

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: George Kotsifas, P. Eng.
Managing Director, Development & Compliance Services
and Chief Building Official

Subject: Application By: Sifton Properties Limited
2427 Daisy Bend and 3025 Doyle Drive

Public Participation Meeting on: August 13, 2018

Recommendation

That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the application of Sifton Properties Limited relating to the lands located at 2427 Daisy Bend and 3025 Doyle Drive:

- (a) the Planning and Environment Committee **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the application for Draft Plan of Vacant Land Condominium relating to the properties located at 2427 Daisy Bend and 3025 Doyle Drive; and,
- (b) the Planning and Environment Committee **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the Site Plan Approval application relating to the property located at 2427 Daisy Bend and 3025 Doyle Drive.

Executive Summary

Summary of Request

This is a request by Sifton Properties Limited to consider a proposed Draft Plan of Vacant Land Condominium. The proposed Plan of Condominium is being reviewed concurrently with an application for Site Plan Approval. The plan consists of 33 residential units and a common element for internal driveways, walkways, and visitor parking; with access from Daisy Bend and Doyle Drive. The applicant's intent is to register the development as one Condominium Corporation.

Purpose and the Effect of Recommended Action

The purpose and effect is to report to the Approval Authority any issues or concerns raised at the public meeting with respect to the application for Draft Plan of Vacant Land Condominium or the Site Plan Approval application.

Rationale of Recommended Action

The proposed Vacant Land Condominium is considered appropriate and in conformity with The London Plan, the City's Official Plan, and is consistent with the Provincial Policy Statement. The proposed residential use is also permitted under the Zoning By-law. A concurrent application to remove the holding provisions from the zoning is being brought forward under a separate report (H-8906). Application for Site Plan Approval has also been submitted and reviewed in conjunction with the application for Vacant Land Condominium. The site plan review has progressed to the stage where a Development Agreement has been prepared and is ready to be finalized.

Analysis

1.0 Site at a Glance

1.1 Property Description

The site consists of two multi-family development blocks within a registered plan of subdivision (Blocks 115 and 116 Registered Plan No. 33M-732). The development will be fully serviced and have public road access to Daisy Bend and Doyle Drive. There will be no direct vehicular access to Hamilton Road. Access to Hamilton Road for future residents will be via Oriole Drive.

1.2 Current Planning Information

- Official Plan Designation – “Multi-family, Medium Density Residential”
- The London Plan Place Types – “Neighbourhoods”
- Existing Zoning – Holding Residential R5/R6 (h•h-54•R5-4/R6-5)

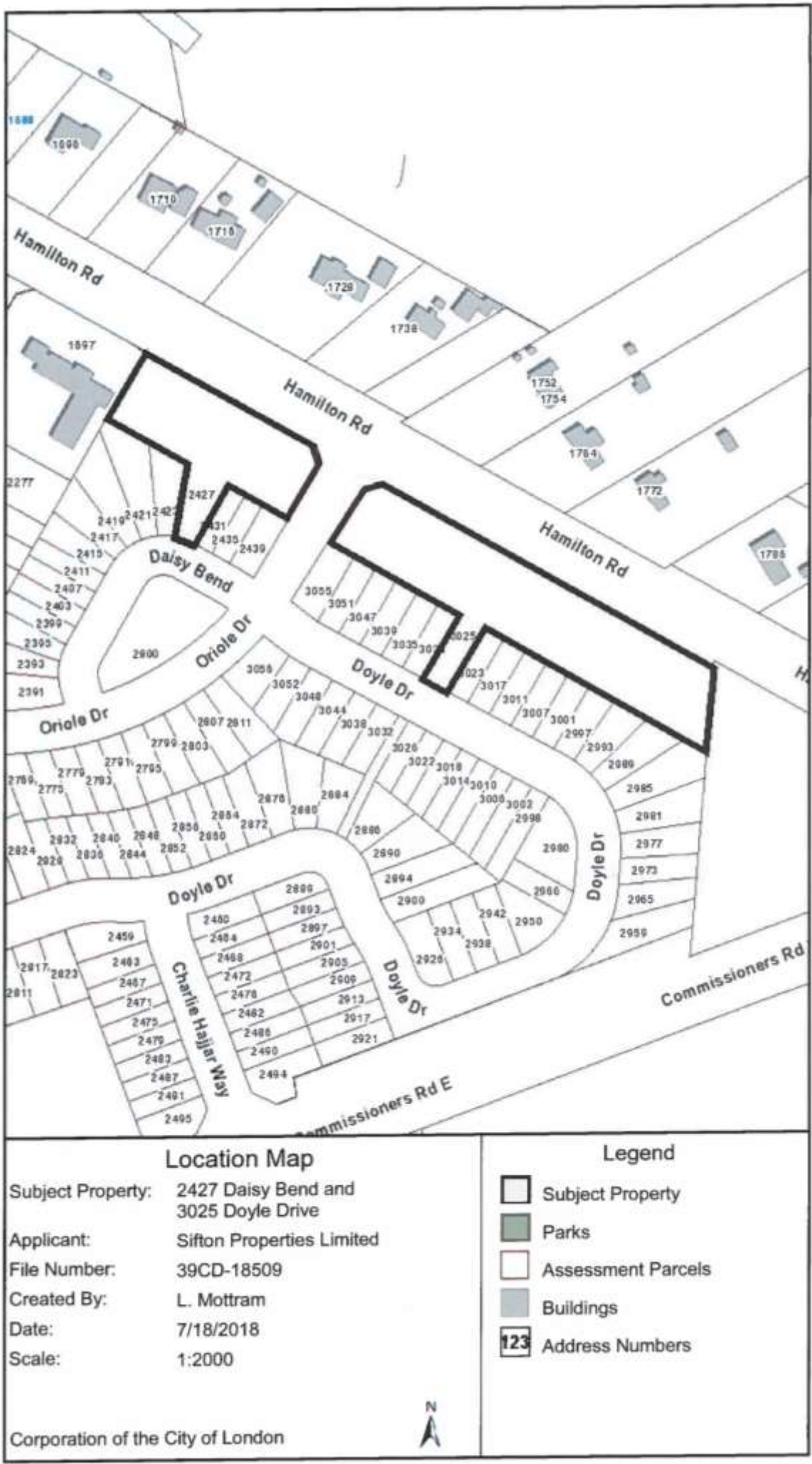
1.3 Site Characteristics

- Current Land Use – vacant
- Frontage – approx. 10 m (32.8 ft.) on Daisy Bend and 12 m (39.4 ft.) on Doyle Drive
- Depth – approx. 35 m (115 ft.)
- Area – 1.067 hectares (2.63 acres)
- Shape – irregular

1.4 Surrounding Land Uses

- North – residential single detached homes
- East – vacant land
- South – future residential subdivision
- West – single detached dwelling and future residential subdivision

1.5 Location Map



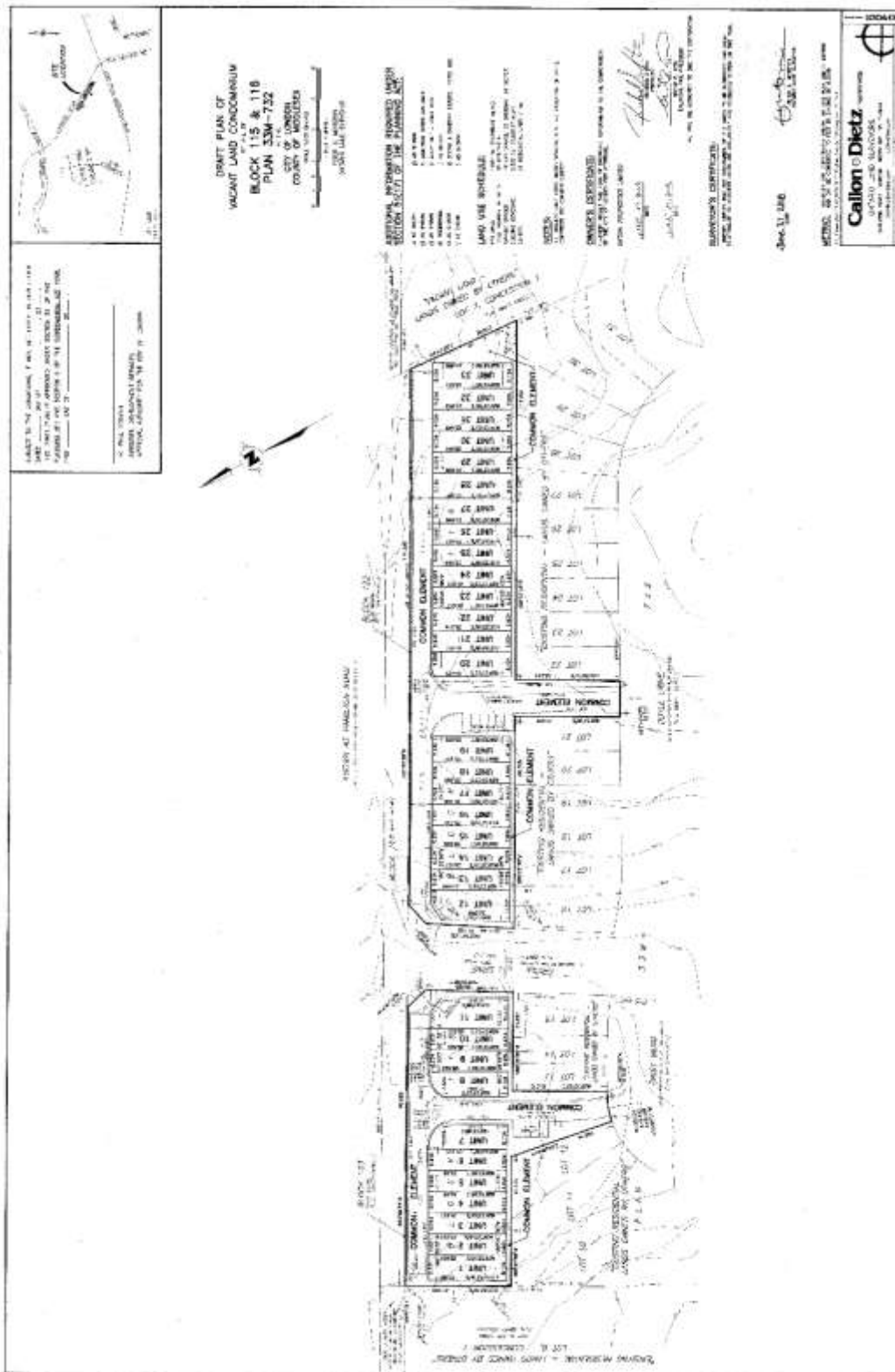
2.0 Description of Proposal

2.1 Development Proposal

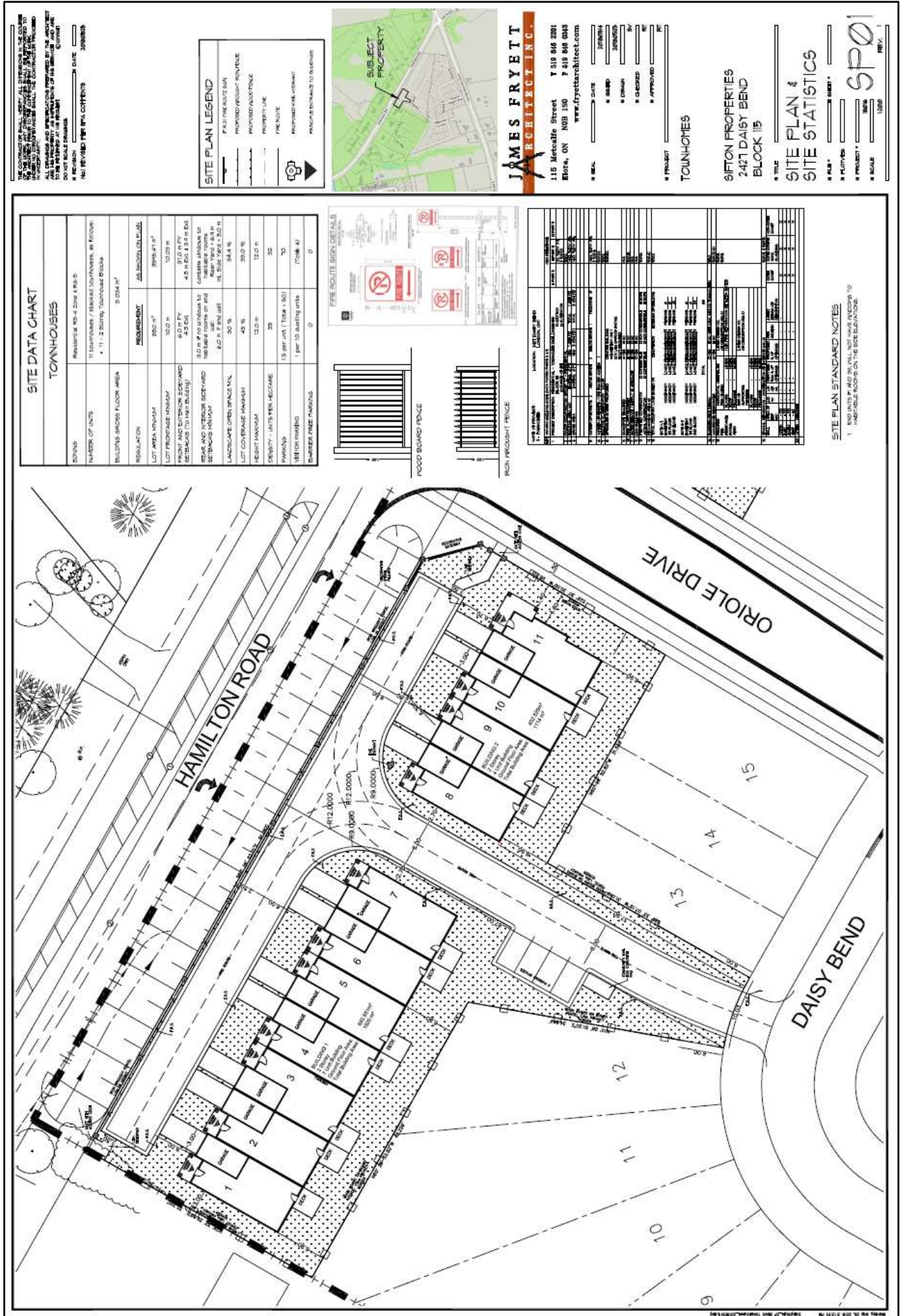
The effect of the application request is to create 33 Vacant Land Condominium units to be developed in the form of cluster townhomes. Landscaped areas, sidewalks, internal driveways, services, and visitor parking spaces will be located within a common element to be maintained and managed by the Condominium Corporation.

Applications for Site Plan Approval and Removal of Holding Provisions have been made in conjunction with the application for Draft Plan of Vacant Land Condominium. The site plan submission, including servicing, grading, landscaping, and building elevation plans, have been accepted by the City and the Development Agreement is in the process of being finalized.

2.2 Draft Plan of Vacant Land Condominium



2.3 2427 Daisy Bend - Site Plan



2.5 Building Elevations



3.0 Relevant Background

3.1 Planning History

On December 19, 2017, the Approval Authority for the City of London granted Final Approval to a plan of subdivision on lands located at 1733 Hamilton Road and 2046 Commissioners Road East, known as the Hajjar lands. The subdivision consisting of 111 single family lots, two medium density residential blocks, one park block, one walkway block, one future access block, and four local streets was subsequently registered as Plan 33M-732 on December 22, 2017.

At its meeting held May 31, 2016, Municipal Council considered this subdivision proposal and advised the Approval Authority that there were no issues raised at the public participation meeting of the Planning and Environment Committee held with respect to this matter. At the same time, Council introduced a Zoning By-law Amendment to apply specific zones to the various lots and blocks within the subdivision plan. The two multi-family residential blocks (Blocks 115 and 116) were zoned holding Residential R5/Residential R6 (h•h-54•R5-4/R6-5).

3.2 Community Engagement (see more detail in Appendix A)

At the time of writing of this report one telephone call and three written responses were received from the public in response to the Notice of Application and The Londoner Notice. Issues raised from the public circulation are provided in Appendix A.

There were no significant comments in response to the Departmental/Agency circulation of the Notice of Application.

3.3 Policy Context (see more detail in Appendix B)

The London Plan

Map 1 identifies these lands within the “Neighbourhoods” Place Type. The City Building and Our Tools policies have also been applied in the review of this application.

'89 Official Plan

The lands are designated “Multi-family, Medium Density Residential” on Land Use Schedule ‘A’ of the Official Plan.

Provincial Policy Statement, 2014

The proposal must be consistent with the Provincial Policy Statement (PPS) and land use planning policies and must consider:

1. Building Strong Healthy Communities;
2. Wise Use and Management of Resources; and
3. Protecting Public Health and Safety.

As further described in Appendix B, Staff is of the opinion that the condominium draft plan is consistent with the PPS, The London Plan, and the '89 Official Plan.

Z.-1 Zoning By-law

The zoning is holding Residential R5/Residential R6 (h•h-54•R5-4/R6-5) which permits a range of dwelling types, including detached and attached forms of housing such as cluster single detached dwellings, townhouses and stacked townhouses. As noted earlier, an application to remove the holding provisions is being brought forward under a separate report. The proposed vacant land condominium is consistent with the Zoning By-law.

4.0 Key Issues and Considerations

4.1 Issue and Consideration # 1 – Fencing and screening along Hamilton Road frontage.

Concern was expressed about the proposed fencing and screening along the Hamilton Road frontage, and that there should be a solid structural fence or wall to shield the view from existing residences along Hamilton Road.

The site plan and landscape plan provides for a continuous 1.0 metre high iron wrought fence along the entire Hamilton Road frontage of 2427 Daisy Bend and 3025 Doyle Drive, as well as along the easterly property boundary of 3025 Doyle Drive. A gateway treatment incorporating decorative stone pillars is proposed on both sides of Oriole Drive at the entrance to the subdivision from Hamilton Road, and a 1.8 metre high wood board-on-board fence is proposed along the remaining side and rear property lines of the condominium development. All perimeter fencing will be within the Common Element, and the Condominium Corporation will be responsible for maintenance of the fencing, subject to provisions in the Condominium Declaration and By-laws.

It should be noted that Units 1 to 33 are all front-facing and oriented towards Hamilton Road in order that the rear yards and outdoor living areas are protected from potential noise impacts thus avoiding the need for a continuous noise wall. This approach implements policies in The London Plan and the City's Official Plan as a design tool to address noise sensitive land uses adjacent to higher order streets:

1768_ In the review of all planning and development applications, including the review of secondary plans, for residential development adjacent to Civic Boulevards, Urban Thoroughfares, Rural Thoroughfares, Rapid Transit Boulevards, Expressways and Provincial Highways will be subject to all of the following criteria, to ensure that residential development does not rear or side-lot onto the adjacent streets, as appropriate:

1. Less sensitive land uses, such as commercial, community facility, public space or office uses, will, whenever practical and in conformity with the Place Type policies of The London Plan, be sited adjacent to these types of streets to act as a buffer between noise generated by the street traffic and sensitive residential uses.

2. Place types that permit residential uses with a medium to high level of intensity will, wherever practical, be sited adjacent to these streets. This form of development provides for greater flexibility in building orientation thereby allowing front facing buildings with amenity space in the rear.

3. If there is no practical place type alternative, and sensitive place types must locate adjacent to these streets, then subdivision design measures will be encouraged to eliminate the need for noise walls. These subdivision design measures could include, but are not limited to neighbourhood design with window or lay-by streets or service streets; subdivisions with rear lanes; subdivisions on private service streets; or alternative measures that conform with the policies of this Plan.

The configuration of Blocks 115 and 116 in the subdivision plan were located and laid out in such a way as to accommodate either a row of single detached or attached dwellings oriented to Hamilton Road, and accessed internally by a private window street, as shown by the development site plan and building elevations. By avoiding rear yards backing onto Hamilton Road, the proposed vacant land condominium orientation is consistent with the direction in the City Building policies of The London Plan for streetscapes, in particular Policy 229:

229_ Rear-lotting will not be permitted onto public rights-of-way and side-lotting will be discouraged on Civic Boulevards and Urban Thoroughfares.

4.2 Issue and Consideration # 2 – Quality of townhouses and impact on property values of existing homes.

The building elevation plans provide a general indication of the quality of development. Every unit will have a private entrance accented by columns on either side of the entranceway, some units having a covered balcony above, and each unit has its own private garage and individual driveway, with additional visitor parking spaces provided on-site. A variety of exterior building materials is shown, including brick and stone masonry on the first floor, and combination of brick and siding on the second floor. In general, it appears there will be a reasonably high quality of development that should not detract from the residential character of the existing area. The developer would be able to respond as to the final finished product and target market price range.

4.3 Issue and Consideration # 3 – How will this affect drainage?

Site servicing, grading and drainage plans have been submitted and reviewed as part of the Application for Site Plan Approval. As well, a Site Servicing Design Brief prepared by the engineering consultant (Strik, Baldinelli, Moniz Ltd.) accompanied the site plan submission. The majority of post development flows are proposed to be handled by the site's private storm sewers connected to the municipal storm sewers within the subdivision. With specific reference to the storm servicing and stormwater management section of the engineer's design brief, for Block 115 - 2427 Daisy Bend, the majority of the minor and major runoff from the subject site will be conveyed to two proposed catch basin manholes, four landscape catch basins, and one proposed manhole where it is collected and ultimately conveyed to the proposed municipal storm sewer in the future Oriole Drive right-of-way (R.O.W). For Block 116 – 3025 Doyle Drive, the majority of the minor and major runoff from the subject site will be conveyed to one proposed catch basin manhole, two catch basins, four landscape catch basins and two manholes, where it is collected and ultimately conveyed to the proposed municipal storm sewer in the future Oriole Drive R.O.W.

4.4 Issue and Consideration # 4 – Impact on existing domestic wells and septic systems.

Concern was expressed regarding impact on existing resident's wells and septic systems. As a condition of the subdivision approval process, the developer was required to submit a hydrogeological report, prepared by a qualified consultant, to determine the effects of construction associated with this subdivision on the existing ground water elevations and domestic or farm wells in the area, and to assess the impact on water balance. If necessary, the report was to also address any contamination impacts that may be anticipated or experienced as a result of construction. A Hydrogeological Site Assessment was undertaken by the consulting engineer (Peto MacCallum Ltd.) as part of the subdivision design studies. The assessment report indicated that during the water well survey, twelve respondents indicated that they had water wells located on their properties. The majority of the wells were installed within a deeper aquifer, with pump intakes typically below 12 m with the exception of the well installed at 1742 Hamilton Road (well depth of 1.8 m) and 2425 Old Victoria Road (well depth of 4.6 m). The owner of 1742 Hamilton Road indicated that the well was located about 150 m south of the house, or approximately 300 m north of the Site. The property located at 2425 Old Victoria Road is about 350 m south of the Site. Given the distance from the Site, the location and depth of construction dewatering, and the estimated zone of influence, the consultant's report concluded very little or no possibility of any adverse impacts on domestic wells due to the construction dewatering.

4.5 Issue and Consideration # 5 – Traffic noise on Hamilton Road.

A noise impact assessment has been completed as part of the subdivision design studies, as well as for site plan approval for the multi-family blocks. This was required as a condition of approval with respect to potential impact of road noise on proposed new residential development in proximity to Hamilton Road and Commissioners Road East, and recommendations for the developer to provide any noise mitigation. It did not address impacts on existing uses along Hamilton Road. However, vehicular traffic volumes generated by the 33 unit condominium development alone is not expected to contribute significantly to adverse noise levels in the area.

4.6 Issue and Consideration # 6 – Single family homes instead of row of townhouses would blend better with streetscape.

Concerns was expressed that there should be a row of single family homes instead of row of townhouses which would blend better with streetscape of existing homes. A row of freehold single detached lots could only be accommodated by providing a window street adjacent to Hamilton Road. Doyle Drive was designed such that the window street portion is adjacent to Commissioners Road East. However, there was limited site area to provide two window streets adjacent to Hamilton Road, on either side of Oriole Drive. The townhouse block and zoning was approved by Council in 2016 and is an appropriate land use adjacent to Hamilton Road in terms of its fit, form and scale.

4.7 Issue and Consideration # 7 – Should be a row of trees for privacy.

Concern was expressed that there should be a row of trees for screening and privacy. The landscape plan does provide for ornamental tree planting in front of individual dwellings units. However, there is very limited space for plantings along the property frontage. Future tree planting within the boulevard of Hamilton Road is something that the City could consider as part of the Street Tree Planting program.

5.0 Conclusion

The proposed Vacant Land Condominium is considered appropriate and is in conformity with The London Plan, the '89 Official Plan, and the Condominium Submission, Review and Approval Guidelines. The proposed residential use is also permitted under the Zoning By-law. A concurrent application has been made to remove the holding provisions, and is being brought forward under separate report. Application for Site Plan Approval has also been submitted and reviewed in conjunction with the application for Vacant Land Condominium. The application for Site Plan Approval has progressed to the stage where a Development Agreement is being finalized.

Recommended by:	Larry Mottram, MCIP, RPP Senior Planner, Development Services
Reviewed by:	Lou Pompilii, MCIP RPP Manager, Development Planning (Subdivision)
Concurred in by:	Paul Yeoman, RPP, PLE Director, Development Services
Submitted by:	George Kotsifas, P.ENG Managing Director, Development and Compliance Services and Chief Building Official
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services	

August 3, 2018
GK/PY/LP/LM/lm

Appendix A – Public Engagement

Community Engagement

Public liaison: On July 17, 2018, a combined Notice of Application and Notice of Public Meeting was sent to 18 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of The Londoner on July 26, 2018.

Nature of Liaison: Notice of application for consideration of a proposed draft plan consisting of 33 multiple attached dwelling units and common elements to be registered as one Condominium Corporation.

Responses: 3 replies received

Responses: A summary of the comments received include the following:

Concern for:

- Concern about effectiveness of proposed fencing and screening along Hamilton Road frontage, and that there should be a durable structural fence or decorative wall to shield the view along Hamilton Road.
- What quality of townhouses are being proposed? Concern about impact on property values of existing homes.
- How will this affect water drainage?
- Impact on existing domestic wells and septic systems.
- Traffic noise on Hamilton Road.
- Should be a row of single family homes instead of row of townhouses, and would blend better with streetscape of existing single family homes.
- Should be a row of trees for privacy.

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

Telephone & Written	Written
Gary Simm – 1764 Hamilton Road	Laura Roy – 1798 Hamilton Road
	Doug Glaholm – 1772 Hamilton Road

Agency/Departmental Comments:

The City’s Stormwater and Drainage Engineering Division (SWED) recommends the following condition:

“The Owner acknowledges that the subject lands are part of a Site Plan application which is being reviewed and approved under the Site Plan Approvals Process (File # SPA18-023) and that the Owner agrees that the development of this site under Approval of Draft Plan of Vacant Land Condominium shall comply with all final approved Site Plan conditions and approved engineering drawings for the current development application. Therefore, any conditions identified in the Development Agreement registered on title and any Private Permanent System(s) (PPS) that includes storm/drainage, Low Impact Development (LID) and SWM servicing works must be maintained and operated by the Owner in accordance with current applicable law.”

Hello Mr. Jared Zaifman & Mr. Larry Mottram

My name is Gary Simm and myself and Klara Simm are residents of 1764 Hamilton Rd, London Ontario , n6m-1g4

Our family has lived /owned this property since the 1940's. Directly across from the Sifton development (Town homes / Condo's) off of Hamilton Rd, by Oriole Dr.

2427 Daisy Bend and 3025 Doyle Drive

There was a memo sent to us (File # 39CD-18509) Dated June 17th , 2018.

-We have concerns and comments & questions regarding the development.

And would like those to be forwarded to the appropriate parties, to be brought forth at the City Hall Meeting August 13th Related to the aforementioned memo and to any subsequent meetings or discussions with Sifton Properties or to whom it may concern relating this development.

1. **Hamilton Rd - Lowering** - For the Oriole Dr Subdivision to tie into Hamilton rd, a portion of Hamilton Rd was lowered. We and other neighbours along that stretch were given no notice at all before or during the the fall-winter of 2017 when the road was lowered. As a result ourselves and other neighbours have had adverse affects to our driveways and front of the property & as a result usage of our property. There supposedly a later meeting with City that Maneesh Poddar (planner) with Tridon Group is helping to arrange for us residents to show our concerns. We were hoping to address this then. But we would like it to be known at this point in time. There has been many water problems created since 2005's introduction of water & sewer to this street & since 2016-2018's road way projects. I know many residents have water concerns and i am not confident myself in assurances i've personally been given about water on the road-issues and with driveways and ditches that have resulted as to the lowering of the road - so that Oriole Dr could tie in to hamilton and serve the condo's / subdivision.

2. **Fencing / Privacy/ Buffer / Final Product-Look** - Lindsay Clarke of Sifton Properties has provided us with a Sample Photo Which I have included as to what they may expect the road way look to like with respect to the Townhomes/Condo's and it is mostly comprised of fencing with ROD IRON FENCING. Rod Iron/ Steel Fencing is not an acceptable choice in our opinion.

It requires too much maintenance to keep up. We have been told the condo board would be held to a contract in saying they would have to keep the look and maintenance of the fence. The problem is , who has final say as to what looks Disheveled and what is that upkeep interval going to be, and if the condo board does not have the finances , then it doesn't get fixed. Rod Iron / Steel fencing will immediately be affected by grass, grass is highly acidic & corrosive and as soon as there is a member of the city out to cut , that will end up on the fence and the beginning of the fence's downward spiral starts at the very first grass cut. Look at the homes between Wharnccliffe & Wellington on Comissioners Rd and that will be what the fencing ends up looking like.

- Our family and many of the residents that have lived here have been here in excess of 30 years and have been looking out at a picturesque farm field up a hill/valley. If we want to enjoy our front yard we do not want to be looking into the yards of Townhome/Condo's through rod iron fencing. We would like to see something along the lines of a continued stone wall fencing in a similar fashion to what Summer Side at Comissioners Rd has out in front of their subdivision entrance. Some sort of buffer zone

from the road way perhaps even tree's along the walk path, where a wall/fence would be. We would not deem wood as acceptable form of fencing (similar to across from east park).

3. The Existence of the planned Townhouses OR Townhouses at the road way in a neighbourhood that they do not fit in with.

From the best to the worst house on Hamilton Rd between White's Bridge and the Traffic Lights by Old Victoria/Commissioners, there is nothing about this neighbourhood that says low brow or Townhomes / Low rent. The fact that anyone wanted to even approve townhomes/condo's at the road way is frankly ridiculous and it should have been the front at the road way as detached single residential, keeping with the feel / look of what the neighbourhood already had been.

What is being proposed/plannedIt's just going to be a sore thumb in what had historically been (prior to 2017's work/plans) a picturesque neighbourhood....this simply doesn't fit. If Town-homes were deemed necessary we the residents should have been given a vote as to if they come here and where do they get located, if that was not feasible they should have been placed at the back OR further into the subdivision. You come over the bridge and into a nice sleepy country neighbourhood and yes it is ok that change happens and an entrance at Oriole Dr has to be there. But to slap a set of town homes/condo's up right at the entrance way doesn't fit with what is here. But if it has to be there and we the residents aren't given a say or a voteTHEN WE NEED A SAY IN WHAT THE FINAL LOOK WILL BE.

4. RESIDENTS of Hamilton Rd, NEED TO HAVE A SAY / Vote ----- In The Final Look/ Fencing / Buffer Zone, Side walks.

There are many of us on Hamilton Rd that have enjoyed a lifestyle for many years untouched-almost hidden for years on the edge of London. In 1993 we were annexed and things changed, and change will continue to happen. But change shouldn't happen without careful consideration. Many people along this street have a lot of personal-finances-tied up and hopes and dreams and a way of life tied up in this street. And we should be included and given a say in what happens here. When the projects are over we are left with the aftermath/final product. We have even heard some neighbours tell us they are so sick and tired of being ignored & how the entire development from Tridon, Sifton onto City Matters have been handled that they are seriously thinking of abandoning ship and moving--just selling. To me that is extremely upsetting to hear. The Stress Level of People on this street has just gone through the roof.

5. In conclusion i am asking that the City of London & Sifton Properties allow the following:

a) - Give Residents of Hamilton Rd a say / vote in if Townhomes are located at the road way. (or what goes there)

b) -- If that is not an option/ feasible and that Townhouses must stay at the Roadway , I would ask that Residents are given Options in terms of a set of plans to vote on.... at a later date, as to what Sifton had planned for the fencing road way design & perhaps more than 1 design could be shown at a meeting for just us resident. And that we be allowed to contribute as to what our opinion is as to the kind of fencing/ wall that we are left with looking at in our neighbourhood. (set up a meeting with us at one of Sifton's Properties OR a City Hall Room)

c) --- That we Residents >> all from 1814 - 1636 etc along Hamilton Rd are given Memo's from the city / sifton relating this project. Because that has been a big problem for us on this

road. Many of us don't get the same memo's along this street for many years now. We haven't heard anything relating to lighting, sidewalks, road widening as it pertains to a actual final plan. And perhaps this meeting August 13th will let us know that. But..... **We think we can safely speak for all my neighbours in saying. We wish to be Included and Given a Say / Vote -- - not to be just told this is how it's going to be.**

Thank You

Gary & Klara Simm

1764 Hamilton Rd - London , Ontario - n6m, 1g4

Appendix B – Policy Context

The following policy and regulatory documents were considered in their entirety as part of the evaluation of this proposal. The most relevant policies, by-laws, and legislation are identified as follows:

The London Plan

With respect to The London Plan, which has been adopted by Council but is not yet fully in force and effect pending appeals, the subject lands are within the “Neighbourhoods” Place Type permitting a range of uses such as single detached, semi-detached, duplex, triplex, and townhouse dwellings, and small-scale community facilities. The proposed Draft Plan of Vacant Land Condominium in the form of cluster townhouse dwellings conforms with the Place Types and policies of The London Plan.

The City Building and Our Tools Policies in the London Plan have been applied, and consideration given to the how the proposed Draft Plan of Vacant Land Condominium contributes to achieving those policy objectives, including the following specific policies:

City Design - Streetscapes 229_ Rear-lotting will not be permitted onto public rights-of-way and side-lotting will be discouraged on Civic Boulevards and Urban Thoroughfares.

Sensitive Land Uses Near Noise Generators – Neighbourhood Design and Noise 1768_ In the review of all planning and development applications, including the review of secondary plans, for residential development adjacent to Civic Boulevards, Urban Thoroughfares, Rural Thoroughfares, Rapid Transit Boulevards, Expressways and Provincial Highways will be subject to all of the following criteria, to ensure that residential development does not rear or side-lot onto the adjacent streets, as appropriate:

- 1. Less sensitive land uses, such as commercial, community facility, public space or office uses, will, whenever practical and in conformity with the Place Type policies of The London Plan, be sited adjacent to these types of streets to act as a buffer between noise generated by the street traffic and sensitive residential uses.*
- 2. Place types that permit residential uses with a medium to high level of intensity will, wherever practical, be sited adjacent to these streets. This form of development provides for greater flexibility in building orientation thereby allowing front facing buildings with amenity space in the rear.*
- 3. If there is no practical place type alternative, and sensitive place types must locate adjacent to these streets, then subdivision design measures will be encouraged to eliminate the need for noise walls. These subdivision design measures could include, but are not limited to neighbourhood design with window or lay-by streets or service streets; subdivisions with rear lanes; subdivisions on private service streets; or alternative measures that conform with the policies of this Plan.*
- 4. If land use planning or alternative neighbourhood designs cannot reasonably be utilized within the proposed residential subdivision then a noise impact study will be undertaken on behalf of the property owner, by an accredited acoustical consultant, to determine the appropriate noise attenuation mechanism based on forecasted ultimate traffic volumes, considering the Mobility policies of this Plan, the Transportation Master Plan, road widening dedication and the effect the road widening dedication will have on the design of the required noise attenuation measure; the design specifications of the noise attenuation measure, such as height, density/width, location, benefiting lots, and building material will also be considered.*

Official Plan

The subject lands are designated “Multi-family, Medium Density Residential” on Schedule ‘A’ of the City’s Official Plan. The primary permitted uses include multiple-attached dwellings, such as row houses or cluster houses; low-rise apartment buildings; rooming and boarding houses; emergency care facilities; converted dwellings; and small-scale nursing homes, rest homes and homes for the aged. The proposal to develop this parcel with 33 residential townhouse dwellings will result in an overall density of 32 units per hectare which is within the density limits in the Multi-family, Medium Density Residential designation.

The proposed Draft Plan of Vacant Land Condominium represents a cluster housing form of development consisting of townhouses in compliance with the use, density and height regulations in the zoning by-law. The existing homes along Hamilton Road consist of single family homes on large estate lots. A number of these homes were constructed many years ago prior to annexation when this was a primarily rural area within the Township of Westminster. After annexation, the existing strip of residential dwellings along Hamilton Road was designated as Rural Settlement in the new Official Plan for the annexed areas, and subsequently re-designated to Low Density Residential and Multi-family Medium Density Residential along with other lands with the adoption of the Old Victoria Area Planning Study.

Based on Staff’s review, the proposed use, form and intensity of low and medium density forms of housing proposed within the draft plan of subdivision conformed to the City’s Official Plan policies. Section 19.9.6 Additional Noise Attenuation Policies for Residential Land Uses Adjacent to Arterial Roads have also been given consideration. The same policies are reflected in the policies of The London Plan.

Vacant Land Condominium Application

The same considerations and requirements for the evaluation of Draft Plans of Subdivision also apply to Draft Plans of Vacant Land Condominiums, such as:

- This proposal is consistent with the objectives and policies of The London Plan and the Official Plan.
- Sewer and water services will be provided in accordance a Subdivision Agreement and Development Agreement in order to service this site.
- The proposed development is in close proximity to employment areas, community facilities, neighbourhood parks, and open space.
- The Draft Plan of Vacant Land Condominium illustrates how these lands are to develop for cluster housing. Building elevation plans have been reviewed as part of site plan submission. The size and style of dwellings are anticipated to meet the community demand for housing type, tenure and affordability.
- The applicant must ensure that the proposed grading and drainage of this development does not adversely impact adjacent properties. All grading and drainage issues will be addressed by the applicant’s consulting engineer to the satisfaction of the City through the accepted engineering and servicing drawings, Subdivision Agreement and Site Plan Approval process.

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

- That site plan approval has been given and a Development Agreement has been entered into;
- Completion of site works in the common elements and the posting of security in addition to that held under the Development Agreement (if applicable), in the event these works are not completed prior to registration of the plan of condominium;
- Installation of fire route signs prior to registration;
- Confirmation of addressing information;

- Payment of outstanding taxes or local improvement charges, if any;
- Provision of servicing easements for utility providers (such as London Hydro, Union Gas, Bell, etc.);
- A warning clause provision in the Condominium Declaration if the water service for the site is determined to be a regulated drinking water system by the MOECC, the Owner or Condominium Corporation may be required to meet the regulations under the Safe Drinking Water Act and the associated regulation O.Reg. 170/03.
- Arrangements be made dealing with rights of access to and use of joint facilities, and responsibility for and distribution of costs for maintenance of joint facilities.
- Ensuring that the Condominium Declaration to be registered on title adequately addresses the distribution of responsibilities between the unit owners and the condominium corporation for the maintenance of services, the internal driveway, amenity areas, and any other structures in the common elements.

Z.-1 Zoning By-law

The zoning is holding Residential R5/Residential R6 (h•h-54•R5-4/R6-5) which permits townhouses and stacked townhouses up to a maximum density of 40 units per hectare and maximum height of 12 metres; and various forms of cluster housing including single detached, semi-detached, duplex, triplex, fourplex, townhouse, stacked townhouse, and apartment buildings up to a maximum density of 35 units per hectare and maximum height of 12 metres. Holding “h” and “h-54” provisions were applied to ensure adequate provision of municipal services and that a subdivision agreement or development agreement is entered into; and to ensure completion of noise assessment reports and implementation of mitigation measures for development adjacent arterial roads.

Provincial Policy Statement, 2014

The proposed development achieves objectives for efficient development and land use patterns. It represents new development taking place within the City’s urban growth area, and within an area of the City that is currently building out. It also achieves objectives for compact form, mix of uses, and densities that allow for the efficient use of land, infrastructure and public service facilities, supports the use of public transit, and maintains appropriate levels of public health and safety. The subject lands are within a registered plan of subdivision and are designated and intended over the long term for medium density residential uses. There are no natural heritage features present, and Provincial concerns for archaeological resource assessment and cultural heritage have been addressed through the subdivision approval process. The proposed Draft Plan of Vacant Land Condominium is found to be consistent with the Provincial Policy Statement.

Appendix C – Relevant Background

Additional Reports

Planning and Environment Committee Meeting on May 30, 2016 – Report from the Managing Director, Development & Compliance Services and Chief Building Official with respect to an application by Sifton Properties Limited for lands located at 1733 Hamilton Road and 2046 Commissioners Road East – application for approval of Draft Plan of Subdivision, Official Plan and Zoning By-law Amendments.