

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: Draft Plan of Vacant Land Condominium On The Submission
By 2219008 Ontario Ltd. For 6990 Clayton Walk

Public Participation Meeting on: August 12, 2019

Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of 2219008 Ontario Ltd. (York Developments), relating to the property located at 6990 Clayton Walk:

- (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 property located at 6990 Clayton Walk; 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 6990 Clayton Walk.

Executive Summary

Summary of Request

This is a request by 2219008 Ontario Ltd (York Developments) 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 30 residential units and common elements for internal driveways, walkways, and visitor parking; with access from Clayton Walk. 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

- i) The proposed Vacant Land Condominium is consistent with the Provincial Policy Statement, which directs new development to designated growth areas and areas adjacent to existing development;
- ii) The proposed Vacant Land Condominium conforms to the in-force policies of The London Plan including but not limited to Our Tools, Key Directions, and the Neighbourhoods Place Type policies;
- iii) The proposed Vacant Land Condominium conforms to the policies of the Southwest Area Secondary Plan and will implement an appropriate housing form for the North Lambeth Neighbourhood; and
- iv) The proposed Vacant Land Condominium conforms to the in-force policies of the 1989 Official Plan, including but not limited to the Low Density Residential

Designation and will implement an appropriate form of residential development for the site.

Analysis

1.0 Site at a Glance

1.1 Property Description

The property is located north of Clayton Walk, opposite to Isaac Drive, and south of the Mather's Stream. The proposal consists of one low density residential block within a draft plan of subdivision (Block 175 Draft Plan 39T-14504). The site is a discrete parcel created through the dedication of a walkway and park blocks (blocks 124 and 124) to the east and west as part of the registration of part of the Silverleaf Subdivision, plan 33M-742. There is an existing residential neighbourhood to the south, and future residential and mixed uses planned for the lands to the north. The site has full access to municipal services and is located in an area which is planned for future growth.

1.2 Current Planning Information (see more detail in Appendix C)

- The London Plan Place Type – Neighbourhoods
- Official Plan Designation – Low Density Residential
- Existing Zoning – h*h-100*h-198*R6-5(44) Zone

1.4 Site Characteristics

- Current Land Use – Vacant
- Frontage – 13 metres
- Depth – Varies
- Area – 1.8ha
- Shape – Irregular

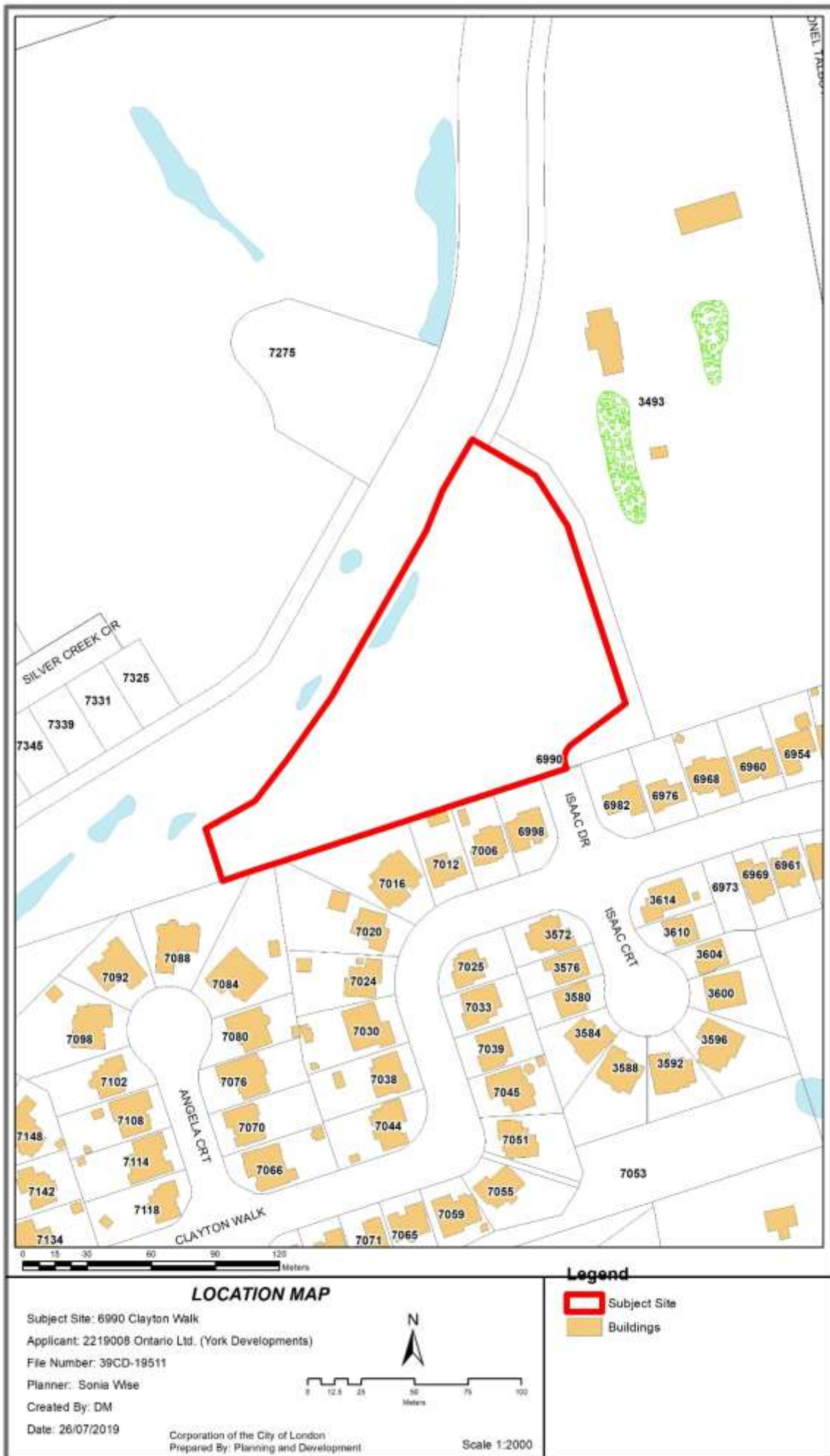
1.5 Surrounding Land Uses

- North – Future residential and mixed use
- East – Future residential and mixed use and agricultural
- South – Existing low density residential
- West – Mather's stream

1.5 Intensification (30 units)

- The 30 cluster single detached dwelling units are located outside of the Built-Area Boundary and Primary Transit Area

1.6 LOCATION MAP



An application for Site Plan Approval (SP18-126) has 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, are under review and will be informed by any comments received through the Vacant Land Condominium Public Participation Meeting. A subsequent application for the removal of holding provisions will be required prior to development, which will describe how any issues raised by the public or Municipal Council have been addressed or incorporated.



Figure 2: Proposed Conceptual Elevations

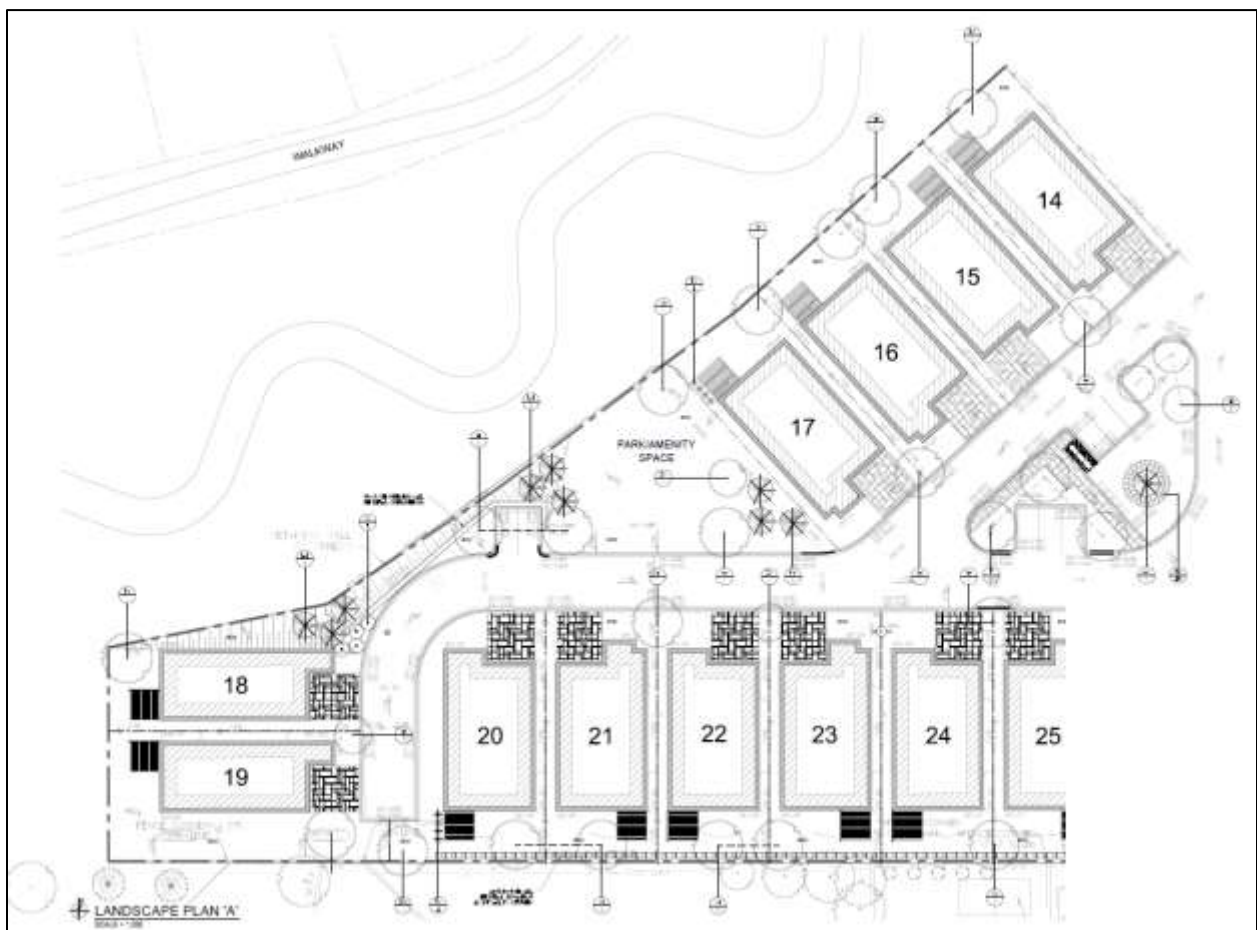


Figure 3: Amenity Space and Landscaping

3.0 Relevant Background

3.1 Planning History

Silverleaf Subdivision 2014

The subject site is part of the Silverleaf Subdivision (39T-14504) which is situated in the southwest quadrant of the City, and at the southwest corner of Colonel Talbot Road and Pack Road. The total subdivision area is approximately 40.5 ha (100ac) in size and is situated entirely within the City's Urban Growth Boundary with frontage along Colonel Talbot Road and Pack Road (both identified as arterial roads).

The application for Draft Plan of Subdivision was received on September 15, 2014, and was granted draft approval on March 24, 2016. The draft approval included: 172 single detached dwellings lots, three (3) medium density residential blocks, one (1) mixed use block, five (5) walkway blocks, one (1) future development block, two (2) park blocks, two (2) open space blocks, and a stormwater management block; serviced by Pack Road, and six (6) local public streets (including the extension of Isaac Drive to the north).



Figure 4: Silverleaf Subdivision

Phase 1 of the subdivision has been registered as plan 33M-742, which consists of 108 single family detached lots, the Stormwater Management Facility Dingman Tributary B4, six (6) park blocks, one (1) medium density block and several road widenings and 0.3 m (one foot) reserve blocks. The registration of blocks 124 (walkway) and 125 (open space) created the subject site as a separate parcel by virtue of dedication to the City of London. Future phase(s) will include the balance of the lands which are draft approved but have not yet received final approval.

Minor Variance 2018

A minor variance application was submitted in 2018 as A.010/18 to request reduced setbacks and a reduced minimum density for the proposed vacant land condominium development. The committee of adjustment granted permission for: a reduced interior side yard setback of 1.2m (3.9') for units 7 and 19 whereas 6m (19.7') is required; a reduced rear yard setback of 1.2 (3.9') for unit 18 whereas 6m (19.7') is required; and a reduced density of 16.6 units per hectare whereas 18 units per hectare is the minimum; to facilitate the development of the proposed vacant land condominium.

Surplus Declaration and Transfer of Isaac Drive 2019

On July 23, 2019, the Corporate Services Committee considered a report (P-2465 (1)) to declare a portion of Isaac Drive as surplus and to close the road. The lands were then recommended to be transferred to the applicant, 2219008 Ontario Limited as a private driveway. Isaac Drive is located north of Clayton Walk and originally established as a 'stub street' through Plan 33M-524 to provide a future road link to the undeveloped lands in the Silverleaf Subdivision. The proposed vacant land condominium and cluster single detached dwellings would require only a private access from Clayton Walk, and the declaration of the lands as surplus and transferring the lands into private ownership relieves the City from future maintenance and liability. A portion of the lands would be retained for municipal easements and to provide a pedestrian connection to the stream corridor.

3.2 Community Engagement (see more detail in Appendix A)

At the time of preparation of this report no responses were received from the public in response to the Notice of Application and The Londoner Notice.

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

3.3 Policy Context

Provincial Policy Statement (PPS), 2014

Land use within settlement areas shall be based on densities which efficiently use land and resources, and are appropriate for and efficiently use the infrastructure and public service facilities that are planned or available and support active transportation (1.1.3.2.a) & 1.4.3.d)). The proposal will develop a vacant site that has full access to municipal services within a planned neighbourhood. The subject lands are within a draft plan of subdivision and are designated and intended over the long term for multiple dwelling, low to medium density residential uses. The proposed Draft Plan of Vacant Land Condominium is consistent with the Provincial Policy Statement.

The London Plan

The London Plan is the new Official Plan for the City of London (Council adopted, approved by the Ministry with modifications, and the majority of which is in force and effect). The London Plan policies under appeal to the *Local Planning Appeals Tribunal* (Appeal PL170100) and not in force and effect are indicated with an asterisk (*) throughout this report. The London Plan policies under appeal are included in this report for informative purposes indicating the intent of City Council, but are not determinative for the purposes of this planning application.

These lands are within the “Neighbourhoods” Place Types. Single detached dwellings up to 2.5 storeys in height are permitted on all Neighbourhood Streets under the Neighbourhoods Place Type policies of The London Plan.

The City Building and Our Tools policies have also been applied in the review of this application. City Design policies regarding the site layout are supportive of the proposed development as the units abut open space to the north which provides access to the trail network, as well as passive surveillance from the residential dwellings with features such as rear covered decks overlooking the Mather’s Stream to the north (288*). The proposed development promotes connectivity and safe pedestrian movement in the neighbourhood and has convenient access to the pathway located directly east of the site which connects to other pedestrian walkways in the area including to a pedestrian bridge (255*).

In the Our Tools section of The London Plan, Vacant Land Condominiums are considered based on the following (1709):

1. *The same considerations and requirements for the evaluation of draft plans of subdivision shall apply to draft plans of vacant land condominium;*

The proposed draft plan of vacant land condominium has been evaluated with regards to the review criteria for plans of subdivision. The proposed cluster single detached dwelling units conform to the Official Plan and The London Plan policies, and have access to municipal services. The access and residential uses proposed are appropriate for the site, and there are no natural features or hazards associated with the site. There is open space directly abutting the site to the north, and future residential and convenience commercial uses proposed in proximate distance in the surrounding neighbourhood. Building elevation plans have been reviewed as part of the site plan submission. The size and style of dwellings are anticipated to contribute to housing choice and meet the

community demand for housing type, tenure and affordability. 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, future Development Agreement and Site Plan Approval process.

- 2. The applicant may be required to provide site development concepts and meet design requirement consistent with the Site Plan Control By-law as part of the consideration of a draft plan of vacant land condominium;*

The draft plan of Vacant Land Condominium is being concurrently considered with an active Site Plan Application. The various requirements of the Site Plan Control By-law will be considered and implemented through a Development Agreement for the lands.

- 3. Proposals for vacant land condominiums which will result in units above or below any other unit will not be supported;*

The proposed single detached dwelling units do not result in unit boundaries below or above other units.

- 4. Only one dwelling will be permitted per unit;*

There is only one cluster single detached dwelling proposed per unit.

- 5. At the time of registration, structures cannot cross unit boundaries;*

A signed Development Agreement will be required prior to the final approval of the Vacant Land Condominium that will confirm both the location of structures and unit boundaries.

- 6. The registration of a proposed development as more than one vacant land condominium corporation may be permitted if the proposal is supportive of comprehensive development and planning goals. The minimum number of units to be included in each condominium corporation will be adequate to allow for the reasonable independent operation of the condominium corporation.*

The proposed single detached dwelling development is to be developed as one condominium corporation.

Southwest Area Secondary Plan

The site forms part of the Southwest Area Secondary Plan (SWAP) and is subject to the development vision and detailed policies of the SWAP. Additionally, the site forms part of the 'North Lambeth Residential Neighbourhood' within the greater area plan.

New development in North Lambeth is to be a mix of low to mid-rise housing forms, ranging from single detached dwellings to low rise apartment buildings within individual subdivisions and throughout the neighbourhood. The residential areas are intended to develop as traditional suburban neighbourhoods, with characteristics similar to those found in the older areas of the City of London, reflecting a compact development, a diversity of building types, and walkable amenities to enhance the day-to-day living experience.

The primary permitted uses in the Low Density Residential designation also include permitted uses in the Multi-Family, Medium Density Residential designation including cluster housing forms. Within the Low Density Residential Designation, residential development shall have a minimum density of 18 units per hectare (u/ha) and maximum of 35 units per hectare. The proposed density is 16.6 units per hectare or 30 units which is slightly less than the minimum 18 units per hectare which would equate to 33 dwelling units. The Southwest Area Secondary Plan allows for minor reductions to the minimum density where they can be demonstrated as appropriate. The proposed

vacant land condominium design responds to certain constraints associated with the size and shape of the parcel. The proposal is achieving 16.6 u/ha - or 30 total units which also requires relief from certain side and rear yard setbacks for those 30 units. The vacant land condominium is appropriate for the site and meets the intent of providing a mix of housing forms and choice in the neighbourhood.

1989 Official Plan

The 1989 Official Plan designation for these lands is Low Density Residential (LDR). The Low Density Residential designation is applied to lands that are primarily developed or planned for low-rise, low density housing forms including detached, semi-detached, and duplex dwellings. Where appropriate, some multiple attached dwellings at densities similar to neighbouring detached units may be permitted.

The surrounding area includes an existing residential neighbourhood to the south, and future proposed residential and mixed use development to the north, east and west through the Silverleaf Subdivision. Based on staff's review, the proposed use, form and intensity of low-medium density forms of housing proposed within the draft plan of subdivision conformed to the City's London Plan and Official Plan policies.

Vacant Land Condominium Application

The City of London Condominium Guidelines have been considered for the proposed Vacant Land Condominium which is comprised of various units and common elements. 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 may be required as 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;
- Confirmation of addressing information and door point numbers;
- 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.);
- The maintenance of any stormwater servicing works including on-site works;
- 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; and,
- 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 existing zoning is a holding Residential R6 Special Provision (h*h-100*h-198*R6-5(44)) Zone which permits a range of dwelling types, including the cluster single detached dwellings proposed. Special provisions require a minimum density of 16uph up to a maximum density of 30uph and a maximum height of 10.5m. The holding provisions that currently form part of the zone are for the orderly development of the lands through an approved Development Agreement, water-looping and access and for street-oriented design, which will be brought forward under a separate report under application H-9054. The proposed vacant land condominium and proposed site plan are consistent with the Zoning By-law.

More information and detail is available in the appendices of this report.

5.0 Conclusion

The proposed Vacant Land Condominium is consistent with the Provincial Policy Statement, and in conformity with The London Plan, the 1989 Official Plan, and the Southwest Area Secondary Plan. The proposed cluster single detached dwelling units are appropriate for the site and permitted under the existing zoning. An Application for Site Plan Approval has also been submitted and reviewed in conjunction with the application for Vacant Land Condominium.

Prepared by:	Sonia Wise, MCIP, RPP Senior Planner, Development Services
Recommended 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 2, 2019

Y:\Shared\ADMIN\1- PEC Reports\2019 PEC Reports\12- August 12\Draft 39CD-19511 6990 Clayton Walk SW 1 of 1.docx

cc: Lou Pompilii, Manager, Development Planning
cc: Michael Pease, Manager, Development Planning
cc: Matt Feldberg, Manager, Development Services (Subdivisions)
cc: Ismail Abusheheda, Manager, Development Engineering
cc: Heather McNeely, Manager, Development Services (Site Plans)

Appendix A – Community Engagement

Public liaison: On July 19, 2019 Notice of Application was sent to 56 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 25, 2019. A “Planning Application” sign was also posted on the site.

0 replies were received

Nature of Liaison: Consideration of a Draft Plan of Vacant Land Condominium consisting of 30 cluster single detached dwellings. Consideration of a proposed draft plan consisting of 30 cluster single detached dwelling units and common elements for private access driveway, visitor parking and services to be registered as one Condominium Corporation. The lands are part of subdivision application 39T-14504, and application for Site Plan Approval, file SPA18-126.

Agency/Departmental Comments

Bell Canada – July 19, 2019

“The Owner shall indicate in the Agreement, in words satisfactory to Bell Canada, that it will grant to Bell Canada any easements that may be required, which may include a blanket easement, for communication/telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements”.

Hydro One – July 25, 2019 Email Excerpt

No Objections

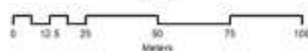
Appendix B – Additional Maps



LOCATION MAP

Subject Site: 6990 Clayton Walk
Applicant: 2219008 Ontario Ltd. (York Developments)
File Number: 39CD-19511
Planner: Sonia Wise
Created By: DM
Date: 26/07/2019

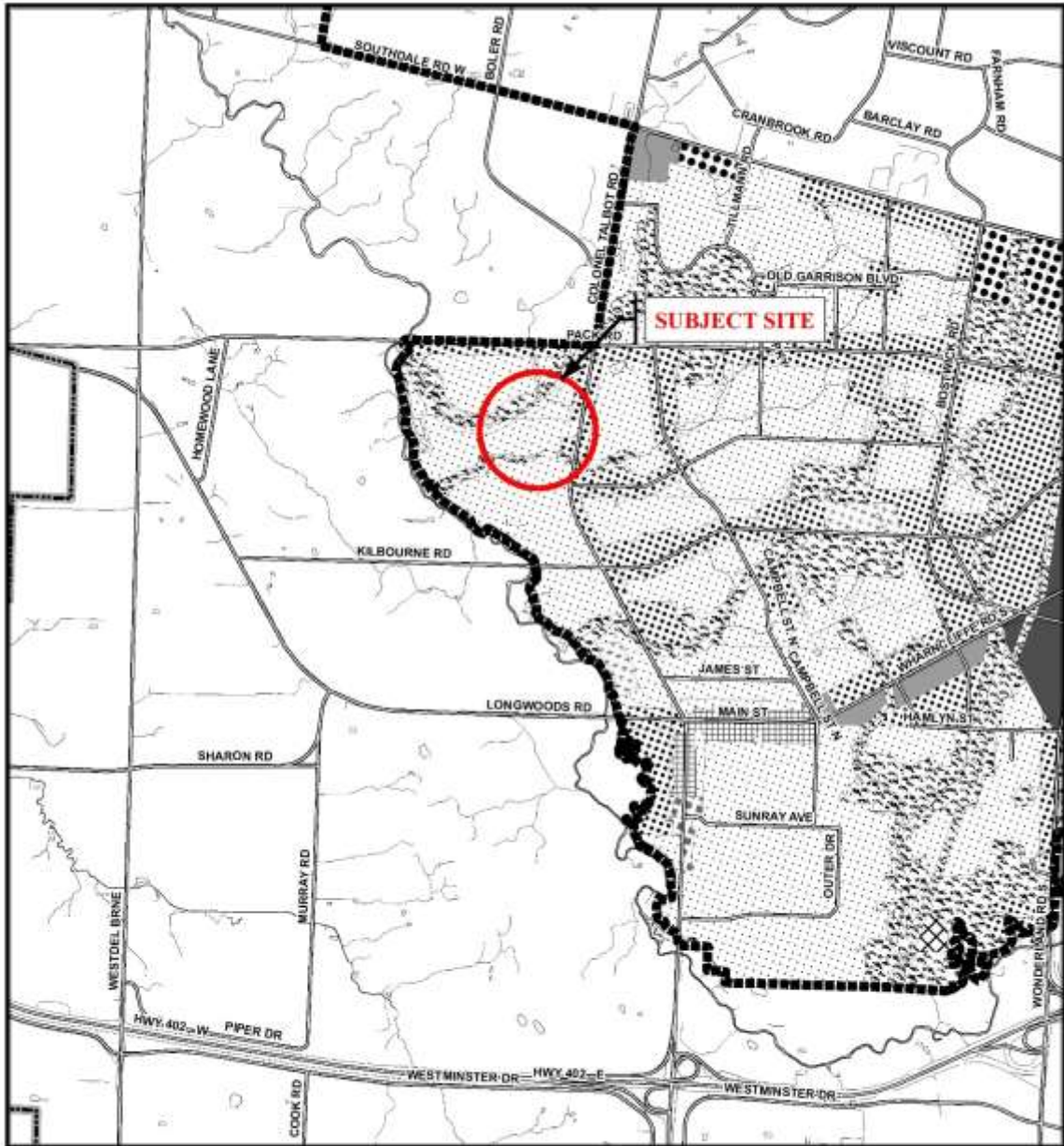
Corporation of the City of London
Prepared By: Planning and Development



Legend

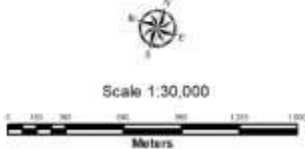
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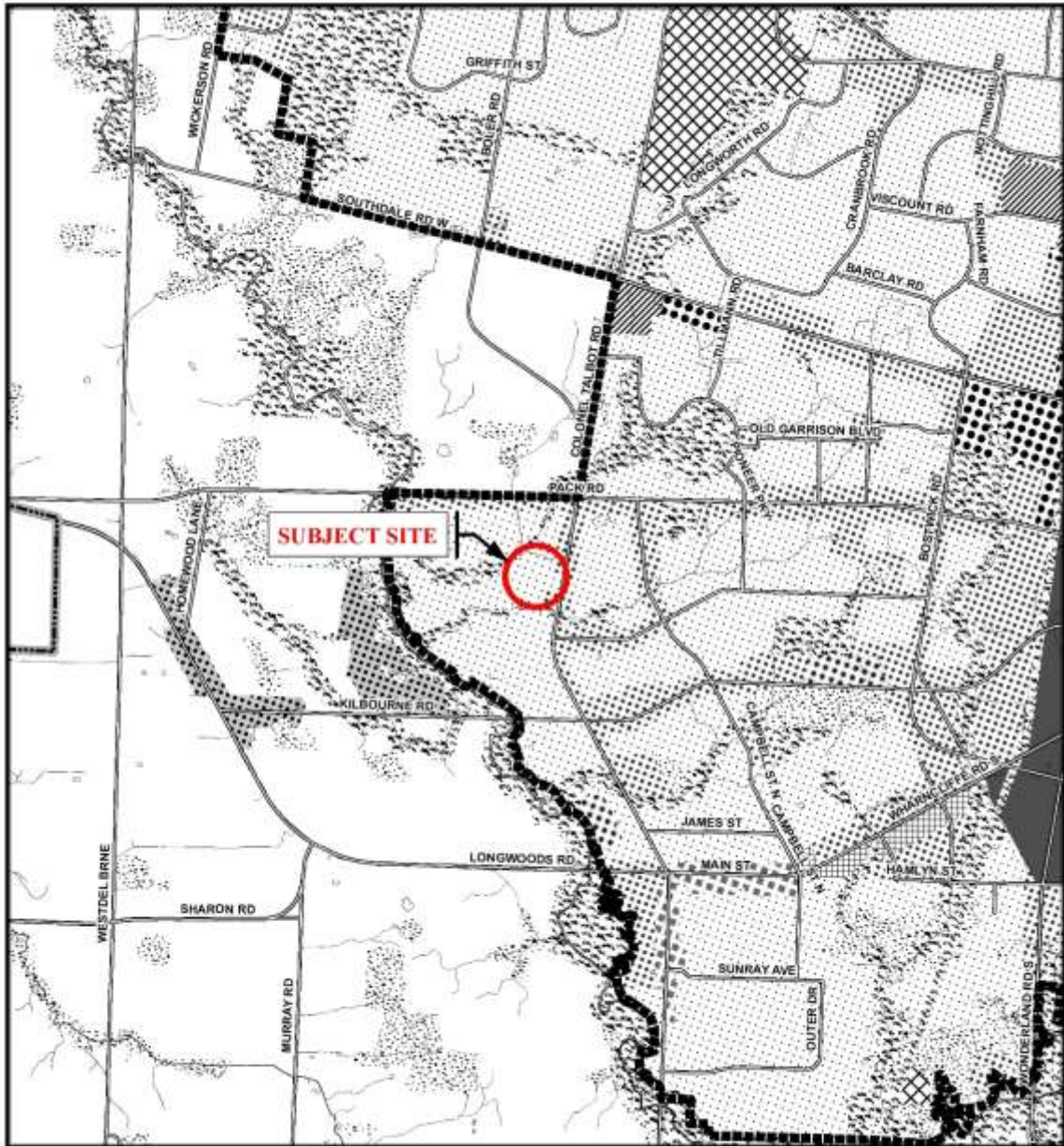
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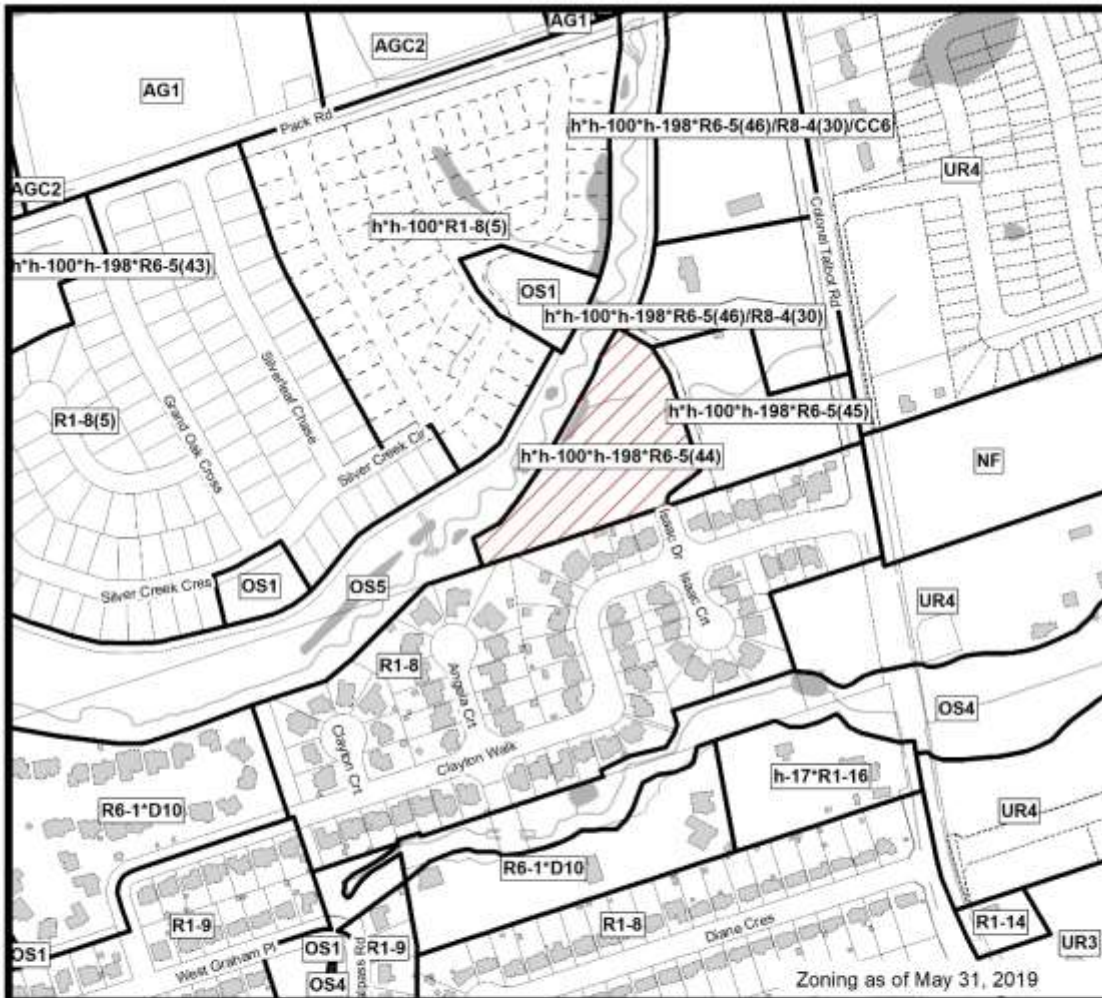
- High Density Residential
- Medium Density Residential
- Low Density Residential
- Commercial
- Office
- Wonderland Road Community Enterprise Corridor
- Main Street Lambeth North
- Main Street Lambeth South
- Open Space
- Institutional
- Industrial
- Commercial Industrial
- Transitional Industrial
- Urban Reserve Community Growth
- Urban Reserve Industrial Growth
- Rural Settlement
- Urban Growth Boundary

<p align="center">CITY OF LONDON Planning Services / Development Services</p> <p align="center">SOUTHWEST AREA STUDY SECONDARY PLAN - LANDUSE -</p> <p align="center"><small>PREPARED BY: Graphics and Information Services</small></p>	 <p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: 39T-18505</p> <p>PLANNER: SW</p> <p>TECHNICIAN: RC</p> <p>DATE: 2019/04/29</p>
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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

<p>CITY OF LONDON</p> <p>Planning Services / Development Services</p> <p>OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p>PREPARED BY: Graphics and Information Services</p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: 39CD-19511</p>
		<p>PLANNER: SW</p> <p>TECHNICIAN: DM</p> <p>DATE: 2019/07/26</p>



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

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

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



FILE NO:
39CD-19511 SW

MAP PREPARED:
2019/07/26 DM

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Meters

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