certified by Bruce Baker, OLS (Drawing No. 9-L-3755, dated December 1, 2011), **as redline revised** which shows 193 single detached lots, one (1) school block, one (1) open space block, one (1) multi-family residential block; two (2) future access blocks, one (1) pathway block and various reserve blocks served by one (1) collector road and five (5) new local streets, **SUBJECT TO** the conditions contained in the attached Appendix "39T-08502";
- (d) the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on February 7, 2011 to amend Zoning By-law No. Z.-1 (in conformity with the Official Plan) to change the zoning of the subject property **FROM** a Holding Urban Reserve (h-2 UR3) Zone; an Urban Reserve (UR3) Zone, an Open Space (OS5) Zone; a Compound Holding Residential R2/R4 (h-R2-1/R4-6) Zone, a Compound Holding Residential R5/R6/R7/R8 (h-R5-7/R6-4/R7-D75-H13/R8-4) Zone and a Compound Holding Neighbourhood Facility/Residential R5/R6/R7/R8 (h-NF/R5-7/R6-4/R7-D75-H13/R8-4) Zone **TO**:
- a Holding Residential R1 Special Provision (h- h-100-R1-3(4)) Zone to permit single detached lots with a minimum lot frontage of 10 metres; a minimum lot area of 300m²; a minimum setback of 3 metres from the main building to a local street and 4.5 metres from the main building to a collector street;
 - a Holding Residential R1 Special Provision (h- h-100-R1-3(8)) Zone to permit single detached lots with a minimum lot frontage of 11 metres; a minimum lot area of 300m² and a minimum setback of 3 metres from the main building to a local or secondary collector street;
 - a Holding Residential R1 Special Provision (h- h-100-R1-13(6)) Zone to permit single detached lots with a minimum lot frontage of 9 metres; a minimum lot area of 270m²; and a minimum setback of 3 metres from the main building to a local street;
 - and a Holding Residential R1 Special Provision /Neighbourhood Facility (h- h-100- R1-3(4)/NF) Zone to permit single detached dwellings and neighbourhood facility uses such as schools;

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- a Holding Urban Reserve Special Provision (h-108-UR3 ()) Zone to permit existing uses with no buildings or structures;
 - an Open Space (OS4) to delineate the SWM facility lands; and
 - an Open Space (OS5) Zone to delineate the easterly development limit adjacent to the woodlot.
- (e) the request to amend the Official Plan to change the designation of westerly portion of the subject property **FROM** Multi Family Medium Density Residential which permits various forms of medium density residential uses **TO** Mainstreet Commercial Corridor (former known as Business District Commercial) to permit various forms of commercial uses **BE REFUSED** for the following reasons:
- This proposed land use is not consistent with the Mainstreet Commercial Corridor policies as this would not form part of a continuous pedestrian oriented commercial block;
 - The existing medium density residential designation at this location is more appropriate and consistent with the designations immediately to the north and along the west side of Hyde Park Road and the principles established in the Hyde Park Area Plan;
 - Medium density residential development at this location would assist in supporting the existing and proposed commercial developments within the existing Business District area along the east side of Hyde Park Road north of the subject lands; and,
 - The requested land use designation change would not represent good land use planning.
- (f) the request to amend Zoning By-law No. Z.-1 to change the zoning of a portion of the subject property **FROM** an Urban Reserve (UR3) Zone **TO** a Holding Business District Commercial Special Provision (h- BDC2(4)) Zone to permit uses such as assembly halls; churches; community centres; funeral homes; institutions; schools; bake shops; clinics; commercial recreation establishments; commercial parking structures and/or lots; converted dwellings; day care centres; dry cleaning and laundry depots; duplicating shops; emergency care establishments; existing dwellings; financial institutions; grocery stores; laboratories; laundromats; libraries; medical/dental offices and offices; **BE REFUSED** for the following reasons:
- The applicant's request to change the Official Plan designation from Multi-Family Medium Density Residential to Mainstreet Commercial Corridor (formerly known as Business District Commercial) is not supported (as noted in clause e));
 - The existing Multi-Family Medium Density Residential designation does not support Business District commercial uses;
 - It is inappropriate to consider a rezoning of this nature without the necessary amendments to the Official Plan; and
 - The requested zone change would not represent good land use planning.


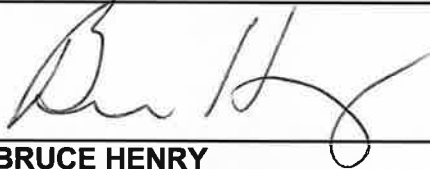
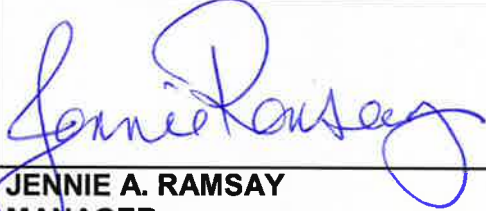

CONCLUSION

The revised redlined draft plan, as presented at the March 26th Planning and Environment

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Committee, along with the attached conditions of draft approval are appropriate and represent sound land use planning.

RECOMMENDED BY:	REVIEWED BY:
	
ALLISTER MACLEAN SENIOR PLANNER DEVELOPMENT SERVICES	BRUCE HENRY MANAGER, 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 DEVELOPMENT AND COMPLIANCE DIVISION

May 16, 2012
AM/am
"Attach."

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APPENDIX "A"

**KNUTSON DEVELOPMENT
CONSULTANTS INC**

1918 Ironwood Road
London, ON, N6K 5C9
Ph: 519-657-4800
Fax: 519-657-2245
Email: ricknutson1@me.com

April 16, 2012

Project No: Ken-10

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

Attention: Allister MacLean, Senior Planner, DABU

Re: Follow up to our meeting regarding matters in dispute for 39T-08502 (combined Bierens and Perparos) draft plan of subdivision.

VIA EMAIL

Dear Mr. MacLean;

Further to our meeting of April 3, 2012 the following will attempt to summarize our concern with 3 of the conditions offered for the approval of the above captioned. I will also be proposing a variation on deleting lots 91 and 56.

This letter will be consistent with the numerous meetings held between yourself and I to discuss these important aspects of the subdivision.

Condition 1.

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

My concern with condition 1 rests with the "access blocks" and is raised for completeness.

Condition 30.

"The Owner shall provide access for lands adjacent to the west boundary of this plan through Lots 20-21 and Lots 45-46 in this plan, to the satisfaction of the City Engineer, at no cost to the City. In conjunction with the Design Studies submission, the Owner shall identify how those adjacent lands can be served through the internal road network to prevent the creation of accesses onto Hyde Park Road for the adjacent lands and specify which Lot is needed, all to the satisfaction of the City Engineer."

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

In addition to condition 30 we also strenuously object to the proposed red line amendment to remove four lots in favor of access blocks for lands of others currently fronting onto and having access to Hyde Park Rd.

We understand the city's rationale is based on the existing designation of the lands fronting Hyde Park Rd. as Multi-family Medium Density Residential. The city proposal, as we understand it, is that upon redevelopment of these lands they would be turned inwardly toward the subdivision for all access and egress and that their current access to a public street (Hyde Park Rd.) would be eliminated.

The 3 properties in question fronting the east side of Hyde Park Rd. are one block contained within this draft plan of subdivision. The total size of this parcel is .69 ha. The next parcel to the north is currently in a commercial use and has been so historically. The next property North is currently in residential use. The total area of the 3 affected properties is slightly in excess of 1.5 ha. all being or similar size.

As you will recall there has been substantial discussion about the future commercial nature of these 3 parcels. That matter has again been referred back to staff for further review. Setting that aside for the moment, the Multi-family Medium Density Residential designation does provide for commercial opportunities for these 3 parcels to redevelop independently. These commercial type uses include small-scale offices and convenience commercial establishments. Surely the city is not proposing that any medical dental office will have all of its traffic routed through our subdivision as opposed to maintaining its current access to Hyde Park Rd. With visibility from Hyde Park Rd., and a circuitous route through the subdivision any of these uses would be destined to fail.

It should be noted that the planning staff in their report relative to the commercial use of lands fronting onto Hyde Park Rd., proposed residential layout that would require the amalgamation of all three parcels. That being the case no access would be required from Kenmore since the middle parcel has sufficient depth to directly access the internal subdivision street.

We believe the city is attempting to act beyond its capabilities under The Planning Act. This condition would have the city acting as a trustee or real estate broker for lands to be taken from one landowner and provided to other private interests. There is no public use proposed for the lots contented to be removed from the subdivision but rather private access driveways etc.

I have reviewed this matter with Kenmore and their solicitors and we do not agree with this condition and it should be deleted and any other reference to these access blocks be deleted.

Condition 39

"Prior to Final Approval of any phase, the Owner shall demonstrate to the Approval Authority's satisfaction that the Owner has compensated Sydenham Investments Inc. in the amount of \$111,987.28 which represents one half of the costs of the land and construction of South Carriage Road adjacent to lots 1, 158-161 inclusive and Street "C" adjacent to in this subdivision."

There's been a great deal of discussion between us related to condition 39. My client disavows a contractual obligation to Sydenham Investments Inc. We have requested from you the basis by which the city believes Kenmore ought to be responsible for this.

We have consistently taken the position that Kenmore ought to have been able to discover this matter as was the case for cost-sharing on a portion of Coronation Drive. In that instance as a condition of consent to sever the commercial frontage (to the benefit of John Perparos) which would allow Kenmore to close on the remaining residential lands, Kenmore executed a consent agreement requiring it to pay one half the cost of a portion of Coronation Drive affected by the lands to be severed. Notwithstanding litigation that took place pursuant to that agreement Kenmore was in full knowledge of its obligation. Litigation had to do with the dispute over quantum of the costs associated with the partial road.

In this case, and adjacent the same parcel of land, the city have been unable to identify the basis by which Kenmore is required to pay Sydenham. In the case of Coronation Drive that obligation was very clear apparent and discoverable. There was litigation under the consent agreement related to cost sharing for roads. My client is unaware of any contractual or other obligations it would have to Sydenham Investments. If the city can provide documentation to demonstrate a clear basis under which Kenmore is obligated we will be pleased to have further discussion. Since such documentation has not been provided, notwithstanding multiple requests, we conclude that such does not exist. As a result of that we respectfully request condition 39 be removed.

Lots 56 and 91 – SWM flows

As has been discussed and reviewed by the city and our engineers the redesign of the subdivision had an impact on the proposed major flow routes for storm water management. As a result of that review a simple solution appeared to be the removal of lots 56 and 91 and deeding them to the city as part of the land base for the pond.

While we concede that may be the ultimate solution we are respectfully requesting that these lots stay within the draft plan until such time as alternatives for these major flow roots have been examined. If at that time it is determined that there is no alternative they would be excluded from any phase or plan registered where these proposed lots exist.

We therefore do not object to a condition specifically identifying lots 56 and 91 as being potentially deeded to the city without compensation from the developer to accommodate the interrupted flow routes upon registration of the plan that would include these.

In conclusion we are thankful for the tremendous effort particularly by you over the years the subdivision has been under review. At the end there are only 2 matters a significant contention.

I have not included my comments related to the commercial policy review and will do so separately.

As always thank you for your capable assistance and we look forward bringing this matter to conclusion at the earliest possible date.

Yours very truly,
Knutson Development Consultants Inc.



Ric Knutson

cc. (via email)

Jim Kaufman: jim.kenmore@bellnet.ca
Bud Polhill: bpolhill@london.ca
Scott Gallagher: sgallagher-law@uniserve.com
Phil Morrissey: philip@pbmorrisey.ca

**KNUTSON DEVELOPMENT
CONSULTANTS INC**

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April 24, 2012

Project No: KEN-10
Bierens / Perparos

Corporation of the city of London
300 Different Ave.
London, Ontario
N6A 4L9

Attention: Bud Polhill, Chairman Planning and Environment Committee

**Re: Response to Hyde Park Rd. Commercial Review
VIA EMAIL TO REBECCA RUDDY**

Dear Mr. Polhill;

Subsequent to the Planning and Environment Committee meeting of March 26, 2012 where the city Planning staff presented their report on the above captioned, the following is my response on behalf of Kenmore Homes (London) Ltd.

BACKGROUND

As you'll recall the Built and Natural Environment Committee last August/September Council directed staff to review the 3 properties on the east side of Hyde Park Rd. with a view to them being commercial. Kenmore's interest is with 1331 Hyde Park Road; there are two other properties to the north of my client's lands at 1331. An additional part of that review was to include all vacant parcels along Hyde Park from the intersection of Gainsborough Road through to the CPR tracks.

The issue from my client's perspective is related to the current Multifamily Medium Density Residential designation and the staff proposal to remove four (4) lots from the proposed draft plan to allow properties of others to ultimately access into the subdivision. These lots are proposed to be conveyed to the city who would then hold them in trust to sell them to others for their driveways onto the internal road system and close off their frontage onto Hyde Park Road

The 3 properties on the east side of Hyde Park Rd. total slightly in excess of 1.5 hectares. The lands controlled by my client at the site of the former Hyde Park Gardens are .69 ha (the staff reports this as 14.4 ha.). On a significant portion of the lands previously occupied by Hyde Park Gardens, the city has constructed a storm water management facility (1B1). As a result of a loss of significant land base for the pond, the commercial garden center has closed. The draft plan of subdivision application also includes an application to amend the Official Plan for this parcel to be commercial. Admittedly that application has had a number of changes and revisions to it in part related to the 2008

comprehensive Official Plan review process which concluded after the draft plan application was submitted. The most appropriate designation would be a continuation of the "Mainstreet Commercial" with a special provision for auto repair for Fanshawe Motors.

The property immediately to the north is currently occupied by Fanshawe Motors. The owner of those lands has participated in the process and has identified his future intent to redevelop the property for commercial purposes including vehicle repair. The current zoning would not allow any expansion and any proposed redevelopment for commercial purposes would not conform to the existing Official Plan. His use is, however, protected as a legal nonconforming use pursuant to section 34 (9) of the Planning Act. That provision permits the continuation of the business in the state and location it currently is. Typically a nonconforming use signifies Council's ultimate intent that the use ceases to exist in the long-term.

The next property to the North is currently in residential use. We understand that the owner of those lands is sympathetic and supportive of them coming into a commercial designation.

Lands immediately north of these 3 parcels have been designated as Mainstreet Commercial in the new Official Plan. The northerly limit of this extends beyond Gainsborough Road.

On the west side of Hyde Park Rd. are 3 other parcels that are currently vacant and for completeness were included in the analysis. We note from the staff report that these four vacant parcels have been identified as subject to city tax sale. We understand that these are now in the City's ownership

The next section of this report will comment on the individual and subheadings within the staff report. My response is primarily directed at the conclusions as summarized in the section "**Is a Change to Commercial Appropriate**":

Historic Use.

The staff report characterizes these parcels as being remnant rural parcels. Agricultural use of the rear of the Bierens property (the subject lands) ceased approximately 5 years ago. Prior to that the land was leased and cash crop. The front portion, also leased, has been in use as Hyde Park Gardens for many many years. As noted previously one of the consequences of pond 1B1 was to severely limit the land area associated with former Hyde Park Gardens. While Hyde Park Gardens may have started as an accessory agricultural use its function was urban and commercial since annexation.

Fanshawe motors has also been in existence for a number of years.

The character of the frontage of the lands between the existing commercial designation and part 1 B1 is not rural. The historic use of the lands being commercial ought to be recognized formally for a number of reasons not the least of which is their history.

The change for lands just north of 1369 Hyde Park Rd. leaving 3 properties not commercial

The Hyde Park community plan was prepared in 2000 and it proposed to terminate the

commercial designation at S. Carriage Way. Subsequent to that, and for whatever reasons, the Perparos lands were designated commercial. The result of that was to leave 3 orphan properties in question.

Of note throughout the city Multifamily Medium Density Residential designations are located adjacent to arterial roads as a buffer for the lower intensity low-density residential behind. What is normally the case in those situations is that the multifamily medium density plans have direct access onto a secondary collector so they are not routed through the low-density lands. In this case the Secondary Collector access has been eliminated

The re-designation of the Perparos lands illuminated this important connection from multifamily medium density lands to the secondary collector. We are not aware of other circumstances in London where medium density uses are routed through low-density subdivisions.

The 3 parcels in question are proposed to be routed through the low-density lands. This is quite contrary to normal practice and presents a land-use conflict all on its own. Each of the 3 parcels in question currently have frontage on Hyde Park Rd. Should they ever be developed for residential purposes accesses could be combined thereby minimizing traffic conflict with the adjacent subdivision.

Limited capability of these lands for residential uses a custom size and shape

Staff, on page 7 of their report, has concluded that a development form similar to what has already occurred in the area could be accomplished if these 3 properties were combined. My reference to these 3 properties is related to the East side of Hyde Park Rd. The development form overlain on these 3 properties has failed in each location within the Hyde Park planning area.

1630-1672 Bayswater Crescent; this project commenced in May of 2004 has yet to be completed.

1571 Coronation Dr.; this project of 39 units was commenced in July of 2005, 24 units have yet to be completed.

116 South Carriage Rd.; this project commenced in May of 2005 there are currently many vacancies and this project has been in receivership at least once during the past 7 years.

Since being back in London since 1984 the author has been directly involved in hundreds of development properties. My involvement has included not only the planning and also the execution of many of these projects. One aspect prior to commencing any project is to review its feasibility. I can assure you that the assembly of the 3 parcels on the east side of Hyde Park Rd. (3+ /minus acres) would not be considered economically viable. Also the location of this small parcel adjacent to an arterial road and a mainline railway does nothing to enhance its value for the development form proposed.

Widening of Hyde Park Rd. in 2014

The previous report, September 2011, identified the proposed widening in 2015 as a contributing factor. High-density uses are often times located adjacent to high-traffic generators such as arterial roads. That type of building itself mitigates the negative impacts of noise associated with arterials and even railways.

Similar parcels north of S. Carriage Way have been unsuccessful as residential

Staff speculated in their March 2012 report that servicing issues were the delay in these failed projects. Neither subdivision nor site plan approval would be granted without a commitment for servicing. Many projects in Hyde Park were delayed and site plans and subdivisions not processed until servicing issues have been rectified. In the case of the Bierens subdivision for example pond 1B1 is necessary for storm water management. There were other lands within the same catchment area that had projects delayed until the pond was built (Gainsborough Properties Inc.). Also there was a temporary freeze on development related to the expansion of the Oxford Street pollution control plant. That plant was significantly expanded a number of years ago.

The project at Hyde Park and South Carriage Way has had a number of owners and receivers over the years. The projected 1571 coronation (Coronation and Gainsborough) had financial difficulties and ultimately ended up in receivership. The project on Bayswater Crescent is still not complete although it started about 7 years ago. For any developer these 3 projects would be sufficient evidence to not propose this form of development.

Four lots proposed to be taken from Kenmore by City is beyond the City authority to create a new access for lands of others that currently have frontage on a municipal street.

We have repeatedly asked for the authority by which the city believes they can take lots from Kenmore and sell them for private purposes. The response has been "because we've done it before". We are not aware of any authority such as the Expropriation Act, the Planning Act, or the Municipal Act that would give the city the right it is proposing to take in this instance.

These four lots had a retail value to Kenmore of approximately \$280,000. Moreover, if these lots were held by the city until residential development was proposed it is not unreasonable to assume that a decade or more could pass. Since major builders such as Kenmore rely heavily on marketing and building in specific areas their activities in the subdivision would have ceased years ago. Setting aside the inadvisability of the Hyde Park frontage becoming residential, if the city continues to believe in those merits, as opposed to commercial, then they can make an offer to purchase these four lots at the above-mentioned figure. As you can tell by the values this is a very serious issue in Kenmore's eyes.

SUMMARY

The total area on the east side of Hyde Park Rd. under debate is approximately 3 acres in total size. Each individual parcel has virtually no capability to develop for the use intended currently in the Official Plan. Even if assembled these 3 parcels although

physically possible of being developed for residential uses, would never be able to be economically feasible with property acquisition and the value of existing buildings that would require demolition.

The Multifamily Medium Density Residential designation in the Official Plan also permits a variety of non-residential uses such as small-scale offices, convenience commercial, nursing homes, rest homes, emergency care facilities etc. These types of uses have more feasibility on these lots but have absolutely no need for any access directly to the subdivision relying instead on their arterial road access.

The norm for Multifamily Medium Density Residential adjacent to arterial road is for them to have direct access to a secondary collector road. In this case staff are proposing that the more intense land-use go all away through the less intense land-use. This is a land-use conflict, and does not represent good land use planning.

The development concept relied upon by staff to justify the feasibility of developing these 3 lots for residential purposes has failed on 3 different sites all within the Hyde Park neighbourhood.

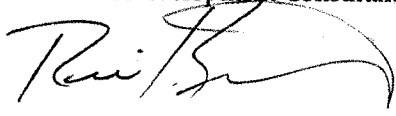
The city lacks the authority to take lots, hold them in trust to sell to other private interests all the while proposing to close off the access these private lands have onto and existing municipal street. If the City is truly truly serious about the acquisition of these four lots Kenmore would be pleased to receive an offer to purchase them from the city.

Staff in their review of the Hyde Park Design Guidelines identified the pedestrian linkages that are important to the evolution of the community. The pond immediately south of the three subject parcels has a pedestrian linkage through to the woodlot and then out to Coronation Drive at the City Park. With the development of these lands and lands to the north a continuous sidewalk would ultimately exist.

This project has languished now for number of years initially related to a number of designs of the storm water management ponds, and now related to the commercial use issue. The initial acquisition and commencement of processes at the city started in 2005. 7 years later there is a storm water management pond, there is agreement on a road pattern and lot layout, but there is no agreement about the Hyde Park frontage. Kenmore has an outstanding application to amend the Official Plan along the Hyde Park frontage to a commercial designation. This application, with direction from Council, can be expanded to include 2 properties to the north and recirculated. We are seeking to have Council finally grant the draft approval and direct that Official Plan amendment with respect to the commercial.

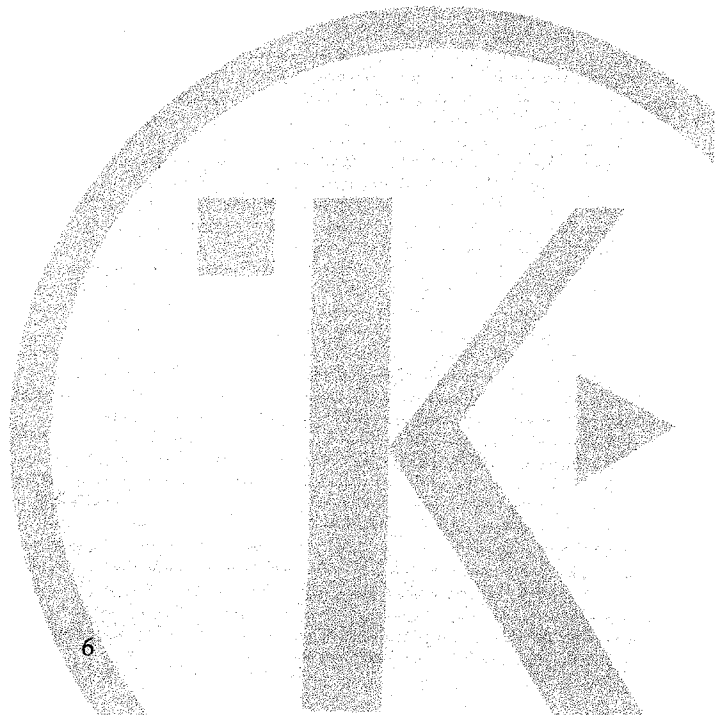
We look forward to appearing before you at the next available committee meeting to finalize this.

Yours very truly,
Knutson Development Consultants Inc.



Ric Knutson

Cemail: client
Phil Morrissey
DABU: Allister MacLean
City Planning: John Fleming, Charles Parker



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APPENDIX "B"

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

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

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

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

AND WHEREAS this rezoning conforms to the Official Plan;

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

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

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

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

PASSED in Open Council on June 12, 2012.

Joe Fontana
Mayor

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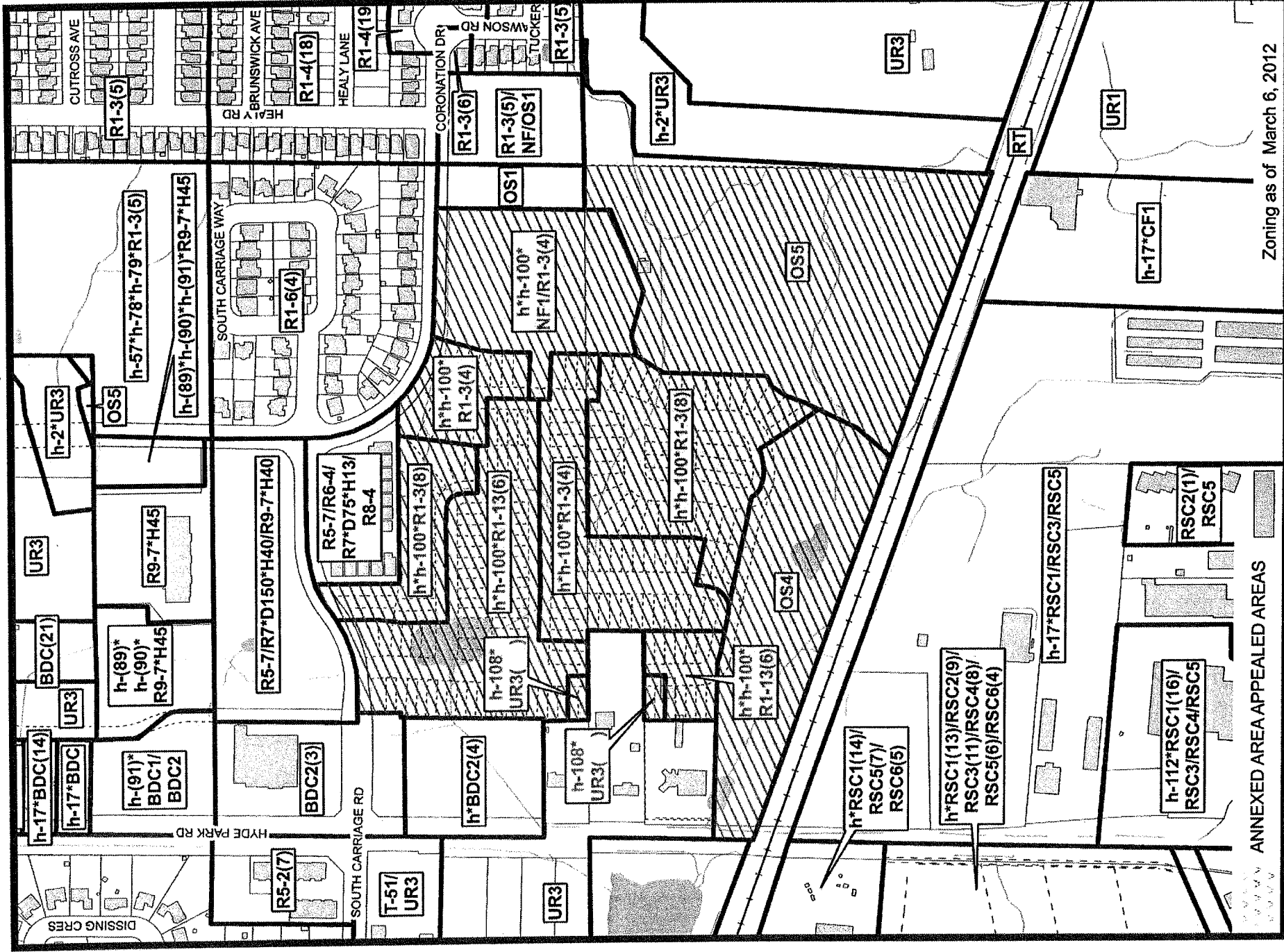
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Cathy Saunders
City Clerk

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


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





Zoning as of March 6, 2012

ANNEXED AREA APPEALED AREAS

File Number: 39T-08502, Z-7489, OZ-7510
 Planner: AM
 Date Prepared: March 15, 2012
 Technician: DT
 By-Law No: Z.-1-

 **SUBJECT SITE**

 **1:4,500**

 **0 20 40 80 120 160 Meters**

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APPENDIX 39T- 08502
(Conditions to be included for draft plan approval)

THE CORPORATION OF THE CITY OF LONDON'S CONDITIONS AND AMENDMENTS TO FINAL APPROVAL FOR THE REGISTRATION OF THIS SUBDIVISION, FILE NUMBER 39T-08502 ARE AS FOLLOWS:

NO.	CONDITIONS
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Standard

1. This draft approval applies to the draft plan submitted by Kenmore Homes (London) Inc. (File No. 39T-08502 prepared by Archibald, Gray & McKay Ltd, certified by Bruce Baker, OLS (Drawing No. 9-L-3755, dated December 1, 2011), **as redline revised** which shows 193 single detached lots, one (1) school block, one (1) open space block, one (1) multi-family residential block; two (2) future access blocks, one (1) pathway block and various reserve blocks served by one (1) collector road and five (5) new local streets.
2. The approval of this draft plan applies for three years, and if final approval is not given by that date, the draft approval shall lapse, except in the case where an extension has been granted by the Approval Authority.
3. The road allowances included in this draft plan shall be shown on the face of the plan and dedicated as public highways.
4. The Owner shall within 90 days of draft approval submit proposed street names for this subdivision to the City.
5. The Owner shall request that addresses be assigned to the satisfaction of the City in conjunction with the request for the preparation of the subdivision agreement.
6. Prior to final approval, the Owner shall submit to the Approval Authority a digital file of the plan to be registered in a format compiled to the satisfaction of the City of London and referenced to NAD83UTM horizon control network for the City of London mapping program.
7. Prior to final approval, appropriate zoning shall be in effect for this proposed subdivision.
8. The Owner shall enter into a subdivision agreement and shall satisfy all the requirements, financial and otherwise, of the City of London in order to implement the conditions of this draft approval.
9. The required subdivision agreement between the Owner and the City of London shall be registered against the lands to which it applies.
10. Phasing of this subdivision(if any) shall be to the satisfaction of the City.
11. The Owner shall comply with all City of London standards, guidelines and requirements in the design of this draft plan and all required engineering drawings. Any deviation to the City's standards, guidelines, or requirements shall be completed to the satisfaction of the City.
12. Prior to final approval, for the purposes of satisfying any of the conditions of draft approval herein contained, the Owner shall file with the Approval Authority a complete submission consisting of all required clearances, fees, and final plans, and to advise the Approval Authority in writing how each of the conditions of draft approval has been, or will be, satisfied. The Owner acknowledges that, in the event that the final approval package does not include the complete information required by the Approval Authority, such submission will be returned to the Owner without detailed review by the City.

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13. For the purpose of satisfying any of the conditions of draft approval herein contained, the Owner shall file, with the City, complete submissions consisting of all required studies, reports, data, information or detailed engineering drawings, all to the satisfaction of the City. The Owner acknowledges that, in the event that a submission does not include the complete information required by the City, such submission will be returned to the Owner without detailed review by the City.
14. Prior to final approval, the Owner shall request the City of London Finance Department to advise the Approval Authority that all financial obligations/encumbrances owed to the City on the said lands have been paid in full, including property taxes and local improvement charges.
15. The Owner shall obtain and submit to the City a letter of archaeological clearance from the Southwestern Regional Archaeologist of the Ministry of Culture. The Owner shall not grade or disturb soils on the property prior to the release from the Ministry of Culture.
16. The Owner shall not commence construction or installations of any services (e.g. clearing or servicing of land) involved with this plan prior to obtaining all necessary permits, approvals and/or certificates that need to be issued in conjunction with the development of the subdivision, unless otherwise approved by the City in writing; (e.g. Ministry of the Environment Certificates; City/Ministry/Government permits: Approved Works, water connection, water-taking, Crown Land, navigable waterways; approvals: Upper Thames River Conservation Authority, Ministry of Natural Resources, Ministry of Environment, City; etc.)

Sanitary

17. In conjunction with the Design Studies submission, the Owner shall have his consulting engineer prepare and submit the following sanitary servicing design information:
 - i) Provide a sanitary drainage area plan, including any external drainage area(s) and the proposed sanitary routing, to the satisfaction of the City;
 - ii) Provide an analysis which shall indicate the water table level of lands within the subdivision with respect to the depth of the sanitary sewers and an evaluation of additional measures, if any, which will need to be incorporated in the design and construction of the sewers to ensure that the sewers will meet allowable inflow and infiltration levels as identified by OPSS 410 and OPSS 407.
18. In accordance with City standards or as otherwise required by the City, the Owner shall complete the following for the provision of sanitary services for this draft plan of subdivision:
 - i) Construct sanitary sewers to serve this Plan and connect them to the existing municipal sewer system, namely, the 450 mm (18") diameter sanitary sewer located on South Carriage Road and the 375 mm (15") diameter sanitary sewer on Coronation Drive;
 - ii) The Owner shall construct an extension of the sanitary sewer on Hyde Park Road to serve Block 203 (the southerly portion of the site) and connect the proposed extension to the existing 200 mm (8") diameter sanitary sewer on Hyde Park Road;
 - iii) Make provisions for oversizing of the internal sanitary sewers in this draft plan to accommodate flows from the upstream lands external to this plan, all to the satisfaction of the City. This sewer must be extended to the limits of this plan and/or property line to service the upstream external lands; and
 - iv) Where trunk sewers are greater than 8 metres in depth and are located within the municipal roadway, the Owner shall construct a local sanitary sewer to provide servicing outlets for private drain connections, to the satisfaction of the City. The local sanitary sewer will be at the sole cost of the Owner. Any exception will require the approval of the City.

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19. In order to prevent any inflow and infiltration from being introduced to the sanitary sewer system, the Owner shall:
- i) Throughout the duration of construction within this draft plan of subdivision, undertake measures within this draft plan to control and prevent any inflow and infiltration and silt from being introduced to the sanitary sewer system during and after construction, satisfactory to the City, at no cost to the City;
 - ii) Not allow any weeping tile connections into the sanitary sewers within this Plan; and
 - iii) Following construction, the Owner shall have his consulting engineer confirm that the sanitary sewers meet allowable inflow and infiltration levels as per OPSS 410 and OPSS 407. Also, if requested, the Owner shall permit the City to undertake smoke testing of the sanitary system at any time prior to assumption of the subdivision.
20. Prior to registration of this Plan, the Owner shall obtain consent from the City Engineer to reserve capacity at the Oxford Pollution Control Plant for this subdivision. This treatment capacity shall be reserved by the City subject to capacity being available, on the condition that registration of the subdivision agreement and the plan of subdivision occur within one (1) year of the date specified in the subdivision agreement.

Failure to register the Plan within the specified time may result in the Owner forfeiting the allotted treatment capacity and, also, the loss of his right to connect into the outlet sanitary sewer, as determined by the City. In the event of the capacity being forfeited, the Owner must reapply to the City to have reserved sewage treatment capacity reassigned to the subdivision.

Storm and Stormwater Management

21. In conjunction with the Design Studies submission, the Owner shall have his consulting engineer prepare and submit a Storm/Drainage and a SWM Servicing Report/Letter of Confirmation to address the following:
- i) Identify the storm/drainage and SWM servicing works for the subject lands, all to the satisfaction of the City;
 - ii) Identify major and minor storm flow routes for the subject lands, to the satisfaction of the City;
 - iii) Develop an erosion/sediment control plan that will identify all erosion and sediment control measures for the subject lands in accordance with City of London and Ministry of the Environment standards and requirements, all to the satisfaction of the City. This plan is to include measures to be used during all phases on construction;
 - iv) Implement SWM soft measure Best Management Practices (BMP's) within the Plan, where possible, to the satisfaction of the City. The acceptance of these measures by the City will be subject to the presence of adequate geotechnical conditions within this Plan and the approval of the City;
 - v) Provide a preliminary plan how the proposed grading and road design will match the grading of the existing Stormwater Management Facility; and,
 - vi) Provide an overland flow capacity analysis and recommend any proposed modifications to the outlet into the east cell of the Hyde Park No. 1B1 SWM facility. Any modifications to the existing overland flow inlet of the SWM facility will be undertaken by the City or its contractor to the satisfaction of the City and all costs associated with potential modifications will be borne by the Owner.

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

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- i) For lots and blocks in this plan, all storm/drainage and SWM related works to serve this plan must be constructed and operational in accordance with the approved design criteria and accepted drawings, all to the satisfaction of the City;
 - ii) Construct and have operational the major and minor storm flow routes for the subject lands, to the satisfaction of the City;
25. Prior to the acceptance of engineering drawings, the Owner's consulting engineer shall certify that increased and accelerated stormwater runoff from this subdivision will not cause damage to downstream lands, properties or structures beyond the limits of this subdivision. Notwithstanding any requirements of the City, or any approval given by the City, the Owner shall indemnify the City against any damage or claim for damages arising out of or alleged to have arisen out of such increased or accelerated stormwater runoff from this subdivision.
26. The Owner shall provide a security in the amount of \$60,000 for the Erosion and Sediment Control Plan. In the event of failure to properly implement and maintain the required ESCP, the ESCP security will be used to undertake all necessary cleanup work.

Watermains

27. In conjunction with the Design Studies submission, the Owner shall have his consulting engineer prepare and submit the following water servicing design information:
- i) A water servicing report which addresses the following:
 - Identify external water servicing requirements;
 - Confirm capacity requirements are met;
 - Identify need to the construction of external works;
 - Identify the effect of development on existing water infrastructure – identify potential conflicts;
 - Water system area plan(s)
 - Water network analysis/hydraulic calculations for subdivision report;
 - Phasing report;
 - Oversizing of watermain, if necessary and any cost sharing agreements.
 - ii) To address water quality requirements for the watermain system by the use of the following:
 - design calculations which demonstrate there is adequate water turnover to maintain water quality; and/or
 - the use of valving to shut off future connections which will not be used in the near term; and/or
 - the use of automatic flushing devices to maintain water quality, with it being noted that the water flushed by the device is to be measured (by a water meter in a meter pit) and the cost of water charged to the Owner; and/or
 - make suitable arrangements with Water Operations for the maintenance of the system in the interim.
28. 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:

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

Transportation

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

The Owner shall transfer lots 20-21 and 45-46 to the City as a Future Access Blocks to adjacent lands, as needed, at no cost to the City. Should the adjacent lands develop for residential use and lots 20-21 and 45-46 be required for access purposes, these lots 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-08502) within 30 days of such sale. Should the City determine that lots 20-21 and 45-46 are not needed for access purposes, then the City would transfer the lot back to the Owner of this plan for a nominal fee.

32. For any construction within the South Carriage Road and Coronation Drive rights-of-way, the Owner shall restore the roads and relocate any utilities to the extent necessary for the lots fronting South Carriage Road and for the construction of any intersecting local street, as shown on the plan of subdivision, to the satisfaction of the City, at no cost to the City.
33. In conjunction with the submission of detailed design drawings, the Owner shall have his consulting engineer include minimum 30 metre tapers at all locations in the Plan where streets are reduced in width (eg. from 20.0 metre to 19.0 metre road width), all to the satisfaction of the City. The road shall be equally aligned from the centreline.
34. The Owner shall ensure a minimum of 5.5 metres (18') will be required along the curb line between the projected property lines of irregular shaped lots around the bends.

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

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

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

46. 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.
47. Prior to the issuance of a Certificate of Conditional Approval for each construction stage of this subdivision, all servicing works for the stage must be completed and operational, all to the specification and satisfaction of the City.
48. Prior to final approval, the Owner shall make arrangements with the affected property owner(s) for the construction of any portions of services situated on private lands outside this plan, and shall provide satisfactory easements over the sewers, as necessary, all to the specifications and satisfaction of the City.
49. 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.
50. 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.
51. The Owner shall have the common property line of Hyde Park Road and Block 203 graded in accordance with the City of London Standard "Subdivision Grading Along Arterial Roads", at no cost to the City.

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

52. 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.

53. The Owner shall pay a proportional share of the operational, maintenance and/or monitoring costs of any affected unassumed sewers or SWM facilities (if applicable) to third parties that have constructed the services and/or facilities to which the Owner is connecting. The above-noted proportional share of the cost shall be based on design flows, to the satisfaction of the City Engineer, for sewers or on storage volume in the case of a SWM facility. The Owner's payments to third parties shall:
 - i) commence upon completion of the Owner's service work, connections to the existing unassumed services; and
 - ii) continue until the time of assumption of the affected services by the City.

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54. 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.

55. 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.

56. The Owner's professional engineer shall provide inspection services for all work during construction by it's professional engineer for all work to be assumed by the City, and have it's professional engineer supply the City with a Certification of Completion of Works upon completion, in accordance with the plans accepted by the City.

57. 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.

58. 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".

59. In conjunction with the Design Studies submission, the Owner shall have a report prepared by a qualified consultant, and if necessary, a detailed hydro geological investigation carried out by a qualified consultant, to determine the effects of the construction associated with this subdivision on the existing ground water elevations and domestic or farm wells in the area and identify any abandoned wells in this plan, to the satisfaction of the City Engineer. If necessary, the report is to also address any contamination impacts that may be anticipated or experienced as a result of the said construction, as well as provide recommendations regarding soil conditions and fill needs in the location of any existing watercourses or bodies of water on the site.

60. Prior to the issuance of any Certificate of Conditional Approval, any remedial or other works as recommended in the above accepted hydro geological report shall be implemented by the Owner, to the satisfaction of the City Engineer, at no cost to the City.

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

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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.

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

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

Should the noise report substantiate the need for a warning clause to be applied to this subdivision, the following warning clauses shall be included in the subdivision agreement to be registered on Title and in subsequent Offers of Purchase and Sale for the affected lots:

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

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

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

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shall be prepared to the satisfaction of the City Planner.

78. The Owner agrees to register on title and include in all Purchase and Sale Agreements the requirement that the homes to be designed and constructed on Lots 1, 122, 123 and 158, of this Plan, are required to have a side entry garage, with driveway access from Street "A", a main entry of the home which fronts the collector road and limited chain link or decorative fencing along the exterior side yard abutting the collector road. Further, the owner shall obtain approval of their proposed design from the Manager, Community Planning & Urban Design prior to any submission of an application for a building permit for Lots 1, 122, 123 and 158 in this Plan.
79. The Owner shall prepare a report pertaining to the removal of the Van Horik Drain. The report shall address the impacts of the removal of the watercourse features on conveyance and capacity and confirm how these issues will be resolved. Compensation for the loss of the features also needs to be addressed all to the satisfaction of the UTRCA.
80. The Owner, in consultation with the LTC, shall indicate on the approved engineering drawings the possible "Future Transit Stop Areas". The Owner shall install signage as the streets are constructed, indicating "Possible Future Transit Stop Area" in the approximate stop locations. The exact stop locations shall be field located as the adjacent sites are built, at which time the developer shall install a 1.5 metre wide concrete pad between the curb and the boulevard at the finalized stop locations.
81. As part of the Design Studies submission, the Owner shall detail how the recommendations of the EIS (prepared by EarthTech, dated March 28, 2008) and subsequent addendum (dated August 28, 2008) will be incorporated into the plan, all to the satisfaction of the City.
82. As part of the Design Studies submission, the Owner shall prepare a pathway concept, prepared by a registered landscape architect, from the existing park block at 1260 Coronation Drive to Street C. The consultant shall pre-consult with the Parks Planning and Design Department to determine the appropriate budget for the pathway. In addition, the owner shall submit, with the standard engineering servicing drawings submission, full design and construction plans to the satisfaction of the City Planner.
83. The Owner shall construct the pathway from the existing park block at 1260 Coronation Drive to Street C, within one (1) year of registration of the plan containing the pathway, all to the satisfaction of the City. Works will be claimable from the Capital Works budget based on the approved concept plans and cost estimates.
84. The Owner shall not grade into any public Park or Open Space lands. In instances where this is not practical or desirable, any grading into the public Park or Open Space lands shall be to the satisfaction of the Manager of Parks Planning and Design.
85. In conjunction with Design Studies, the Owners consulting engineering shall confirm the land area required to accommodate the overland flow route and the pathway adjacent to SWM facility 1B1. Based on this review, the Owner shall transfer all or a portion of lots 52 and 97 to the City at no cost to the City as an enlargement of the stormwater management pond to accommodate overland flows and to facilitate the construction of a pathway.
86. The Owner shall grade, service and seed a portion of Block 201, lot 52 and 97 as defined at the design studies stage, within one (1) year of registration of the phase containing these lands, in accordance with City standards and to the satisfaction of the Manager of Parks Planning and Design

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Bibliography

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

Request for Approval:

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

Various amendments to above applications 2008-2011.

Reference Documents:

Ontario. Ministry of Municipal Affairs and Housing. Provincial Policy Statement, March 1, 2005.

City of London. Official Plan, June 19, 1989, as amended

City of London. Zoning By-law No. Z.-1, May 21, 1991, as amended

Hyde Park Community Plan, November 2001

Hyde Park Design Guidelines, December 1999.

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

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

Consent Application - March 2006 - B30/06

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

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

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

Report to Planning Committee on Revised Draft Plan - March 26, 2012

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

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

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

Public Responses:

See comments section of this report.

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

RECOMMENDATION

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

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

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

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

RELATED ESTIMATED COSTS AND REVENUES

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

1. There are no expenditures associated with this subdivision that have implications for funds administered by the City.
2. Estimated Revenues are calculated using 2012 DC rates. The revenue estimates includes DC cost recovery for "soft services" (fire, police, parks and recreation facilities, library, growth studies). There is no comparative cost allocation in the Estimated Cost section of the report, so the reader should use caution in comparing the Cost with the Revenue section.

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

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

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

March 2006 - B30/06 - Consent Application

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

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

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

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of the recommended action is to permit the development of single detached dwellings and a school on these lands.

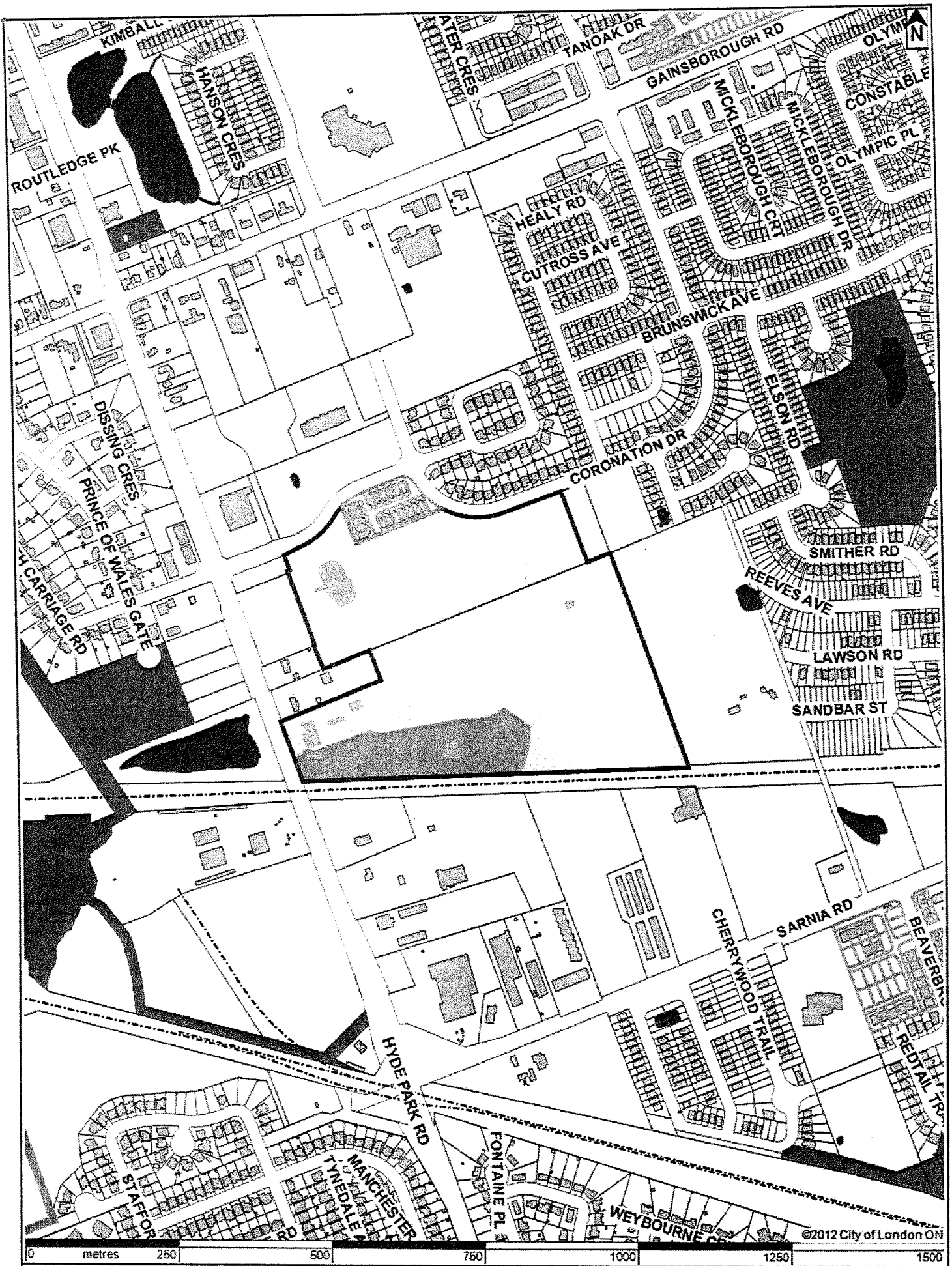
RATIONALE

1. This development is consistent with the Provincial Policy Statement. These lands are also being developed in accordance with Official Plan Policy and the Hyde Park Community Plan.
2. Holding Provisions will ensure that adequate servicing will be in place to serve this development and provides an opportunity for abutting lands to access streets within this development.
3. The proposed redesign with redline amendments will provide for:
 - a. Improved pedestrian linkages within the plan and neighbourhood;
 - b. Improved access to future development blocks from internal streets which in turn reduces conflicts relating to access from the arterial road; and
 - c. Successful integration of this subdivision with the major stormwater infrastructure; adjacent woodlot and the Hyde Park neighbourhood in general.
4. The proposed zoning will provide for an appropriate mix of lot frontages which will allow for a variety of housing choices consistent with the City's Small Lot Subdivision Design Guidelines.
5. The draft plan of subdivision (submitted in 2010) which was presented to the Built and Natural Environment Committee in January 2011 is not the preferred design in terms of vehicular circulation. The proposed redesign eliminates a cul-de-sac while maintaining street frontage on the storm water management facility.

BACKGROUND

<p>Date Application Accepted: January 14, 2008 Revised Draft plan submitted June 2, 2010 Further revised draft plan December 7th, 2011</p>	<p>Agent: Ric Knutson, Knutson Planning Inc.</p>
<p>REQUESTED ACTION: Consideration of a draft plan of residential subdivision and associated Official Plan and Zoning By-law amendments.</p>	






<p>SITE CHARACTERISTICS:</p> <ul style="list-style-type: none"> • Current Land Use - Vacant • Frontage – approximately 80 metres (262 feet) on South Carriage Road approximately 62 metres (203 feet) on Hyde Park Road • Depth – varies to a maximum of approx 277 metres (908 feet) • Area – 19.27 hectares (47.62 acres) • Shape - irregular



LOCATION MAP

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

LEGEND

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



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

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

PLANNING HISTORY

The following is a chronology of this application to date:

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

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

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

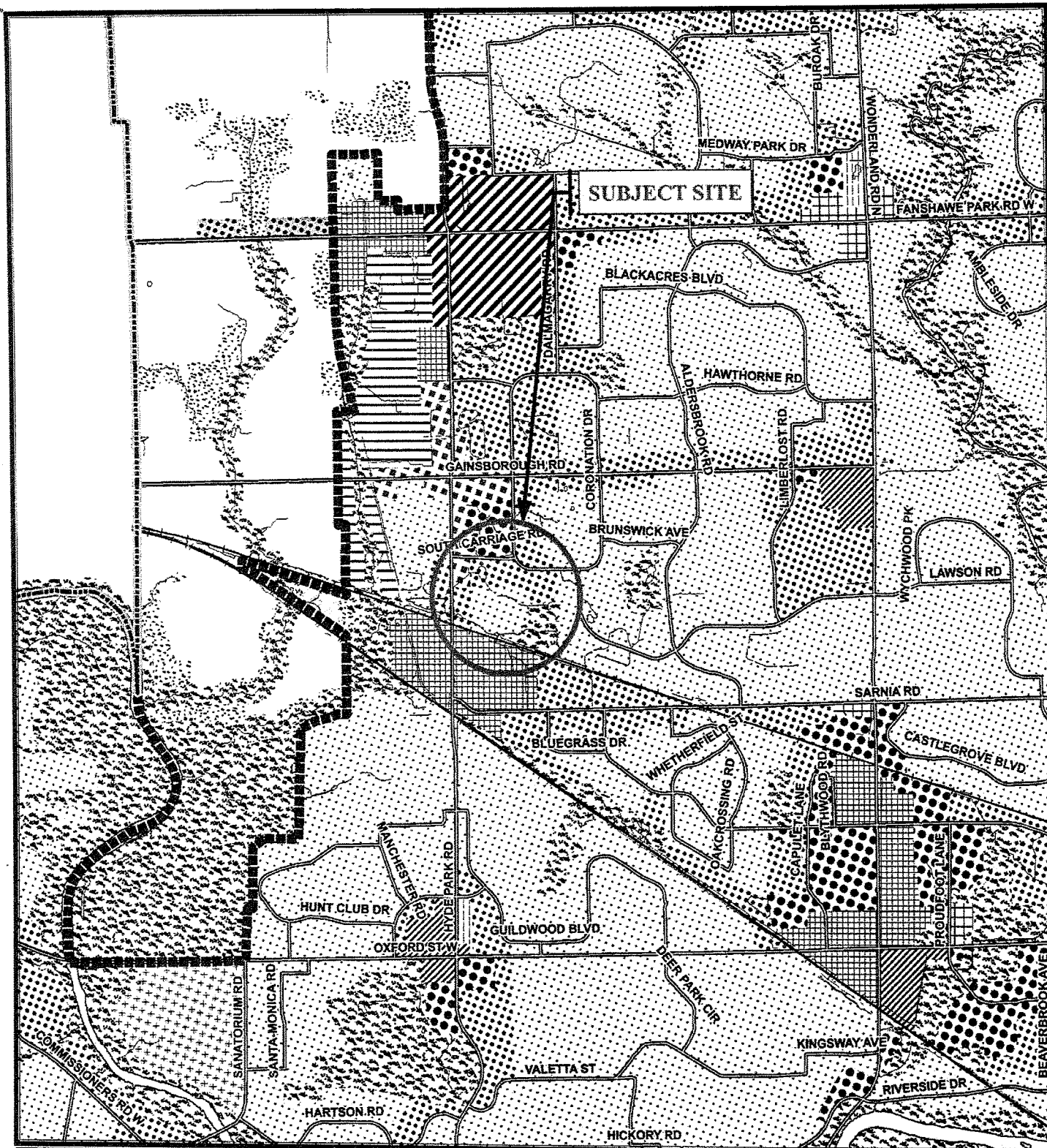
January 31st 2011- report on this subdivision application was presented to the Built and Natural Environment Committee. At that meeting the following issues were raised:

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

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

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

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



Legend

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

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

PREPARED BY: Graphics and Information Services



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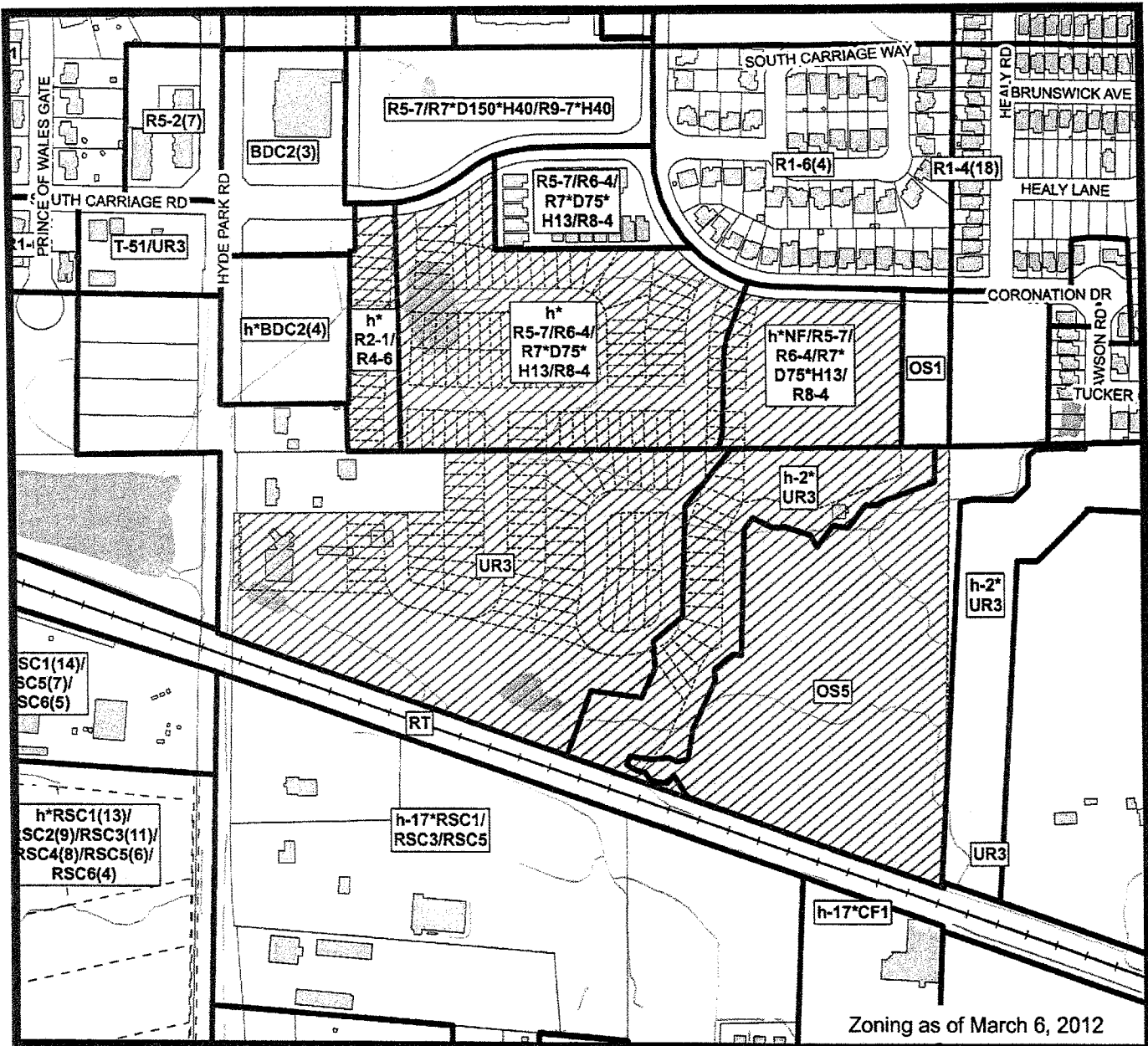


FILE NUMBER: 39T-08502

PLANNER: AM

TECHNICIAN: JS

DATE: MARCH 14, 2012



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

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

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

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

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

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

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

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

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


2) **ANNEXED AREA APPEALED AREAS**



CITY OF LONDON
 PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES

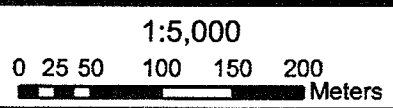
ZONING BY-LAW NO. Z.-1

SCHEDULE A



FILE NO:
39T-08502 **AM**

MAP PREPARED:
March 14, 2012 **JS**



THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

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

PUBLIC LIAISON:	On December 14 th , 2011, notice was sent to surrounding property owners advising of the application. Notice of the application was also published in the December 24, 2011 Living in the City section of the London Free Press.	Four replies from the most recent circulation (in addition see responses from Jan 31, 2011 staff report)
<p>Nature of Liaison: Consideration of a Residential Plan of Subdivision with 199 single detached lots, one(1) school block, one(1) open space block and one(1) commercial block served by four (4) new local streets.</p> <p>Possible Amendment to the Official Plan to change the designation of Block 203 (as shown on the Proposed Plan) FROM Multi-Family, Medium Density Residential TO Business District to allow small-scale retail uses; furniture and home furnishing stores; home improvement stores; hardware stores; food stores; convenience commercial uses; personal and business services; pharmacies; restaurants; commercial recreation establishments; financial institutions; funeral homes; automotive services; small-scale offices; correctional and supervised residences; institutional uses; animal hospitals; and residential uses.</p>		

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The City of London is also considering an amendment to Zoning By-law Z.-1 to change the zoning on the subject lands (as shown on the attached Zoning Schedule) **FROM** a Holding Urban Reserve(h-2 UR3) Zone; an Urban Reserve (UR3) Zone, an Open Space (OS5) Zone; a Compound Holding Residential R2/R4 (h-R2-1/R4-6) Zone, a Compound Holding Residential R5/R6/R7/R8 (h-R5-7/R6-4/R7-D75-H13/R8-4) Zone and a Compound Holding Neighbourhood Facility/Residential R5/R6/R7/R8 (h-NF/R5-7/R6-4/R7-D75-H13/R8-4) Zone
TO:

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

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

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

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

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

ANALYSIS

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

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JANUARY 2011 DEFERRAL

Request for Land Use Designation Change

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

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

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

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

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

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

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

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

Mr Knutson was advised of the following options to proceed:

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

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

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

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

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

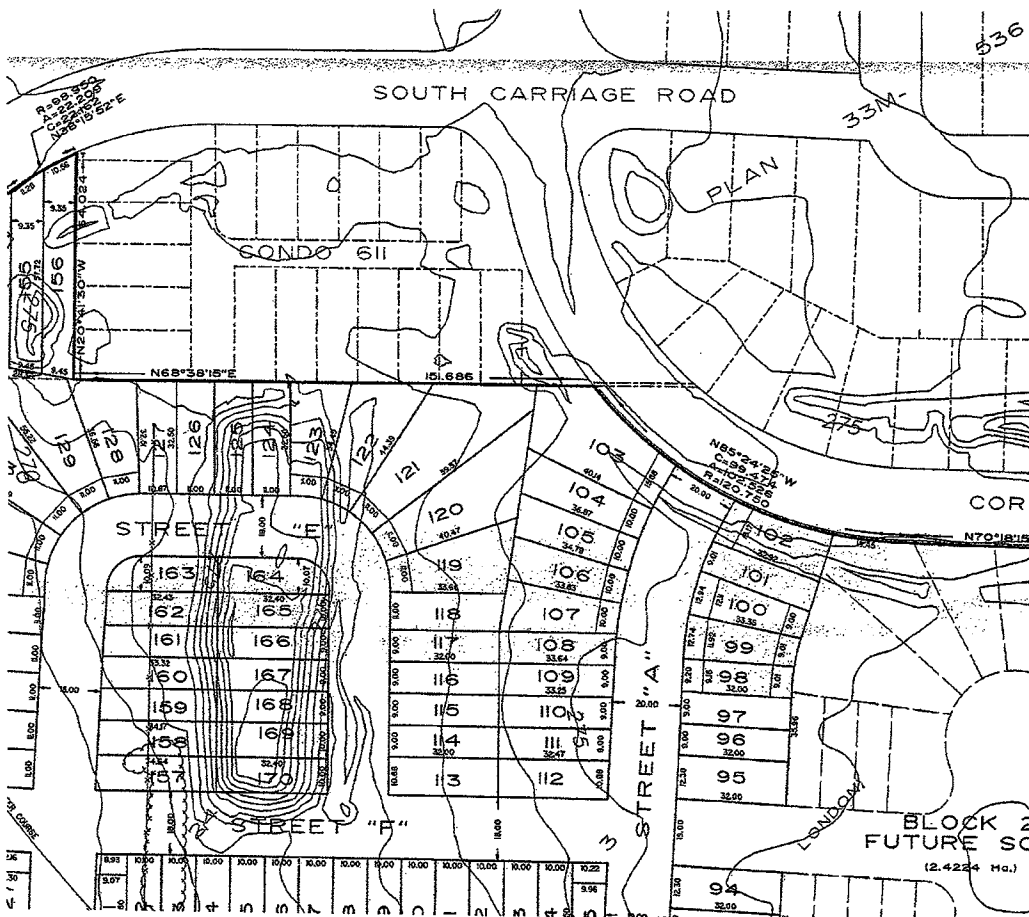
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Lot Sizes

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

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



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

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

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

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

Subdivision Design

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

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

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

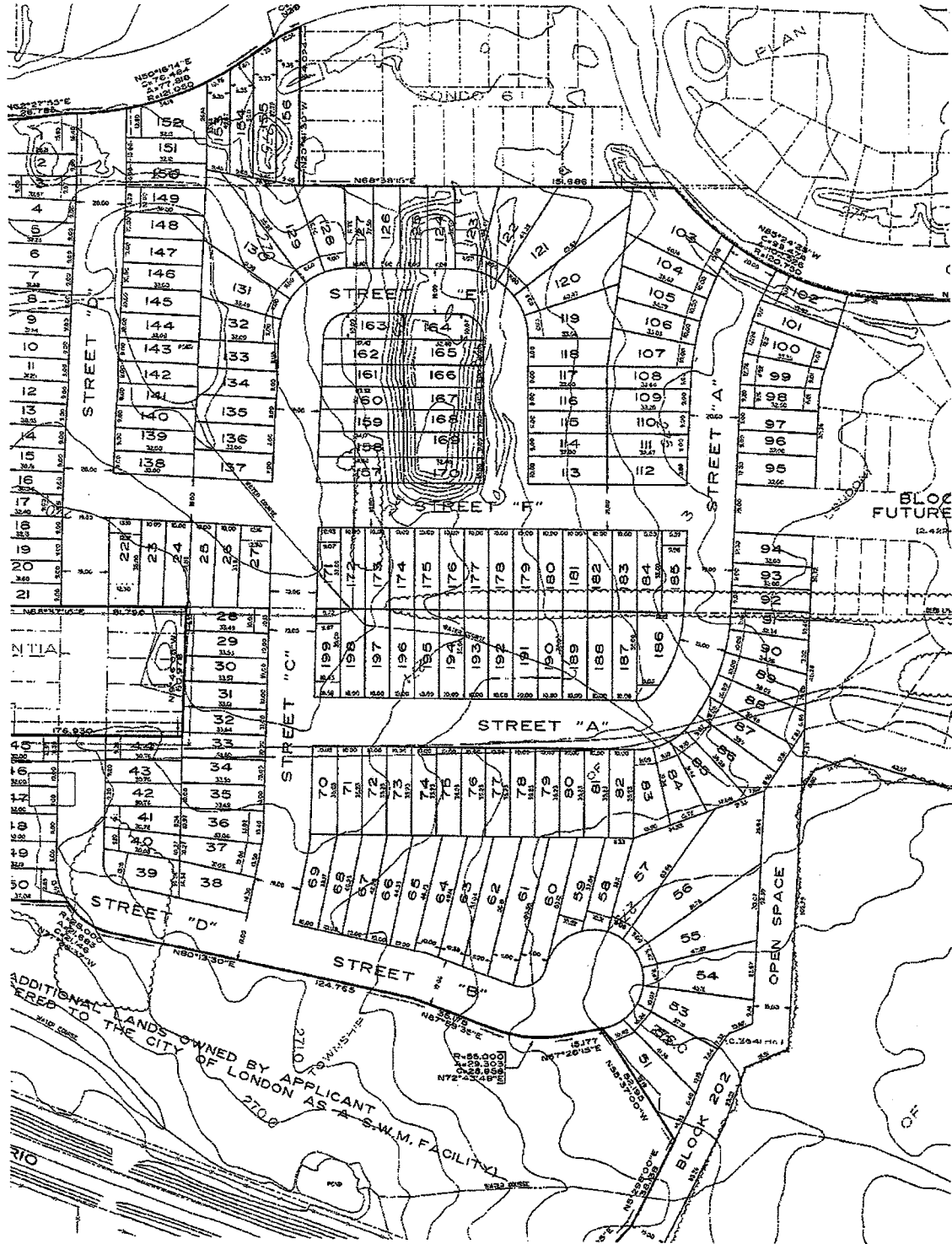
Although straighter longer sections of road can create an environment conducive to motorists increasing speed, they don't anticipate speeds on this local street to be any different with either design than speeds found on typical local streets throughout the City, as most subdivisions usually have long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

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Kenmore's 2010 Proposed Street Pattern

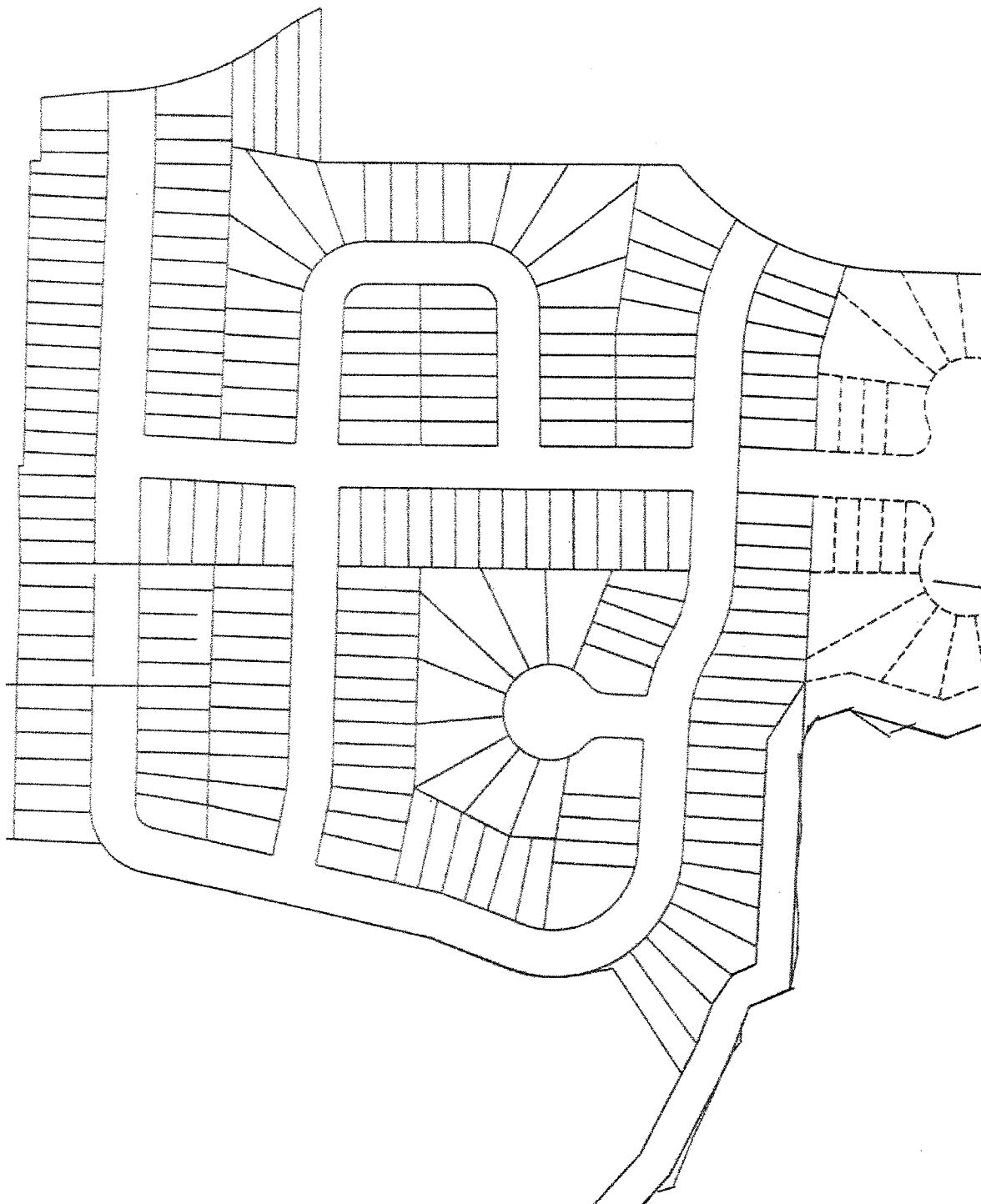


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Staff's Proposed Realignment of Streets A and B

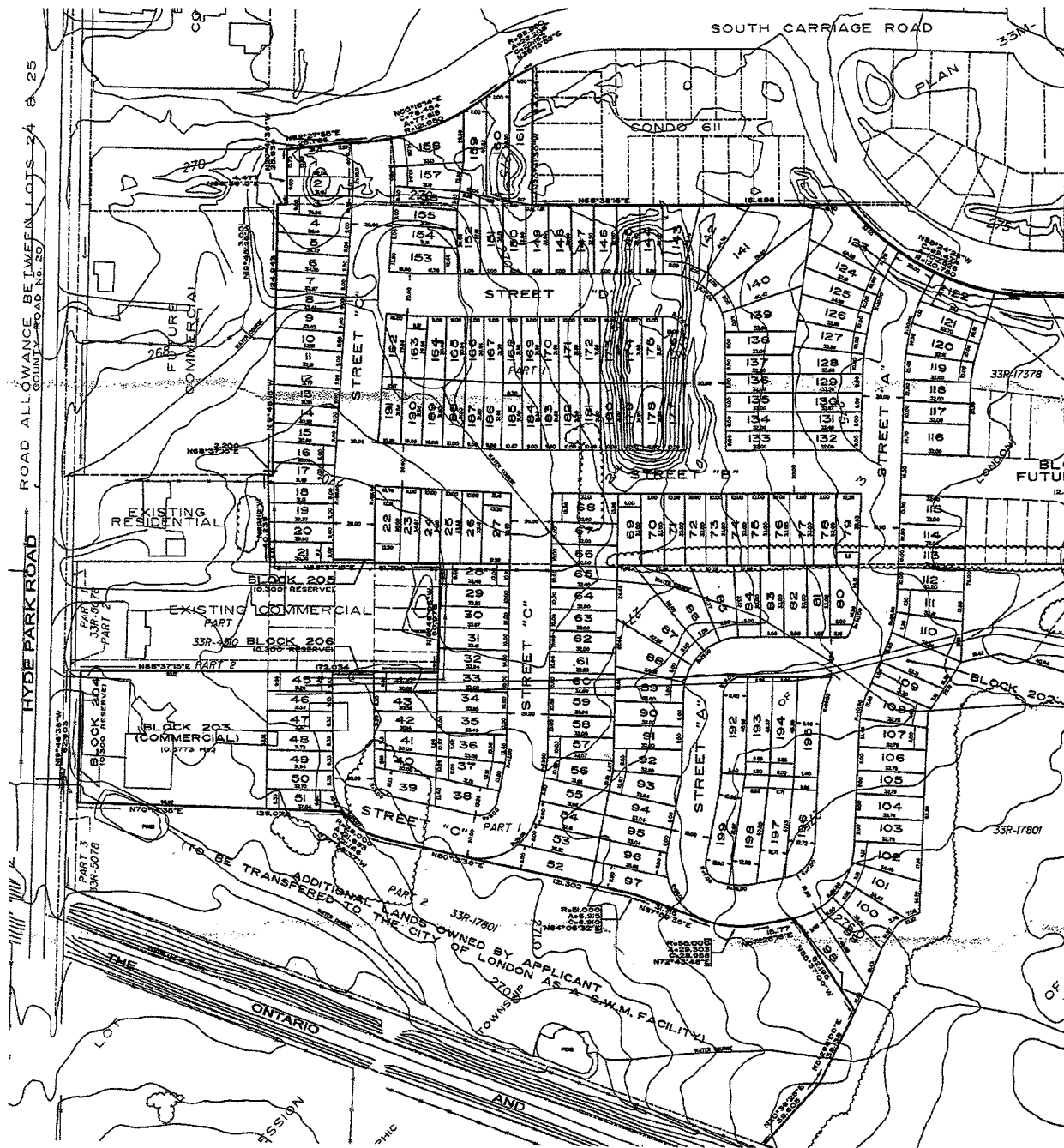


The applicant continued to have issues with staff's redline amendments and as a result staff worked with the applicant to review other design options for this draft plan. Based on these discussions the applicant proposed a revised design which was circulated to the public on December 14th 2011.

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December 2011 Revised Design



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

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

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

Lot Mix

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

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

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

PARKLAND DEDICATION

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

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

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

PUBLIC ISSUES

Impacts to Existing Residents at 1144 Coronation Drive

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

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South Carriage Road Cost Sharing

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

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

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

Redline Revisions to Draft Plan

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



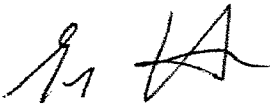
CONCLUSION

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

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A. MacLean

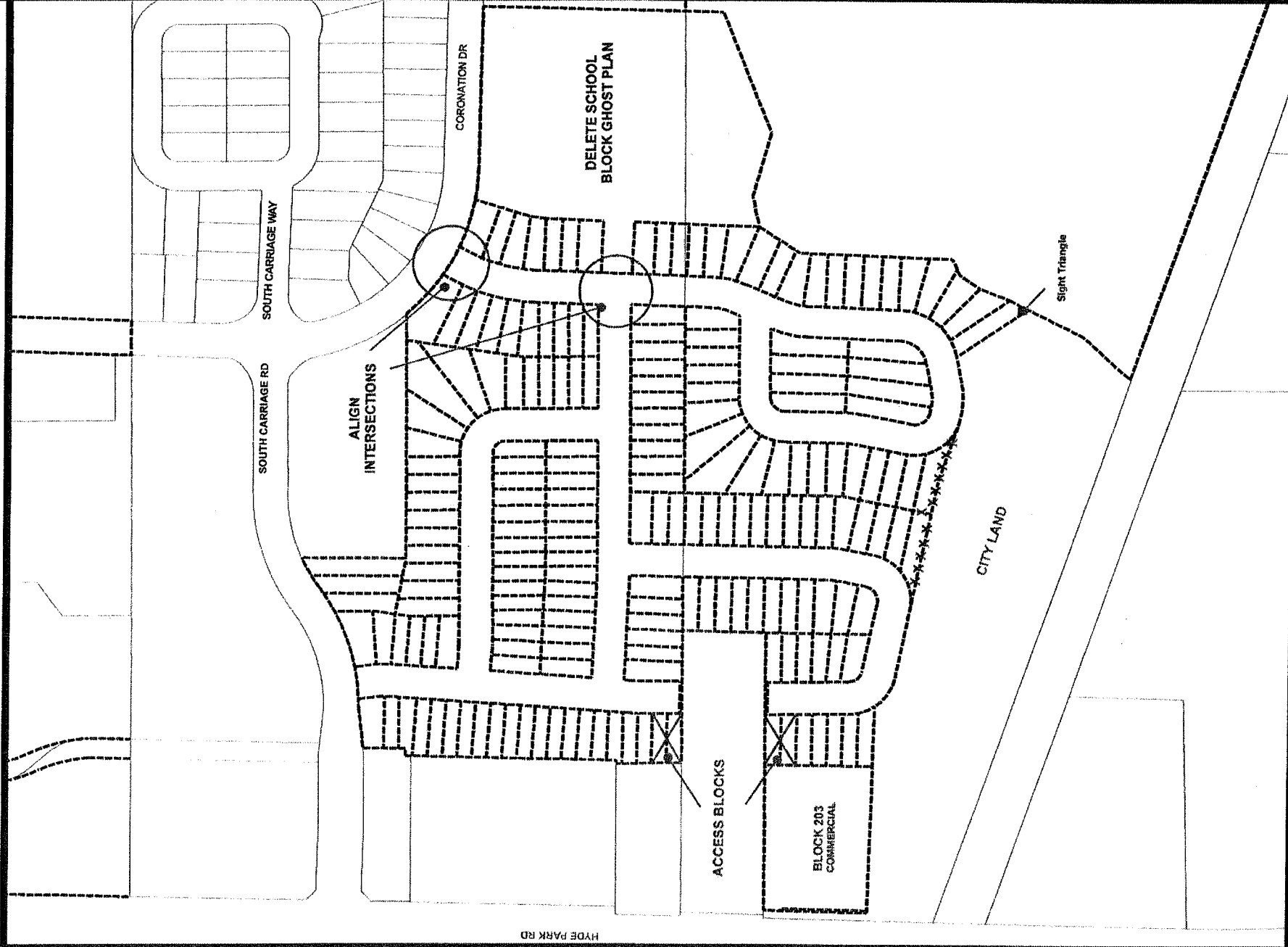
RECOMMENDED BY:	REVIEWED BY:
	
ALLISTER MACLEAN SENIOR PLANNER DEVELOPMENT PLANNING	D.N. STANLAKE DIRECTOR - DEVELOPMENT PLANNING
SUBMITTED BY:	
	
GEORGE KOTSIFAS DIRECTOR OF BUILDING CONTROLS AND CHIEF BUILDING OFFICIAL	

March 15, 2012
AM/am
"Attach."

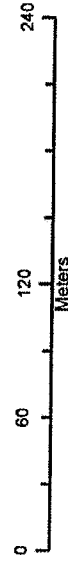
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KENMORE HOMES (39T-08502) REDLINE AMENDED DRAFT PLAN



1:3,000



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

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