

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 By Wastell Homes
435 Callaway Road (formerly 365 Callaway Road)

Public Participation Meeting on: January 20, 2020

Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of Wastell Homes relating to the property located at 435 Callaway Road (formerly 365 Callaway Road):

- (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 435 Callaway Road (formerly 365 Callaway Road); 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 435 Callaway Road (formerly 365 Callaway Road).

Executive Summary

Summary of Request

This is a request by Wastell Homes 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 94 dwelling units, within 3 storey, multiple townhouses providing access from Callaway Road and a private internal road. 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.

Analysis

1.0 Site at a Glance

1.1 Property Description

The subject lands are located on the north side of Sunningdale Road West, south of Callaway Road, just west of Meadowlands Way. The site is generally flat with low density development and medium density residential development to the south and east. The proposal consists of one multi-family medium density residential block within a plan of subdivision (Plan 33M-771). The site is currently vacant and approximately 2.6 hectares in size. 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
- (1989) Official Plan Designation – Multi-Family, Medium Density Residential
- Existing Zoning – h-53*R5-3(19)*R6-5(53)

1.3 Site Characteristics

- Current Land Use – Vacant
- Frontage – 116.7 metres
- Depth – Varies
- Area – 2.6 hectares
- Shape – Irregular

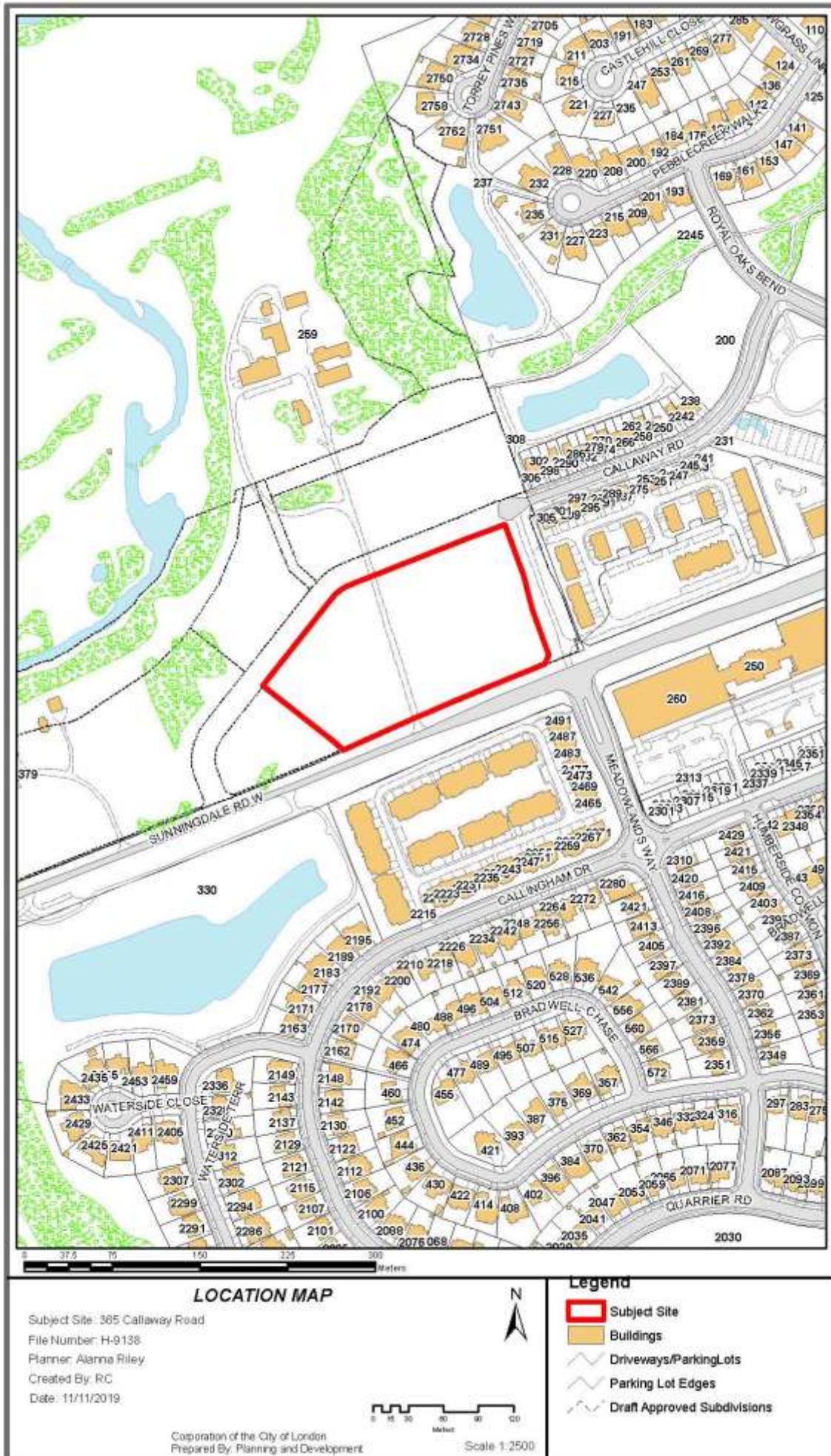
1.4 Surrounding Land Uses

- North – Proposed Residential
- East – Residential
- South – Residential
- West – Proposed Residential

1.5 Intensification (94 units)

- The 94 vacant land condo units in a cluster townhome form located outside of the Built-Area Boundary and Primary Transit Area

1.6 LOCATION MAP



2.0 Description of Proposal

2.1 Development Proposal

The effect of the application request is to create 94 Vacant Land Condominium units to be developed in the form of 3 storey, cluster townhouse dwellings. Landscaped areas, internal driveways, services, and visitor parking spaces will be located within a common element to be maintained and managed by one Condominium Corporation.

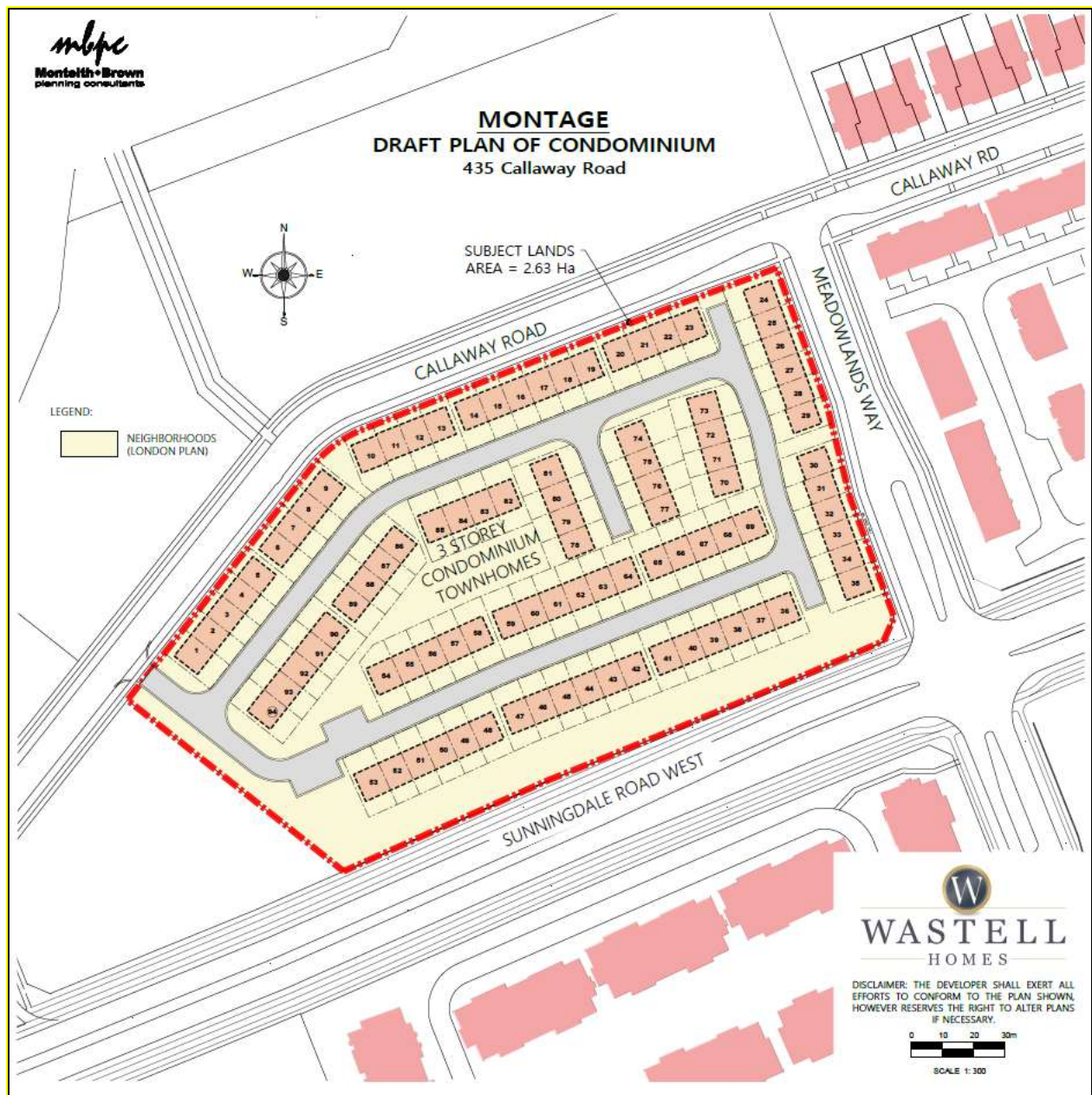


Figure 1: Proposed Vacant Land Condominium

An application for Site Plan Approval (SPA19-097) has also 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.

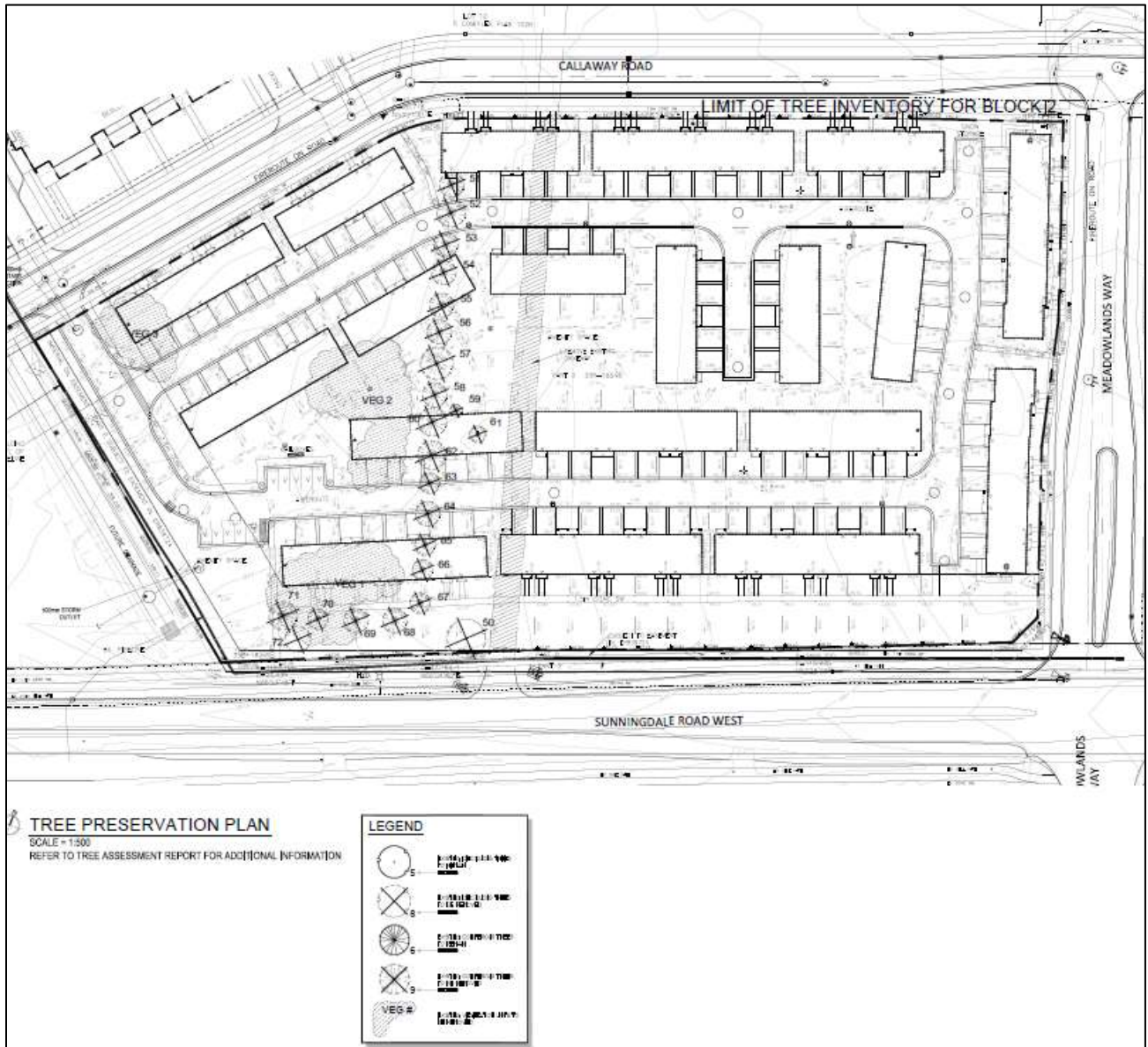


Figure 2: Proposed Landscaping Plan



Figure 3: Proposed Conceptual Elevation

3.0 Relevant Background

3.1 Planning History

The subject lands are located in the City of London within the Sunningdale North Area Plan. Amendments to the Official Plan were approved in April of 2005 to designate the area with various forms of Low Density Residential, Multi-Family, Medium Density Residential, Multi-Family, High Density Residential, Business District Commercial and Open Space. The Sunningdale North Area Plan also provided community planning and design principles to support the development of a distinctive, attractive and self-sustaining community.

On June 3, 2016 the applicant submitted an application for Draft Plan of Subdivision approval, an Official Plan Amendment and a Zoning By-law Amendment including all required reports/studies identified during pre-consultation. Staff reviewed and accepted the applications as complete on June 6, 2016.

On May 24, 2017, the City Clerk's Office received appeals to the Ontario Municipal Board (OMB), from the Applicant on the basis of a non-decision by the City of London Approval Authority within 180 days relating to a draft plan of subdivision application; and a non-decision by Municipal Council within 120 days relating to a Zoning By-law and Official Plan Amendment applications concerning lands located at 379 Sunningdale Road.

An OMB Settlement Hearing was held on November 8, 2017. On November 15, 2017 the OMB issued its decision to approve the Official Plan, Zoning, and Subdivision Draft Plan Approval. Through this process, the site was rezoned to permit cluster housing with holding provisions being applied. The parcel at 435 Callaway Road (formerly 365 Callaway Road) was created through the registration of the subdivision (33M-771) on October 30, 2019.

Site plan approval, along with a minor variance application were submitted concurrently to accommodate the proposed cluster townhouse development. The site plan application is running in parallel with this Vacant Land Condominium application and the requested variances which relates to permitting relief to the density limits of the site that would permit 94 VLC units in place of 93 VLC units is pending.

The applicant has also applied to lift the h-53 provision from the site (H-9138). The applicant must address issues such as dwelling orientation and noise walls to ensure that new development is designed and approved, consistent with the Community Plan, prior to lifting these holding provisions. A future Report will be brought forward to the Planning and Environment Committee relating to the lifting of the h-53 holding provision, as the Site Plan Approval process progresses to the point where plans are accepted a Development Agreement are executed.

3.2 Community Engagement (see more detail in Appendix A)

The requested amendment was circulated to the public on December 4, 2019 and advertised in the 'Londoner' on December 4, 2019. Through the public circulation process there was one response received with concerns relating to density, landscaping, property taxes and the environment.

The comments received by Staff are attached to Appendix "C". The report below addresses these concerns in detail.

3.3 Policy Context

Provincial Policy Statement (PPS), 2014

This application has been reviewed for consistency with the 2014 Provincial Policy Statement. Land uses within settlement areas shall be based on densities which efficiently use land and resources, and will also capitalize on the existing infrastructure and public service facilities that are planned or available while supporting 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. Development of the lands by way of a vacant land plan of condominium minimizes the amount of land needed for road purposes and promotes a compact form of development. The subject lands are also located close to amenities and public open spaces. Based on the review of the Provincial Policy Statement, approval of the proposed plan with associated conditions would be consistent with the 2014 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 if included. 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 with frontage along a civic boulevard and a neighbourhood connector, which permits a wide range of multi-family medium density residential uses.

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 provide access to the bike path along Sunningdale Road West, and sidewalks along Sunningdale Road West and Callaway Road, as well as integrate with the townhomes to the east and south. The proposed development promotes connectivity and safe pedestrian movement within the development and to the surrounding neighbourhood (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 townhouse dwelling units conform to the policies of the Official Plan’s multi-family medium density residential designation, the Sunningdale North Area Plan and policies of The London Plan, and have access to municipal services.

Water is located and available along Sunningdale Road West to service this development. Sanitary servicing is also located along Sunningdale Road West to service this site. Storm-water will discharge to an existing drainage easement.

From a transportation perspective, the collector road system was established through the subdivision process, and it was anticipated that this block would access the collector road (Callaway Road). The subject site will be serviced by the creation of one driveway off Callaway Road. Provisions for a pedestrian linkage to the south and west will meet the London Plan objective of strong

pedestrian connectivity and will allow easy access to the road system and transit connections.

The residential uses proposed are appropriate for the site, and there are no natural features or hazards associated with the site. The proposed development is located within proximity of Pebblecreek Park, Village Walk, the Medway Valley ESA, Saint Catherine of Siena Catholic School and Medway High School. Based on the size of the proposed vacant land condominium units and potential building footprints (as determined by the lot coverage in the zoning by-law) it is anticipated that the design of these homes will not have a negative impact on the character of this neighbourhood. Building elevation plans have been reviewed as part of the site plan submission. The size and style of townhouse dwellings are anticipated to contribute to housing choice and meet the community demand for housing type, tenure and affordability.

- 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 (SPA19-097). 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 townhouse 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 townhouse 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 cluster townhouse development is to be developed as one condominium corporation.

(1989) Official Plan

The (1989) Official Plan designation for these lands is Multi-Family, Medium Density Residential (MFMDR). The primary permitted uses in the Multi-Family, Medium Density Residential designation shall 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 (3.3.1. Permitted Uses). The proposed vacant land condominium is in keeping with the range of permitted uses.

Developments within areas designated Multi-Family, Medium Density Residential shall have a low-rise form and a site coverage and density that could serve as a transition between low density residential areas and more intensive forms of development. The proposal takes on a similar scale of development to what exists in the surrounding area. The development also provides a density of 36 uph which is less the 75 uph permitted in the MFMDR designation (3.3.3. Scale of Development).

The current application conforms to the (1989) Official Plan.

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;
- Installation of fire route signs prior to registration;
- 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;
- Appropriate fencing;
- 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 subject site is within a Holding Special Provision Residential R5/R6 (h-53/R5-3(19)/R6-5(53)) Zone, which permits a range of medium density residential developments in the form of townhouses, apartment buildings, nursing homes, and other similar uses. The development is proposed under the R5-3(19) Zone, which permits cluster townhouse and cluster stacked townhouse dwellings with a maximum permitted density of 35 units per hectare and a height maximum of 13 metres. The applicant is proposing a density of 36 units per hectare through a minor variance application which represents a modest increase in density and is not viewed as an over-intensification of the site.

There is a holding (h-53) provision on the site. The applicant must address issues such as dwelling orientation and noise walls to ensure that new development is designed and approved, consistent with the Community Plan, prior to lifting these holding provisions.

The proposed development is consistent with the existing zoning, and issues identified through the minor variance and holding provision will be addressed prior to approval of the Site Plan through the submission and acceptance of required studies, and through the approved Site Plan and development agreement. The development is in conformity with the policies of The London Plan, (1989) Official Plan and Sunningdale North Area Plan.

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

4.0 Conclusion

Based on all of the above analysis, the proposed Vacant Land Condominium represents an efficient use of land and encourages compact urban form. 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 Sunningdale North Area Plan. The applicant's proposal to allow for cluster townhouse dwellings in this area is appropriate and allows for a development which is of comparable size and scale as existing dwellings in this area. Overall, this application represents good land use planning and is appropriate. An Application for Site Plan Approval has also been submitted and will be reviewed in conjunction with the application for Vacant Land Condominium.

Prepared by:	Alanna Riley, 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.	

January 13, 2020

Y:\Shared\ADMIN\1- PEC Reports\2020 PEC Reports\2 - Jan 20\draft 365 Callaway Road 39CD-19515 AR.docx

cc: Lou Pompilii, 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 December 3, 2019, Notice of Application was sent to property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on December 3, 2019. A “Planning Application” sign was also posted on the site.

1 reply were received

Nature of Liaison: The purpose and effect of this zoning change is to approve a Draft Plan of Vacant Land Condominium consisting of 94 residential units. Consideration of a proposed draft plan consisting of 94 townhouse dwelling units and a common element for private access driveway and services to be registered as one Condominium Corporation. Application has also been made for approval for Site Plan Approval, file SPA19-097.

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

From: John Spencer
Sent: Saturday, December 14, 2019 9:44 PM
To: Riley, Alanna <ariley@London.ca>
Cc: Morgan, Josh <joshmorgan@london.ca>
Subject: [EXTERNAL] 365 CALLAWAY RD/435 CALLAWAY RD - APPLICATION TO ALLOW 36 VERSUS 35 TOWNHOUSES PER HECTARE

Hi Alanna and Josh,

Please do not allow this application to pass. We live adjacent to this affected land, so we have a huge investment at stake as well. A lot of thought by our forefathers were put into establishing the 35 units per hectare. The resources and infrastructure will already be taxed to the limit and to allow even one more dwelling per hectare will be damaging to this as well as becoming an environmental concern!

And - you will be opening the door for other developers to sneak in an extra unit or two per hectare on future projects.

No, no, no. The answer should be no. They should change their plan and build a total of 90 units to comply with the Planning Act. This will provide at least the minimum landscape open space and go a long way to offset or accommodate the front and back yard setback issues. Problem solved.

This area was pristine when we purchased. Our developer/builder lied to us about future land use across the road so we are very sensitive to this encroachment as does everyone of our neighbours. The already fragile environment of Medway Valley is at a very high risk already. It's up to people like Greta Thurnberg, you and our municipal government representation to be on guard against these greedy developers and be there for your regular tax paying citizens.

Thank you

John and Linda Spencer

36-2215 Callingham Drive, London, ON N6G 0P1

Agency/Departmental Comments

Bell Canada

“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

No Objection

London Hydro

London Hydro has no objection to this proposal or possible official plan and/or zoning amendment.

Servicing the above proposal should present no foreseeable problems. Any new and/or relocation of existing infrastructure will be at the applicant's expense. Above-grade transformation is required. **Note: A blanket easement will be required. Transformation lead times are minimum 16 weeks. Contact the Engineering Dept. to confirm requirements & availability.**

Stormwater Engineering

Please include the following conditions from SWED for the above noted application.

“The Owner acknowledges that the subject lands are part of a Site Plan application which is being reviewed or has been accepted under the Site Plan Approvals Process (File # SPA19-097) 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.”

UTRCA

- No Objection

Appendix B – Additional Maps



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 |
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CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



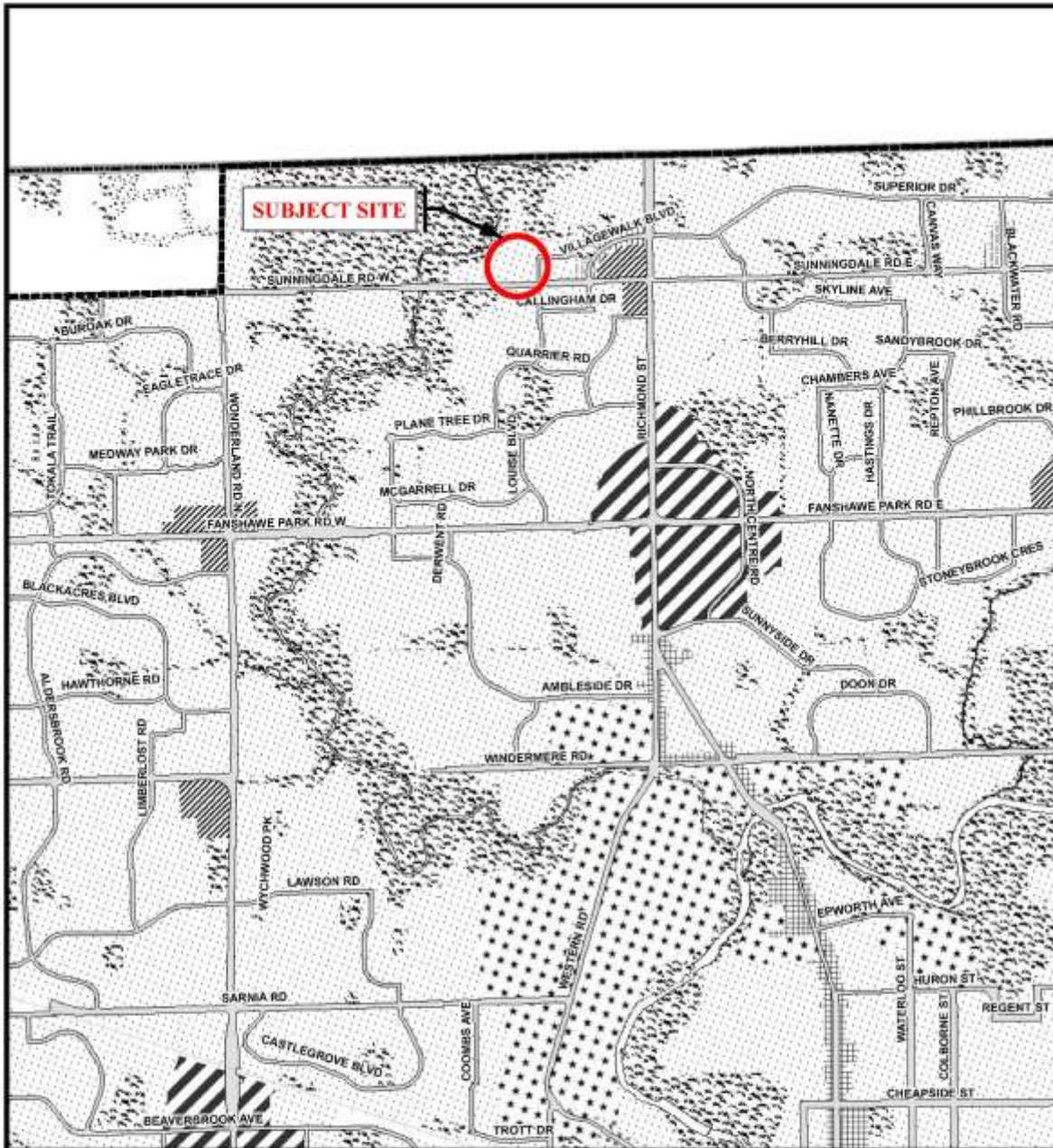
FILE NO:
39CD-19515 AR

MAP PREPARED:
2020/01/08 RC

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Meters

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



Legend

	Downtown		Future Community Growth		Environmental Review
	Transit Village		Heavy Industrial		Farmland
	Shopping Area		Light Industrial		Rural Neighbourhood
	Rapid Transit Corridor		Future Industrial Growth		Waste Management Resource Recovery Area
	Urban Corridor		Commercial Industrial		Urban Growth Boundary
	Main Street		Institutional		
	Neighbourhood		Green Space		

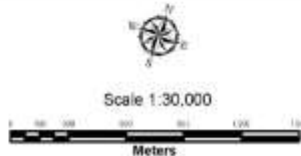
This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.

At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.

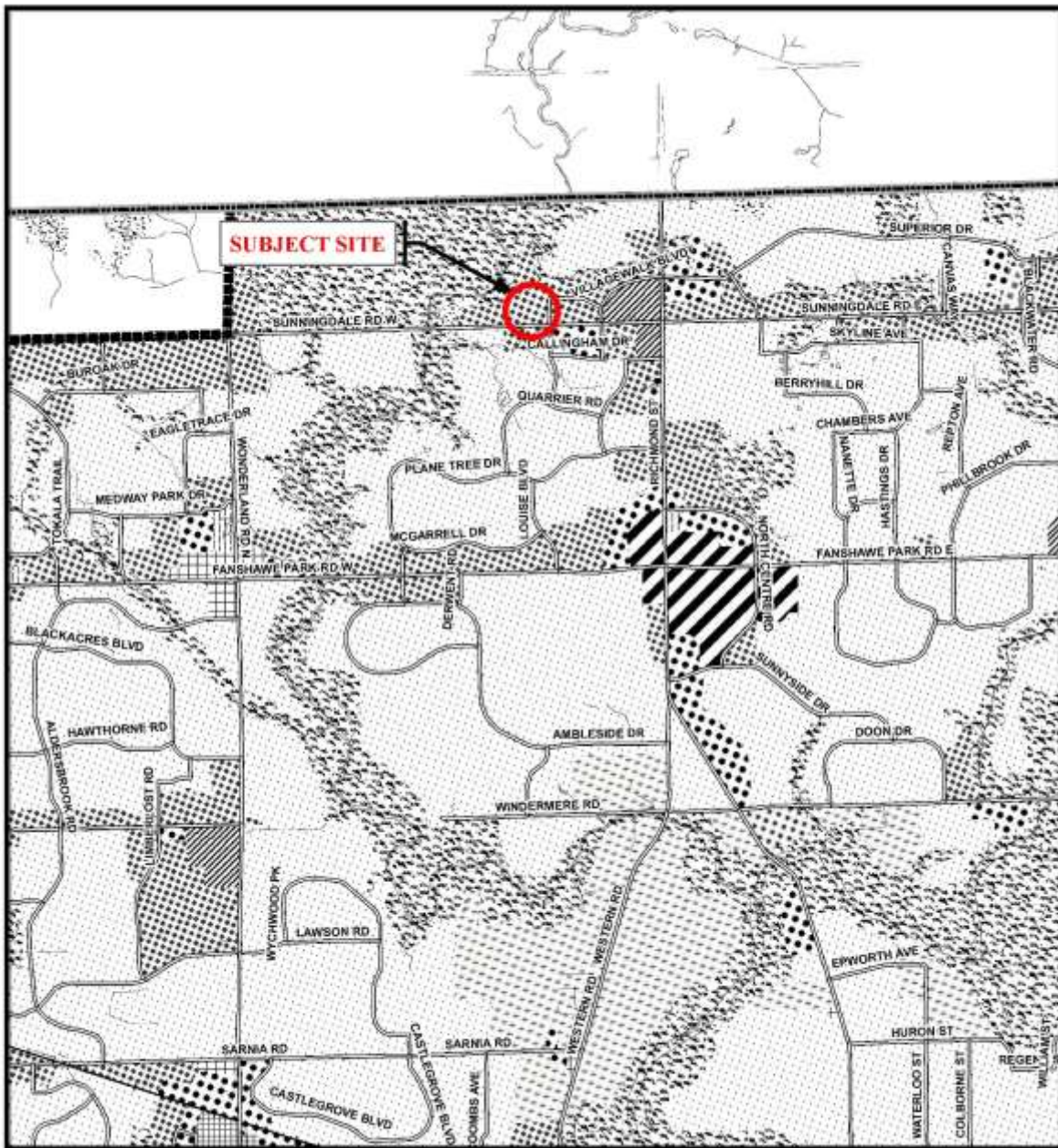
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LONDON PLAN MAP 1
- PLACE TYPES -

PREPARED BY: Planning Services

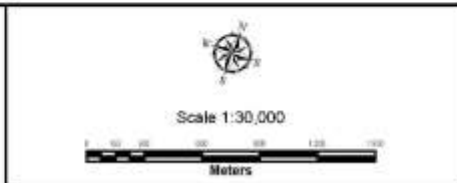


File Number: 39CD-19515
Planner: AR
Technician: RC
Date: January 8, 2020



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

CITY OF LONDON
 Department of
 Planning and Development
 OFFICIAL PLAN SCHEDULE A
 - LANDUSE -
 PREPARED BY: Graphics and Information Services



FILE NUMBER: 39CD-19515
 PLANNER: AR
 TECHNICIAN: RC
 DATE: 2020/01/08