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**File: 39T-09501/Z-8818
Planner: Nancy Pasato**

TO:	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE
FROM:	GEORGE KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL
SUBJECT:	APPLICATION BY: EXTRA REALTY LIMITED 660 SUNNINGDALE ROAD EAST APPLEWOOD SUBDIVISION PUBLIC PARTICIPATION MEETING ON JANUARY 22, 2018 at 4:30PM

RECOMMENDATION

That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the revised Draft Plan of Subdivision and Zoning By-law Amendment applications relating to the property located at 660 Sunningdale Road East, located on the northwest corner of Sunningdale Road East and Adelaide Street North (legally described as the South Half of Lot 13, Concession 6, (Geographic Township of London)):

- a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on January 30, 2018 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** a Holding Residential R1 Special Provision (h•h-100•h-173•R1-5(11)) Zone, a Holding Residential R4 Special Provision (h•h-100•h-173•R4-2(1)) Zone, a Holding Residential R5 Special Provision/R6 Special Provision (h•h-100•h-173•R5-2(15)/R6-4(16)) Zone, a Holding Residential R5 Special Provision/R6 Special Provision (h•h-100•h-173•R5-2(16)/R6-4(17)) Zone, a Holding Residential R5 Special Provision/R6 Special Provision/R8 Special Provision (h•h-100•h-173•R5-4(16)/R6-5(36)/R8-4(25)) Zone, a Holding Residential R5 Special Provision/R6 Special Provision/R8 Special Provision (h•h-100•h-173•R5-4(17)/R6-5(34)/R8-4(26)) Zone, a Holding Residential R5 Special Provision/R6 Special Provision/R8 Special Provision (h•h-100•h-173•R5-6(9)/R6-5(38)/R8-4(27)) Zone, a Holding Business District Commercial Special Provision (h•h-100•h-173•BDC2(7)•D75•H18) Zone, a Holding Business District Commercial Special Provision (h•h-100•h-173•BDC2(8)•D75•H18) Zone, a Holding Business District Commercial Special Provision (h•h-100•h-173•BDC2(9)) Zone, a Holding Business District Commercial Special Provision (h•h-100•h-173•BDC2(10)) Zone, and an Open Space (OS1) Zone, **TO:**
- a Holding Residential R1 (h•h-100•h-173•R1-3) Zone, to permit single detached dwellings with a minimum lot area of 300 m² and minimum lot frontage of 10 m;
 - a Holding Residential R1 Special Provision (h•h-100•h-173•R1-4(27)) Zone, to permit single detached dwellings with a minimum lot area of 360 m² and minimum lot frontage of 12 m, with a special provision for a reduced front yard setback of 3.0 metre to the house and 5.5 metre to the garage from a collector or local road, and a reduced interior side yard setback of 1.2 metres;
 - a Holding Residential R1 Special Provision (h•h-100•h-173•R1-5(12)) Zone, to revise the required rear yard dwelling setback to 13.8 m;
 - a Holding Business District Commercial Special Provision (h•h-100•h-173•BDC2(7)•D75•H18) Zone, to add a special provision to prohibit dwelling units on the first floor;

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- a Holding Business District Commercial Special Provision (h•h-100•h-173•BDC2(8)•D75•H18) Zone, to add a special provision to prohibit dwelling units on the first floor, to add new regulations related to existing barns, and to add regulations related to height, orientation of entrance, front yard setback and gross floor area for any new buildings;
- a Holding Business District Commercial Special Provision/Temporary (h•h-100•h-173•BDC2(9)*H18/T-()) Zone, to add a special provision to prohibit dwelling units on the first floor, to add a maximum height of 18m, and to permit BDC uses on a temporary basis within the existing dwelling as of the date of passing of the by-law;
- a Holding Business District Commercial Special Provision (h•h-100•h-173•BDC2(10)*H18) Zone, to add a special provision to prohibit dwelling units on the first floor, and to add a maximum height of 18m; and
- an Open Space (OS1) Zone to permit conservation lands and works, public and private parks, and public and private golf courses;

The following holding provisions have also been applied:

- (h) holding provision - to ensure that there is orderly development through the execution of a subdivision agreement;
 - (h-100) -to ensure there is adequate water service and appropriate access, a looped watermain system must be constructed and a second public access must be available;
 - (h-173) - to ensure that development is consistent with the City of London Urban Design Principles and Placemaking Guidelines, the h-173 shall not be deleted until urban design guidelines have been prepared and implemented through the subdivision agreement, to the satisfaction of the City of London.
- b) the Planning and Environment Committee **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the application for revised draft plan of subdivision of Extra Realty Limited relating to a property located at 660 Sunningdale Road East;
- c) Council **SUPPORTS** the Approval Authority issuing draft approval of the proposed revised plan of residential subdivision, submitted by Extra Realty Limited (File No. 39T-09501), prepared by Zelinka Priamo Limited, Project No. SRG/LON/11-01, as red-line amended, which shows a revised draft plan of subdivision consisting of 39 low density blocks (Blocks 1-39), four (4) medium density residential blocks (Blocks 40-44), two (2) commercial blocks (Blocks 46-47), two (2) commercial/mixed use residential blocks (Blocks 48-49), three (3) open space blocks (Blocks 49-51), eight (8) parkland and walkway blocks (Blocks 52-59), one (1) stormwater management block (Block 60), one (1) road widening block (Block 61), six (6) 0.3 m reserve blocks (Blocks 62-67), all served by one (1) primary collector road (Blackwater Road), one (1) secondary collector road (Street "D"/Superior Drive), and ten (10) new local streets, **SUBJECT TO** the conditions contained in the attached Appendix "B"; and
- d) the Applicant **BE ADVISED** that Development Finance has summarized claims and revenues information as attached in Appendix "C".

PREVIOUS REPORTS PERTINENT TO THIS MATTER

June 9, 2003 – Report to the Planning Committee recommending adoption of the Uplands North Area Plan.

July 18, 2005 – Report to the Planning Committee regarding the Placemaking demonstration project.

May 6, 2009 – Report to Planning Committee regarding tree cutting on the property.

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June 22, 2009 – Report to Planning Committee regarding status of subdivision/file; information report.

October 8, 2013 - Report to Planning Committee regarding status of subdivision/file; information report.

July 28, 2014 - Report to Planning and Environment Committee recommending approval of a redlined draft plan of subdivision and associated Official Plan and Zoning By-law amendments; Staff recommendation of redline changes to the draft plan and associated amendments supported/approved by Municipal Council.

July 17, 2017 – Report to Planning and Environment Committee on Request for Demolition of Heritage Listed Property located at 660 Sunningdale Road East; Staff recommendation that notice be given under the provision of Section 29(3) of the Ontario Heritage Act, R.S.O. 1990, c. O. 18, of Municipal Council’s intention to designate the property to be of cultural heritage value or interest for the reasons outlined in Appendix D of this report; supported/approved by Municipal Council

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose of this report is to recommend a redlined revised draft plan of subdivision consisting of a mix of single detached lots/dwellings, several multi-family blocks, mixed use development, main street commercial, parks, pathways, and open space, all served by the continuation of Blackwater Road, Superior Drive, Kleinburg Drive, and new local streets.

RATIONALE

1. The proposed draft plan is consistent with the Provincial Policy Statement which encourages appropriate residential intensification.
2. The proposed draft plan is consistent with the Planning Act.
3. The proposed draft plan is consistent with the Uplands North Area Plan and the Official Plan.
4. The recommended redline revised plan and Zoning By-law amendments encourage the development of a plan of subdivision draft that includes many placemaking elements, and creates a mixed use, pedestrian oriented development with parks and open space as key focal points.

BACKGROUND

The subject site is a 42 hectare parcel of land located at the northwest corner of Adelaide Street North and Sunningdale Road East. It is located at the northerly limit of the City and borders with the Township of Middlesex Centre. The property slopes generally from north to south with a rolling terrain. The site currently contains a 4 hectare woodlot (designated as Environmentally Significant Area), a small Provincially Significant Wetland, and existing buildings including a single detached dwelling (located towards the south end of the property, adjacent to the extension of Blackwater Road), and two brick barns which have been designated under the provision of Section 29(3) of the Ontario Heritage Act, R.S.O. 1990, c. O. 18, (currently under appeal).

The subject site is surrounded by developed lands to the west, which consists of a future medium density block, existing single detached dwellings and future single detached dwellings (known as the Powell Subdivision, 39T-05510). To the east of Adelaide Street is vacant land designated for future commercial (Neighbourhood Commercial Node), and proposed residential (Low and

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Medium Density) development (known as the Comfort Subdivision, also owned by the Applicant, file 39T-11502 – not yet draft approved). To the north is the municipal boundary, as well as the Sun-Canadian Oil Pipeline. Lands to the north are currently farmed. Existing single detached dwellings, as well as medium density development and low-rise apartment buildings are located south of the subject site. Existing commercial, comprised of a gas station, oil change facility, and Tim Horton’s, is also located south of the subject site.

There are currently three road connections that exist surrounding the property – Blackwater Road to the south, and Superior Drive and Kleinberg Drive from the west.

<p>SITE CHARACTERISTICS:</p> <ul style="list-style-type: none"> • Current Land Use – Agriculture – cash crops with a farm dwelling and several accessory buildings (barns), woodland, wetland, drainage corridor • Frontage – 585.7 m (1,922 ft) along Sunningdale Road East • Depth – 685 m (2,232 ft) along Adelaide Street North • Area – 41.8 ha (103 ac) • Shape – Rectangular

<p>SURROUNDING LAND USES:</p> <ul style="list-style-type: none"> • North – Agriculture, Woodland (County of Middlesex) • East – Agriculture (cash crops), future planned commercial • South – Multi-family residential, small-scale commercial site containing a gas bar/convenience store and a restaurant • West – future medium density block, single detached dwellings, park

<p>OFFICIAL PLAN DESIGNATION: (refer to Official Plan Map)</p> <ul style="list-style-type: none"> • Schedule “A”: “Low Density Residential”, “Multi-Family, Medium Density Residential”, “Main Street Commercial Corridor”, “Open Space”; • Schedule “B1”: Environmentally Significant Area, Provincially Significant Wetland, Potential Naturalization Areas, Big Picture Meta Corres and Meta-Corridors; • Schedule “C”: Secondary Collector (Blackwater Road and Superior Drive)
<p>THE LONDON PLAN PLACE TYPE:</p> <ul style="list-style-type: none"> • Neighbourhoods, Main Street, Green Space
<p>EXISTING ZONING: (refer to Zoning Map)</p>

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- a Holding Residential R1 Special Provision (h. h-100.h-173•R1-4(27) Zone, a Holding Residential R1 Special Provision (h. h-100.h-173•R1-5(11) Zone, a Holding Residential R1 Special Provision (h. h-100.h-173•R1-5(12) Zone, a Holding Residential R4 Special Provision (h. h-100.h-173•R4-2(1) Zone, a Holding Residential R5 Special Provision/R6 Special Provision (h. h-100.h-173•R5-2(15)/R6-4(16)) Zone, a Holding Residential R5 Special Provision/R6 Special Provision (h. h-100.h-173•R5-4(16)/R6-4(17)) Zone, a Holding Residential R5 Special Provision/R6 Special Provision/Residential R8 Special Provision (h. h-100.h-173•R5-4(16)/R6-5(36)/R8-4(25)) Zone, a Holding Residential R5 Special Provision/R6 Special Provision/Residential R8 Special Provision (h.h-100.h-173•R5-4(17)/R6-5(37)/R8-4(26)) Zone, a Holding Residential R5 Special Provision/R6 Special Provision/Residential R8 Special Provision (h.h-100.h-173•R5-6(9)/R6-5(38)/R8-4(27)) Zone, a Holding Business District Commercial Special Provision (h.h-100.h-173•BDC2(7).D75.H18) Zone, a Holding Business District Commercial Special Provision (h.h-100.h-173•BDC2(8)•D75.H18) Zone, a Holding Business District Commercial Special Provision (h.h-100.h-173.BDC2(9)) Zone, a Holding Business District Commercial Special Provision (h.h-100.h-173•BDC2(10)) Zone, an Open Space (OS1) Zone, an Open Space Special Provision (OS4(10)) Zone, and an Open Space (OS5) Zone

Date Application Accepted: September 7, 2017	Agent: (at the time of application) Michelle Doornbosch, Zelinka Priamo (current agent) Paul Hide, Tanner Consulting
<p>APPLICANT'S REQUESTED ACTION: Zelinka Priamo Ltd., on behalf of Extra Realty Limited, is pleased to submit a request for redline revision to the above noted draft plan. The plan reflects the following changes:</p> <ul style="list-style-type: none"> • The addition of streets 'C', 'H' and 'J' are proposed and will change the majority of the residential blocks surrounding these streets to be developed as free hold lots as opposed to the previously approved cluster housing blocks; • The westerly BDC Block 45 has been reconfigured and reduced in size; • The easterly BDC Block 48 has been reconfigured and increased in size; • The Blocks to the north of Street 'D' have been changed from cluster housing to freehold lots; • The townhouse blocks have been removed from the northerly portion of the property; • The reduction of the park blocks along Adelaide Street to 10m; and • The expansion of the Stormwater Management Block 51. <p>To allow for these changes to the draft plan, the following Zoning By-law Amendments are required:</p> <ul style="list-style-type: none"> • Rezone Blocks 1, 14-17 from h*h-100*h-173*R5-2(15)/R6-4(16) to h*h-100*h-173*R1-4(27); • Rezone Block 6 and 11 and a portion of Blocks 8, 9, 13 and 14 from h*h-100*h-173/R4-2(1) to h*h-100*h-173*R1-4(27); • Rezone Blocks 18, 19 and 20 and a portion of Block 25 from h*h-100*h-173/R1-5(11) to h*h-11*h-173*R1-4(27); • Rezone the easterly portion of Block 20 from OS4(10) to h*h-100*h-173*R1-4(27); • Rezone Blocks 21-24 from h*h-100*h-173*R5-4(16)/R6-5(36)/R8-4(25) to h*h-100*h-173*R1-4(27); • Rezone a portion of Block 25 and Blocks 26-30 from h*h-100*h-173*R5-6(9)/R6-5(34)/R8-4(27) to h*h-100*h-173*R1-4(27); • Rezone Blocks 31-39 from h*h-100*h-173*R5-2(16)/R6-4(17) to h*h-100*h-173*R1-4(27); • Expand the OS1 zone around Block 52. <p>In addition to the above, site-specific provisions are proposed to the BDC2(9) and BDC2(10) zones to allow a maximum building height of 18.0m. This is consistent with the maximum height contemplated for the BDC blocks internal to the subdivision and would allow for multi-story, mixed-use buildings.</p>	

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Location Map



LOCATION MAP

Subject Site: 660 Sunningdale Road East
 Revised Draft Plan of Subdivision - Applewood
 File Number: 39T-09501/Z-8818
 Created By: Nancy Pasato
 Date: 2017-12-12
 Scale: 1:10100

LEGEND

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



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

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PLANNING HISTORY

Additional Planning History prior to “Current Status” is provided under Appendix “E” Planning History.

Current Status

The Application was set to expire on September 9, 2017. The Applicant had requested an extension to the draft plan, which was circulated to agencies and staff on April 12, 2017. The Applicant then provided a revised draft plan application on September 7, 2017. The City has granted an emergency 6 month extension. This draft plan will lapse on March 8, 2018 if no extension or draft plan revision has been approved by this time.

London Plan

Since the time of the previous draft plan, the City’s London Plan was approved by Municipal Council on June 23, 2016, and was Ministry approved on December 28, 2016. As yet, these policies are not in force and effect and are currently under appeal at the Ontario Municipal Board (OMB).

Built Heritage

The property was included in the 1997 Inventory of Heritage Resources. 660 Sunningdale Road East is identified as a Priority 2 resource and is considered to have potential cultural heritage value or interest. Through the previous draft approval, no position was taken with respect to the retention of the barns.

Efforts to demolish the largest of the three barns at 660 Sunningdale Road East commenced in early May 2017. A complaint from the community made the City aware of the demolition activities at the property. A letter advising the property owner of their obligations under Section 27(3) of the Ontario Heritage Act to provide Municipal Council 60 days’ notice of the property owner’s intention to demolish the building or structure on the heritage listed property was sent to the property owner on May 11, 2017. Demolition activities subsequently ceased, but a substantial portion of Barn 1 had already been removed. A demolition permit is not required to demolish a barn under the Ontario Building Code Act; however, this does not alleviate the obligations of property owners regarding Section 27(3) of the Ontario Heritage Act for heritage listed properties.

Following a meeting with the property owner, a request for the demolition of the heritage listed property was received on June 9, 2017. A public meeting was held on July 17, 2017. At its meeting on July 25th, 2017, Municipal Council resolved that notice be given under the provision of Section 29(3) of the Ontario Heritage Act of Municipal Council’s intention to designate the property at 660 Sunningdale Road East to be of cultural heritage value or interest. An appeal of Council’s intent to designate by Analee J. M. Ferreira, Ferreira Law, on behalf of the property owner, was received by the City Clerk on September 22, 2017.

The largest of the barns has since been demolished. The two smaller barns remain.

Phase 1

The Applicant has approved design studies for Phase 1 of the subdivision, and is currently working on engineering drawings (see below graphic for Phase 1 area). Phase 1 includes Block 42, a multi-family block, and Block 36 and 39, with a proposed R1-4(27) Zone to permit single detached dwellings.

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SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

Full comments received are attached under Appendix “D”. Below is a summary of the main comments and conditions provided.

London Advisory Committee on Heritage (LACH)

LACH expressed concern regarding the revisions to the Draft Plan of Subdivision and Zoning By-law Amendment as it is not clear how the two barns recommended for designation will be protected and conserved in the revised Draft Plan.

Staff comment: the barns are proposed to be retained through the revised draft plan and will be located on Block 48. A condition of draft approval and revised zoning will be applied to the barns to ensure their continued preservation and allow for possible adaptive reuse in the future. Additional discussion is provided later on in the report.

Environmental and Ecological Planning Advisory Committee (EEPAC)

The notice as received and no formal comments were made, noting that EEPAC has previously provided comments through the original application and the proposed revision to the draft plan does not affect the ESA on the property.

Thames Valley District School Board (TVDSB)

Due to increased enrollment the TVDSB would like a revised condition of draft approval that the developer includes a clause in all agreements of purchase and sale that a provision advising future owners that future school accommodation are dependent on funding approval for the Ministry of Education, and that future accommodations for students will be outside of the area in the short and long term.

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Staff comment: the following revised wording will be updated and included in the subdivision agreement general clauses.

Upper Thames River Conservation Authority (UTRCA)

There are still a number of outstanding matters that the UTRCA advised of in our comments/conditions pertaining to the draft plan approval provided in 2014.

- The subject lands are regulated in accordance with Ontario Regulation 157/06 made pursuant to Section 28 of the Conservation Authorities Act and the proponent must obtain the necessary permit/approvals from the UTRCA.
- We had previously requested that Block 43 now Block 51 be redlined to incorporate the required 15 metre setback for the watercourse. As a condition of draft plan approval we are seeking confirmation that the required setback has been provided.
- The UTRCA had previously requested that a Final Environmental Impact Study be prepared. This document was to compile all of the addendums and address the UTRCA's outstanding concerns as noted in our April 24, 2014 correspondence (enclosed). To date we are still awaiting a Final EIS and request that this condition be carried forward.
- The UTRCA is in receipt of Hydrogeological Assessment - Proposed Applewood Subdivision 660 Sunningdale Rd E, London, Ontario updated May 2017 (received September 12, 2017). Given that we have not yet completed our review/accepted the findings of the hydrogeological study this condition of draft plan approval should be carried forward.
- Through the Design Studies process, the UTRCA would like to continue to review any Functional SWM/Drainage Report prepared for the subdivision.

Staff comment: the above have been added as conditions to draft approval.

Sun Canadian Oil Pipeline

“The 20 m setback area between the dwelling and the property line may be used for other uses such as sheds, patios and pools. The TSSA discourages locating separate garage within the setback zone as they may lead to future renovations that become dwellings. As you have indicted the 1.8 m fence along the easement is required and the individual landowners are not to install gates or use the pipeline easement lands for access to individual properties. As requested we enclose a copy of Sun-Canadian's route map and also a copy of same with noted 20 m setback from the nearest pipeline for your reference. If a more accurate measurement is desired, we can offer a pipeline locating service, to stake the nearest pipeline in the field and you can provide the surveyor for measurements and documentation.

Sun-Canadian has no objection in principle to installing a public walkway located over the pipeline easement along the north limits of the City of London - in the vicinity of the subject development lands. Provided that Sun-Canadian participates in the design reviews regarding the protection of the pipelines.

Sun-Canadian requests that the subject plot plan be revised in conformity with the guidelines as well as written consent with the parties responsible for construction activity, to ensure safe guards such as temporary fencing are in place to limit unauthorized activities near the pipeline.”

Staff comment: revised conditions relating to the Sun Canadian Oil Pipeline and easement have been included in the draft conditions. A special provision has been added to the R1-5 Zoning which specifies the minimum dwelling setback required for single detached lots adjacent to the oil pipeline easement. The above have been added as conditions to draft approval.

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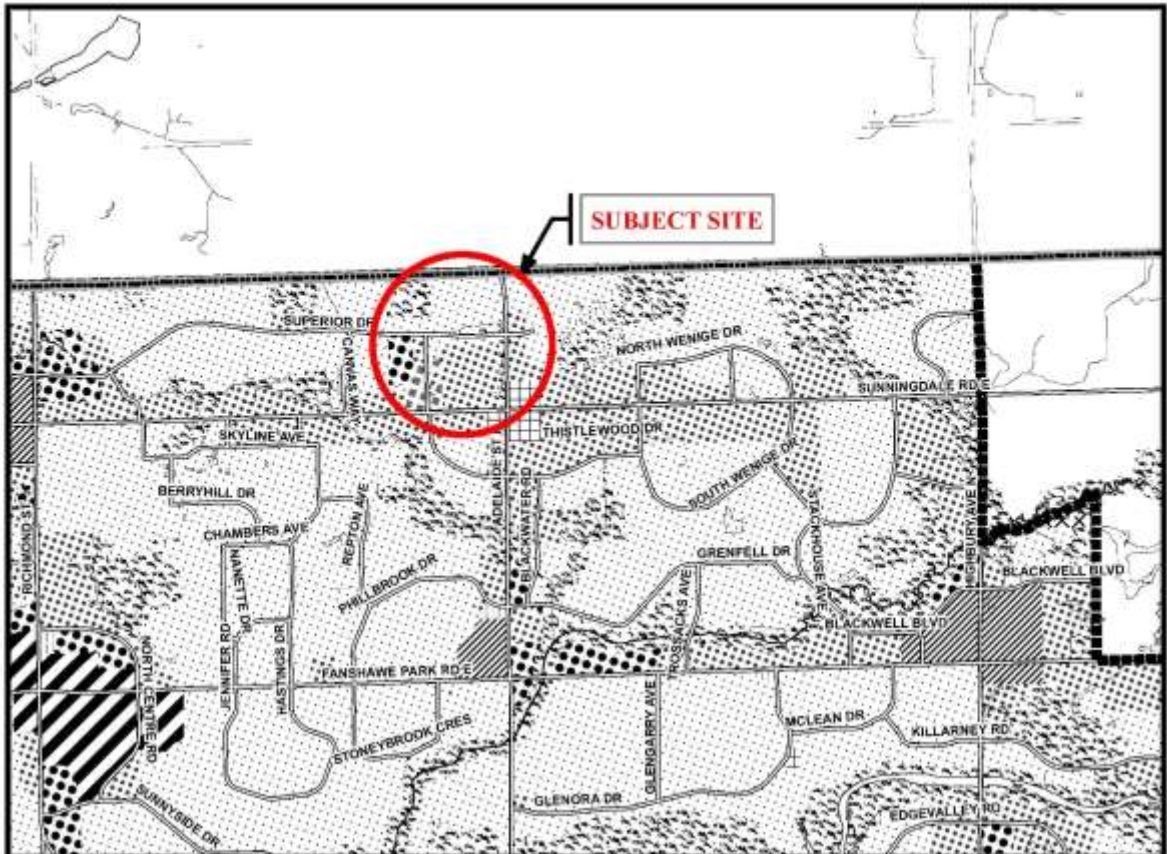
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PUBLIC LIAISON:	<p>Public liaison: On September 19, 2017, Notice of Application was sent to 97 property owners in the surrounding area. Notice of Application was also published in the <i>Public Notices and Bidding Opportunities</i> section of <i>The Londoner</i> on September 28, 2017.</p>	<p>No replies received.</p>
<p>Nature of Liaison: The purpose and effect of this application is to revise the plan of subdivision by adding more local roads, adjusting blocks sizes and changing zoning to permit single detached dwellings in place of cluster housing, increasing the stormwater management block, and reconfiguring the commercial/residential and park blocks. Consideration of a request for red-line revisions to the draft-approved subdivision plan to: Add local streets “C”, “H”, “J”, “K” and “L” and reconfigure/add blocks along these new local streets (Block 21-Block 41) (residential); Reconfigure and/or split existing Blocks (Blocks 1 and 2, Blocks 16 and 17, Blocks 18 and 19) (residential); Reconfigure and reduce Block 45 (commercial); Reconfigure and increase Block 48 (commercial); Reduce Block 51, 53, 55 and 58 (park/walkway); Reconfigure and increase Block 60 (stormwater management); Reduce and reconfigure Block 28 (residential). The proposed red-line revisions will result in revised draft plan of subdivision consisting of 39 low density blocks (Blocks 1-39) (an estimated 371 single detached dwelling lots and 26 cluster housing units), four (4) medium density residential blocks (Blocks 40-44) (an estimated 393 units), two (2) commercial blocks (Blocks 46-47), two (2) commercial/mixed use residential blocks (Blocks 48-49), three (3) open space blocks (Blocks 49-51), eight (8) parkland and walkway blocks (Blocks 52-59), one (1) stormwater management block (Block 60), one (1) road widening block (Block 61), six (6) 0.3 m reserve blocks (Blocks 62-67), all served by one (1) primary collector road (Blackwater Road), two (2) secondary collector roads (Kleinburg Drive and Street “D”), and nine (9) new local streets. Possible Amendment to Zoning By-law Z.-1 to change the zoning from:</p> <ul style="list-style-type: none"> i) a Holding Residential R1 Special Provision (h.h-100.h-173•R1-5(11) Zone, a Holding Residential R4 Special Provision (h. h-100.h173•R4-2(1)) Zone, a Holding Residential R5 Special Provision/R6 Special Provision (h. h-100.h-173•R5-2(15)/R6-4(16)) Zone, a Holding Residential R5 Special Provision/R6 Special Provision (h.h-100.h-173•R5-2(16)/R6-4(17)) Zone, a Holding Residential R5 Special Provision/R6 Special Provision/Residential R8 Special Provision (h. h-100.h-173•R5-4(16)/R6-5(36)/R8-4(25)) Zone and a Holding Residential R5 Special Provision/R6 Special Provision/Residential R8 Special Provision (h. h-100.h-173•R5-6(9)/R6-5(38)/R8-4(27)) Zone TO a Holding Residential R1 Special Provision (h. h-100.h-173)•R1-4(27) Zone to permit single detached dwellings with a minimum lot area of 360 m2 and minimum lot frontage of 12 m, with a special provision for a reduced front yard setback of 3.0 metre to the house and 5.5 metre to the garage from a collector or local road, and a reduced interior side yard setback of 1.2 metres; ii) a Holding Residential R5 Special Provision/R6 Special Provision/Residential R8 Special Provision (h. h-100.h-173•R5-4(16)/R6-5(36)/R8-4(25)) Zone TO a Holding Residential R1 (h. h-100.h-173•R1-3) Zone to permit single detached dwellings with a minimum lot area of 300 m2 and minimum lot frontage of 10 m; iii) a Holding Residential R5 Special Provision/R6 Special Provision/Residential R8 Special Provision (h. h-100.h-173•R5-4(17)/R6-5(34)/R8-4(26)) Zone TO an Open Space (OS1) Zone to permit conservation lands and works, public and private parks, and public and private golf courses; iv) a Holding Business District Commercial Special Provision (h. h-100.h-173•BDC2(9)) Zone TO a Holding Business District Commercial Special Provision (h. h-100.h-173•BDC2(9)*H18) Zone to add a maximum height of 18.0 metres to the existing zone; v) and a Holding Business District Commercial Special Provision (h. h-100.h-173•BDC2(10)) Zone TO a Holding Business District Commercial Special Provision (h. h-100.h-173•BDC2(10)*H18) Zone to add a maximum height of 18.0 metres to the existing zone. 		
<p>Responses: None.</p>		

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City of London Official Plan Schedule "A" Excerpt



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

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

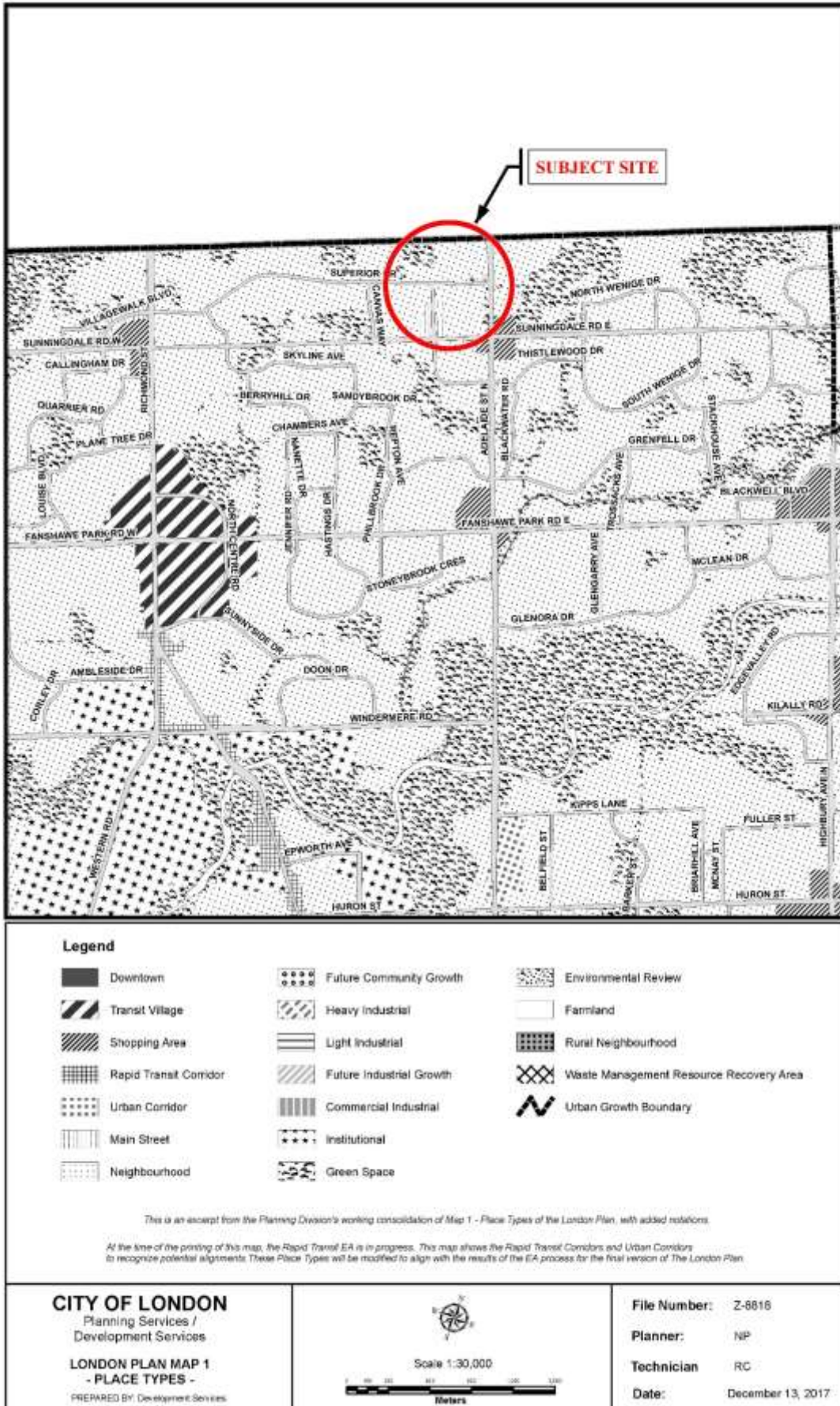
<p>CITY OF LONDON Planning Services / Development Services</p> <p>OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p><small>PREPARED BY: Development Services</small></p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: Z-8818</p> <p>PLANNER: NP</p> <p>TECHNICIAN: RC</p> <p>DATE: 2017/12/12</p>
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File: 39T-09501/Z-8818
 Planner: Nancy Pasato

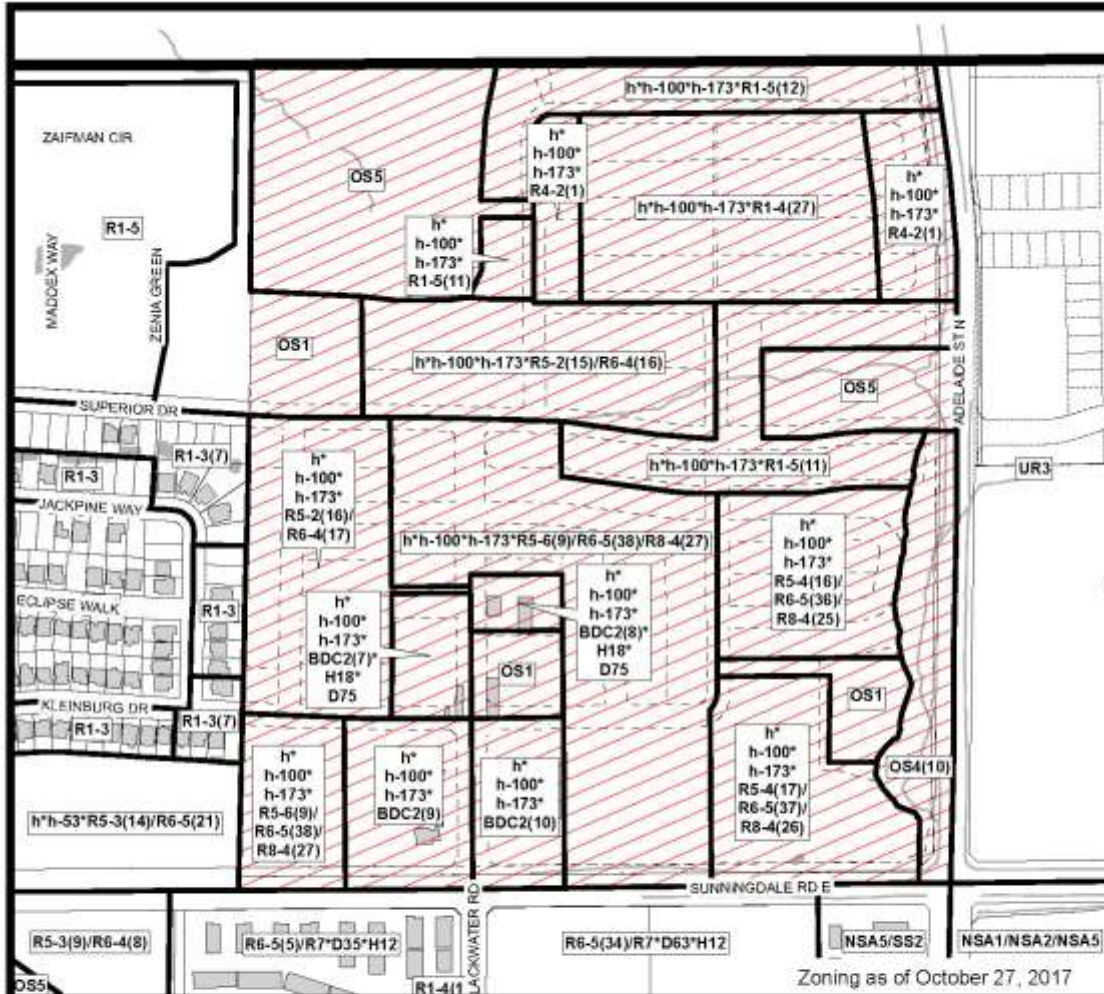
The London Plan Excerpt Map 1 Place Types



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File: 39T-09501/Z-8818
 Planner: Nancy Pasato

Zoning Bylaw Z-1 Existing Zoning Excerpt



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

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| <ul style="list-style-type: none"> R1 - SINGLE DETACHED DWELLINGS R2 - SINGLE AND TWO UNIT DWELLINGS R3 - SINGLE TO FOUR UNIT DWELLINGS R4 - STREET TOWNHOUSE R5 - CLUSTER TOWNHOUSE R6 - CLUSTER HOUSING ALL FORMS R7 - SENIOR'S HOUSING R8 - MEDIUM DENSITY/LOW RISE APTS. R9 - MEDIUM TO HIGH DENSITY APTS. R10 - HIGH DENSITY APARTMENTS R11 - LODGING HOUSE
 DA - DOWNTOWN AREA RSA - REGIONAL SHOPPING AREA CSA - COMMUNITY SHOPPING AREA NSA - NEIGHBOURHOOD SHOPPING AREA BDC - BUSINESS DISTRICT COMMERCIAL AC - ARTERIAL COMMERCIAL HS - HIGHWAY SERVICE COMMERCIAL RSC - RESTRICTED SERVICE COMMERCIAL CC - CONVENIENCE COMMERCIAL SS - AUTOMOBILE SERVICE STATION ASA - ASSOCIATED SHOPPING AREA COMMERCIAL
 OR - OFFICE/RESIDENTIAL OC - OFFICE CONVERSION RO - RESTRICTED OFFICE OF - OFFICE | <ul style="list-style-type: none"> RF - REGIONAL FACILITY CF - COMMUNITY FACILITY NF - NEIGHBOURHOOD FACILITY HER - HERITAGE DC - DAY CARE
 OS - OPEN SPACE CR - COMMERCIAL RECREATION ER - ENVIRONMENTAL REVIEW
 OB - OFFICE BUSINESS PARK LI - LIGHT INDUSTRIAL GI - GENERAL INDUSTRIAL HI - HEAVY INDUSTRIAL EX - RESOURCE EXTRACTIVE UR - URBAN RESERVE
 AG - AGRICULTURAL AGC - AGRICULTURAL COMMERCIAL RRC - RURAL SETTLEMENT COMMERCIAL TGS - TEMPORARY GARDEN SUITE RT - RAIL TRANSPORTATION
 "N" - HOLDING SYMBOL "D" - DENSITY SYMBOL "H" - HEIGHT SYMBOL "B" - BONUS SYMBOL "T" - TEMPORARY USE SYMBOL |
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CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

ZONING BY-LAW NO. Z-1 SCHEDULE A



FILE NO:
Z-8818 NP

MAP PREPARED:
 2017/12/11 rc



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**File: 39T-09501/Z-8818
Planner: Nancy Pasato**

ANALYSIS

Development Proposal

The Applicant’s requested changes and zoning amendments are intended to revise the existing draft plan by introducing several new public streets, and reconfiguring several large multi-family blocks into future single detached dwellings. The introduction of these new streets will also reduce some of the Business District Commercial (BDC) mixed use blocks (Block 38) and increase the other BDC (Block 48) use. The Applicant is also seeking a redesign by removing Blocks 7 and 14 in the north end, and seeking a Zoning By-law Amendment to remove street townhouse zoning from those blocks as well as Blocks 6 and 11. The Applicant is also seeking a reduction in the parks/pathway blocks 55 and 58 to 10 m from the previous 15m, and a reduction in Block 51 at the top end to 10m. The Applicant is also seeking an increase to the stormwater management block (Block 60) as a result of the City’s design for the facility.

The Applicant’s proposed revisions would result in a revised draft plan of subdivision consisting of 39 low density blocks (Blocks 1-39) (an estimated 371 single detached dwelling lots and 26 cluster housing units), four (4) medium density residential blocks (Blocks 40-44) (an estimated 393 units), two (2) commercial blocks (Blocks 46-47), two (2) commercial/mixed use residential blocks (Blocks 48-49), three (3) open space blocks (Blocks 49-51), eight (8) parkland and walkway blocks (Blocks 52-59), one (1) stormwater management block (Block 60), one (1) road widening block (Block 61), six (6) 0.3 m reserve blocks (Blocks 62-67), all served by one (1) primary collector road (Blackwater Road), one (1) secondary collector road (Street “D”/Superior Drive), and ten (10) new local streets.

The Applicant’s proposed changes would increase the number of single detached dwellings proposed for this subdivision (an increase from 290 to 371 single detached dwelling lots). The built form of the proposed single detached dwelling requires a minimum front yard setback for each dwelling of 3m and a minimum garage setback of 5.5m. These regulations will ensure that the main dwelling portion of each structure is the dominant feature at the street level. Regulations are included to require that garages are set back behind the main dwelling portion of each structure. The lot frontages for these homes will vary from 10m (for lots in the R1-3 Zone) and 12m (for lots in the R1-4 and R1-5 Zones). The lots within the R1-5 Zone will also include a special provision to ensure a minimum setback for homes adjacent to the Sun Canadian Oil Pipeline.

The revised multi-family blocks will result in an estimated 393 dwelling units (compared to 690 estimated multi-family units previously). The zoning will permit all forms of multi-family housing, including cluster single detached, semi-detached, duplex, triplex, townhouse, stacked townhouse, fourplex dwellings and low rise apartment buildings. Special provisions to maintain a dwelling front yard setback to 3m for main dwellings and a minimum garage setback of 5.5m are proposed to ensure that the housing form for the multi-family blocks is consistent with that of the single detached dwellings.

The mixed use development required for Block 45 and Block 48 is limited to ground floor commercial/office uses, with residential units restricted to the 2nd floor and above (to a maximum height of 18m). The BDC Zones for this block encourages street oriented development with special provisions for the primary entrance for individual tenants to be oriented toward the primary collector, for a minimum 2m and maximum 4m front and exterior side yard setback. Block 48 is adjacent to a proposed park and the reduction in setbacks is meant to facilitate buildings flanking the park to create opportunities for the commercial uses and the park to interact (through the use of outdoor seating, pedestrian walkways, patios fronting the park, etc.).

The proposed commercial blocks (Blocks 46 and Block 47) are intended to provide for commercial uses geared towards the larger neighbourhood/area needs. The Applicant has requested additional height (18m) through this application for Blocks 46 and 47 to facilitate mixed use multi-level development. The zoning otherwise is unchanged, and special provisions that were added

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to the commercial sites, such as lot frontage along the primary collector, primary entrances for commercial/retail/office uses shall be on the primary collector, and a minimum 2m maximum 4m front and exterior side yard setback are all encompassed in the zoning to ensure that the development creates a strong street wall and is pedestrian oriented.

A slight reduction in size is proposed for Park Block 53, to ensure that the lot line does not interfere with the existing barns located on the adjacent Block 48. An urban park is slated for this Block, which is intended to be a focal point within the neighbourhood that serves as a formal gathering space for area residents. Urban parks provide a high level of design quality, including extensive hard surfaces, outdoor lighting, irrigation, seating and horticultural features. Block 52 is the larger neighbourhood park, to be amalgamated with park lands to the west. This park will contain sports fields and larger play structures for the community.

The Applicant has requested changes to the pathway blocks located along the Adelaide Street frontage (Blocks 55, 58 and a portion of Block 51), from 15m to 10m. Overall the pathway connections will connect to the east west pathway to be located along the northern boundary of the municipality (in the Municipality of Middlesex Centre). There are two prominent natural heritage features on site that will be retained – Block 49 (ESA) and Block 50 (wetland). No changes are proposed to these blocks and the buffers for both have been incorporated into the final block sizes and zoning.

The Applicant has not detailed future plans for the two heritage designated barns, currently located in Block 48. It should be noted the Applicant has appealed the City's designation of those barns.

Overall, development on these blocks will be guided by the required urban design guidelines, which will set the context and development principles.

The Applicant's requested revised draft plan and requested zoning amendment is shown on the next page(s).

Community Engagement (see more detail in Appendix "D")

The "Notice of Application - Revisions to Draft Plan of Subdivision and Zoning By-law Amendment" was sent to property owners within 120m of the site on September 19, 2017, and published in the Londoner on September 28, 2017. To date, no comments have been received from the public.

Stakeholder comments

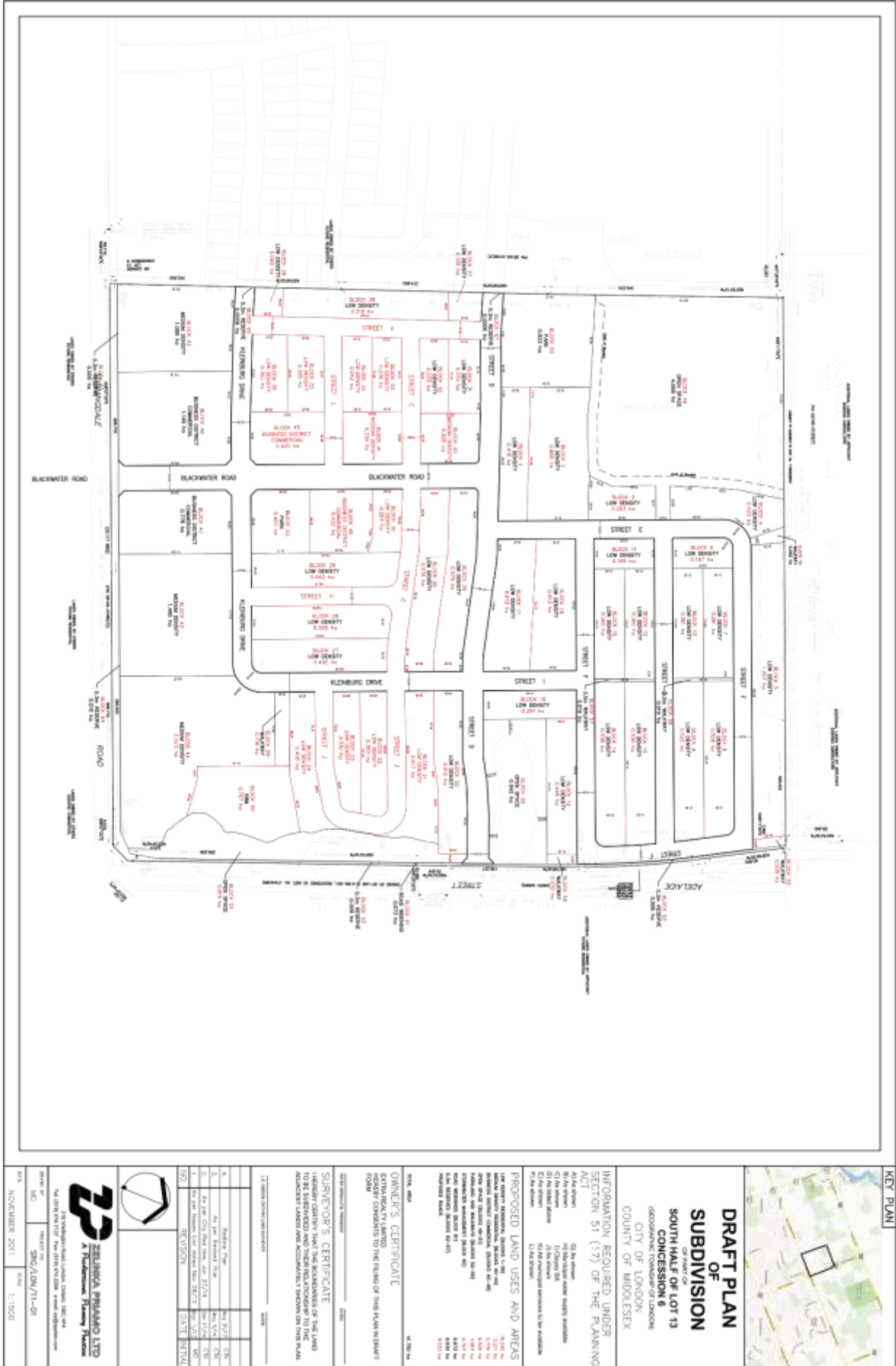
Through the circulation, minor changes to conditions have been recommended from Engineering, Sun Canadian Pipeline, Urban Design, Environmental and Parks Planning, and the Upper Thames River Conservation Authority (UTRCA).

At the January 8, 2018 meeting, PEC received a report from the London Advisory Committee on Heritage (LACH). LACH expressed concern regarding the revisions to the Draft Plan of Subdivision and Zoning By-law Amendment as it is not clear how the two barns recommended for designation will be protected and conserved in the revised Draft Plan. The barns are proposed to be retained through the revised draft plan and will be located on Block 48. A condition of draft approval and revised zoning will be applied to the barns to ensure their continued preservation and allow for possible adaptive reuse in the future. Additional discussion is provided later on in the report.

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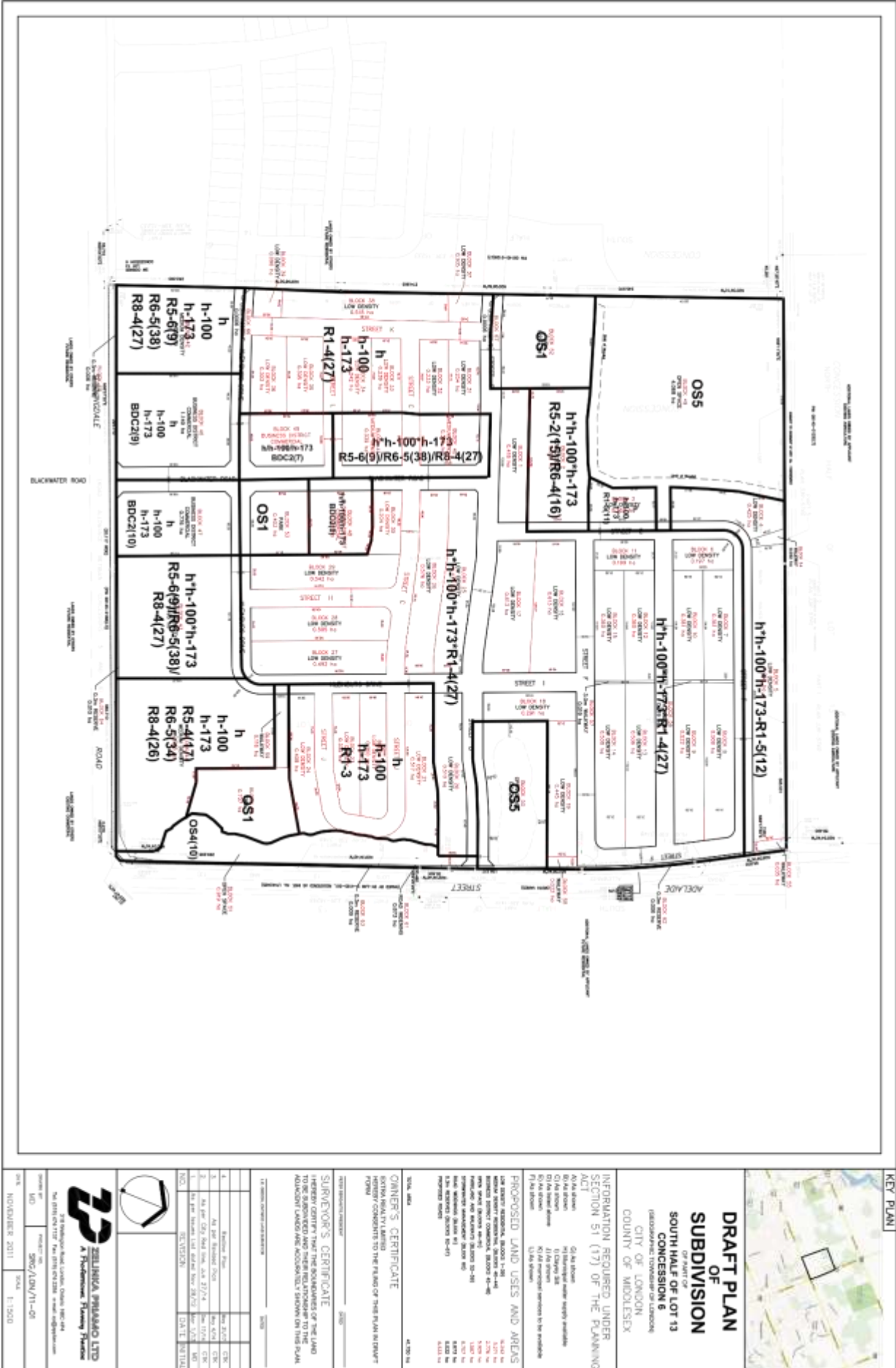
Applicant's Proposed Revisions to Draft Plan



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File: 39T-09501/Z-8818
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Applicant's Proposed Revisions to Zoning



KEY PLAN

DRAFT PLAN OF SUBDIVISION
 OF PART OF SOUTH HALF OF LOT 13
 CONCESSION 6
 (CADASTRAL TOWNSHIP OF LONDON, COUNTY OF MIDDLESEX)

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

OS1
 OSS
 R5-6(9)
 R8-4(27)
 h
 h-100

PROPOSED LAND USES AND AREAS

Area: 4,000 sq. ft.
 Use: Residential Single-Family Detached

OWNER'S CERTIFICATE

I, the undersigned, being the owner of the land shown in the plan, hereby certify that the information given in this plan is true and correct.

SURVEYOR'S CERTIFICATE

I, the undersigned, being a duly qualified and licensed surveyor, hereby certify that the plan is a true and correct representation of the land shown in the plan.

NO.	DESCRIPTION	DATE	INITIALS
1	As per Subdivision		
2	As per City and Town, Act 27/4		
3	As per Section 51(17) of the Planning Act		

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 A Professional Planning Practice

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 Toronto, Ontario M5G 1L8
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Project No: 5962/LON/11-01
 Date: NOVEMBER 2011
 Scale: 1:1500

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**File: 39T-09501/Z-8818
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Staff Recommendation

Staff recommended changes to the Applicant’s submission are the following:

Revised Plan:

- Changes to Blocks 51, 55 and 58 to preserve the previously approved (2014) 15m walkway corridor, and to expand Block 51 at the southeast corner (adjacent to Adelaide and Sunningdale Rd) to 10m.
- Minor change to Block 39 to increase the width of the Block. This will ensure the lots created will meet the minimum lot size and lot frontage as required through zoning and will facilitate single detached dwellings.

Zoning:

- Change to Block 45, 46, 47 and 48 by adding a new special provision to each zone to prohibit first floor residential in all BDC Blocks.
- Change to Block 46 and 47 to add a height of 18m, in place of the required 12m.
- Change the zoning for Block 46 by including the above special provisions, and a Temporary Zone to permit the existing dwelling to be used on a temporary basis in the BDC uses.
- Change the zoning for Block a revised h. h-100.h-173•BDC2(8)•D75•H18, which includes new special provisions on prohibition for first floor residential, and regulations associated with the existing barns, and any new buildings for the site.

Otherwise, all other changes proposed by the Applicant for draft plan and zoning are being supported and recommended. Discussion on these items is provided in the “Issues” section of the report.

Policy Context

Planning Act - Section 51(24)

Planning Staff have reviewed the requirements under Section 2 of the Planning Act and regard has been given to matters of provincial interest. The subject lands are bordered by existing and planned development to the west. The two natural areas within the subject site have been assessed and the appropriate buffers and mitigation continue to be incorporated in this revised plan. Municipal services are planned for the site and will need to be extended by the Applicant prior to development occurring. The Municipality will construct the stormwater management pond (slated for 2018) required to serve this development. Other municipal services such as roads and transportation infrastructure will be provided and constructed as part of the conditions of draft plan approval. The proposed draft plan is located in a municipality which actively promotes waste recycling/recovery programs, and will be served by the Blue Box collection and other municipal waste recycling facilities. As part of the draft plan, two parks will be constructed, as well as numerous walkways and a municipal pathway located just outside the municipal boundary, which will connect lands to the east and west. Cash in lieu-of-parkland will also be required in addition to parkland. There is also access to nearby parks and recreational facilities, medical facilities, and emergency and protective services. The surrounding area is predominantly single family residential, with some higher density recently constructed to the south of the subject site. This plan proposes a full range of housing types, including single detached dwellings, multi-unit developments, and mixed use development. There is adequate provision of employment areas throughout the City and in close proximity to this site. The proposed draft plan implements the land use policies in accordance with the City’s Official Plan, and the Uplands North Area Plan. The proposed revised draft plan supports public transit and promotes pedestrian movement through the adjacent subdivisions.

The requirements of London Hydro, Union Gas, and the City of London to adequately provide utilities and services are normally addressed in the subdivision agreement.

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

Provincial Policy Statement

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development, setting the policy foundation for regulating the development and use of land.

The PPS directs growth to settlement areas, encourages a diversity of land uses and densities within settlement areas, identifies preferred locations for new housing, and considers the housing needs of all residents, including the provision of housing which is affordable. The PPS directs that cultural heritage and natural heritage resources shall be conserved.

The proposed subdivision accommodates a range and mix of residential units and densities, such as zoning for single detached dwellings, various cluster housing zones, as well as mixed use development and standalone commercial uses along the main street. The addition of several local streets improves the functionality, serviceability and pedestrian connectivity and expands on the "grid" type pattern, thus promoting a more efficient subdivision pattern. The subject lands are within the Urban Growth Boundary (settlement area), as identified in the Official Plan and are designated to permit a mix of uses. The proposed development will be serviced by full municipal services. The plan provides for two public parks, numerous walkways/connections which enhance pedestrian movement, and connections to a proposed recreational trail to be located along the northern edge of the City.

The subject lands include a Provincially Significant Wetland and an Environmentally Significant Area. No changes are proposed from the previous subdivision with respect to setbacks and buffers related to the significant natural heritage features.

The subject lands also abut active agricultural lands; although no potential livestock facilities are located within 500 m of the property. The recommended draft plan provides an intervening land use (a 15 m open space corridor) between proposed residential uses and agricultural operations in the Township of Middlesex Centre. In addition the conditions of draft approval require a warning clause to be placed in the subdivision agreement to advise future residents of the potential impacts of nearby agricultural operations.

The Sun Canadian Pipeline is located just north of the development within the Municipality of Middlesex Centre. A setback from this pipeline has been incorporated in the conditions of the subdivision and within the zoning.

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

All decisions of Council affecting land use planning matters are required to be consistent with the PPS.

City of London Official Plan (1989)

The City of London 1989 Official Plan ("Official Plan") implements the policy direction of the PPS and contains objectives and policies that guide the use and development of land within the City of London. The Official Plan assigns specific land use designations to lands, and the policies associated with those land use designations provide for a general range of permitted uses.

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Planner: Nancy Pasato

Staff Recommended Redlined Draft Plan



<p>KEY PLAN</p>	<p>DRAFT PLAN OF SUBDIVISION OF PART OF SOUTH HALF OF LOT 13 CONCESSION 6 PARDONIAN TOWNSHIP OF LONDON CITY OF LONDON COUNTY OF MIDDLESEX</p>	<p>INFORMATION REQUIRED UNDER SECTION 51 (17) OF THE PLANNING ACT</p> <p>As the owner: [] As the developer: [] As the applicant: [] As the surveyor: []</p> <p>PROPOSED LAND USES AND AREAS</p> <table border="1"> <tr> <td>Lot 1</td> <td>4,121 sq. ft.</td> <td>Residential</td> </tr> <tr> <td>Lot 2</td> <td>4,121 sq. ft.</td> <td>Residential</td> </tr> <tr> <td>Lot 3</td> <td>4,121 sq. ft.</td> <td>Residential</td> </tr> <tr> <td>Lot 4</td> <td>4,121 sq. ft.</td> <td>Residential</td> </tr> <tr> <td>Lot 5</td> <td>4,121 sq. ft.</td> <td>Residential</td> </tr> <tr> <td>Lot 6</td> <td>4,121 sq. ft.</td> <td>Residential</td> </tr> <tr> <td>Lot 7</td> <td>4,121 sq. ft.</td> <td>Residential</td> </tr> <tr> <td>Lot 8</td> <td>4,121 sq. ft.</td> <td>Residential</td> </tr> <tr> <td>Lot 9</td> <td>4,121 sq. ft.</td> <td>Residential</td> </tr> 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<td>Lot 94</td> <td>4,121 sq. ft.</td> <td>Residential</td> </tr> <tr> <td>Lot 95</td> <td>4,121 sq. ft.</td> <td>Residential</td> </tr> <tr> <td>Lot 96</td> <td>4,121 sq. ft.</td> <td>Residential</td> </tr> <tr> <td>Lot 97</td> <td>4,121 sq. ft.</td> <td>Residential</td> </tr> <tr> <td>Lot 98</td> <td>4,121 sq. ft.</td> <td>Residential</td> </tr> <tr> <td>Lot 99</td> <td>4,121 sq. ft.</td> <td>Residential</td> </tr> <tr> <td>Lot 100</td> <td>4,121 sq. ft.</td> <td>Residential</td> </tr> </table>	Lot 1	4,121 sq. ft.	Residential	Lot 2	4,121 sq. ft.	Residential	Lot 3	4,121 sq. ft.	Residential	Lot 4	4,121 sq. ft.	Residential	Lot 5	4,121 sq. ft.	Residential	Lot 6	4,121 sq. ft.	Residential	Lot 7	4,121 sq. ft.	Residential	Lot 8	4,121 sq. ft.	Residential	Lot 9	4,121 sq. ft.	Residential	Lot 10	4,121 sq. ft.	Residential	Lot 11	4,121 sq. ft.	Residential	Lot 12	4,121 sq. ft.	Residential	Lot 13	4,121 sq. ft.	Residential	Lot 14	4,121 sq. ft.	Residential	Lot 15	4,121 sq. ft.	Residential	Lot 16	4,121 sq. ft.	Residential	Lot 17	4,121 sq. ft.	Residential	Lot 18	4,121 sq. ft.	Residential	Lot 19	4,121 sq. ft.	Residential	Lot 20	4,121 sq. ft.	Residential	Lot 21	4,121 sq. ft.	Residential	Lot 22	4,121 sq. ft.	Residential	Lot 23	4,121 sq. ft.	Residential	Lot 24	4,121 sq. ft.	Residential	Lot 25	4,121 sq. ft.	Residential	Lot 26	4,121 sq. ft.	Residential	Lot 27	4,121 sq. ft.	Residential	Lot 28	4,121 sq. ft.	Residential	Lot 29	4,121 sq. ft.	Residential	Lot 30	4,121 sq. ft.	Residential	Lot 31	4,121 sq. ft.	Residential	Lot 32	4,121 sq. ft.	Residential	Lot 33	4,121 sq. ft.	Residential	Lot 34	4,121 sq. ft.	Residential	Lot 35	4,121 sq. ft.	Residential	Lot 36	4,121 sq. ft.	Residential	Lot 37	4,121 sq. ft.	Residential	Lot 38	4,121 sq. ft.	Residential	Lot 39	4,121 sq. ft.	Residential	Lot 40	4,121 sq. ft.	Residential	Lot 41	4,121 sq. ft.	Residential	Lot 42	4,121 sq. ft.	Residential	Lot 43	4,121 sq. ft.	Residential	Lot 44	4,121 sq. ft.	Residential	Lot 45	4,121 sq. ft.	Residential	Lot 46	4,121 sq. ft.	Residential	Lot 47	4,121 sq. ft.	Residential	Lot 48	4,121 sq. ft.	Residential	Lot 49	4,121 sq. ft.	Residential	Lot 50	4,121 sq. ft.	Residential	Lot 51	4,121 sq. ft.	Residential	Lot 52	4,121 sq. ft.	Residential	Lot 53	4,121 sq. ft.	Residential	Lot 54	4,121 sq. ft.	Residential	Lot 55	4,121 sq. ft.	Residential	Lot 56	4,121 sq. ft.	Residential	Lot 57	4,121 sq. ft.	Residential	Lot 58	4,121 sq. ft.	Residential	Lot 59	4,121 sq. ft.	Residential	Lot 60	4,121 sq. ft.	Residential	Lot 61	4,121 sq. ft.	Residential	Lot 62	4,121 sq. ft.	Residential	Lot 63	4,121 sq. ft.	Residential	Lot 64	4,121 sq. ft.	Residential	Lot 65	4,121 sq. ft.	Residential	Lot 66	4,121 sq. ft.	Residential	Lot 67	4,121 sq. ft.	Residential	Lot 68	4,121 sq. ft.	Residential	Lot 69	4,121 sq. ft.	Residential	Lot 70	4,121 sq. ft.	Residential	Lot 71	4,121 sq. ft.	Residential	Lot 72	4,121 sq. ft.	Residential	Lot 73	4,121 sq. ft.	Residential	Lot 74	4,121 sq. ft.	Residential	Lot 75	4,121 sq. ft.	Residential	Lot 76	4,121 sq. ft.	Residential	Lot 77	4,121 sq. ft.	Residential	Lot 78	4,121 sq. ft.	Residential	Lot 79	4,121 sq. ft.	Residential	Lot 80	4,121 sq. ft.	Residential	Lot 81	4,121 sq. ft.	Residential	Lot 82	4,121 sq. ft.	Residential	Lot 83	4,121 sq. ft.	Residential	Lot 84	4,121 sq. ft.	Residential	Lot 85	4,121 sq. ft.	Residential	Lot 86	4,121 sq. ft.	Residential	Lot 87	4,121 sq. ft.	Residential	Lot 88	4,121 sq. ft.	Residential	Lot 89	4,121 sq. ft.	Residential	Lot 90	4,121 sq. ft.	Residential	Lot 91	4,121 sq. ft.	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**File: 39T-09501/Z-8818
Planner: Nancy Pasato**

The existing Official Plan designations were applied through the Uplands North Area Planning process, which was conducted in 2001/2002. The area is currently designated Multi-Family, Medium Density Residential along the Sunningdale Road and a portion of the Adelaide Street North frontage, Low Density Residential within the internal of the site, Open Space to recognize the Environmentally Significant Area (ESA) and the Provincially Significant Wetland (PSW), and Main Street Commercial Corridor along the extension of Blackwater Road. No changes are proposed to the current Official Plan through this revised subdivision.

Overall, the proposed staff recommended changes to zoning continue to meet the intent of the policies and designations of the Official Plan. The Low Density designation primarily permits single, semi-detached and duplex forms of housing up to 30 units per hectare. The proposed R1 Zones and associated special provisions for single detached dwellings is in keeping with the policies for Low Density Residential uses, and will facilitate street oriented dwellings. The Multi-Family, Medium Density designation is primarily intended for multiple forms of housing including row and cluster housing, low rise apartment buildings, rooming and boarding houses, small scale nursing homes, rest homes and homes for the aged up to a density of 75 units per hectare, however, there are no density minimums required through Official Plan policy, and single detached dwellings area also a permitted use with the MDR designation. A range of zoning is proposed for the four (4) multi-family blocks, ranging from cluster singles to townhomes and low rise apartments (to a maximum 75 nits per hectare). The Open Space designation allows for a range of parks and recreation, and natural heritage uses, including retention of existing natural heritage features, buffers associated with these features, and future pedestrian pathways. The Main Street Commercial designation encourages smaller scale commercial uses in mixed used buildings, encourages building form and design that is pedestrian oriented, and facilitates a wide range of small scale commercial and office/personal service establishments that are meant to fulfill the local needs of residents. Such a mix is intended to provide live-work opportunities and pedestrian accessibility to consumer goods and services within the area and the surrounding residential communities. The BDC2 Zone and associated special provisions implement the intent of the designation and allow for a range of commercial and office uses in mixed use and stand-alone buildings. Temporary Zones are a permitted under Section 19 of the Official Plan. Additional analysis on Temporary Zones is provided under the "Issues" section of this report.

Overall, the revised draft plan has included more street connections which improves pedestrian connectivity for residents, and retains the heritage designated barns through conditions and zoning, which will affords it the ability to be reused or incorporated into the development.

Uplands North Area Plan

The Uplands North Area Plan contains more detailed land use recommendations than the Official Plan and also process recommendations for each property in the Plan. No change from a designation perspective is proposed. Overall, the proposed plan, as redlined by Staff, meets the intent of the Uplands North Area Plan. The proposed draft plan incorporates the features recommended by the Area Plan's land use schedule and implementation of the accepted environmental management plan, as required in the recommended conditions of draft plan approval, will ensure development of the subject lands is consistent with the Council adopted Uplands North Area Plan.

The London Plan

Since the time of the first draft approval for this site, the *London Plan* has been adopted by City Council and approved by the Ministry with modification, but is not yet in force in effect due to appeals to the Ontario Municipal Board.

The subject lands are primarily within the "Neighbourhoods" Place Type, permitting a range of uses such as single detached, semi-detached, duplex, triplex, townhouse dwellings and low rise apartments, community facilities, and small scale commercial uses, dependent on the street classifications as set out in Map 3 of the Plan. Adelaide Street North and Sunningdale Road East are classified as Civic Boulevards, which permits a wide range of residential uses including singles, semis, townhomes, and includes stacked towns and low rise apartments. Block 42-44

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front Sunningdale Rd E and the zoning for the site currently permits all of the listed uses in the London Plan. The extension of Superior Drive (shown as Street D in this plan) and the northern extension of Blackwater Road are classified as Neighbourhood Connectors. Additional permitted uses include triplexes and small scale community facilities. Block 40 within this plan is located at the intersection of two Neighbourhood Connectors, which further permits mixed use buildings, fourplexes, stacked townhomes, and low rise apartments. The existing zoning for this site permits all of the uses listed except for mixed use buildings. The rest of the subdivision is located on Neighbourhood Streets, which permits singles, semis and duplexes as the main permitted uses, and is implemented through the various R1 Zones. Heights vary between the existing zoning and permitted heights within the London Plan, as the City's Z.-1 Zoning By-law permits height in metres, whereas the London Plan specifies stories. For instance, the London Plan permits single detached dwellings at a minimum 1 storey and maximum 2.5 stories along Neighbourhood Streets. However, the City's R1 Zones generally permit a maximum height of 9.0m for R1-3/R1-4 Zone variations, and even permits 10.5 m for dwellings in the R1-5 Zone variation.

The site also contains the "Main Street" Place Type along the extension of Blackwater Road. Main Street permits a broad range of residential, retail, service and office uses. Mixed-use buildings will be encouraged, with retail and service uses encouraged at grade, and with residential and non-service office uses directed to the rear of buildings and to upper floors. Among many policies, one of the key visions for new Main Streets is to "...encourage a mix of uses with active ground floor uses and forms". The intensity policies requires new Main Street development will be designed to "fit in scale and character with the surrounding streetscape" and "will fit in with the planned vision, scale, and character of the area". The policies do not permit large floor plate commercial buildings. Buildings will be a minimum of either two storeys or eight metres in height and will not exceed four storeys in height, with an additional 2 stories only permitted through the Bonus Zoning policies. Individual buildings will not contain any more than 2,000m² of office space.

The existing BDC2(9) Zone for Block 46 (west side of Blackwater Road) limits all gross floor area to 3000 m² (approx. 32,000 sq.ft.) and the BDC2(10) Zone for Block 47 limits gross floor area to 1,000 m² (approx. 10,000 sq.ft.). These limits are permitted through the existing Official Plan and is anticipated to implement the smaller scale commercial needs for the local neighbourhood. The increases in height for Blocks 46 and 47 is meant to encourage additional mixed use buildings at these locations as a gateway entry point into the subdivision. Additional discussion can be found in the "Issues" section of the report.

The new London Plan also encourages strong design elements for Main Street Place Types. Design guidelines may be prepared to provide guidance for development, streetscape improvements, and public works for a specific main street. Buildings should be located at or along the front property line in order to create a street wall that sets the context for a comfortable pedestrian environment. All the planning and design that is undertaken in the Main Street Place Type will place a priority on the pedestrian experience through site layout, building location, and a design that reinforces pedestrian comfort and safety. The public realm should be of a highly urban character and pedestrian and cycling amenities should be integrated into all public works undertaken along main streets. Enhanced street tree planting should be incorporated into new development proposals to provide for a comfortable pedestrian environment. As part of the revised draft plan of subdivision, the Applicant will be required to submit Architectural Control Guidelines and a Tertiary Plan to ensure the above design criteria are incorporated in the site and the public realm.

"Green Space" Types have also been applied to the subject lands. Uses within the Green Space place type are dependent upon the natural heritage features and areas contained on the subject lands, the hazards that are present, and the presence of natural resources which are to be protected. The site contains an Environmentally Significant Area (ESA) in the northwest corner of the site (Block 49), a Provincially Significant Wetland Located at Adelaide Street North and Street D (Block 50), and a watercourse/Worall Drain with an incorporated 15m setback from top of bank along Adelaide Street North (Block 51). Blocks 50 and 51 are proposed to be dedicated to the City, and will be connected via proposed pathways to the north and south. Block 49 is to

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remain in private ownership, with a small 15m frontage onto Street E. All significant features and associated buffers continue to be protected through the revised plan.

In accordance with City Building policies, neighbourhood parks are to be located and designed within the neighbourhood to achieve a minimum of 50% of their perimeter bounded by a public street. Block 53, an urban park located adjacent to future Main Street uses, is located at the corner of two streets and will achieve this requirement, however, Block 52 only fronts one public street (Street D/Superior Drive). However, this park will be part of a much larger district park planned for this area, adjoined with an existing park to the west in the adjacent Powell Subdivision (39T-05510).

The recommended land uses are generally consistent with the Place Types in the London Plan.

Zoning By-law amendments

Descriptions of the zones and their special provisions was provided in the previous “Revised Draft Plan and Requested Zoning By-law Amendment” section of the report. Proposed changes to the Zoning By-law include the following:

- The addition of the R1-3 Zone variation, an R1-4(27) Zone, and R1-5(11) and an R1-5(12) Zone in place of various multi-family zones. Both the Official Plan (Low Density Residential designation) and the new London Plan (Neighbourhoods Place Type) permit single detached dwellings as a permitted use. Special provisions for the R1-4 and R1-5 Zones also include reduced front yard setbacks (3m for main building and 5.5m for garage) and reduced interior side yards (1.2m with garage and 3m without). These zones are consistent with other zoning in the area and will help to facilitate improved design. A revised R1-5(12) will replace the existing R1-5(12) as the Applicant has now confirmed the rear yard setback requirements adjacent to the Sun Canadian Oil Pipeline (13.8m).
- The BDC2(7) Zone on Block 45 will be deleted and replaced with a new BDC2(7) Zone, which will include a prohibition on first floor residential.
- The BDC2(8) Zone on Block 48 will be deleted and replaced with a new BDC2(8) Zone, which will include special provisions for prohibited first floor residential, and include regulations associated with the existing two heritage barns, and regulations associated with any new development. The previous height (18m) and density (75 units per hectare) remain unchanged from the previous zone. The zoning is consistent with the Main Street Commercial designation in the Official Plan and is generally consistent with the Main Street Place Type within the new London Plan. Additional discussion can be found in the “Issues” section of the report.
- The BDC2(9) Zone on Block 46 will be deleted and replaced with a new BDC2(9), which will include a prohibition on first floor residential uses, as well, an increase in height from 12m to 18m has been added to the zone map. The zoning is consistent with the Main Street Commercial designation in the Official Plan and is generally consistent with the Main Street Place Type within the new London Plan. Additional discussion can be found in the “Issues” section of the report.
- A Temporary Zone (T-xx) will be added to Block 46 to recognize and permit an existing dwelling to be used on a temporary basis for BDC uses. Temporary uses are permitted through the Official Plan and a thorough review is provided in the “Issues” section of the report.
- The BDC2(10) Zone on Block 47 will be deleted and replaced with a new BDC2(10) Zone, which will include a prohibition on first floor residential, uses, as well, an increase in height from 12m to 18m has been added to the zone map. The zoning is consistent with the Main Street Commercial designation in the Official Plan and is generally consistent with the Main Street Place Type within the new London Plan. Additional discussion can be found in the “Issues” section of the report.

All other zones remain unchanged.

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The following holding provisions were applied through the previous draft plan approval, and continue to be applied to all proposed Blocks:

- (h) holding provision - to ensure that there is orderly development through the execution of a subdivision agreement;
- (h-100) -to ensure there is adequate water service and appropriate access, a looped watermain system must be constructed and a second public access must be available;
- (h-173) - to ensure that development is consistent with the City of London Urban Design Principles and Placemaking Guidelines, the h-173 shall not be deleted until urban design guidelines have been prepared and implemented through the subdivision agreement, to the satisfaction of the City of London.

ISSUES

The following is a summary of the key issues raised by the City and the Applicant.

Issue # 1 - Heritage designated Barns, Zoning on Block 48

As part of the heritage designation on 660 Sunningdale Road East in August, it was recommended and endorsed/approved by Council that two of the three heritage barns on the site should be retained and designated under Part IV of the Ontario Heritage Act. This notice of intent to designate was appealed by the Applicant and a Pre-Hearing Conference is scheduled for January 23, 2018. No decision has been rendered.

The Applicant, through the revised draft plan, has shown a slight revision to Block 48 that ensures the heritage barns are completely encompassed on the proposed block. Barn 1 currently sits on the western edge (adjacent to Blackwater Road) and Barn 2 is located along the southern edge (adjacent to the park block). A graphic showing the barns on the proposed block is below. The Applicant has not asked for any changes with respect to the current zoning. The block is designated as Main Street Commercial through the existing Official Plan and in the new London Plan. Through the previous application, Block 48 was intended to take the form of a mixed use building, with commercial/office uses restricted to the first floor, and residential units above. These would be limited to a maximum of 250 m² (2691 ft²) of commercial/office uses on Block 48 (adjacent to the park), and would allow a maximum height of 18 m, which could facilitate up to a 6 storey mixed use building. Design principles, such as minimum and maximum building setbacks, were incorporated into the implementing zoning (BDC2(8)).

The Main Street Commercial designation is an appropriate commercial designation for this area. It encourages smaller scale commercial uses in mixed used buildings, achieves placemaking principles of mixed use development, encourages building form and design that is pedestrian oriented, and facilitates a wide range of small scale commercial and office/personal service establishments that are meant to fulfill the local needs of residents. Such a mix is intended to provide live-work opportunities and pedestrian accessibility to consumer goods and services within the area and the surrounding residential communities. An integrated design with a clear focal point and quality pedestrian linkages is intended to support walkability and a strong sense of place.

The PPS encourages the retention of the heritage designated barns as per policy 2.6.1.

"Significant built heritage resources and significant cultural heritage landscapes shall be conserved." The City's Official Plan (Chapter 13) ... "encourage(s) the protection, enhancement, restoration, maintenance, and utilization of buildings, structures, areas, or sites within London which are considered to be of cultural heritage value or interest to the community".

The property was listed as a Priority 2 on the City's Inventory of Heritage Resources. The barns were reviewed based on the criteria from 13.2 of the Official Plan and were deemed to be of

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significant cultural heritage value. As such, Municipal Council designated the two barns (under appeal). The new London Plan (policy 554) also encourages the conservation and protection of London’s cultural heritage resources. Policy 566 discourages the relocation of any cultural heritage resources, and policy 568 requires the conservation of the whole building. Staff and Municipal Council have deemed these barns significant and have designated them as such. Regardless of the status of the heritage appeal, Staff will continue to support the retention and integration of the barns into any development plans for Block 48. Staff have recommended a draft condition which speaks to the retention of the heritage barns and changes to the Zoning By-law for the Block:

The two heritage designated barns will be incorporated into any future commercial development on Block 48. Any changes to or adaptive reuse of the barns will require a heritage alteration permit, to the satisfaction of the City. This approval is without prejudice to any position that the City takes with respect to the heritage attributes and Statement of Cultural Heritage Value or Interest at the ongoing Conservation Review Board Hearing, File No. CRB 1721 and the resulting bylaw.

Staff have also recommended a revised Zoning for Block 48. The revised Zoning has been set up into three parts – regulations related to the whole site, regulations related to the existing barns, and regulations associated with any new buildings:

- Part (a) of the Zone prohibits dwelling units on the ground floor of any building, including new and existing buildings. As per the main street commercial designation and policies in the new London Plan, mixed use buildings are encouraged, with commercial and service uses encouraged at grade, and residential/non service uses above the first floor.
- Part (b) of the Zone recognizes the existing barns and their existing floor area and setbacks, and permits a wide range of commercial and office uses within these existing buildings. The maximum gross floor area for uses is limited to the maximums within the overall BDC Zone for individual uses. The Applicant has indicated the existing floor area of the barns is 360m² (Barn B) and 178m² (Barn A). This change to the zone is an effort to provide a wide range of uses to help facilitate the adaptive reuse of the barns.
- Part (c) of the Zone regulates any new buildings, with maximum gross leasable floor area for specific individual uses within any new structures is restricted to 250 m² (2,691 ft²). This reflects the zoning adopted through the previous application. The previously adopted height of 18.0 m and density for residential units of 75 units per hectare will also continue. It is expected that the site will develop with a mix of new commercial and office uses within the existing barns, and be augmented by new development within a new mixed use residential/commercial buildings.

The zoning is generally in keeping with the policies of the Official Plan and the new London Plan, except for height. The new London Plan recommends a limit of 4 stories for any new mixed use buildings. However, given the first floor gross floor area restrictions, redevelopment restrictions and the existing barns, additional height is warranted and will help facilitate a better mixed use product at this location.

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Issue #2 – Temporary Zoning on Block 46

The Applicant had requested changes to the zoning related to the existing residential home located within proposed Block 46. The Applicant has indicated they want to use the existing dwelling in the future for other permitted uses until the whole block is repurposed as a new development. The Applicant was uncertain of the exact uses which could occupy the structure, but suggested the addition of two special provisions, one related to maximum gross floor area within the existing primary structure as it exists at the date of the passing of the by-law, and the removal of front yard and exterior side yard setbacks from the zone.

Staff do not support the addition of special provisions proposed by the Applicant within the zoning for Block 46. Any special provision to maintain the existing dwelling while allowing all permitted uses within that existing structure, in perpetuity, undermines the intent and vision of the Main Street Commercial designation. It is understood that the request to allow the permitted uses within the existing structure is intended to be a short-term solution. Staff are not in support of adding zoning that recognizes the structure and BDC uses on a long term basis. Therefore, Staff are proposing a Temporary Zone be added to Block 46 zoning on site. The recommended temporary zoning allows for uses in the short term for a period not exceeding three years, with additional extensions possible. The Applicant would be required to apply for an extension every three years should a conversion of the existing structure to BDC uses occur. This would allow staff and Council the opportunity to review the uses and the status of the subdivision overall, and ensure that the dwelling form as it currently exists on the Block does not remain in perpetuity. This should allow the Applicant short term usage while protecting the long-term vision at this strategic location and entry-point to the development.

The Official Plan permits Temporary Use By-laws (19.4.5.) to authorize the temporary use of land, buildings or structures for renewable periods not exceeding three years, in accordance with the provisions of the Planning Act. The short term retention of the existing building allows for the Applicant to generate income to assist in the overall development of the subdivision while not compromising the longer term vision of this development. No other temporary buildings or structures would be permitted. The existing dwelling is currently on private services, but will be

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required to connect to municipal services once the block is registered and municipal services are constructed as part of the Phase. Temporary access to the dwelling will be via a municipal street once constructed, either Kleinberg Drive or Blackwater Road. Engineering drawings for the subdivision will reflect the access and temporary servicing. Since the dwelling is limited in size, and no additions will be permitted, any use(s) are limited in gross floor area, so no potential impact on traffic and adjacent development is anticipated. Adequate on-site parking can be accommodated. Staff therefore recommend the temporary use.



Issue #3 – Zoning changes for Block 46 and 47

The Applicant requested increases in height for both Blocks 46 and 47 to 18.0 m. These Blocks are zoned BDC2, which provides for a wide range of commercial and office type uses. As indicated above, although this is not encouraged through the London Plan policies, the current Official Plan has no such restriction on height related to the Main Street Commercial designation. In order to help facilitate mixed use buildings at this location, an increase in building height is supported. However, Staff have also recommend a change to prohibit residential uses on the ground floor for Blocks 46 and 47. The Applicant has indicated through discussions that they may wish to optimize the “residential” component of the BDC Zone and build minimal commercial/office uses.

Although the policies of the Main Street Commercial (Official Plan) and Main Street (London Plan) permit residential units on the ground floor to the rear of commercial/store fronts, Staff feel the intent of this is for long established main streets, such as Wortley Village, which have converted store fronts and units located behind the existing street-oriented commercial use. This new Main Street is intended to provided larger scale commercial uses to serve the immediate area and the broader public, and to provide commercial uses within true mixed-use buildings (supported by the change to 18.0m in height), not to provide mostly residential uses on the ground floor with minimal commercial uses. For clarity purposes, Staff recommend adding a restriction to prohibit any residential uses on the ground floor of any BDC Zone variation within this development. The lotting of these blocks do not create viable opportunities for residential uses on the ground floor of a

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mixed-use building and are not consistent with the intent and overall vision of this development. The regulations in the BDC Zone will restrict residential units above the first floor for any mixed use building within this development. This ensures there are no “loopholes” in the zoning to permit forms of residential uses that are not compatible with development objectives for this subdivision. Encouraging mixed use buildings is a key tenant of the new Main Street policies of the London Plan.

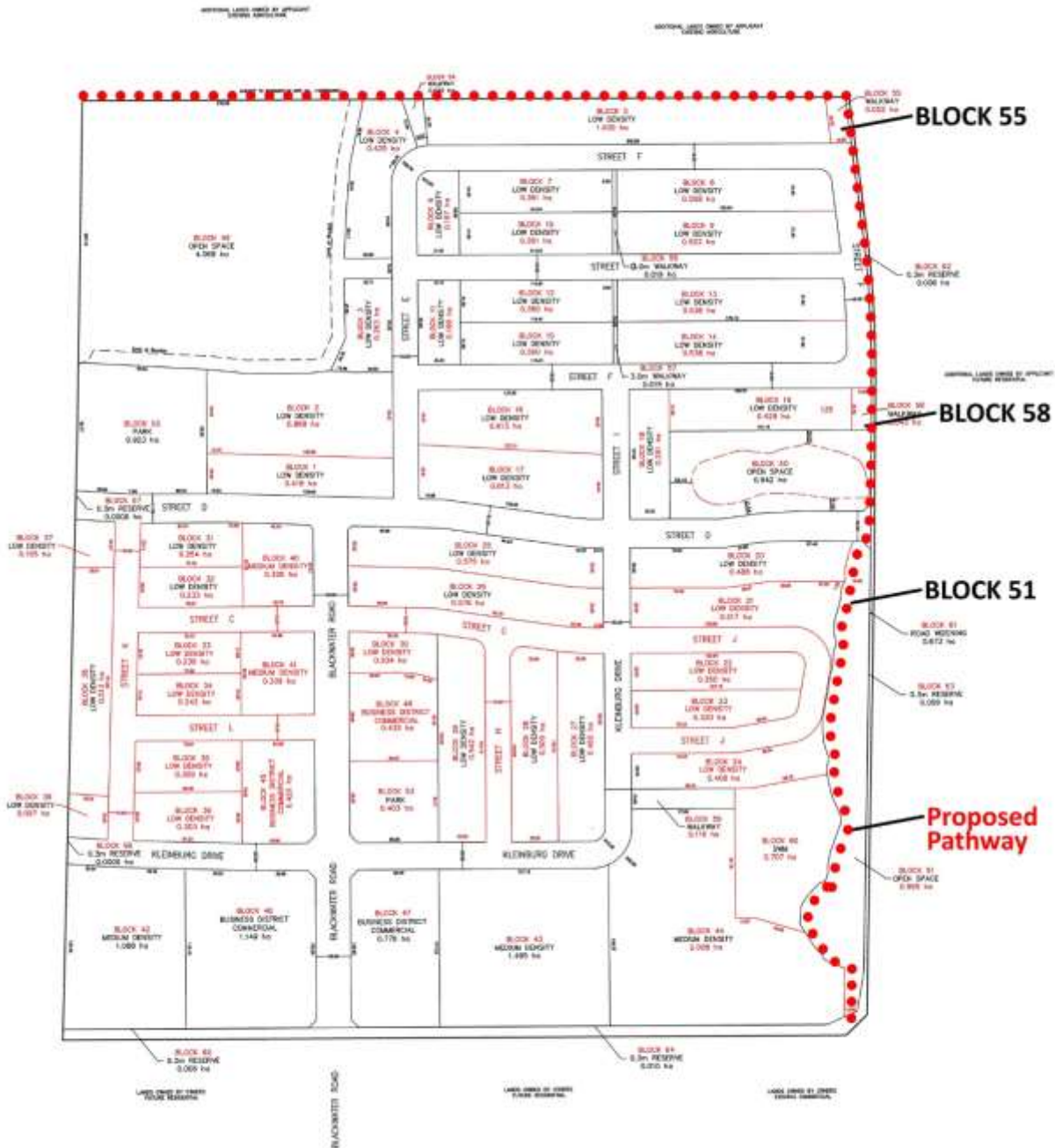
Issue #4 – Pathway blocks and Open Space Block 50 and 51

The Applicant, through their revised submission in September, 2017, , was seeking to reduce Walkway Blocks 55, 58, and Block 51 from the original draft approved width of 15m to 10m. The City has indicated that 15m is the required corridor width for the walkway/pathway, which will ensure a pedestrian connection from Sunningdale Road East north to the east/west pedestrian corridor which will eventually connect along the northern edge of the City. The east/west corridor pathway will be located outside of the City limits within the Municipality of Middlesex Centre and will also be located within the easement for the Sun Canadian Oil Pipeline. Preliminary discussions have begun with the Municipality of Middlesex Centre with respect to the pedestrian pathway outside of the City limits. The Applicant also owns these lands within Middlesex Centre. Conditions of draft approval include the dedication of the lands to the City. The Applicant also undertook a Zoning By-law Amendment which was passed in 2008 by Middlesex Centre Council to add a holding Open Space (h-4 -OS-4) Zone to these lands. The requirements for the removal of the holding provision shall be that “a development agreement be registered against the title of the subject lands to address issues including, but not necessarily limited to, construction details, maintenance, and ownership of the walkway; and furthermore that a subdivision agreement be registered against the title of the lands described as South Part of Lot 13, Concession 6 (geographic Township of London), City of London.” Staff have indicated that parkland credit will be provided for the dedication of the walkway blocks and for the pathway outside of the municipality, based on the rates provided in the City’s CP-9 By-law.

The Applicant has indicated that the responsibility for siting the pathway within Block 51 should be with the City and not the Applicant. The typical process for any subdivision is through engineering drawing review, the Applicant will be required to provide concepts on the location of the pathway within the above blocks. The City will work with the Applicant and the UTRCA to seek an appropriate location for the pathway within Block 51. However, given the hazard lands and possible constraints, the City has revised and added a caveat to Condition #25, to ensure that if an appropriate location for the pathway cannot be secured within Block 51, additional lands will be sought outside of the block for the multi-use pathway. This will necessitate a redline to the plan, and the appropriate location and amount of lands (up to 15m) will be determined through the redline process. The Applicant is under dedicated with respect to parkland dedication, so it is expected any additional lands will be taken as credit as per the CP 9 By-law.

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CONCLUSION

The Staff recommended revised Draft Plan of Subdivision, and Zoning By-law Amendments that are consistent with the PPS, The Planning Act, the City’s Official Plan and the Uplands North Area Plan. The recommended redline revised draft plan and conditions of draft approval will create a diverse, mixed use subdivision with strong placemaking features. The proposed plan represents good land use planning and is an appropriate form of development.

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RECOMMENDED BY/PREPARED BY:	REVIEWED BY/RECOMMENDED BY:
NANCY PASATO, MCIP, RPP SENIOR PLANNER DEVELOPMENT SERVICES	LOU POMPILII MCIP RPP MANAGER, DEVELOPMENT PLANNING (SUBDIVISION)
REVIEWED BY:	CONCURRED IN BY:
MATT FELDBERG MANAGER, DEVELOPMENT SERVICES (SUBDIVISION)	PAUL YEOMAN, RPP, PLE DIRECTOR, DEVELOPMENT SERVICES
SUBMITTED BY:	
GEORGE KOTSIFAS, P.ENG MANAGING DIRECTOR, DEVELOPMENT AND COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL	

January 4, 2017

NP/

“Attach”

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APPENDIX "A"
Zoning By-law Amendment

Bill No. (number to be inserted by Clerk's Office)
2018

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 660 Sunningdale Road East.

WHEREAS Extra Realty Limited has applied to rezone an area of land located at 660 Sunningdale Road East, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 660 Sunningdale Road East, as shown on the attached map comprising part of Key Map No. A102, from a Holding Residential R1 Special Provision (h•h-100•h-173•R1-5(11)) Zone, a Holding Residential R4 Special Provision (h•h-100•h-173•R4-2(1)) Zone, a Holding Residential R5 Special Provision/R6 Special Provision (h•h-100•h-173•R5-2(15)/R6-4(16)) Zone, a Holding Residential R5 Special Provision/R6 Special Provision (h•h-100•h-173•R5-2(16)/R6-4(17)) Zone, a Holding Residential R5 Special Provision/R6 Special Provision/R8 Special Provision (h•h-100•h-173•R5-4(16)/R6-5(36)/R8-4(25)) Zone, a Holding Residential R5 Special Provision/R6 Special Provision/R8 Special Provision (h•h-100•h-173•R5-4(17)/R6-5(34)/R8-4(26)) Zone, a Holding Residential R5 Special Provision/R6 Special Provision/R8 Special Provision (h•h-100•h-173•R5-6(9)/R6-5(38)/R8-4(27)) Zone, a Holding Business District Commercial Special Provision (h•h-100•h-173•BDC2(7)•H18•D75) Zone, a Holding Business District Commercial Special Provision (h•h-100•h-173•BDC2(8)•H18•D75) Zone, a Holding Business District Commercial Special Provision (h•h-100•h-173•BDC2(9)) Zone, a Holding Business District Commercial Special Provision (h•h-100•h-173•BDC2(10)) Zone, and an Open Space (OS1) Zone, to a Holding Residential R1 (h•h-100•h-173•R1-3) Zone, a Holding Residential R1 Special Provision (h•h-100•h-173)•R1-4(27) Zone, a Holding Residential R1 Special Provision (h•h-100•h-173)•R1-5(12) Zone, a Holding Business District Commercial Special Provision (h•h-100•h-173•BDC2(7)•H18•D75) Zone, a Holding Business District Commercial Special Provision (h•h-100•h-173•BDC2(8)•H18•D75) Zone, a Holding Business District Commercial Special Provision/Temporary (h•h-100•h-173•BDC2(9)•H18/T-(**)) Zone, a Holding Business District Commercial Special Provision (h•h-100•h-173•BDC2(10)•H18) Zone, and an Open Space (OS1) Zone.

1) Section 5.4 of the Residential R1 Zone to By-law No. Z.-1 is amended by deleting the current special provision R1-5(12) and replacing it with the following new special provision:

e) 12) R1-5(12)

(a) Regulations

- i) Front Yard Setback, Main Dwelling (Minimum): 3 metres (9.8 feet)
- ii) Front Yard Depth for Garages (Minimum.): 5.5 metres (18.0 feet)
- iii) Interior Side Yard Depth (Minimum): 1.2 metres (3.9 feet), except where there is no attached garage, then 3.0 metres (9.8 feet)

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feet) is required on one side.

- iv) Rear Yard Setback From High Pressure Pipeline (Minimum): 13.8 metres (45.3 feet)

2) Section Number 25.4 of the Business District Commercial (BDC) Zone is amended by deleting the current special provision BDC2(7) and replacing it with the following new special provision:

7) BDC2(7)

(a) Prohibited Uses

- i) Dwelling Units on the ground floor

(b) Regulations

- i) Front & Exterior Side Yard Setback
(Minimum): 2 metres (6.6 feet)
(Maximum): 4 metres (13.1 feet)

ii) All commercial and office uses are required to be in conjunction with dwelling units on the second floor or above.

iii) All uses permitted in the BDC2 Zone, except for Dwelling Units, shall be restricted to the ground floor, at a maximum gross leasable floor area of 500 m2 (5,382 ft2).

iv) The primary entrance for individual commercial/retail/office tenants shall oriented to the primary collector.

v) Notwithstanding the provisions of Section 2 "LOT LINE, FRONT", the frontage for this lot will be deemed to be along the primary collector.

3) Section Number 25.4 of the Business District Commercial (BDC) Zone is amended by deleting the current special provision BDC2(8) and replacing it with the following new special provision:

8) BDC2 (8)

(a) Prohibited Uses

- i) Dwelling Units on the ground floor

(b) Regulations for the existing buildings/barns as of the date of the passing of the by-law

- i) Front Yard Setback (Minimum): 0 metres (0 feet)

- ii) Interior side yard (Minimum) (south): 0 metres (0 feet)

iii) The primary entrance for individual commercial/retail/office tenants shall oriented to the primary collector.

iv) The maximum gross floor area for specific individual uses in the BDC2(8) Zone variation shall be restricted to the floor area of the existing structures/barns (Block 48) as it exists at the date of the passing of this by-law.

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(c) Regulations for new buildings

- i) Front Yard Setback (Minimum): 2 metres (6.6 feet)
- ii) The maximum gross leasable floor area for specific individual uses within new structures in the BDC2(8) Zone variation shall be restricted to 250 m² (2,691 ft²).
- iii) The primary entrance for individual commercial/retail/office tenants shall be oriented to the primary collector.

4) Section Number 25.4 of the Business District Commercial (BDC) Zone is amended by deleting the current special provision BDC2(9) and replacing it with the following new special provision:

9) BDC2 (9)

(a) Prohibited Uses

- i) Dwelling Units on the ground floor

(b) Regulations

- i) Front & Exterior Side Yard Setback (Minimum) 2 metres (6.6 feet)
(Maximum) 4 metres (13.1 feet)
- ii) Gross Leasable Floor Area (Maximum) 3000 m² (32,292 ft²)
- iii) The primary entrance for individual commercial/retail/office tenants shall be oriented to the primary collector.
- iv) Notwithstanding the provisions of Section 2 "LOT LINE, FRONT", the frontage for this lot will be deemed to be along the primary collector.

5) Section Number 25.4 of the Business District Commercial (BDC) Zone is amended by deleting the current special provision BDC2(10) and replacing it with the following new special provision:

10) BDC2 (10)

(a) Prohibited Uses

- i) Dwelling Units on the ground floor

(b) Regulations

- i) Front & Exterior Side Yard Setback (Minimum) 2 metres (6.6 feet)
(Maximum) 4 metres (13.1 feet)
- ii) Gross Leasable Floor Area (Maximum) 1000 m² (10,764 ft²)
- iii) The primary entrance for individual commercial/retail/office tenants shall be oriented to the primary collector.

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iv) Notwithstanding the provisions of Section 2 “LOT LINE, FRONT”, the frontage for this lot will be deemed to be along the primary collector.

5) Section Number 50.2 (71) of the Temporary (T) zone is amended by adding the following:

**) T-(**)

Lands located at 660 Sunningdale Road East, the existing single detached dwelling structure, as it exists at the date of the passing of this by-law, located on Block 46 in draft approved plan 39T-09501, as shown on Key Map No. A102, may be used for any of the uses permitted within the BDC2 Zone, for a temporary period not exceeding three (3) years from the date of the passing of this by-law beginning March 1, 2018.

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

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

PASSED in Open Council on January 30, 2018.

Matt Brown
Mayor

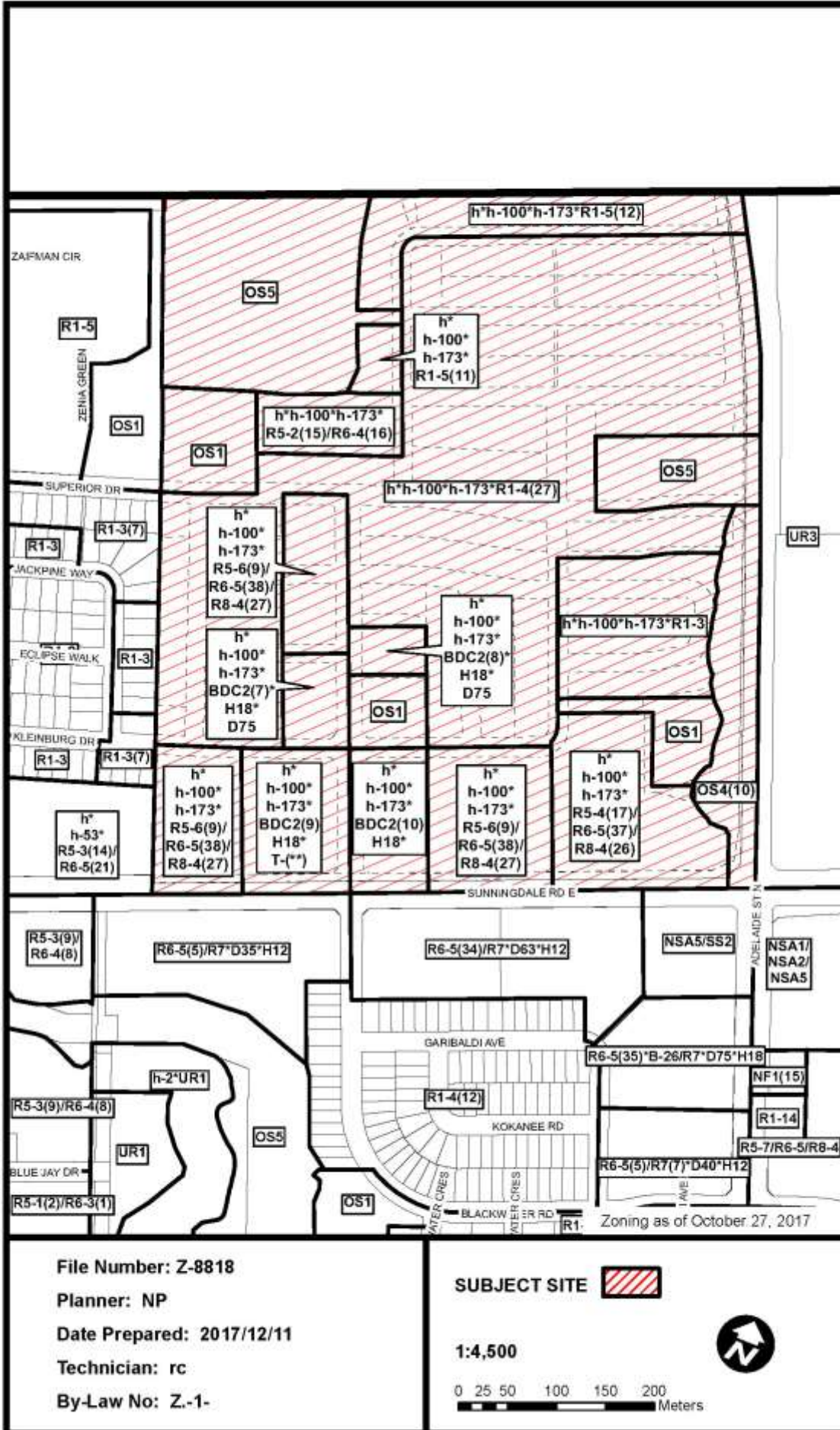
Catharine Saunders
City Clerk

First Reading - January 30, 2018
Second Reading – January 30, 2018
Third Reading - January 30, 2018

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 Planner: Nancy Pasato

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



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Planner: Nancy Pasato**

**Appendix “B”
Conditions of Draft Approval**

THE CORPORATION OF THE CITY OF LONDON’S CONDITIONS AND AMENDMENTS TO FINAL APPROVAL FOR THE REGISTRATION OF THIS SUBDIVISION, FILE NUMBER 39T-09501 ARE AS FOLLOWS:

NO. CONDITIONS

1. This draft approval applies to the draft plan as submitted by Extra Realty Limited (File No. 39T-09501), prepared by Zelinka Priamo Limited and certified by L.E. Gibson, (Project No. SRG/LON/11-01, dated November, 2011 and revised May 31, 2017), as red-lined, which shows 39 low density blocks, four (4) medium density residential blocks, two (2) commercial blocks, two (2) commercial/mixed use residential blocks, three (3) open space blocks, eight (8) parkland and walkway blocks, one (1) stormwater management block, one (1) road widening block, six (6) 0.3 m reserve blocks, all served by one (1) primary collector road (Blackwater Road), two (2) secondary collector roads (Kleinburg Drive and Street “D”), and nine (9) new local streets.
2. This approval applies for three years, and if final approval is not given by that date, the draft approval shall lapse, except in the case where an extension has been granted by the Approval Authority.
3. The road allowances included in this draft plan shall be shown on the face of the plan and dedicated as public highways.
4. The Owner shall request that street(s) shall be named to the satisfaction of the City.
5. The Owner shall request that the municipal address shall be assigned to the satisfaction of the City.
6. Prior to final approval, the Owner shall submit to the City a digital file of the plan to be registered in a format compiled to the satisfaction of the City of London and referenced to NAD83UTM horizon control network for the City of London mapping program.
7. The subdivision agreement between the Owner and the City shall be registered against the lands to which it applies. Prior to final approval the Owner shall pay in full all municipal financial obligations/encumbrances on the said lands, including property taxes and local improvement charges.
8. 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.
9. Prior to final approval, for the purposes of satisfying any of the conditions of draft approval herein contained, the Owner shall file with City a complete submission consisting of all required clearances, fees, and final plans, and to advise the City in writing how each of the conditions of draft approval has been, or will be, satisfied. The Owner acknowledges that, in the event that the final approval package does not include the complete information required by the City, such submission will be returned to the Owner without detailed review by the City.
10. Prior to final approval 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

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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.

Planning

11. In conjunction with the first submission of engineering drawings, the Owner shall submit for approval an on-street parking plan to the satisfaction of the City. An approved parking plan is required for each registered phase of development and will form part of the subdivision agreement for the registered plan.
12. In conjunction with the Focused Design Studies submission, the Owner shall prepare an updated detailed urban design guideline for this subdivision. The urban design guidelines shall include the following: vision for the subdivision, urban design principles for each multi-family block (Blocks 40-44) and commercial/mixed use block (Blocks 45-48), conceptual designs for each block, and road cross sections (with utility locations and tree placements). The approved Architectural Control guidelines (July, 2016 with updates to reflect the revised plan of subdivision) will be incorporated into the urban design guidelines. These guidelines will be used for the future review of any site plan, and will be appended to the subdivision agreement, to the satisfaction of the City.
13. All building permit applications for a single detached dwelling units must include clearance from an urban designer or architect pre-approved by the City that the building plans are designed in accordance with the approved urban design guidelines
14. Within one year of registration of this 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 within Block 138 parallel to the rear property line of Block 4 and Block 5 (Lots to be determined) adjacent to the City’s proposed pathway and the Sun Canadian High Pressure Pipeline, to the satisfaction of the City.
15. The Owner shall include the following clause to be registered on title within the Subdivision Agreement:

“Purchasers are advised that Blocks 4 and 5 (Lots to be determined) are adjacent to the registered Easement Lands of Sun Canadian which contains within a high-pressure petroleum products transmission pipeline. Unauthorized use of the easement by others will not be permitted. A 1.5m high chain link fence has been installed between the subject property and the City’s pathway and registered easement for the Sun Canadian pipeline. The fence will be located on the City’s property and will be under the ownership, control and maintenance of the City of London.

Adjoining land owners shall not alter the fence or install private/public access gates in the fence. Sun-Canadian shall inspect the fence annually, as part of the pipeline maintenance program.

Purchasers of Blocks 4 and 5 (Lots to be determined) are advised that the adjacent easement lands will contain a granular, or asphalt surface walkway in passive parkland.

The Easement Lands will be owned and maintained by The Corporation of the City of London, and will be utilized for passive parkland purposes accommodating a bicycle/pedestrian pathway. Unauthorized use of the Easement Lands by others will not be permitted.

Removal or alteration of the City owned fence located within the easement shall not be permitted. Construction equipment access shall not be permitted across the Easement Lands or through the fence.

Any proposed additions or renovations to dwelling units or structures that may reduce the setback distance to the pipeline as stipulated in the City of London Zoning By-law will not be permitted.”

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16. The two heritage designated barns will be incorporated into any future commercial development on Block 48. Any changes to or adaptive reuse of the barns will require a heritage alteration permit, to the satisfaction of the City. This approval is without prejudice to any position that the City takes with respect to the heritage attributes and Statement of Cultural Heritage Value or Interest at the ongoing Conservation Review Board Hearing, File No. CRB 1721 and the resulting bylaw.

UTRCA

17. In accordance with Ontario Regulation 157/06 made pursuant to Section 28 of the Conservation Authorities Act, the Owner shall obtain the necessary permits/approvals from the UTRCVA prior to undertaking any site alteration or development within this area including filling, grading, construction, site alteration to watercourse and/or interference with a wetland.

18. In conjunction with the Focused Design Studies submission, a Final Environmental Impact Study shall be prepared that compiles all of the addendums and also addresses the UTRCA’s outstanding concerns.

19. In conjunction with the Focused Design Studies submission, a Hydrogeological Study and Water Balance Analysis shall be prepared to the satisfaction of the UTRCA to address the concerns identified through the review of the EIS and the SWM report.

20. In conjunction with the Focused Design Studies submission, a detailed Stormwater Management Report shall be prepared to the satisfaction of the City of London and which also addresses the Upper Thames River Conservation Authority’s interests.

Environmental and Parks Planning

21. In conjunction with the Focused Design Studies submission, the Owner shall detail how each of the recommendations of the EIS (prepared by BioLogic, dated January, 2009), the EIS update report (dated April, 2010) and the EIS addendum letter (dated May, 2012) will be incorporated into the plan, and implemented, all to the satisfaction of the City.

22. Parkland dedication has been calculated at a rate of 2% of the commercial land area and 1 hectare per 300 residential units. The Owner shall dedicate Blocks 50, 52, 53, 54, 55, 58, 59 and the redlined walkway blocks 51, 55, and 58 to satisfy a portion of the required parkland dedication. The remaining parkland dedication for the Low Density Residential Blocks (Blocks 1-31 and BDC Blocks (Blocks 45-48) will be taken as cash-in-lieu as per By-law CP-9. The Owner shall provide 2% of the value of each BDC Block at the time of building permit. As a condition of site plan control the Owner will submit an appraisal undertaken by an Accredited Appraiser (AACI) indicating the value of the land on the day before the issuance of the building permit.

23. Prior to final approval, the Owner shall dedicate lands owned by the applicant located immediately north of the plan of subdivision within the Municipality of Middlesex Center, to permit the City of London to construct and maintain an east-west rural/urban multi-use pathway. If the noted lands are not dedicated prior to final approval, the applicant will be required to revise the plan of subdivision to include and dedicate a 15 meter wide pathway corridor within this plan of subdivision, all to the satisfaction of the City.

24. In conjunction with the first submission of engineering drawings, the Owner is to provide park concept plans for Blocks 52 and 53, to the satisfaction of the City.

25. In conjunction with the first submission of engineering drawings, the Owner shall provide initial pathway concepts for Blocks 49, 51, 54, 55, 56, 57, 58 and 59, including the incorporated pathway into the window street design for Street F, to the satisfaction of the City. The Owner shall consult with the Ecologist Planner and the document “Planning and

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Design Standards for Trails in ESAs (2012)” in order to establish what is needed at detailed design for the construction of trails within the ESA (Block 49). If the proposed pathway cannot be sited within Block 51 due to hazard constraints/regulations, a redline to the plan will be initiated by the City to incorporate a separate multi-use pathway block(s) outside of Block 51, up to 15m in width, to accommodate the pathway.

26. Within one year of registration of this plan, the Owner shall grade, service and seed all areas dedicated for parkland within the phase being registered, in accordance with the approved plan, to the satisfaction of the City.
27. Within one year of registration of this plan, the Owner shall construct all park improvements within blocks 52 and 53, as shown on the approved engineering plans, to the satisfaction of the City.
28. The Owner shall not grade into any open space areas (Blocks 49, 50 and 51). Where lots or blocks abut an open space area, all grading of the developing lots or blocks at the interface with the open space areas are to match grades to maintain existing slopes, topography and vegetation. In instances where this is not practical or desirable, any grading into the open space shall be to the satisfaction of the City.
29. Prior to construction, site alteration or installation of services, robust silt fencing/erosion control measures must be installed and certified with site inspection reports submitted to the Environmental and Parks Planning Division monthly during development activity along the edge of the Block 48, 50 and Block 51.
34. In conjunction with the first submission of engineering drawings, the Owner shall prepare for delivery to all homeowners 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 shall be prepared to the satisfaction of the City. The approved package shall be delivered to homeowners upon occupancy.
35. Within one year of registration of this 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 Open Space Blocks, to the satisfaction of the City.
36. Blocks 51 and 60 shall incorporate the extension of the internal pathway linkage from Kleinburg Drive to the intersection of Adelaide and Sunningdale Roads. Parkland dedication may be applicable to this corridor for expanded access width.
37. Restoration and planting shall occur around the wetland feature in accordance with the EIS. Conceptual planting shall be reviewed at the first submission of engineering drawings. Planting plans shall be submitted at the Engineering Drawing stage.
38. In conjunction with the first submission of engineering drawings, the Owner shall have a qualified arborist prepare a tree preservation report and plan for lands within the proposed draft plan of subdivision. The tree preservation report and plan shall be focused on the preservation of quality specimen trees within lots and blocks. The tree preservation report and plan shall be completed in accordance with current approved City of London guidelines for the preparation of tree preservation reports and tree preservation plans, to the satisfaction of the Manager of Environmental and Parks Planning as part of the design studies submission. Tree preservation shall be established first and grading/servicing design shall be developed to accommodate maximum tree preservation. The report will also identify the locations for tree preservation fencing to protect existing trees, including those in Block 49 and the PSW in Block 50.
39. In conjunction with the first submission of engineering drawings, the Owner shall undertake, by a Registered Professional Forester, a Hazard Tree Assessment Study for the portion of Block 49 that abuts park and open space. The study will undertake a tree risk assessment to identify hazard trees or hazardous parts of any trees within falling distance of the park lot lines (this being the hazard tree management zone) and trails (as

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approved by the city), this also taking into account wind-firmness of adjacent trees affected by any recommended hazard tree removals, and ensure that those hazard trees, or parts thereof, are abated or removed in a timely manner by competent, certified arborists prior to any other persons (workers) entering the hazard tree management zone, or within one year of registration, whichever is the sooner.

Sanitary

40. In conjunction with the first submission of engineering drawings, the Owner shall have his consulting engineer prepare and submit the following sanitary servicing design information:
 - i) Provide a sanitary drainage area plan, including the preliminary sanitary sewer routing and the external areas to be serviced, to the satisfaction of the City; and
 - ii) Implementing all inflow and infiltration mitigation measures to meet allowable inflow and infiltration level as identified by OPSS 407 and OPSS 410 as well as any additional measures recommended in the hydrogeological report.

41. In accordance with City standards or as otherwise required by the City Engineer, the Owner shall complete the following for the provision of sanitary services for this draft plan of subdivision:
 - i) Construct sanitary sewers to serve this Plan and connect them to the existing municipal sewer system, namely, 300 mm (12”) sewer on Sunningdale Road East approximately 145 metres east of Adelaide Street North, at no cost to the City;
 - ii) Construct a maintenance access road and provide a standard municipal easement for any section of the sewer not located within the road allowance, to the satisfaction of the City;
 - 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 sewers are greater than 8 metres in depth and are located within the municipal roadway, the Owner shall construct a local sanitary sewer to provide servicing outlets for private drain connections, to the satisfaction of the City. The local sanitary sewer will be at the sole cost of the Owner. Any exception will require the approval of the City Engineer.

42. In order to prevent any inflow and infiltration from being introduced to the sanitary sewer system, the Owner shall, throughout the duration of construction within this plan, undertake measures within this draft plan to control and prevent any inflow and infiltration and silt from being introduced to the sanitary sewer system during and after construction, satisfactory to the City, at no cost to the City, including but not limited to the following:
 - i) Not allowing any weeping tile connections into the sanitary sewers within this Plan;
 - ii) Permitting the City to undertake smoke testing or other testing of connections to the sanitary sewer to ensure that there are no connections which would permit inflow and infiltration into the sanitary sewer;
 - iii) Installing Parson Manhole Inserts (or approved alternative satisfactory to the City Engineer) in all sanitary sewer maintenance holes at the time the maintenance hole(s) are installed within the proposed draft plan of subdivision. The Owner shall not remove the inserts until sodding of the boulevard and the top lift of asphalt is complete, all to the satisfaction of the City Engineer;
 - iv) Having his consulting engineer confirm that the sanitary sewers meet allowable inflow and infiltration levels as per OPSS 410 and OPSS 407; and
 - v) Implementing any additional measures recommended through the Design Studies stage.

43. Prior to registration of this Plan, the Owner shall obtain consent from the City Engineer to reserve capacity at the Adelaide Wastewater Control Plant for this subdivision. This treatment capacity shall be reserved by the City Engineer subject to capacity being available, on the condition that registration of the subdivision agreement and the plan of subdivision occur within one (1) year of the date specified in the subdivision agreement.

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

Storm and Stormwater Management (SWM)

44. In conjunction with the Focused Design Studies submission, the Owner shall have his consulting engineer prepare and submit a SWM Servicing Letter/Report of Confirmation to address the following:
 - i) Identify the storm/drainage and SWM servicing works for the subject and external lands and how the interim drainage from external lands will be handled, all to the satisfaction of the City;
 - ii) Identify major and minor storm flow routes for the subject and external lands, to the satisfaction of the City;
 - iii) Develop an erosion/sediment control plan (ESCP) that will identify all erosion and sediment control measures for the subject lands, the required protection of the Provincially Significant Wetland (PSW), the Northdale Tributary and the DFO's Northdale channel and this ESCP will be developed 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 Engineer;
 - v) Confirm Northdale Tributary and associated culverts have sufficient capacity for this plan. Prior to the issuance of any Certificate of Conditional Approval, the Owner's professional engineer shall provide recommendations for any works required to be implemented by the Owner, to the satisfaction of the City, at no cost to the City; and
 - vi) Incorporate an engineering assessment regarding the available remaining capacity within the Stoney Creek SWM Facility 1N and in the minor conveyance system discharging to this SWM Facility, in accordance with the City's file manager process and all to the specifications and satisfaction of the City Engineer.

45. In conjunction with the Focused Design Studies submission, the Owner shall have it's professional consulting engineer undertake a water balance evaluation report for the pre and post-development conditions for the subject lands that include, but not limited to, the following assessment/evaluations of the following:
 - i) Water quality and quantity impacts on PSW's, the reconstructed Northdale tributary and the existing DFO's Northdale channel under the exiting and post-development conditions in order to minimize any adverse impacts from the proposed land development;
 - ii) Potentially directing the post-development stormwater discharges from residential backyards to the PSW by a third pipe system and the overland flows directed to the PSW may only be routed through backyards and open space;
 - iii) The required buffers for the PSW shall be consistent with the City's Official Plan and approved EIS; and
 - iv) The pre-development discharges from the PSW must be maintained under the post-development conditions and these discharges shall be accommodated in the proposed storm/drainage and SWM servicing works for the subject lands in accordance with the existing drainage pattern.

46. The above-noted Storm/Drainage and SWM Servicing Functional Report or a SWM Servicing Letter/Report of Confirmation, prepared by the Owner's consulting professional engineer, shall be in accordance with the recommendations and requirements of the following:
 - i) The SWM criteria and environmental targets for the Stoney Creek Subwatershed Study and any addendums/amendments;
 - ii) The approved Storm/Drainage and SWM Servicing Functional Report for the subject lands, in accordance with the file manager process;

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- iii) The accepted Municipal Class EA for Storm Drainage and Stormwater Management Servicing Works for the Stoney Creek Undeveloped Lands (2008) and the Minor revisions/amendments to the Municipal Class EA for Storm Drainage and Stormwater Management Servicing Works for the Stoney Creek Undeveloped Lands (May 2011) and any amendments and/or addendums;
 - iv) The approved Functional Stormwater Management Plan for the Stoney Creek Regional SWM Facility 1N (September 2008);
 - v) The approved Functional SWM Servicing Report and the detailed design of the Uplands North (Powell) SWMF 2B by AECOM – May 2011;
 - 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) ix) The Ministry of the Environment SWM Practices Planning and Design Manual, as revised;
 - ix) Applicable Acts, Policies, Guidelines, Standards and Requirements of all required approval agencies; and
 - x) The City’s Design Requirements for Permanent Private Stormwater Systems approved by City Council and effective as of January 1, 2012. The stormwater requirements for PPS for all medium/high density residential, institutional, commercial and industrial development sites are contained in this document, which may include but not be limited to quantity/quality control, erosion, stream morphology, etc.
47. In accordance with City standards or as otherwise required by the City Engineer, the Owner shall complete the following for the provision of stormwater management (SWM) and stormwater services for this draft plan of subdivision, all to the satisfaction of the City Engineer:
- i) Construct storm sewers, located within the Stoney Creek Subwatershed, and outlet the majority of this plan’s minor storm flows (approx. 27 ha) to the Regional Stoney Creek SWM Facility 1N via the proposed external sewers which may be located on Adelaide Street North and Sunningdale Road. The remaining portions (drainage areas) of this plan’s minor storm flows are designed to outlet to the Regional Uplands North (Powell) Storm Water Management (SWM) Facility B2 located within the Uplands North Community Area Plan via the internal proposed storm sewer system;
 - ii) Should the Owner consider outletting the remaining proposed minor storm flows to the Stoney Creek SWM Facility 1N instead of as described above, then the Owner shall have a consulting professional engineer undertake a review of the available remaining capacity within the Stoney Creek SWM Facility 1N and in the minor conveyance system discharging to this SWM Facility;
 - iii) Direct major storm flows for this plan to the proposed flood control facility (Stoney Creek SWM Facility 2) located on Block 60 within this plan of subdivision. The Owner shall direct the post development storm flows discharge from Block 60 to the realigned west branch of the Northdale Tributary east of Adelaide Street North, south of Sunningdale Road and the Department Fishery Ocean (DFO’s) approved Northdale Tributary channel to meet the Ministry of the Environment’s (MOE’s) requirements for maintaining the estimated base flow conditions for this reconstructed Northdale system;
 - iv) Grade and drain the boundaries of Blocks abutting the SWM Facility to blend in with the abutting SWM Facility on Block 60, at no cost to the City;
 - v) Make provisions to oversize and deepen the internal storm sewers in this plan, if necessary, to accommodate flows from upstream lands external to this plan;
 - vi) Construct and implement erosion and sediment control measures as accepted in the Storm/Drainage and SWM Servicing Functional Report or a SWM Servicing Letter/Report of Confirmation for these lands, including the correction of any deficiencies of the erosion and sediment control measures forthwith;
 - vii) Construct any measures as recommended in the proposed water balance evaluation report; and
 - viii) Provide SWM on-site controls for lands (Blocks) located within this plan of subdivision that are zoned for Commercial, Institutional and Multi-Family. The on-site controls shall comply with the accepted Design Requirements for Permanent Private Stormwater Systems.

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48. Prior to the issuance of any Certificates of Conditional Approval for any lot in this plan, the Owner shall complete the following:
 - i) For lots and blocks in this plan or as otherwise approved by the City Engineer, all storm/drainage and SWM related works to serve this plan must be constructed and operational in accordance with the approved design criteria and accepted drawings, all to the satisfaction of the City;
 - ii) For lots and blocks in this plan that are contributory to the proposed erosion control/flood storage dry Stoney Creek SWM Facility 2 (to be constructed by the City), located on Block 60, the erosion/sediment control works to protect the existing PSW located on Block 50 and all related storm/drainage servicing must be constructed and operational in accordance with the approved design criteria and accepted drawings, all to the satisfaction of the City;
 - iii) Construct and have operational the major and minor storm flow routes for the subject lands, to the satisfaction of the City; and
 - iv) Implement all geotechnical/slope stability/setback recommendations made by the geotechnical report accepted by the City.

49. Prior to the issuance of any Certificate of Conditional Approval the Stoney Creek SWM Facility 2, to be built by the City, to serve this plan must be constructed and operational.

50. Prior to the acceptance of engineering drawings, the Owner's professional engineer shall certify the subdivision has been designed such that increased and accelerated stormwater runoff from this subdivision will not cause damage to downstream lands, properties or structures beyond the limits of this subdivision. Notwithstanding any requirements of, or any approval given by the City, the Owner shall indemnify the City against any damage or claim for damages arising out of or alleged to have arisen out of such increased or accelerated stormwater runoff from this subdivision.

51. In conjunction with the first submission of engineering drawings, 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, including but not limited to, the following:
 - i) The effects of the construction associated with this subdivision on the existing ground water elevations and domestic or farm wells in the area;
 - ii) Identify any abandoned wells in this plan;
 - iii) An analysis to establish the water table level of lands within the subdivision with respect to the depth of the sanitary sewers and recommend additional measures, if any, which need to be undertaken to meet allowable inflow and infiltration levels as identified by OPSS 410 and OPSS 407;
 - iv) Any fill required in the plan;
 - v) Provide recommendations for foundation design should high groundwater be encountered;
 - vi) Identify all required mitigation measures including the design and implementation of Low Impact Development (LIDs) solutions;
 - vii) Address any contamination impacts that may be anticipated or experienced as a result of the said construction on any existing watercourse or body of water on the site; and
 - viii) Provide recommendations regarding soil conditions and fill needs in the location of any existing watercourses or bodies of water on the site.

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

53. The Owner shall ensure the post-development discharge flow from the subject site must not exceed capacity of the stormwater conveyance system. In an event where the condition cannot be met, the Owner shall provide SWM on-site controls that comply to the accepted Design Requirements for permanent Private Stormwater Systems.

54. The Owner acknowledges that the timing for construction of the Regional Stoney Creek SWM Facility # 2 shall be in accordance with the Design and Construction of Stormwater Management Facilities, Policies and processes identified in Appendix 'B-1' and 'B-2'

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Stormwater Management Facility “Just in Time” Design and Construction Process adopted by Council on July 30, 2013 as part of the Development Charges Policy Review: Major Policies Covering Report.

- 55. The Owner shall ensure that all existing upstream external flows traversing this plan of subdivision are accommodated within the overall minor and major storm conveyance servicing system(s) design, all to the specifications and satisfaction of the City Engineer.
- 56. The Owner shall dedicate sufficient lands to the City to enable the completion of the proposed SWM Facility and all related servicing in accordance with the Design and Construction of Storm Water Management Facilities policies and processes identified in Appendix ‘B-1’ and ‘B-2’ Stormwater Management Facility “Just in Time” Design and Construction Process.

Water

- 57. In conjunction with the first submission of engineering drawings, the Owner shall have their consulting engineer prepare and submit a water servicing report including the following design information, all to the satisfaction of the City Engineer:
 - i) Water distribution system analysis & modeling and hydraulic calculations for the Plan of Subdivision confirming system design requirements are being met;
 - ii) Identify domestic and fire flows for the potential ICI/medium density Blocks from the low-level (high-level) water distribution system;
 - iii) Address water quality and identify measures to maintain water quality from zero build-out through full build-out of the subdivision;
 - iv) Identify fire flows available from each proposed hydrant to be constructed and determine the appropriate colour hydrant markers (identifying hydrant rated capacity);
 - v) Include a staging report as applicable which addresses the requirement to maintain interim water quality;
 - vi) Develop a looping strategy when development is proposed to proceed beyond 80 units;
 - vii) Identify any water servicing requirements necessary to provide water servicing to external lands, incorporating existing area plans as applicable;
 - viii) Identify any need for the construction of or improvement to external works necessary to provide water servicing to this Plan of Subdivision;
 - ix) Identify any required watermain oversizing, if necessary, and any cost sharing agreements;
 - x) Identify the effect of development on existing water infrastructure – identify potential conflicts;
 - xi) Include full-sized water distribution and area plan(s); and
 - xii) Identify on the water distribution plan the location of valves, hydrants, and the type and location of water quality measures to be implemented (including automatic flushing devices).
- 58. Prior to the issuance of any Certificates of Conditional Approval the Owner shall install and commission the accepted water quality measures required to maintain water quality within the water distribution system during build-out, all to the satisfaction of the City Engineer, at no cost to the City. The measures which are necessary to meet water quality requirements, including their respective flow settings, etc shall be shown clearly on the engineering drawings.
- 59. The Owner shall ensure implemented water quality measures shall remain in place until there is sufficient occupancy demand to maintain water quality within the Plan of Subdivision without their use. The Owner is responsible to meter and pay the billed costs associated with any automatic flushing devices including water discharged from any device from the time of their installation until removal. Any incidental and/or ongoing maintenance of the automatic flushing devices is/are the responsibility of the Owner.
- 60. The Owner shall ensure the limits of any request for Conditional Approval shall conform to the staging or phasing plan as set out in the accepted water servicing design study and shall include the implementation of the interim water quality measures. In the event the requested Conditional Approval limits differ from the staging or phasing as set out in the

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accepted design study, the Owner would be required to submit revised plans and hydraulic modeling as necessary to address water quality.

61. Prior to the issuance of any Certificates of Conditional Approval, and in accordance with City standards, or as otherwise required by the City Engineer, the Owner shall complete the following for the provision of water service to this draft Plan of Subdivision:

- i) Construct watermains to serve this Plan and connect them to the existing municipal system, namely, the existing 300 mm (12") diameter Uplands high pressure watermain stub at Sunningdale Road;
- ii) The available fire flow and appropriate hydrant colour code marker (in accordance with the City of London Design Criteria) are to be shown on the engineering drawings; the coloured fire hydrant markers will be installed by the City of London at the time of Conditional Approval;
- iii) Deliver confirmation that the watermain system has been looped to the satisfaction of the City Engineer when development is proposed to proceed beyond 80 units; and
- iv) Provide for future "looping" of the watermain system constructed for this subdivision to the east and west of this site, all to the specifications of the City Engineer.

62. The Owner shall obtain all necessary approvals from the City Engineer for the servicing of any Blocks in this Plan of Subdivision prior to the installation of any water services to or within these Blocks.

63. With respect to the proposed blocks, the Owner shall include in all agreements of purchase and sale, and/or lease of Blocks in this plan, a warning clause advising the purchaser/transferee that should these develop as a Vacant Land Condominium or in a form that may create a regulated drinking water system under O.Reg. 170/03, the Owner shall be responsible for meeting the requirements of the legislation.

If deemed a regulated system, there is potential the City of London could be ordered to operate this system in the future. As such, the system would be required to be constructed to City standards and requirements.

Transportation

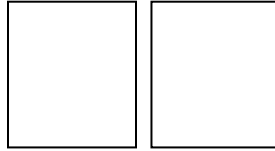
Roadworks

64. All through intersections and connections with existing streets and internal to this subdivision shall align with the opposing streets based on the centrelines of the street aligning through their intersections thereby having these streets centred with each other, unless otherwise approved by the City Engineer.

65. In conjunction with the first submission of engineering drawings, the Owner shall have its consulting engineer provide the following, all to the specifications and satisfaction of the City Engineer:

- i) Provide a proposed layout plan of the internal road network including taper details for streets in this plan that change right-of-way widths with minimum 30 metre tapers for review and acceptance with respect to road geometries, including but not limited to, right-of-way widths, tapers, bends, intersection layout, daylighting triangles, etc., and include any associated adjustments to the abutting lots. The roads shall be equally tapered and aligned based on the road centrelines and it should be noted tapers are not to be within intersections; and
- ii) Confirm that all streets in the subdivision have centreline radii which conforms to the City of London Standard "Minimum Centreline Radii of Curvature of Roads in Subdivisions".

66. At 'tee' intersection, the projected road centreline of the intersecting street shall intersect the through street at 90 degrees with a minimum 6 metre tangent being required along the street lines of the intersecting road, to the satisfaction of the City.



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67. The Owner shall construct Street 'D' at the western boundary of the plan of subdivision in alignment with the proposed Superior Drive to the west as shown in draft plan of subdivision, 39T-05510, to the satisfaction of the City.
68. The Owner shall construct Kleinburg Drive at the western boundary of the plan of subdivision in alignment with Kleinburg Drive to the west as shown in draft plan of subdivision, 39T-05510, to the satisfaction of the City.
69. The Owner shall construct Blackwater Road at Sunningdale Road at the southern boundary of the plan of subdivision in alignment with Blackwater Road to the south.
70. The Owner shall construct Blackwater Road between Street 'D' and Sunningdale Road to primary collector road standards.
71. The Owner shall designate Blackwater Road between Street 'D' and Sunningdale Road as a primary collector road with a 26 metre right-of-way.
72. The Owner shall construct Street 'D' to secondary collector road standards.
73. The Owner shall provide a minimum of 5.5 metres (18') along the curb line between the projected property lines of irregular shaped lots around the bends on streets in this Plan of subdivision.
74. The Owner shall have it's professional engineer design and construct the roadworks in accordance with the following road widths:
 - i) Blackwater Road has a minimum road pavement width (excluding gutters) of 11.0 metres with a minimum road allowance of 26.0 metres;
 - ii) Street 'D' has a minimum road pavement width (excluding gutters) of 9.5 metres with a minimum road allowance of 21.5 metres;
 - iii) Kleinburg Drive, Street 'E' and Street 'I' have a minimum road pavement width (excluding gutters) of 8.0 metres with a minimum road allowance of 20 metres;
 - iv) Street 'C', Street 'F' (north and south legs), Street 'G', Street 'H', Street 'K' and Street 'L' have a minimum road pavement width (excluding gutters) of 7.0 metres with a minimum road allowance of 19 metres;
 - v) Street 'J' has a minimum road pavement width (excluding gutters) of 6.0 metres (19.7') with a minimum road allowance of 18 metres;
 - vi) Street 'F' (window street portion) have a minimum road pavement width (excluding gutters) of 7.0 metres with a minimum road allowance of 18.0 metres; and
 - vii) Street 'D' from Adelaide Street North to 45 metres west has a minimum road pavement width (excluding gutters) of 11.0 metres with a minimum road allowance of 22.5 metres. The widened road on Street 'D' shall be equally aligned from the centreline of the road and tapered back to the 9.5 metres of road pavement width (excluding gutters) and 21.5 metres of road allowance width for this street with 30 metre long tapers on both street lines.
75. The Owner shall construct the window street portion of Street 'F' abutting Adelaide Street North in accordance with the City's window Street standard or as otherwise specified by the City Engineer, to the satisfaction of the City Engineer, at no cost to the City.
76. The Owner agrees that, if a parking plan is required for this subdivision, and increased pavement width is proposed to accommodate the parking plan, the road allowance width will be increased a corresponding amount in order to maintain the standard 6.0 metre wide boulevards on either side of the road. Further, the Owner agrees that any proposed widening of the pavement and the road allowance will be to the satisfaction of the City Engineer.
77. The Owner shall ensure all streets with bends of approximately 90 degrees shall have a minimum inside street line radius with the following standard:

<u>Road Allowance</u>	<u>S/L Radius</u>
20.0 m	9.0 m
19.0 m	9.5 m
18.0 m	10.0 m

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Sidewalks

78. The Owner shall construct a 1.5 metre sidewalk on both sides of the following streets:

- i) Blackwater Road;
- ii) Street 'D'; and
- iii) Kleinburg Drive between Blackwater Road and Street 'D'.

79. The Owner shall construct a 1.5 metre sidewalk on one side of the following streets:

- i) Kleinburg Drive – west of Blackwater Road – north boulevard;
- ii) Street 'E' – west boulevard;
- iii) Street 'F' (north leg) – north boulevard;
- iv) Street 'F' (south leg) – south boulevard;
- v) Street 'I' – east boulevard;
- vi) Street 'K' – west boulevard;
- vii) Street 'C' – north boulevard; and
- viii) Street 'J' – outside boulevard.

80. In conjunction with the first submission of engineering drawings, the Owner shall provide a plan and appropriate sections showing details of the proposed parks pathway on Block 55, 58 and window street portion of Street 'F', to the satisfaction of the City. The plan is also to incorporate how the proposed sidewalk linkages from Street 'F' to Adelaide Street North will be accommodated to City standards. The pathway is to be located within the right of way on Street 'F' between the window street berm and the easterly edge of curb for Street 'F'.

81. Should the Owner direct any servicing within the walkway or the walkway is to be used as a maintenance access, the Owner shall provide a 4.6 metre wide walkway designed to the maintenance access standard, to the specifications of the City.

Street Lights

82. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall install street lighting at the intersection of Adelaide Street North and Street 'D', to the specifications of the City, at no cost to the City.

83. Within one year of registration of the plan, the Owner shall install street lighting on all streets and walkways in this plan to the satisfaction of the City, at no cost to the City. Where an Owner is required to install street lights in accordance with this draft plan of subdivision and where a street from an abutting developed or developing area is being extended, the Owner shall install street light poles and luminaires, along the street being extended, which match the style of street light already existing or approved along the developed portion of the street, to the satisfaction of the London Hydro for the City of London.

Boundary Road Works

84. The Owner acknowledges that the City, in accordance with the City's current Growth Management Implementation Strategy (GMIS) may be reconstructing Sunningdale Road in 2025. The Owner shall co-operate with the City, as necessary, to complete the project, including providing access to their lands and easements as necessary.

85. The Owner shall be required to make minor boulevard improvements on Sunningdale Road East and Adelaide Street North adjacent to this Plan, to the specifications of the City and at no cost to the City, consisting of clean-up, grading and sodding as necessary.

86. In conjunction with the first submission of engineering drawings, the Owner shall have it's professional consulting engineer submit design criteria for the left turn and right turn lanes on Sunningdale Road East at Blackwater Road and Adelaide Street North at Street 'D' for review and acceptance by the City.

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87. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct turn lanes on the following:
- i) A left turn lane on Adelaide Street North at Street 'D';
 - ii) A right turn taper on Adelaide Street North at Street 'D';
 - iii) A left turn lane on Sunningdale Road East at Blackwater Road; and
 - iv) A right turn lane on Sunningdale Road East at Blackwater Road.

Road Widening

89. The Owner shall be required to dedicate sufficient land to widen Adelaide Street North and Sunningdale Road West to 18.0 metres from the centreline of the original road allowance.
90. The Owner shall provide a road widening dedication at the intersection of Sunningdale Road North and Adelaide Street East as indicated in the Sunningdale Road Environmental Assessment to accommodate a future roundabout, to the satisfaction of the City.
91. The Owner shall be required to dedicate 6.0 m x 6.0 m "daylighting triangles" at the intersection of Blackwater Road and Sunningdale Road East and at Adelaide Street North and Street 'D' in accordance with the Z-1 Zoning By-law, Section 4.24.
92. The Owner shall be required to dedicate 3.0 m x 3.0 m "daylighting triangles" at the intersection of 'collector' road streets in the Plan (ie. Where Blackwater Road meets Street 'D') to satisfy requirements necessary for servicing bus transit routes, as specified by the City Engineer.

Vehicular Access

93. The Owner shall restrict access to Sunningdale Road East and Adelaide Street North by establishing blocks for 0.3 metre reserves along the entire frontages, to the satisfaction of the City.

Traffic Calming

94. In conjunction with the first submission of engineering drawings, the Owner shall have it's professional engineer provide a conceptual design of the proposed traffic calming measures along the primary and secondary collector roads, including parking bays, curb extensions, speed cushions and other measures, to the satisfaction of the City, to discourage through traffic and excessive vehicle speeds.
95. The Owner shall construct curb extensions on both sides of Blackwater Road to provide on-street parking for the commercial and business district commercial blocks. The parking bay should be removed for utilities (fire hydrants) and for transit stop locations as defined by the London Transit Commission, to the satisfaction of the City Engineer.
96. The Owner shall construct raised intersections along Blackwater Road, at the intersections with Kleinburg Drive and with Street 'D' and at the intersection of Street 'D' and Kleinburg Drive in accordance with City standards, to the satisfaction of the City Engineer. Should it be determined the raised intersections will affect the major overland flow route, the Owner shall construct alternative traffic calming measures in consultation with the City, to the satisfaction of the City Engineer.
97. The Owner shall construct curb extensions along the south side of Street 'D' with the parking bay removed for utilities (fire hydrants) and for transit stop locations as defined by the London Transit Commission, to the satisfaction of the City Engineer.
98. The Owner shall construct two speed cushions on Kleinburg Drive in locations satisfactory to the City Engineer and in accordance with the Design Specifications and Requirements Manual.

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Construction Access/Temporary/Second Access Roads

- 99. The Owner shall utilize construction access routes designated by the City.
- 100. Prior to commencing any construction on this site, the Owner shall notify the City of London Police Services of the start of construction of this plan of subdivision.
- 101. In the event any work is undertaken on an existing street, the Owner shall establish and maintain a Traffic Management Plan (TMP) in conformance with City guidelines and to the satisfaction of the City for any construction activity that will occur on existing public roadways. The Owner shall have 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.
- 102. Should any temporary turning circle exist on the abutting street at the time this plan is registered, the Owner shall remove any existing temporary turning circles at the west limit of this plan and restore the road including sidewalks to the satisfaction of the City, at no cost to the City.

If funds have been provided to the City by the owner of adjacent lands for the removal of an existing temporary turning circle and the construction of this section of the road and all associated works, the City shall reimburse the Owner for the substantiated cost of completing these works, up to a maximum value that the City has received for this work.

General Engineering

- 103. 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.
- 104. Prior to the issuance of a Certificate of Conditional Approval for each construction stage of this subdivision, all servicing works for the stage and downstream works must be completed and operational, in accordance with the approved design criteria and accepted drawings, all to the specification and satisfaction of the City.
- 105. Prior to final approval, the Owner shall make arrangements with the affected property owner(s) for the construction of any portions of services or grading situated on private lands outside this plan, and shall provide satisfactory easements over these works, as necessary, all to the specifications and satisfaction of the City, at no cost to the City.
- 106. In conjunction with the first submission of engineering drawings, the Owner shall provide, to the City for review and acceptance, a geotechnical report or update the existing geotechnical report recommendations to address all geotechnical issues with respect to the development of this plan, including, but not limited to, the following:
 - i) Servicing, grading and drainage of this subdivision;
 - ii) Road pavement structure;
 - iii) Dewatering;
 - iv) Foundation design;
 - v) Removal of existing fill (including but not limited to organic and deleterious materials);
 - vi) The placement of new engineering fill;
 - vii) Any necessary setbacks related to slope stability for lands within this plan;
 - viii) Identifying all required mitigation measures including the design and implementation of Low Impact Development (LIDs) solutions;
 - ix) Addressing all issues with respect to construction and any necessary setbacks related to erosion, maintenance and structural setbacks related to slope stability for lands within this plan, if necessary, to the satisfaction and specifications of the City. The Owner shall provide written acceptance from the Upper Thames River Conservation Authority for the final setback;

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and any other requirements as needed by the City, all to the satisfaction of the City.

- 107. The Owner shall implement all geotechnical recommendations to the satisfaction of the City.
- 108. Once construction of any private services, ie: water storm or sanitary, to service the lots and blocks in this plan is completed and any proposed relotting of the plan is undertaken, the Owner shall reconstruct all previously installed services in standard location, in accordance with the approved final lotting and approved revised servicing drawings all to the specification of the City Engineer and at no cost to the City.
- 109. The Owner shall connect to all existing services and extend all services to the limits of the draft plan of subdivision, at no cost to the City, all to the specifications and satisfaction of the City Engineer.
- 110. The Owner shall have the common property line of Sunningdale Road East and Adelaide Street North graded in accordance with the City of London Standard "Subdivision Grading along Arterial Roads", at no cost to the City.

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

- 111. 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.
- 112. 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; and
 - 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.

- 113. The Owner shall pay a proportional share of the operational, maintenance and/or monitoring costs of any affected unassumed sewers or SWM facilities (if applicable) to third parties that have constructed the services and/or facilities to which the Owner is connecting. The above-noted proportional share of the cost shall be based on design flows, to the satisfaction of the City, for sewers or on storage volume in the case of a SWM facility. The Owner's payments to third parties shall:
 - i) Commence upon completion of the Owner's service work, connections to the existing unassumed services; and
 - ii) Continue until the time of assumption of the affected services by the City.
- 114. With respect to any services and/or facilities constructed in conjunction with this Plan, the Owner shall permit the connection into and use of the subject services and/or facilities by outside owners whose lands are served by the said services and/or facilities, prior to the said services and/or facilities being assumed by the City.

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

- 115. 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

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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.

- 116. Should any contamination or anything suspected as such, be encountered during construction, the Owner shall report the matter to the City Engineer and the Owner shall hire a geotechnical engineer to provide, in accordance with the Ministry of the Environment "Guidelines for Use at Contaminated Sites in Ontario", "Schedule A – Record of Site Condition", as amended, including "Affidavit of Consultant" which summarizes the site assessment and restoration activities carried out at a contaminated site, in accordance with the requirements of latest Ministry of Environment and Climate Change "Guidelines for Use at Contaminated Sites in Ontario" and file appropriate documents to the Ministry in this regard with copies provided to the City. The City may require a copy of the report should there be City property adjacent to the contamination.

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

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

- 117. The Owner's professional engineer shall provide inspection services during construction for all work to be assumed by the City, and shall supply the City with a Certification of Completion of Works upon completion, in accordance with the plans accepted by the City Engineer.
- 118. In conjunction with the engineering drawings 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.
- 119. 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".
- 120. The Owner shall not commence construction or installations of any services (eg. clearing or servicing of land) involved with this Plan prior to obtaining all necessary permits, approvals and/or certificates that need to be issued in conjunction with the development of the subdivision, unless otherwise approved by the City in writing (eg. Ministry of the Environment Certificates, City/Ministry/Government permits: Approved Works, water connection, water-taking, crown land, navigable waterways, approvals: Upper Thames River Conservation Authority, Ministry of Natural Resources, Ministry of the Environment, City, etc.),

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121. Prior to any work on the site, the Owner shall decommission and permanently cap any abandoned wells located in this Plan, in accordance with current provincial legislation, regulations and standards. In the event that an existing well in this Plan is to be kept in service, the Owner shall protect the well and the underlying aquifer from any development activity.
122. In conjunction with the first submission of engineering drawings, in the event the Owner wishes to phase this plan of subdivision, the Owner shall submit a phasing plan identifying all required temporary measures, and identify land and/or easements required for the routing of services which are necessary to service upstream lands outside this draft plan to the limit of the plan to be provided at the time of registration of each phase, all to the specifications and satisfaction of the City.
123. If any temporary measures are required to support the interim conditions in conjunction with the phasing, the Owner shall construct temporary measures and provide all necessary land and/or easements, to the specifications and satisfaction of the City Engineer, at no cost to the City.
124. 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.
125. 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.
126. The Owner shall remove all existing accesses and restore all affected areas, all to the satisfaction of the City, at no cost to the City.
127. All costs related to the plan of subdivision shall be at the expense of the Owner, unless specifically stated otherwise in this approval.
128. In conjunction with the engineering drawings submission, the proposed block lotting plan shall be reviewed and accepted with respect to City services, road geometries, easements requirements, etc., to the satisfaction of the City.
129. The Owner shall make all necessary arrangements with any required owner(s) to have any existing easement(s) in this plan quit claimed to the satisfaction of the City and at no cost to the City. The Owner shall protect any existing private services in the said easement(s) until such time as they are removed and replaced with appropriate municipal and/or private services at no cost to the City.
130. Following the removal of any existing private services from the said easement and the appropriate municipal services and/or private services are installed and operational, the Owner shall make all necessary arrangement to have any section(s) of easement(s) in this plan quit claimed to the satisfaction of the City, at no cost to the City.
131. In conjunction with engineering drawings submission, the Owner shall submit a Development Charge work plan outlining the costs associated with the design and construction of the DC eligible works. The work plan must be approved by the City Engineer and City Treasurer (as outlined in the most current DC By-law) prior to advancing a report to Planning and Environment Committee recommending approval of the special provisions for the subdivision agreement.
132. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct new services and make adjustments to the existing works and services on Adelaide Street North and Sunningdale Road East, adjacent to this plan to accommodate the proposed works and services on this street to accommodate the lots in this plan fronting this street (eg. private services, street light poles, traffic calming, etc.) in accordance with the approved design criteria and accepted drawings, al to the satisfaction of the City Engineer, at no cost to the City.

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133. The Owner shall either register against the title of Blocks 45, 46, 47 and 48, inclusive, in this Plan, or shall include in the agreement of purchase and sale for the transfer of each of the Blocks, a covenant by the purchaser or transferee stating that the purchaser or transferee of the Blocks may be required to construct sewage sampling manholes, built to City standards in accordance with the City's Waste Discharge By-law No. WM-2, as amended, regulating the discharge of sewage into public sewage systems. If required, the sewage sampling manholes shall be installed on both storm and sanitary private drain connections, and shall be located wholly on private property, as close as possible to the street line, or as approved otherwise by the City Engineer.

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Proposed Revised Redlined Draft Approval



KEY PLAN

DRAFT PLAN OF SUBDIVISION
SOUTH HALF OF LOT 13
CONCESSION 6
 (BISHOPSCOTE TOWNSHIP OF LONDON)
 CITY OF LONDON
 COUNTY OF MIDDLESEX

INFORMATION REQUIRED UNDER SECTION 51 (7) OF THE PLANNING ACT

A) As shown
 B) As shown
 C) As shown
 D) As shown
 E) As shown
 F) As shown
 G) As shown
 H) As shown
 I) As shown
 J) As shown
 K) As shown
 L) As shown
 M) As shown
 N) As shown
 O) As shown
 P) As shown
 Q) As shown
 R) As shown
 S) As shown
 T) As shown
 U) As shown
 V) As shown
 W) As shown
 X) As shown
 Y) As shown
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 AA) As shown
 AB) As shown
 AC) As shown
 AD) As shown
 AE) As shown
 AF) As shown
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 AH) As shown
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 AJ) As shown
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 AL) As shown
 AM) As shown
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 AQ) As shown
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 AY) As shown
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 BE) As shown
 BF) As shown
 BG) As shown
 BH) As shown
 BI) As shown
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 BK) As shown
 BL) As shown
 BM) As shown
 BN) As shown
 BO) As shown
 BP) As shown
 BQ) As shown
 BR) As shown
 BS) As shown
 BT) As shown
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 DK) As shown
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 DM) As shown
 DN) As shown
 DO) As shown
 DP) As shown
 DQ) As shown
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PROPOSED LAND USES AND AREAS

Lot Area	Proposed Land Use	Area (sq. m)
1,234	Low Density Residential	1,234
5,678	Medium Density Residential	5,678
9,012	Commercial	9,012
3,456	Public Use	3,456
7,890	Open Space	7,890
2,100	Other	2,100
41,234	Total	41,234

OWNER'S CERTIFICATE

EXTERNALY LIMITED
 HEREBY CONSENTS TO THE FILING OF THIS PLAN IN DRAFT FORM

SUBDIVISION CERTIFICATE

TO BEAT CERTIFY THAT THE BOUNDARIES OF THE LAND TO BE SUBDIVIDED AND THE AREAS AND AREAS OF THE ADJACENT LANDS ARE ACCURATELY SHOWN ON THIS PLAN

REVISIONS

NO.	REVISION	DATE	INITIAL
1.	As per Revised Plan	Nov 27/14	MP
2.	As per City Rep. No. 2014-011	Nov 27/14	MP
3.	As per City Rep. No. 2014-011	Nov 27/14	MP
4.	As per Revised Plan	Nov 27/14	MP

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 A Publican Planning Partner

218 Princes Blvd, London, Ontario N6C 2P1
 Tel: (519) 875-1111 Fax: (519) 875-1111
 www.zephyrus.com

DATE: NOVEMBER 2011
 SCALE: 1:1500

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**Appendix “C”
Related Estimated Costs and Revenues**

Related Estimated Costs and Revenues

Estimated DC Funded Servicing Costs	Estimated Cost (excludes HST)
Claims for developer led construction from CSRF	
- Watermain internal oversizing (DC14-WD01001)	\$39,000
- Sanitary sewer internal oversizing (DC14-WW02001)	\$23,375
- Storm sewer internal oversizing (DC-14-MS01001)	\$133,750
- Channelization - Sunningdale/Blackwater (DC14-RS00067)	\$250,000
- Channelization - Adelaide/Superior (DC14-RS00067)	\$250,000
- Roadworks engineering (DC14-RS00067)	\$75,000
Claims for City led construction from CSRF	
- None identified.	\$0
Total	\$771,125
Estimated Total DC Revenues (2017 Rates)	Estimated Revenue
CSRF	\$17,543,484
UWRF	\$1,801,558
TOTAL	\$19,345,042

- 1 Estimated Costs are based on approximations provided by the applicant and include engineering, construction and contingency costs without HST. Final claims will be determined based on actual costs incurred in conjunction with the terms of the final subdivision agreement and the applicable By-law.
- 2 Estimated Revenues are calculated using 2017 DC rates and may take many years to recover. The revenue estimates includes DC cost recovery for "soft services" (fire, police, parks and recreation facilities, library, growth studies). There is no comparative cost allocation in the Estimated Cost section of the report, so the reader should use caution in comparing the Cost with the Revenue section.
- 3 The revenues and costs in the table above are not directly comparable. The City employs a "citywide" approach to recovery of costs of growth – any conclusions based on the summary of Estimated Costs and Revenues (above table) should be used cautiously.
- 4 The developer led construction work above will require a work plan to be provided and approved by the City. The work plan should include summary of work completed and costs incurred as well as estimated costs of all Engineering and construction of the eligible subdivision works.
- 5 The extent of roadworks, pipe sizes and length of oversized sewers and watermain will be finalized through the detailed design process which may change the values noted.

January 12/2010
Date

Reviewed by:

Matt Feldberg
Manager, Development Services
(Subdivisions)

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**File: 39T-09501/Z-8818
Planner: Nancy Pasato**

Appendix “D” Stakeholder Comments

Environmental and Parks Planning

Environmental and Parks Planning has reviewed the application and listed our comments below. Please note there have not been substantial modifications to the proposed plan of subdivision from the previous submission and the majority of comments provided in the October 23, 2012 and April 23, 2014 staff memos remain.

NATURAL HERITAGE SYSTEM

Staff has reviewed the addendum to the 2009 EIS and offer the following comments:

The May 31, 2012 EIS Addendum Letter received September 6, 2012 prepared by BioLogic addresses the majority of the issues identified in the August 9, 2010 comments.

All of the Recommendations in the May 31, 2012 EIS Addendum Letter are to be included as conditions of draft approval for the subdivision.

Regarding Point 2.2 we agree that the process for the Design Standards for Trails in ESAs must be discussed with the Ecologist Planner prior to detailed design of any trails through the ESA.

The tree preservation plans completed at detailed design stage must identify the locations for tree preservation fencing to protect the trees including those in block 32 and the PSW in Block 33. The sediment and erosion control fencing will not “double” as tree preservation fencing despite BioLogic’s recommendation on page 19.

For additional reference please refer to August 9, 2010 memo from Bonnie Bergsma

PARKS AND OPEN SPACE

Required parkland dedication shall be calculated pursuant to section 51 of the Planning Act at 5% of the lands within the application or 1 ha per 300 units, whichever is greater. It is the expectation of Environmental and Parks Planning that the required parkland dedication will be partly satisfied through identified park blocks, redline park blocks and cash-in-lieu of parkland (in accordance with By-Law CP-9).

Upon review of the proposed plan of subdivision and accompanying tables, Environmental and Parks Planning has some concerns regarding the assumptions in the applicant’s proposal:

- Block 49 is defined as an ESA and unsure if the block will be public or private. The block will not be purchased by the City, however it could be offered as a contribution towards satisfying the required parkland dedication. According to the Council approved parkland dedication By-law CP-9, the block would be accepted at a rate of 16 to 1.
- Block 50 is defined as a Provincially Significant Wetland and therefore considered as hazard land. Consistent with the Council approved parkland dedication By-law CP-9, the block would be accepted as a contribution toward the parkland dedication at a rate of 27 to 1.
- Block 52 will be accepted at the proposed rate of 1 to 1 and will be combined with a block on the abutting plan of subdivision to the west. The City’s capital works budget had identified \$80,000 in 2020 for the development of this neighbourhood park.
- Block 53 - will be accepted at the proposed rate of 1 to 1. Block 53 is to be developed as an urban park. The City’s capital works budget had identified \$150,000 in 2020 for the initial development of this urban park.
- Block 59 – has been identified by the applicant’s engineering consultant as a component of the SWM system and therefore will not be considered as parkland. However, the applicant expanded the width of the block from 10m to 15m at the request of E&PP. The additional 5m of width will be considered at full rate toward the parkland dedication.
- Block 57 and 66 – are proposed municipal walkway blocks and will not be considered as part of the required parkland dedication.

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**File: 39T-09501/Z-8818
Planner: Nancy Pasato**

- Blocks 55 and 58 - are components of the pedestrian corridor system linking the east-west rural/urban pathway along the northern boundary of the City. In accordance with Section 51(25)b of the Planning Act, pedestrian corridors are to be dedicated to the City. Based on Council approved direction, pedestrian corridors are 5 meters in width, any additional land included will be considered toward parkland dedication at 1 to 1. E&PP request these two blocks be enlarged to a minimum width of 15 metres.
- Expansion of Block 51 at Sunningdale Road to provide for pathway linkage. Full parkland rate will be applied (10 meters in width)
- Natural Heritage Lands that are dedicated to the city in some form will not be included in the calculation for parkland dedication.

Based on the above please find the revised calculated parkland dedication table.

Land Use (Block)	Area (ha)	Requested Maximum Density	Dedication Rate	Expected Dedication (ha)
Low Density Residential Blocks (1 – 39)	16.242	30 units/ha	1ha / 300 units	1.624
Medium Density Residential Blocks (40-44)	5.21	75 units/ha	1ha / 300 units	1.317
BDC Blocks (45-48)	2.776		2%	0.055
Approximate Parkland Required				2.996 ha
Parkland Provided				
Land Use (Block)	Area (ha)	Ratio	Provided	Accepted
ESA-private ownership (49)	4.068	16:1	0.0	0.0
PSW (50)	0.942	27:1	0.035	0.035
Walkway (54)	0.042	1:1	0.042	0.042
Neighbourhood Park (52)	0.923	1:1	0.923	0.923
Urban Park (53)	0.403	1:1	0.403	0.403
Walkway Block 59	0.116	1:1 (5m of width)	0.116	0.039
Walkway Block 55	0.035	1:1 (5m of width)	0.035	0.018
Walkway Block 58	0.032	1:1 (5m of width)	0.032	0.016
Approximate Parkland Provided				1.475 ha

Proposed Redline Parkland				
Pathway corridors - land outside 5m width (east of street F Blocks 55 and 58)	0.034	1:1	0.034	0.034
Pathway corridors - land outside 10m width (adjacent to block 51 and Block 44 @ Sunningdale Road)	0.030	1:1	0.030	0.030
Approximate Redline Requested				0.064
Adjusted Approximate Parkland Provided				1.539
Approximate Parkland Required				2.996
Total Parkland Under Dedication				1.457 ha

The applicant has indicated the east-west rural/urban trail along the northern boundary of the City will be located outside of the plan within the Township of Middlesex Centre. Comments in the conditions will refer to this agreement. The applicant is confirm this is in place.

The Owner is to provide park concept plans as a component of the Design Studies for Blocks 52 and 53.

The Owner is to provide initial pathway concepts as a component of the Design Studies for Blocks 50, 55, 58 and 51, including the incorporated pathway into the window street design for Street F. The consultant shall pre-consult with the Environmental and Parks Planning Division to determine the appropriate budget and amenities to be included in the park. In addition, the applicant shall submit with the standard engineering servicing drawings submission, full design and construction plans to the satisfaction of the Manager of Environmental and Parks Planning.

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**File: 39T-09501/Z-8818
Planner: Nancy Pasato**

The Owner shall grade, service and seed parkland to the satisfaction of the Manager of Environmental and Parks Planning within one year of registration of the plan for the parks in that phase.

The Owner shall not grade into any open space area (Blocks 49, 50 and 51). Where lots or blocks abut an open space area, all grading of the developing lots or blocks at the interface with the open space areas are to match grades to maintain existing slopes, topography and vegetation. In instances where this is not practical or desirable, any grading into the open space shall be to the satisfaction of the Director of Development Approvals.

Prior to construction, site alteration or installation of services, robust silt fencing/erosion control measures must be installed and certified with site inspection reports submitted to the Environmental and Parks Planning Division monthly during development activity along the edge of the ESA and PSW.

The Owner shall prepare and deliver to all homeowners 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 shall be prepared to the satisfaction of Manager of Environmental and Parks Planning.

The Owner shall construct all works within all park blocks within one year of plan registration for the parks in that phase. Works will be claimable from the capital works budget based on the approved concept plans and cost estimates.

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 Open Space Blocks. Fencing shall be completed to the satisfaction of the Manager of Environmental and Parks Planning, within one (1) year of the registration of the plan.

STORMWATER MANAGEMENT

Blocks 59 and 60 shall incorporate the extension of the internal pathway linkage from Street B to the intersection of Adelaide and Sunningdale Roads. Parkland dedication may be applicable to this corridor for expanded access width.

Restoration and planting shall occur around the wetland feature in accordance with the EIS. Conceptual planting shall be reviewed at the Design Studies stage. Planting plans shall be submitted at the Engineering Drawing stage.

SWM ponds and channels shall be landscaped as per the SMW Design Manual. Conceptual planting shall be reviewed at the Design Studies stage. Planting plans shall be submitted at the Engineering Drawing stage.

OTHER

The Owner will obtain the necessary permit/approvals from the UTRCA prior to undertaking any site alteration or development within this area including filling, grading, construction, alteration to watercourse and/or interference with a wetland.

Street trees are required as per the standard cash-in-lieu subdivision clause

The owner shall, as part of the design studies, prepare a tree preservation report and plan for lands within the proposed draft plan of subdivision. The tree preservation report and plan shall be focused on the preservation of quality specimen trees within lots and blocks. The tree preservation report and plan shall be completed in accordance with current approved City of London guidelines for the preparation of tree preservation reports and tree preservation plans, to the satisfaction of the Manager of Environmental and Parks Planning as part of the design studies submission. Tree preservation shall be established first and grading/servicing design shall be developed to accommodate maximum tree preservation.

The owner shall, as part of the design studies; and in lieu of the standard park grade, service and seed requirements; undertakes, by a Registered Professional Forester, a Hazard Tree

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**File: 39T-09501/Z-8818
Planner: Nancy Pasato**

Assessment Study for the portion of Block 49 that abuts park and open space. The study will undertake a tree risk assessment to identify hazard trees or hazardous parts of any trees within falling distance of the park lot lines (this being the hazard tree management zone) and trails (as approved by the city), this also taking into account wind-firmness of adjacent trees affected by any recommended hazard tree removals, and ensure that those hazard trees, or parts thereof, are abated or removed in a timely manner by competent, certified arborists prior to any other persons (workers) entering the hazard tree management zone, or within one year of registration, whichever is the sooner.

London Advisory Committee on Heritage (LACH)

“That N. Pasato, Senior Planner, BE ADVISED that the London Advisory Committee on Heritage expressed concern regarding the revisions to the Draft Plan of Subdivision and Zoning By-law Amendment for 660 Sunningdale Road East (39T-09501/Z-8818), as it is not clear how the two barns recommended for designation will be protected and conserved in the revised Draft Plan; it being noted that the notice of intent to designate the property has been appealed to the Conservation Review Board and, until such time as an appeal is resolved, the property is treated as if it were designated, as per Section 30(1) of the *Ontario Heritage Act*.”

Environmental and Ecological Planning Advisory Committee (EEPAC)

“That the revised Notice of application by Extra Realty relating to the property located at 660 Sunningdale Road East, was received; it being noted that the Environmental and Ecological Planning Advisory Committee (EEPAC) has previously commented on this application and the proposed revision to the application does not affect the Environmentally Significant Area on the property, in the opinion of the EEPAC.”

Upper Thames River Conservation Authority (UTRCA)

The Upper Thames River Conservation Authority (UTRCA) has reviewed this application with regard for the policies in the Environmental Planning Policy Manual for the Upper Thames River Conservation Authority (June 2006). These policies include regulations made pursuant to Section 28 of the Conservation Authorities Act, and are consistent with the natural hazard and natural heritage policies contained in the Provincial Policy Statement (2014). The Upper Thames River Source Protection Area Assessment Report has also been reviewed in order to confirm whether these lands are located in a vulnerable area. The Drinking Water Source Protection information is being disclosed to the Municipality to assist them in fulfilling their decision making responsibilities under the Planning Act.

PROPOSAL

To revise the plan of subdivision which includes increasing the size of the stormwater management block and reconfiguring the park blocks.

CONSERVATION AUTHORITIES ACT

As shown on the enclosed mapping, the subject lands are regulated by the UTRCA in accordance with Ontario Regulation 157/06 made pursuant to Section 28 of the Conservation Authorities Act. The Regulation Limit is comprised of a riverine flooding hazard, wetland features including the Arva Moraine Provincially Significant Wetland Complex and the area of interference which surrounds these features. The UTRCA has jurisdiction over lands within the regulated area and requires that landowners obtain written approval from the Authority prior to undertaking any site alteration or development within this area including filling, grading, construction, alteration to a watercourse and/or interference with a wetland.

UTRCA ENVIRONMENTAL PLANNING POLICY MANUAL (2006)

The UTRCA’s Environmental Planning Policy Manual is available online at:
<http://thamesriver.on.ca/planning-permits-maps/utrca-environmental-policy-manual/>

The following policies are applicable to the subject lands:

3.2.2 General Natural Hazard Policies

These policies direct new development and site alteration away from hazard lands. No new hazards are to be created and existing hazards should not be aggravated.

3.2.3 Riverine Flooding Hazard Policies

These policies address matters such as the provision of detailed flood plain mapping, floodplain planning approach and uses that may be allowed in the flood plain subject to satisfying UTRCA

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permit requirements.

3.2.5 Watercourse Policies

The UTRCA discourages the conversion of open surface watercourses to closed systems.

3.2.6 & 3.3.2 Wetland Policies

New development and site alteration is not permitted in wetlands. Furthermore, new development and site alteration may only be permitted in the area of interference and /or adjacent lands of a wetland if it can be demonstrated through the preparation of an Environmental Impact Study that there will be no negative impact on the hydrological and ecological function of the feature.

3.3.3.1 Significant Woodlands Policies

The UTRCA does not permit new development and site alteration in woodlands considered to be significant. Furthermore, new development and site alteration is not permitted on adjacent lands to significant woodlands unless an EIS has been completed to the satisfaction of the UTRCA.

3.5.2 Policies for Stormwater Management (SWM) and Erosion & Sediment Control Measures

The UTRCA generally does not support:

- a) on-line SWM ponds
- b) the use of wetlands for SWM
- c) SWM facilities within natural hazards
- d) SWM facilities within significant natural heritage features.

SWM facilities with the exception of outlets will be directed to areas located outside of the defined limits of the natural hazard.

DRINKING WATER SOURCE PROTECTION

Clean Water Act

The Clean Water Act (CWA), 2006 is intended to protect existing and future sources of drinking water. The Act is part of the Ontario government's commitment to implement the recommendations of the Walkerton Inquiry as well as protecting and enhancing human health and the environment. The CWA sets out a framework for source protection planning on a watershed basis with Source Protection Areas established based on the watershed boundaries of Ontario's 36 Conservation Authorities. The Upper Thames River, Lower Thames Valley and St. Clair Region Conservation Authorities have entered into a partnership for The Thames-Sydenham Source Protection Region.

The Assessment Report for the Upper Thames watershed delineates three types of vulnerable areas: Wellhead Protection Areas, Highly Vulnerable Aquifers and Significant Groundwater Recharge Areas. We wish to advise that the subject lands are identified as being within a vulnerable area. Mapping which shows these areas is available at: http://maps.thamesriver.on.ca/GVH_252/?viewer=tsrassessmentreport

Provincial Policy Statement (PPS, 2014)

Section 2.2.1 requires that: "Planning authorities shall protect, improve or restore the quality and quantity of water by:

- e) implementing necessary restrictions on development and site alteration to:
 1. protect all municipal drinking water supplies and designated vulnerable areas; and
 2. protect, improve or restore vulnerable surface and ground water features, and their hydrological functions."

Section 2.2.2 requires that "Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored."

Municipalities must be consistent with the Provincial Policy Statement when making decisions on land use planning and development.

Policies in the Approved Source Protection Plan may prohibit or restrict activities identified as posing a significant threat to drinking water. Municipalities may also have or be developing policies that apply to vulnerable areas when reviewing development applications. Proponents considering land use changes, site alteration or construction in these areas need to be aware of this possibility. The Approved Source Protection Plan is available at:

<http://www.sourcewaterprotection.on.ca/source-protection-plan/approved-source-protection->

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[plan/](#)

RECOMMENDATION

There are still a number of outstanding matters that the UTRCA advised of in our comments/conditions pertaining to the draft plan approval in 2014.

1. The subject lands are regulated in accordance with Ontario Regulation 157/06 made pursuant to Section 28 of the Conservation Authorities Act and the proponent must obtain the necessary permit/approvals from the UTRCA.
2. We had previously requested that Block 43 now Block 51 be redlined to incorporate the required 15 metre setback for the watercourse. As a condition of draft plan approval we are seeking confirmation that the required setback has been provided.
3. The UTRCA had previously requested that a Final Environmental Impact Study be prepared. This document was to compile all of the addendums and address the UTRCA’s outstanding concerns as noted in our April 24, 2014 correspondence (enclosed). To date we are still awaiting a Final EIS and request that this condition be carried forward.
4. The UTRCA is in receipt of Hydrogeological Assessment - Proposed Applewood Subdivision 660 Sunningdale Rd E, London, Ontario updated May 2017 (received September 12, 2017). Given that we have not yet completed our review/accepted the findings of the hydrogeological study this condition of draft plan approval should be carried forward.
5. Through the Design Studies process, the UTRCA reviewed Applewood Estates Subdivision Functional SWM/Drainage Report prepared by Stantec dated June 26, 2016 and a memo (Stantec) dated June 20, 2016 – Applewood Subdivision (39T-09501) Functional SWM/Drainage

Report Response to 2nd Submission Design Studies Comments.

While the UTRCA was generally satisfied with the SWM approach for Phase , in our comments dated November 4, 2016 (enclosed), we requested clarification as part of Detailed Design regarding the drainage area. Figure 2 – Phase 1 Drainage, includes Area 201 (1.91 ha) and area 202 (1.61 ha) which when added together equals 3.52 ha but section 3.0 of the submitted report indicated that the Phase 1 interim conditions included approximately 6 ha. The Conservation Authority also requested that the following concerns be addressed as part of the future phase(s) of the development:

1. The flows under the existing conditions from the site exceed the capacity of the existing 900 CSP culvert on Sunningdale. The 25 year storm flow is 0.91 cms from the site under the existing condition. Please address.
2. The proposed addition of 300 mm topsoil to increase infiltration on the site under the post-development condition will not work and may not help the local hydrology due to the nature and properties of the existing soil on the site and may even take away the base flow required for the existing wetland. Under the existing condition, the runoff is conveyed to the wetland but by adding 300 mm soil on top of the existing soil may reduce the quantity of runoff required for the base flow.
3. The UTRCA requires that education/information material be prepared for the units owners in area 403 whose backyard runoff will flow directly into the wetland/the units having catch basin directly connected to the third pipe system receiving runoff from the backyards.
4. The area flowing into the existing wetland is approximately 15.88 ha but the area flowing into the wetland under the ultimate conditions is only 1.57 ha. The area being proposed to convey runoff under the third pipe system is approximately 5 ha. Thus the total area flowing into the wetland is approximately 6.57 ha as compared to the 15.88 ha under the existing conditions. How the base flow required for the sustenance of the wetland will be maintained when the area draining to the wetland has been reduced from 15.88 ha to only approximately 6.57 ha. The continuation the base flow and infiltration is very important for the sustenance of the wetland on the site.
5. The water balance shows a deficit of 3835 cubic meters per year for phase 1 and a deficit of 26103 cubic meters per year under the conceptual ultimate conditions. The deficit in the infiltration may affect the wetland. Please consider mimicking the natural hydrologic balance on the site to sustain the existing g wetland on the site. 6. Drainage area 103 is approximately 11.32 ha which is flowing towards North into the Medway Creek subwatershed. Approximately, 5.93 ha drainage area has been directed away from the Medway creek subwatershed towards south into the proposed dry pond. Please provide justification as to why flows from the site cannot be controlled based on the watershed rather than municipal boundaries. Also, the consent of the property owner North from area 405 shall be considered under the proposed conditions as runoff from area 405 has been proposed to be diverted

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towards another property.

Accordingly, the UTRCA's condition (That a detailed Stormwater Management Report be prepared to the satisfaction of the City of London and which also addresses the Upper Thames River Conservation Authority's interests) pertaining to Stormwater Management should be carried forward as part of this revised approval.

Thames Valley District School Board (TVDSB)

The proposed subdivision is presently within the attendance area of Centennial Central PS for Grades JK to 8 and Medway SS for grade 9-12. Please note that the most up to date school designation can be found on our "Find a School" application on the TVDSB website. Due to increased enrolment the TVDSB is requesting that the following clause be included as a condition of Draft Plan Approval for the subject plan:

"The developer agrees to include in all of its agreements of purchase and sale with purchasers of residential lots and blocks, a provision advising such purchasers that the construction of additional public school accommodation is dependent upon funding approval from the Ontario Ministry of Education and, as a result, the property may be designated as part of a "Holding Zone" by Thames Valley District School Board and that any students residing in such Holding Zone may be designated to attend a "Holding School" until a long-term accommodation solution is in place. There can be no assurance that a new elementary or secondary School may be built to accommodate students residing within the Holding Zone."

The clause that is to be included has changed since our original response to this plan of subdivision. The Board is also requesting to receive notification on the decision of the City of London in respect to this proposed plan of subdivision.

Sun Canadian Oil Pipeline

"Further to your inquiry of December 1, 2017, we confirm, that Sun-Canadian Pipe Line Company owns and operates two pipelines located parallel to and adjoining the subject Extra Realty Limited development lands.

Sun-Canadian's steel pipelines are 200 mm and 300 mm in diameter, transporting refined petroleum products including gasoline, diesel, furnace oil, and jet fuel at with the potential of operating at pressures greater than TSSA's reference to 40% SMSY (specified minimum yield strength of pipe's material).

The Technical Standards and Safety Association's (T.S.S.A.) development guidelines are designed to protect people by limiting activities in the proximity of the pipeline that could potentially damage the high-pressure pipeline, requires that a minimum setback of 20 metres shall be maintained from the centreline of the pipeline and the dwellings intended for human occupancy. A copy of the guidelines are attached for ease of reference.

The 20 m setback area between the dwelling and the property line may be used for other uses such as sheds, patios and pools. The TSSA discourages locating separate garage within the setback zone as they may lead to future renovations that become dwellings. As you have indicated the 1.8 m fence along the easement is required and the individual landowners are not to install gates or use the pipeline easement lands for access to individual properties. As requested we enclose a copy of Sun-Canadian's route map and also a copy of same with noted 20 m setback from the nearest pipeline for your reference. If a more accurate measurement is desired, we can offer a pipeline locating service, to stake the nearest pipeline in the field and you can provide the surveyor for measurements and documentation.

Sun-Canadian has no objection in principle to installing a public walkway located over the pipeline easement along the north limits of the City of London - in the vicinity of the subject development lands. Provided that Sun-Canadian participates in the design reviews regarding the protection of the pipelines.

Sun-Canadian requests that the subject plot plan be revised in conformity with the guidelines as well as written consent with the parties responsible for construction activity, to ensure safe guards such as temporary fencing are in place to limit unauthorized activities near the pipeline."

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**Appendix “E”
Additional Planning History**

Previous Applications

In 1999, Extra Realty Limited submitted an Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Application for the subject site (files OZ-5723/39T-99513). The application was for a mix of community uses – predominately residential but including commercial and open space in a traditional subdivision. The applications were put on hold pending completion of the Uplands North Area Study.

Upon completion of the Area Study and the corresponding Official Plan Amendment in 2004, Extra Realty Limited indicated a desire to develop a subdivision incorporating Smart Growth and Placemaking Principles. Such a proposal would be significantly different than previously submitted and would require a new plan of subdivision, substantial revisions to the Official Plan, a Zoning By-law Amendment and a new circulation to the public and commenting agencies. With the original Official Plan Amendment application being addressed through the Area Study and no formal revision received, City Council refused the Zoning By-law Amendment on August 13, 2007 and the City of London Approval Authority refused the Plan of Subdivision Application on August 29, 2007. There were no appeals to these decisions.

Uplands North Area Plan

In March 2002, the City initiated an Area Study for the lands north of Sunningdale Road East between Adelaide Street North and Richmond Street (file O-6284). The Uplands North Area Study included an extensive consultation process with area property owners, affected departments, commenting agencies and the abutting municipality. The Study identified existing features, future needs and recommended both a mix of land uses and a transportation network to serve the community while protecting significant environmental features. The Area Study was adopted by Council on June 16, 2003 and resulted in amendments to Schedule “A”, “B”, and “C” of the Official Plan. The Township of Middlesex Centre and the County of Middlesex appealed the Official Plan Amendment to the Ontario Municipal Board, primarily because they were not satisfied with the Rural/Urban Interface policies. Based on a settlement of the parties, the OMB Decision/Order 0954 (dated May 27, 2004) amended Schedules “A”, “B” and “C” of the Official Plan together with area specific text to Section 3.5. of the Official Plan.

Placemaking Demonstration Project/Placemaking Design Guidelines

In July 2005, Planning Committee directed Civic Administration work together with Peter Sergautis of Extra Realty and his consultant(s) who expressed an interest in pursuing an alternative community design for the subject lands. City staff provided ideas and concepts for Mr. Sergautis to consider and participated in a one-day charette.

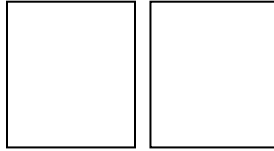
Draft Placemaking Guidelines were prepared which support the principles of Smart Growth and Placemaking and was circulated to stakeholder groups in November 2007. In November 2008 Municipal Council adopted Placemaking Guidelines for the City as a guideline document pursuant to Section 19.2.2. of the Official Plan.

Tree Cutting

In 2009, tree removal activity was reported on the subject property, in the area west of Adelaide Street and in the vicinity of the Provincially Significant Wetland. The Applicant/Owner was contacted and on May 6, 2009 an information report was submitted to Planning Committee. The activity was suspended in response to City directives and no further action was taken.

Chronology of Previous Submissions for 39T-09501

An application for draft plan of subdivision and the associated Official Plan and Zoning By-law amendments were submitted to the City and deemed complete on January 27, 2009. The application was circulated in January/February of 2009. On March 13, 2009, a meeting was held with the Applicant to discuss deficiencies that prevented the file from moving forward, including Natural Heritage issues, inconsistency with the Official Plan designations, and supporting documentation on how Placemaking was to be implemented in the plan of subdivision. The Applicant was to work at addressing the identified deficiencies. On December 4, 2009, a letter was sent to the consultant working on behalf of the Applicant, which reiterated outstanding technical issues with the applications.



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A revised application was submitted by the Applicant on April 29, 2010. Circulation of the application was delayed until the Applicant provided further information and the package was deemed complete on June 2, 2010. A new consultant was retained by the Applicant in August, 2010. This consultant worked with the City over the next year to create special policies and prepare an Urban Design Brief to support new standards that were introduced by this application. However, no formal submission was made during this time.

In August of 2012, the City was informed that a new consultant had been retained by the Applicant (Zelinka Priamo Ltd.). A third submission was received and deemed complete on August 31, 2012.

Fourth Submission – not deemed complete

In April of 2013, the Applicant's consultant submitted correspondence and revised plans for the proposed plan of subdivision. The submission did not include a fee and other information required to constitute a complete submission. A meeting was held on April 17, 2013, with the Applicant and consultants to discuss the revised plan, and identify additional information required to support a complete submission. A follow-up letter was sent to the Applicant and his consultants on June 14, 2013, confirming that the following supporting documentation was required to initiate evaluation of the revised application:

- Justification as to the amount of commercial space proposed as it is not consistent with the Official Plan or the Uplands North Area Plan.
- Justification for development proposed within an area that was identified by MNR mapping as "Provincially Significant Wetland". It was noted that if a wetland evaluation was not submitted to the Province to justify a change in status, the current wetland area could be red-lined and zoned to preclude development, to ensure that the wetland feature is protected.
- Revision to the proposed 18 metre road widths, as this was not consistent with approved municipal standards; however, a reduced standard might be considered if access to the units was provided by private rear laneways.
- A "ghosted" plan, to show how the blocks within the subdivision could be developed based on the zoning that was being proposed.

The Applicant's consultants indicated they would be able to provide justification for the amount of proposed commercial lands and a Design Brief to support the form of commercial development being proposed. The Applicant's consultant subsequently requested that the application be brought forward to the first Planning & Environment Committee (PEC) meeting in October, 2013 in an effort to avoid a referral to the OMB and to receive input from the public.

Public Meeting at Planning & Environment Committee – October 8, 2013

An information report was provided and a Public Meeting was held at PEC on October 8, 2013. After hearing from staff and the agent for the Applicant, PEC & Council recommended advising the Approval Authority of the outstanding issues on site, which included the wetland boundary, channel realignment on Adelaide Street, the proposed location of the parkland, and the proposed road allowances.

PEC and Council also resolved that the Applicant address all the issues raised with respect to the Draft Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment applications, including the following:

- i) submit additional information that addresses the outstanding issues raised by the Upper Thames River Conservation Authority and Ministry of Natural Resources;
- ii) submit a wetland evaluation report to the Province, in consultation with the City of London and the Upper Thames River Conservation Authority, to update the Provincially Significant Wetland (PSW) mapping within the plan;
- iii) identify the location and delineation of required parkland and open space on the plan, in consultation with City staff;
- iv) provide documentation that addresses the amount and location of proposed commercial development, including associated concept plans and design details;
- v) review the proposed roadway alignments, in consultation with City staff, to confirm the location of roundabouts and ensure the width of roads meet applicable municipal standards; and,
- vi) provide a revised plan for circulation that constitutes a complete application.

Staff was directed by Council to consider the input received at the public participation meeting

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and undertake further dialogue with the Applicant and, upon completion of the application, report back at a future statutory public participation meeting of the Planning and Environment Committee.

Lastly, PEC and Council resolved that the application be consistent with the Uplands North Community Plan.

Fourth Submission – deemed complete

The fourth submission and fees was received from the Applicant on February 25, 2014 and was deemed complete on March 3, 2014. The Public Meeting was held July 28, 2014. Council supported Staff's redline changes and staff's Zoning By-law Amendment. The revised draft plan received draft approval on September 9, 2014.

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**Bibliography of Information and Materials
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Request for Approval:

Zelinka Priamo Ltd. Letter on requested changes to draft plan of subdivision and zoning by-law amendments, dated September 7, 2017.

Zelinka Priamo Ltd. Draft Plan of Subdivision (revised) for 660 Sunningdale Rd E, dated May 31, 2017.

Zelinka Priamo Ltd. Zoning map for revised zoning, dated May 31, 2017.

Reference Documents:

Ontario. Ministry of Municipal Affairs and Housing. *Planning Act, R.S.O. 1990, CHAPTER P.13*, as amended.

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

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

City of London. *The London Plan*, December 28, 2016, as amended.

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

Correspondence: (all located in City of London File No. 39T-09501 unless otherwise stated)

*Also see attached public correspondence in previous section.