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39CD-12511
S.Wise

TO:	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE
FROM:	G. KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL
SUBJECT:	APPLICATION BY: MIDDLESEX VACANT LAND CONDOMINIUM CORPORATION NO 698 3278 COLONEL TALBOT ROAD PUBLIC PARTICIPATION MEETING ON OCTOBER 15, 2012 NOT BEFORE 4:15 P.M.

RECOMMENDATION

That, on the recommendation of the Manager, Development Services and Planning Liaison the following actions be taken with respect to the application of Middlesex Vacant Land Condominium Corporation No. 698 relating to the property located at 3278 Colonel Talbot Road:

- a) Planning and Environment Committee **CONDUCT** a public meeting on behalf of the Approval Authority for the proposed amendment to the Vacant Land Condominium Plan as submitted by Middlesex Vacant Land Condominium Corporation No. 698 and **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the application for draft plan of condominium;
- b) The Approval Authority **BE REQUESTED** to exempt the amendment to the Vacant Land Condominium from draft approval under Section 51 of the Planning Act, pursuant to Section 9(3) of the Condominium Act, for the residential plan of condominium submitted by Middlesex Vacant Land Condominium Corporation No. 698;
- c) The Manager, Development Services and Engineering Liaison **BE REQUESTED** to reassign municipal addressing for the lots fronting on Colonel Talbot Road to recognize the adjusted number of units; and
- d) That the condominium corporation shall ensure owner approval of the proposed amendment to the Vacant Land Condominium Plan and declaration is in accordance with the Condominium Act, 1998.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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Planning Committee - September 24, 2007 - Application by Graystone Development Group Limited for a public participation meeting for approval of a draft plan of Vacant Land Condominium for 79 units.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of this application is to consider a proposed amendment to a Vacant Land Condominium MVLCC No. 698, known municipally as 3278 Colonel Talbot Road. The proposed amendment is to revise 13 existing lots to create 10 wider lots to support one storey single family detached dwellings.

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RATIONALE

1. The approved Vacant Land Condominium and proposed amendment are consistent with the North Talbot Community Plan.
2. The proposed amendment to the Vacant Land Condominium conforms to the City's Official Plan and the proposed residential use is consistent with the zoning by-law.

BACKGROUND

The purpose and effect of this amendment to the Condominium Plan (MVLCC No. 698) is to revise 13 existing lots (Unit 12 - Unit 24 inclusive), to create 10 wider lots capable of supporting one storey single family dwellings, for a total of 73 residential units.

Date Application Accepted: August 28, 2012	Applicant: Middlesex Vacant Land Condominium Corporation No. 698
REQUESTED ACTION: Request for an amendment to the Vacant Land Condominium by revising 13 existing lots to create 10 wider lots capable of supporting one storey single family dwellings.	

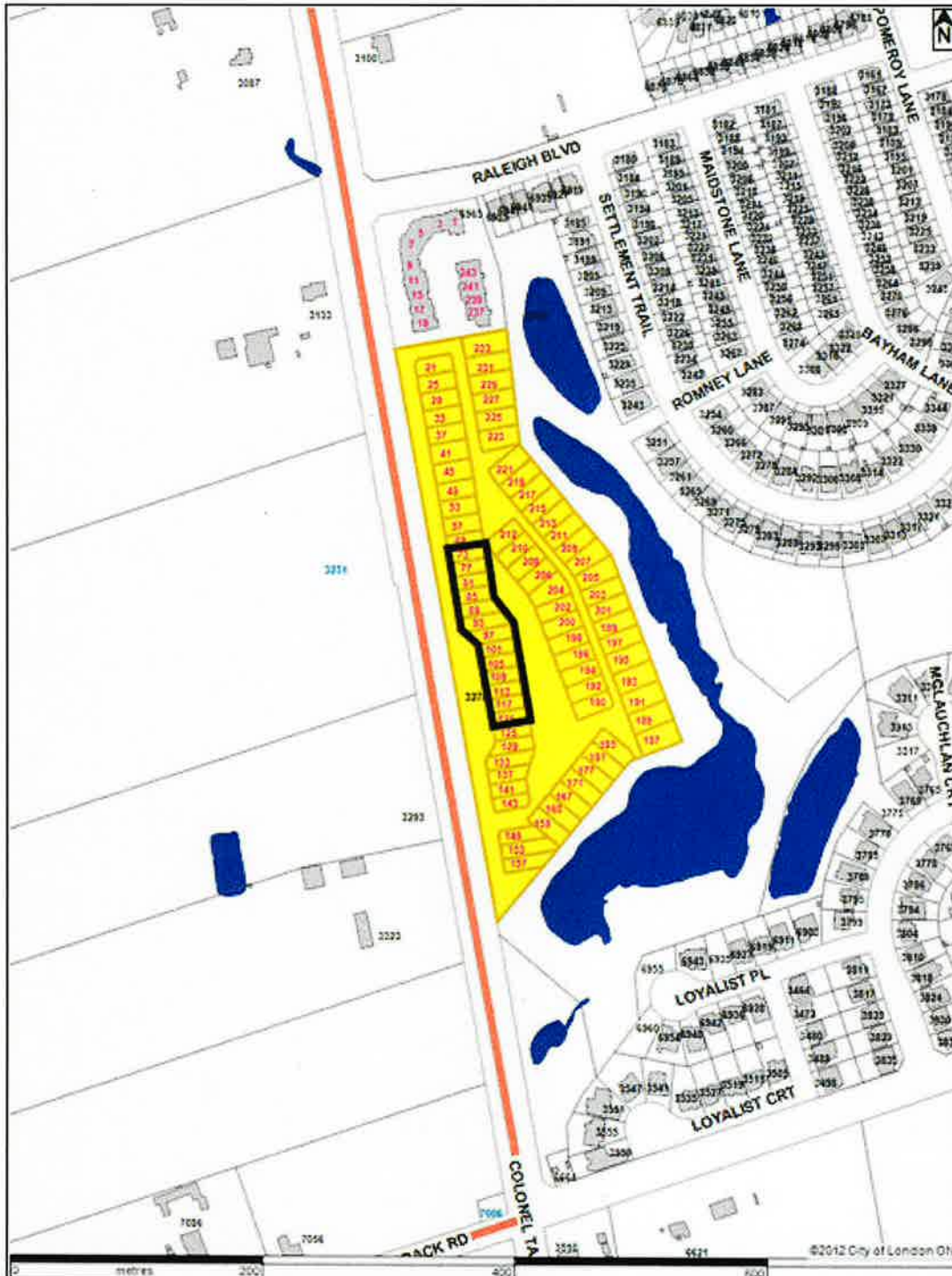
SURROUNDING LAND USES:
<ul style="list-style-type: none"> • North – residential townhouse dwellings • South – residential single detached dwellings • East – residential single detached dwellings • West – agricultural

OFFICIAL PLAN DESIGNATION:
Low Density Residential
EXISTING ZONING (see zoning map pg. 4):
Residential R5/R6 (R5-2/R6-4)

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Location Map

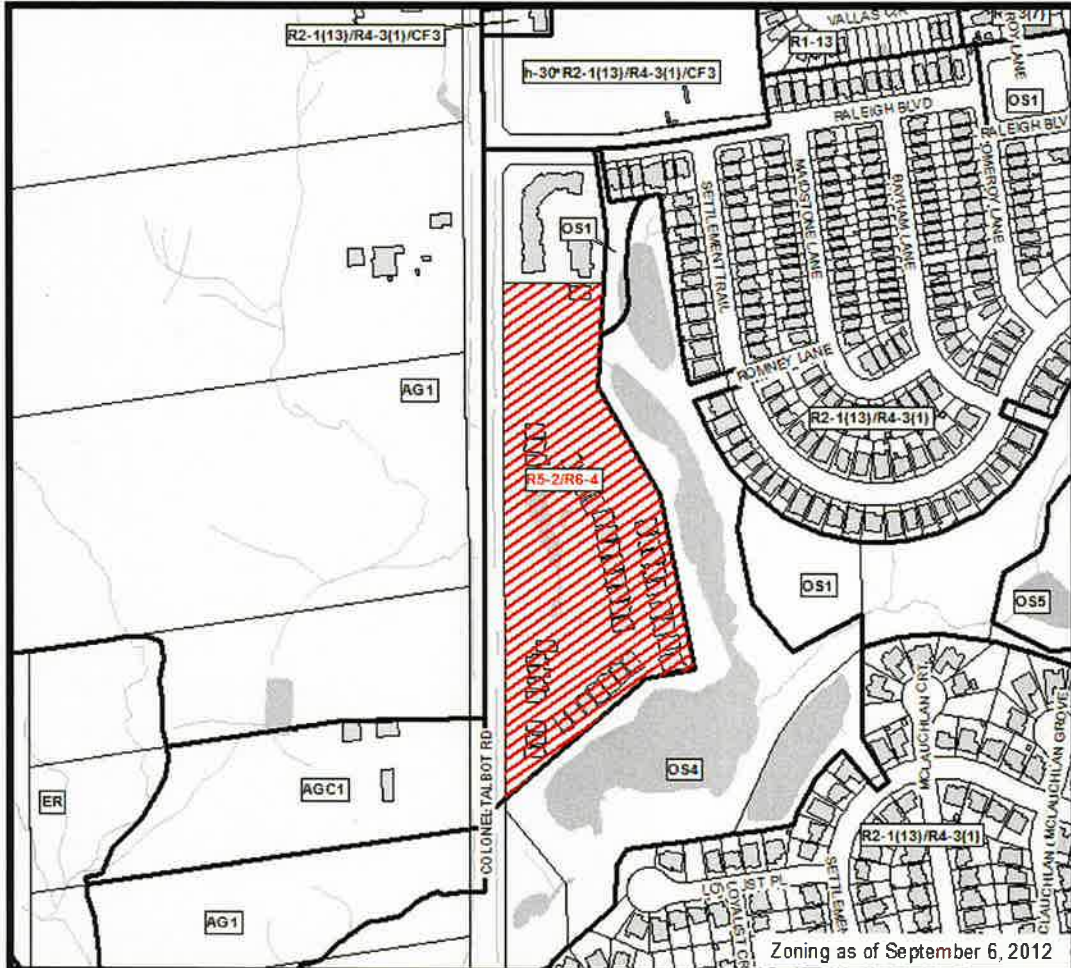


LOCATION MAP	LEGEND
<p>Subject Site: 3278 Colonel Talbot Road Applicant: Middlesex Vacant Land Condominium Corp (MVLCP) 698</p> <p>File No: 39CD-12511 Planner: Terry Grawey</p> <p>Date: 2012-09-08 Scale: 1:3700</p> <p style="font-size: small;">Corporation of the City of London Prepared By: Planning and Development</p>	<ul style="list-style-type: none"> Subject Site Assessment Parcels Buildings Address Numbers

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Existing Zoning Map



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: R5-2/R6-4

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

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

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

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

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

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

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

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

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

2) ANNEXED AREA APPEALED AREAS

CITY OF LONDON
PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES

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

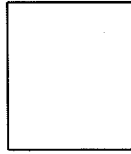
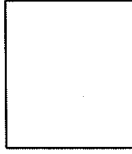


FILE NO:
39CD-12511 SW

MAP PREPARED:
September 27, 2012 DT

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

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



Proposed Amendment

DEPARTMENT OF REVENUE
STATE OF MISSISSIPPI
The Department of Revenue certifies that the above information is a true and correct copy of the record as it appears in the records of the Department of Revenue.

DEPARTMENT OF REVENUE
STATE OF MISSISSIPPI
The Department of Revenue certifies that the above information is a true and correct copy of the record as it appears in the records of the Department of Revenue.

UNIT	AREA	AREA
UNIT 1	11.00	11.00
UNIT 2	11.00	11.00
UNIT 3	11.00	11.00
UNIT 4	11.00	11.00
UNIT 5	11.00	11.00
UNIT 6	11.00	11.00
UNIT 7	11.00	11.00
UNIT 8	11.00	11.00
UNIT 9	11.00	11.00
UNIT 10	11.00	11.00
UNIT 11	11.00	11.00
UNIT 12	11.00	11.00
UNIT 13	11.00	11.00
UNIT 14	11.00	11.00
UNIT 15	11.00	11.00
UNIT 16	11.00	11.00
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UNIT 29	11.00	11.00
UNIT 30	11.00	11.00
UNIT 31	11.00	11.00
UNIT 32	11.00	11.00
UNIT 33	11.00	11.00
UNIT 34	11.00	11.00
UNIT 35	11.00	11.00
UNIT 36	11.00	11.00

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STATE OF MISSISSIPPI
The Department of Revenue certifies that the above information is a true and correct copy of the record as it appears in the records of the Department of Revenue.

PLAN OF SURVEY
LOTS 76 AND 77
CORNER OF EAST VALLEY ROAD
COUNTY OF ANDREWS
STATE OF MISSISSIPPI

Calton Dietz
OWNER
1000 1ST AVENUE
NORFOLK, VA 23502

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PLANNING HISTORY

On April 2, 2001, Council passed the Zoning By-law amendment for the subject site to change from a Rural Holding (WE-A2) Zone to a Holding Residential R5/R6 (h-30-R5-2/R6-4) Zone. The holding provision was applied to ensure the orderly development of lands and adequate provision of municipal services, provision of a tertiary plan, phasing plan and enter into a subdivision agreement with the City.

The original application for site plan approval was submitted to the City on October 30, 2003 for the lands incorporating 6965 Raleigh Boulevard and the subject lands with the intent that the entire lands would be developed together. Site plan approval was granted for 100 townhouse units and a development agreement was entered into with the City. On February 13, 2007, a plan of condominium application was received for the subject lands as well as lands to the north. 3278 Colonel Talbot Road was subsequently removed from the plan of condominium.

On June 5, 2007, a new site plan application was submitted to the City for a 79 unit cluster single detached development consisting of a mix of one and two storey dwellings.

On August 28, 2012, an amendment to the Vacant Land Condominium was accepted to convert 13 narrow lots to 10 wider lots. A site plan amendment SP12-025516 was received as of August 8, 2012. All the plans for the site plan amendment can be approved by the approval authority subject to any advice coming out of the public meeting for the Vacant Land Condominium.

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

Stormwater Management

The Stormwater Management Unit does not object to the proposed amendment to the Vacant Land Condominium as long as the proposed amendment is in compliance with the approved site plan SP-12025516 and the applicable Stormwater Management design criteria. If there are any changes to the Stormwater Management design, revised engineering servicing drawings will be required for review and acceptance.

UTRCA

No Objection

PUBLIC LIAISON:	On September 20, 2012, a Notice of Application for the amendment to Vacant Land Condominium was published in the Living in the City section of the London. Property Owners within 120m were circulated a Notice of Amendment to Vacant Land Condominium on September 17, 2012.	0 replies received
Nature of Liaison: The purpose of this application of Vacant Land Condominium is to amend the Condominium Plan for MVLCC No. 698 by revising 13 existing lots (unit 12 - unit 24 inclusive), to create 10 wider lots capable of supporting one storey single family dwellings. No changes are proposed to the existing Residential (R5-2/R6-4) Zoning that applies to the site.		
Responses: No Responses		

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ANALYSIS

The effect of the amendment to the Vacant Land Condominium is to convert 13 narrow lots to 10 wider lots to permit 1 storey single detached dwellings instead of 2 storey single detached dwellings for a total of 73 units. City staff have been advised that the reduction in the number of units in the Vacant Land Condominium was considered by the Condominium Corporation at an owners' meeting held on September 20, 2012. City staff have also been advised that to date the proposed amendments to the condominium plan and Declaration have received 100 percent owner support.

There is no proposed change to the existing zoning on site, and the proposed residential use is compatible with uses in the surrounding area which are predominantly single family residential. The private driveway and visitor parking (as shown on the attached plan) will be located in a common element and managed by the condominium corporation.

There is an amendment to the Site Plan application that is currently under review for the subject lands. The Site Plan Approval Process will address issues related to the physical form of development, servicing, stormwater management and design, and other development considerations and constraints.

Official Plan Policies

The subject lands are designated "Low Density Residential" on Schedule 'A' of the City's Official Plan. This designation permits single detached, semi-detached, and duplex dwellings as well as other forms of low density residential uses at a maximum density of 30 units per hectare (12 units per acre). The proposal is to develop this parcel with a reduced number of residential single detached dwellings, which is within the density limits in the Low Density Residential designation.

The proposed draft plan of Vacant Land Condominium as recommended by staff conforms to the City's Official Plan and represents good planning.

Zoning By-law

The site is within a Residential R5/R6 (R5-2/R6-4) Zone which permits single detached, semi-detached and duplex dwellings, and cluster housing in the form of cluster townhouse and stacked townhouse dwellings with a maximum density of 30 units per hectare.

The proposed amendment is in accordance with the current zoning on site which is not intended to change. The proposed use is permitted by the zoning by-law, and cluster detached housing in the form of Vacant Land Condominium, represents a good use for the site.

Vacant Land Condominium Application

The effect of the registration of the proposed amendment to the plan of Vacant Land Condominium would be to create 10 Vacant Land Condominium units, on which individual homes may be constructed after registration of the condominium corporation. The registration of the condominium allows the future occupants to purchase their land unit. The private driveway (as shown on the draft plan) will be located as a common element and managed by the condominium corporation.

Responses to Issues Raised by Public:

None received to date.

Exemption From Draft Approval

The Condominium Act, 1998 allows the Approval Authority to exempt applications from relevant provisions of the Planning Act that deal with consideration and granting of draft plan approval. This provision would be applicable where there are no matters to be addressed before final

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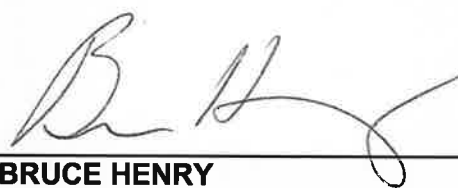
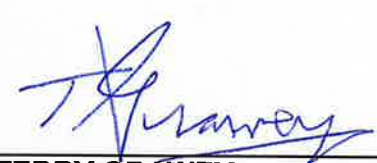

approval and registration of the condominium. A similar exemption is provided for under Section 4 of the Council-adopted Condominium Review and Approval Guidelines.

Other than the design and servicing requirements that are being addressed through the Site Plan/Development Agreement and internal revisions to municipal addressing, there are no requirements that warrant conditions of draft approval for this application. Accordingly, it would be appropriate to recommend exemption from draft approval. There will be no conditions of draft approval and no separate agreement will be required.

CONCLUSION

Based on the review of Development Services, the application to amend the Vacant Land Condominium is appropriate and compatible with the surrounding residential land uses. The amendment conforms to the Official Plan designation and provision in the Z.-1 Zoning By-law.

The amendment is to revise 13 existing lots to create 10 wider lots to support one storey single family detached dwellings. There are no agency or department requirements, or Provincial concerns resulting in the need for draft approval. Any issues reported to the Approval Authority shall be addressed through the final site plan approval.

PREPARED BY:	REVIEWED BY:
	
SONIA WISE PLANNER 1	BRUCE HENRY MANAGER – DEVELOPMENT PLANNING
REVIEWED AND RECOMMENDED BY:	SUBMITTED BY:
	
TERRY GRAWEY MANAGER-DEVELOPMENT SERVICES & PLANNING LIAISON	G. KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL

October 4, 2012 TG/sw

cc: Graystone Development Group Limited, 129 – 3278 Colonel Talbot Road, London ON N6P 1H4
Middlesex Vacant Land Condominium Corporation No. 698 129 – 3278 Colonel Talbot Road, London ON N6P 1H4