

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: George Kotsifas P. Eng.,
Deputy City Manager
Planning and Economic Development

Subject: Draft Plan of Vacant Land Condominium, On The Submission
By Wastell Development Inc. for 360 Callaway Road

Public Participation Meeting on: July 26, 2021

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of Wastell Development Inc., relating to the property located at 360 Callaway Road:

- (a) the Planning and Environment Committee **ADVISE** 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 360 Callaway Road.
- (b) the Planning and Environment Committee **ADVISE** 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 360 Callaway Road.

Executive Summary

Summary of Request

This is a request by Wastell Development Inc. to consider a proposed Draft Plan of Vacant Land Condominium. The plan consists of fifty-three (53) dwelling units within multiple townhouses and a new private road providing access from Callaway 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 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 in-force policies of the 1989 Official Plan, including but not limited to the Multi-Family, Medium Density Residential Designation and will implement an appropriate form of residential development for the site.

Linkage to the Corporate Strategic Plan

Building a Sustainable City - London's growth and development is well planned and sustainable over the long term.

Analysis

1.0 Background Information

1.1 Planning History

The subject site is part of the Sunninglea Plan of Subdivision and Sunningdale North Community Plan. On November 15, 2017 the Ontario Municipal Board (OMB) issued a decision approving the Draft Plan of Subdivision and accompanying Official Plan and zoning amendments which permitted cluster forms of residential development on the subject site. Final approval was issued on October 24, 2019 and the subject site was registered as Block 1 on plan 33M-771 on October 30, 2019.

On May 6, 2021 a Vacant Land Condominium application was submitted to the City seeking approval for fifty-three (53) dwelling units within multiple townhouses in conjunction with Site Plan application (SPA21-036). A Minor Variance application (A.082/21) was also filed on April 29, 2021. This application will be presented to the Committee of Adjustment on August 5, 2021.

1.2 Property Description

The property is located north of Fanshawe Park Road West at the intersection of the Callaway Road and Meadowlands Way. Directly north of the site is a multi-use trail followed by Sunningdale Golf Club facilities and Pebbelcreek Park. To the east is the Pebblecreek Park Stormwater Management Facility and existing low density residential development. Directly south is a Vacant Land Condominium currently under development and to the west are future apartment buildings and Sunningdale Golf Club.

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

- The London Plan Place Type – Neighbourhoods
- Official Plan Designation – Multi-Family, Medium Density Residential
- Existing Zoning – R5-3(19)/R6-5(53)

1.4 Site Characteristics

- Current Land Use – Vacant
- Frontage – 105 metres (492.13 feet)
- Depth – 75 metres
- Area – 1.524ha (3.77 acres)
- Shape – Rectangular

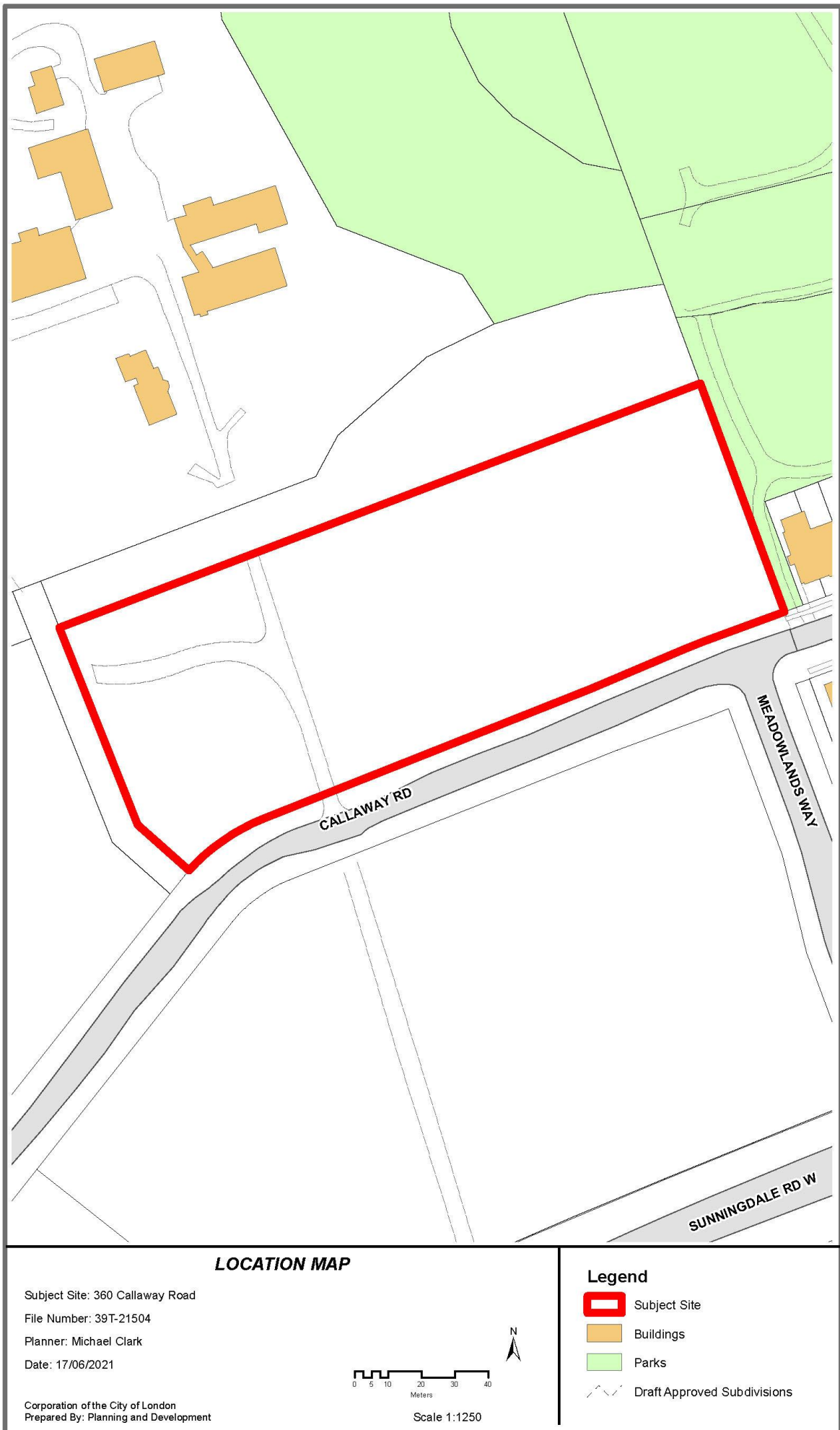
1.5 Surrounding Land Uses

- North – Open Space (Golf Course)
- East – Residential, SWM Facility
- South – Future Residential
- West – Future Residential (Golf Course)

1.6 Intensification (53 units)

- The 53-unit, cluster townhome development is located outside of the Built-Area Boundary and Primary Transit Area

1.7 LOCATION MAP



2.0 Discussion and Considerations

2.1 Development Proposal

The proposed development is a 53-unit, cluster townhouse development to be registered as a Vacant Land Condominium resulting in individual ownership for each unit. 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.

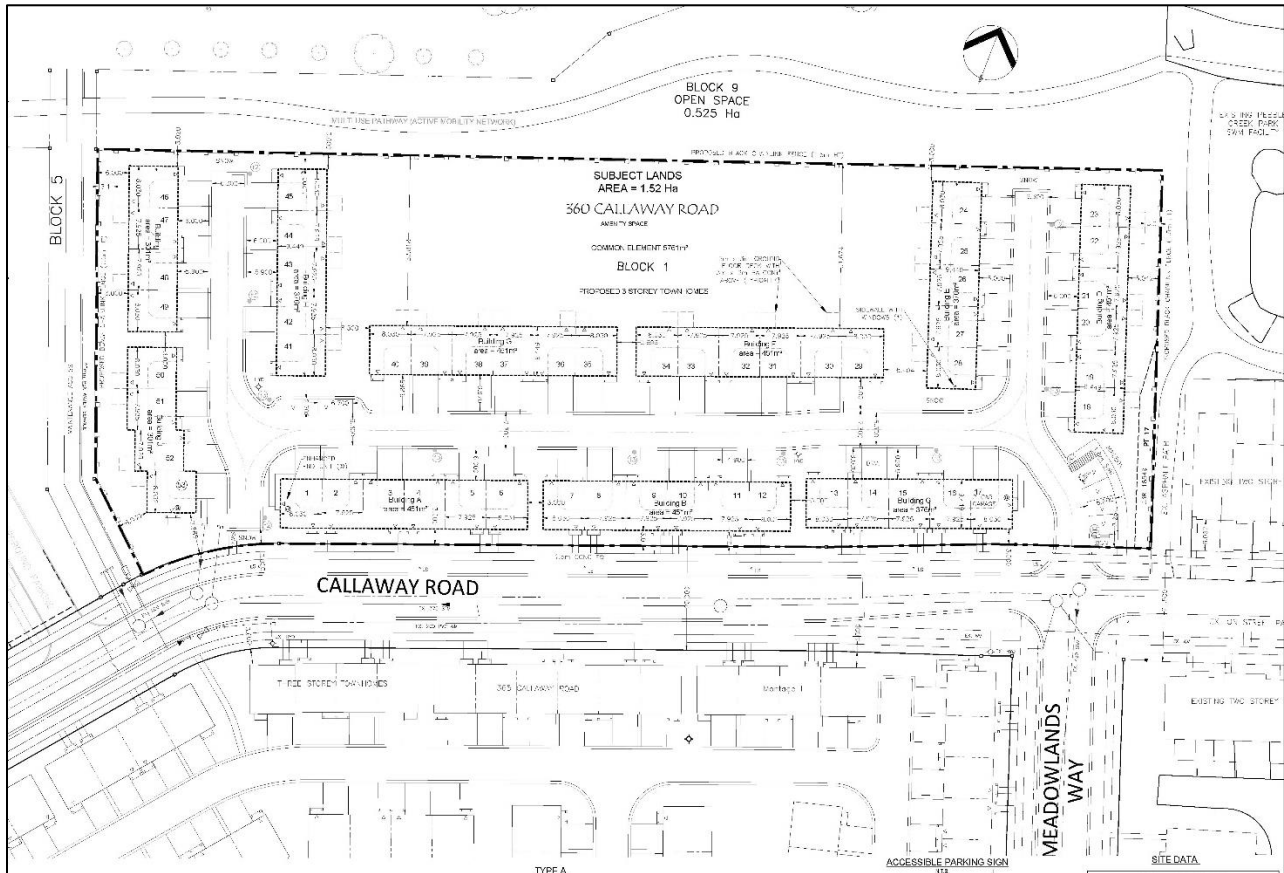


Figure 1 – Site Plan

An application for Site Plan Approval (SPA21-036) 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. A subsequent application for a minor variance (A.082/21) is also under review which would provide relief from the existing zoning permissions and permit the proposed form of development. These variances include:

- A minimum front yard setback of 3.0m whereas 6.0m is the minimum required.
- A rear yard setback of 3.0m whereas 6.0m is the minimum required.
- A second storey deck with a setback of 3.0m whereas 6.0m is the minimum required.

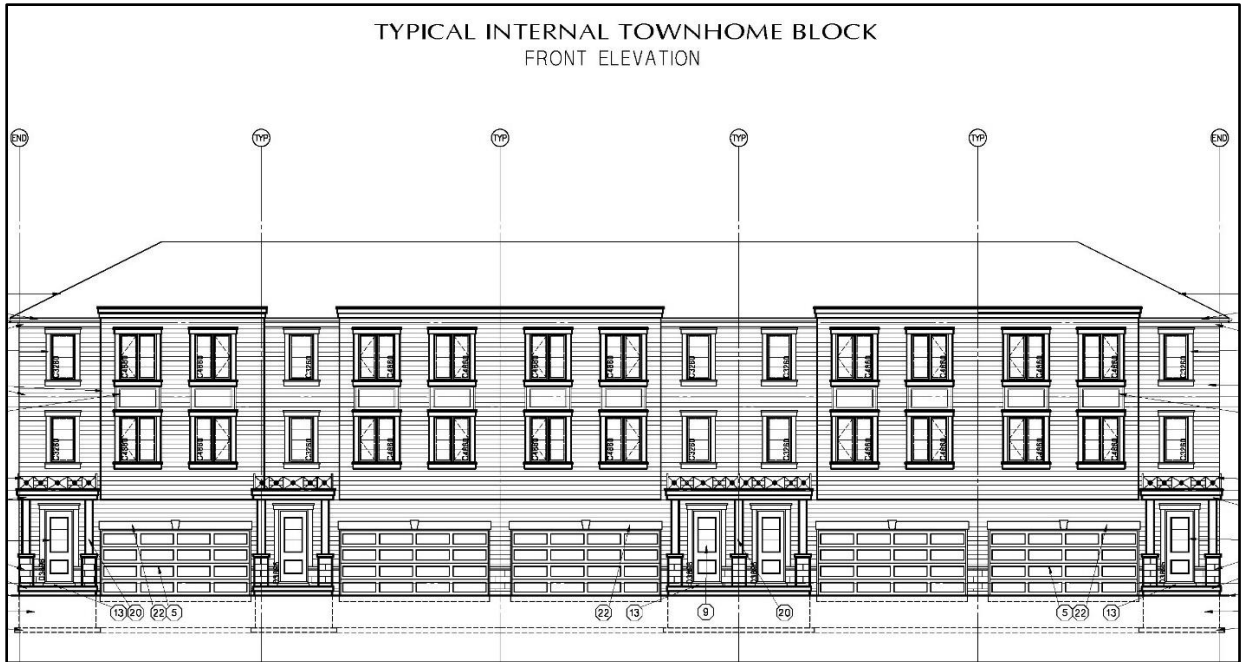


Figure 2. Front Elevation (Internal Buildings)

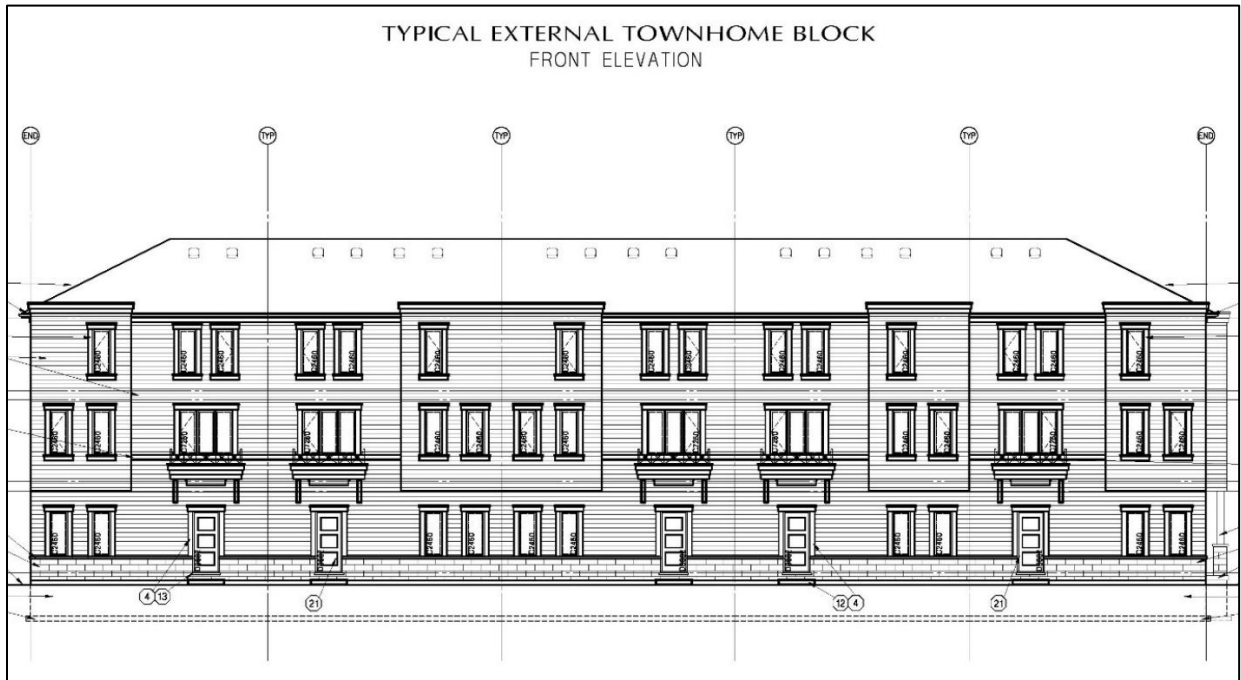


Figure 3. Front Elevation (External Buildings)



Figure 4. Rear Elevation (External Buildings)

2.2 Community Consultation

The requested amendment was circulated to the public on May 19, 2021 and advertised in the *Londoner* on May 20, 2021. Through the public circulation process two (2) comments were received from the public. Their concerns related to potential environmental features on the property, tree preservation and building design. Detailed comments can be found in Appendix "A".

3.0 Financial Impact/Considerations

Through the completion of the works associated with this application fees, development charges and taxes will be collected. There are no direct financial expenditures associated with this application.

4.0 Key Issues and Considerations

4.1. Policy Review

Provincial Policy Statement (PPS), 2020

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, and maintains appropriate levels of public health and safety.

The subject lands were created through a plan of subdivision process and were zoned and designated for medium density residential uses over the long term. There are no natural heritage features present, and Provincial concerns for archaeological resource assessment and cultural heritage have been addressed through the subdivision review process. The proposed Draft Plan of Vacant Land Condominium is found to be 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 Type at the intersection of two neighbourhood connectors which permits a range of residential uses from single detached dwellings to low-rise apartments at a maximum height of 3-storeys. The proposed cluster townhouse development at 3-storeys in height is in keeping with the permitted uses and intensity of the Neighbourhood Place Type.

The City Building and Our Tools policies have also been applied in the review of this application. The proposed development is in keeping with the City Design policies regarding the site layout as it is designed in a manner that responds to its surrounding context. Front facades of the dwelling units along Callaway Road face the public road helping create a positive street-orientation and interface with the public realm. This orientation will create an appropriate response to the future developed on the opposite side of the street (252, 256). As part of the site plan review process, the plans and building elevations were also reviewed for compliance with the City's Placemaking Guidelines and have been accepted as part of the Site Plan Approval process.

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 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 sufficient open space/park space within the neighborhood, and existing commercial uses in close proximity. 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. Any outstanding grading and drainage issues that were not addressed through the plan of subdivision process have been addressed by the applicant's consulting engineer to the satisfaction of the City through the accepted engineering and servicing drawings, 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 has been reviewed through the Site Plan approval process ensuring that the proposed site development concept meets the design requirements consistent with the Site Plan Control By-law. The various requirements of the Site Plan Control By-law will be 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 proposed townhouses take on a similar scale of development to what exists and is planned for in the area providing for a compatible form of development. The development also provides a density of 35 uph which is less the 75 uph permitted in the MFMDR designation (3.3.3. Scale of Development).

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 was approved by the Ontario Municipal Board on November 15, 2019. The zoning is a Residential R5/R6 Special Provision (R5-3(19)/R6-5(53)) Zone which permits a range of dwelling types, including the proposed cluster townhouse development. The proposed vacant land condominium and site plan will be implemented through the existing zoning and ongoing minor variance application. The existing zoning permits maximum heights of 13m and density of 35uph while the minor variance will provide relief for front and rear yard setbacks and a secondary deck encroachment which provides for a preferred built form of development on the subject site and within the community.

Public Concern

Through the review process two members of the public provided comments. There concerns related to the preservation of existing trees and potential environmental features on the site along with the elevations of the proposed buildings.

Regarding the potential environmental features, the site was created and reviewed through a Plan of Subdivision process that was registered in 2019. Through this process any environmental features on this property would have been reviewed and if they were determined to be significant, they would have been protected. The entire property has been zoned and designated for development through the plan of subdivision process and no environmental features were identified.

In regard to protecting specific trees on the site, the site plan approval process requires that a tree preservation report be submitted, and efforts shall be made to save trees where possible.

The proposed elevations are also reviewed by Urban Design Staff through the site plan approvals process however, it is difficult to require an applicant to follow a specific style of building as they are entitled to their own creative design through the existing permissions on site.

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

Conclusion

The proposed Vacant Land Condominium is consistent with the Provincial Policy Statement, and in conformity with The London Plan and the 1989 Official Plan. The proposed cluster townhouse 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: Mike Corby, MCIP, RPP
Senior Planner, Planning & Development

Reviewed by: Bruce Page, MCIP, RPP
Manager, Subdivision Planning

Recommended by: Gregg Barrett, AICP
Director, Planning and Development

Submitted by: George Kotsifas, P. Eng.
Deputy City Manager,
Planning and Economic Development

cc: Matt Feldberg, Manager, Development Planning
cc: Bruce Page, Manager, Subdivision Planning
cc: Peter Kavcic, Manager, Subdivision Engineering
cc: Michael Pease, Manager, Site Plan

Appendix A – Community Engagement

Public liaison: On May 19, 2021, Notice of Application was sent to 74 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on May 20, 2021.

Nature of Liaison: The purpose and effect of this application is to approve a Draft Plan of Vacant Land Condominium consisting of 10 townhouse buildings at 3-storeys in height with a total of 53 dwelling units. Common elements will be provided 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 SPA21-036

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

From: John Arthur Alexander Mustard Thompson

Sent: Sunday, May 23, 2021 7:31 PM

To: Corby, Mike <mcorby@London.ca>

Subject: [EXTERNAL] 360 Callaway

Hello Mr. Corby,

I just saw in the weekly notice that there is a planning application for townhomes at 360 Callaway Road. I am glad to see that the area is filling in. I would just like to request that the trees on the site be preserved - there are 2 or 3 lovely weeping willow trees near the rear of the property and some big, beautiful pine trees closer to the front..... there is also lots of 'scrub brush' that will have to be removed. Also, would there be any way of influencing the design of these townhomes? So far, many of the townhomes in Upper Richmond Village and this adjacent Corlon Properties site have done a good job of incorporating some heritage-inspired aspects in their designs. Perhaps this new development could do the same? I've always loved the Georgian-style townhomes on Wharncliffe road near the intersection of Wharncliffe and Oxford - I've included a photo below. I would love it if the new townhomes looked like these ones on Wharncliffe.



Finally, I wanted to ask the Planning Department if there was any way that the requirement for the large, white zoning signs could be removed. I've included a photo of an example below.



These signs are always so ugly, and I feel like they make our natural areas look worse.

Thanks so much for listening to my concerns,

Arthur Mustard-Thompson

From: Andrew Coutts

Sent: Tuesday, June 8, 2021 9:45 AM

To: Planning <Planning@london.ca>

Subject: [EXTERNAL] File 39CD-21504- 360 Callaway Road

Good morning,

I'd like to submit some environmental concerns for a planned development at 360 Callaway road. The north east corner section of the planned site is on top of what I think should be an environmentally significant area for wildlife and the ecosystem. There is a lot of wildlife in the tree-filled area; ground nesting birds, turtles, ducks and other species rely on this area for food, protection and housing. I believe this area needs to be preserved and there is an open space on the property where the houses could be developed while leaving the tree area intact. I've attached a picture of the proposal area and circled in red the area that contains the trees, then I've followed up with 3 pictures of the tree area. (the tree area is about 40 feet wide and 70 feet deep). Development would mean clearing all of these trees and destroying the habitat for many animals and birds.

I would like to request that changes be made to the proposal that will preserve this nature area.

Thanks,
Andrew Coutts

Agency/Departmental Comments

Internal departments and external agencies were circulated for comment on December 2, 2020. The notice of application was for a 27-unit, Standard Draft plan of Condominium. On February 4, 2021 internal departments and external agencies were circulated the same application with the only change being the type of condominium being sought. The change was from a standard condominium to a vacant land condominium. Comments received are identified below:

Enbridge Gas – December 2, 2020/February 4, 2021

Thank you for your correspondence with regards to draft plan of approval for the above noted project.

It is (operating as Union Gas) requested that as a condition of final approval that the owner/developer provide to Union the necessary easements and/or agreements required by Union for the provision of gas services for this project, in a form satisfactory to Enbridge.

London Hydro – December 2, 2020/February 4, 2021

Servicing the above proposal should present no foreseeable problems. Any new and/or relocation of existing infrastructure will be at the applicant's expense, maintaining safe clearances from L.H. infrastructure is mandatory. A blanket easement will be required. Note: Transformation lead times are minimum 16 weeks. Contact Engineering Dept. to confirm requirements & availability.

London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. However, London Hydro will require a blanket easement.

Hydro One – December 7, 2020/February 9, 2021

We are in receipt of Application 39CD-20514 dated December 2, 2020. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.

Stormwater Engineering Division – December 23, 2020

Please include the following condition 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 # SPA19-112) 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.”

Bell Canada – December 3, 2020

Dear Sir/Madam,

We have reviewed the circulation regarding the above noted application. The following paragraphs are to be included as a condition of approval:

“The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.

The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.”

The Owner is advised to contact Bell Canada at planninganddevelopment@bell.ca during the detailed utility design stage to confirm the provision of communication/telecommunication infrastructure needed to service the development.

It shall be noted that it is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada’s existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure.

If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.

To ensure that we are able to continue to actively participate in the planning process and provide detailed provisioning comments, we note that we would be pleased to receive circulations on all applications received by the Municipality and/or recirculation’s.

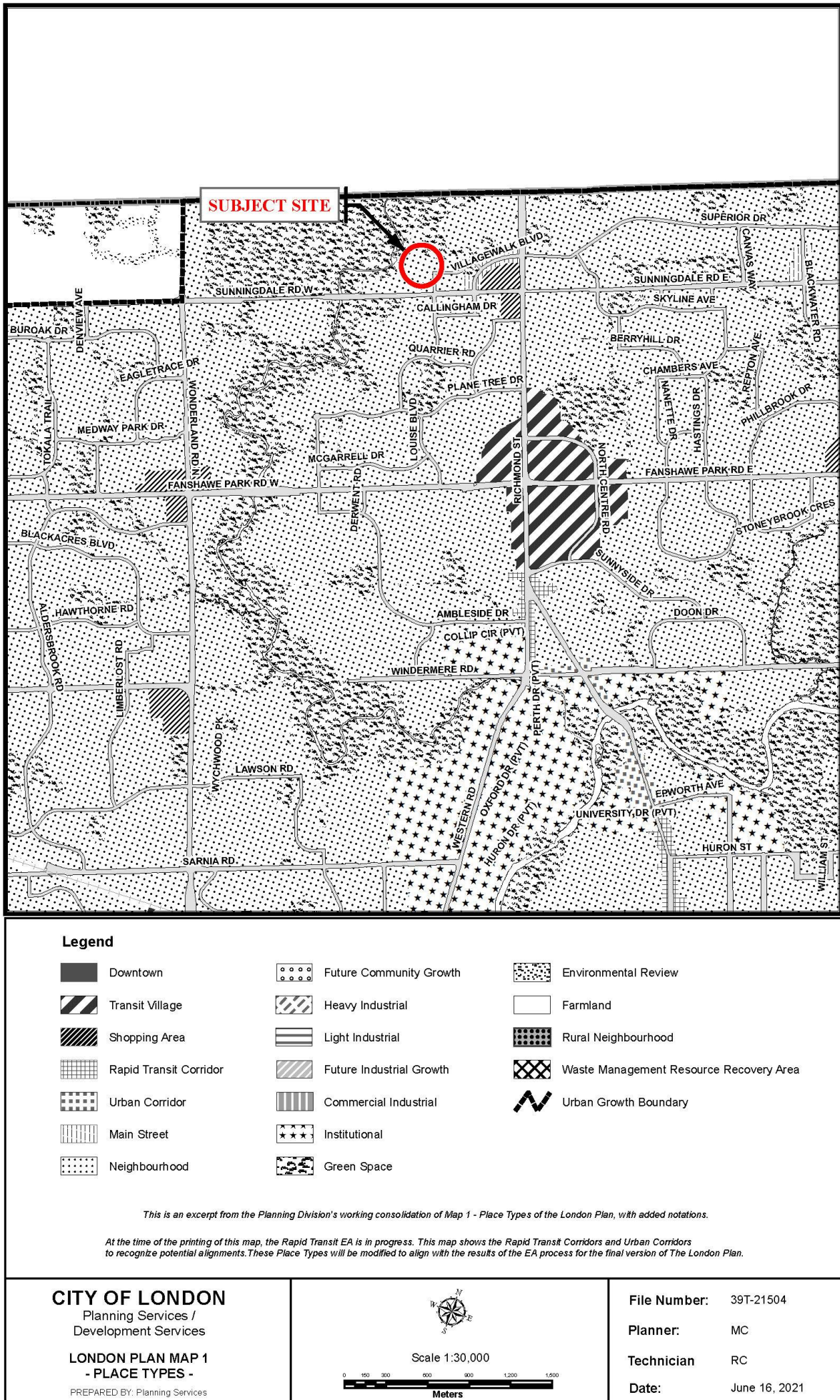
We note that WSP operates Bell Canada’s development tracking system, which includes the intake and processing of municipal circulations. However, **all responses to circulations and requests for information, such as requests for clearance, will come directly from Bell Canada, and not from WSP.** WSP is not responsible for the provision of comments or other responses.

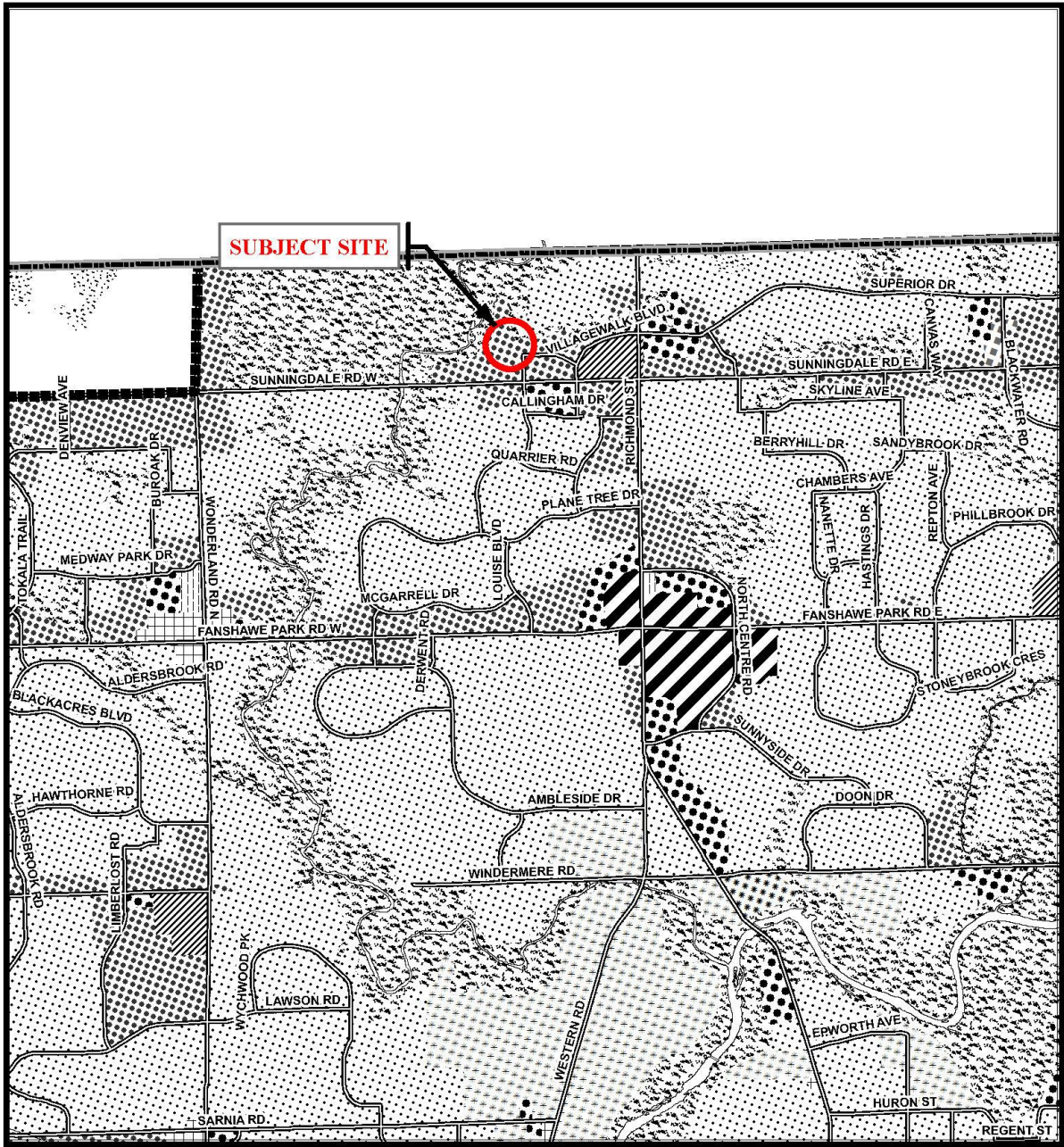
UTRCA – January 6, 2021

The UTRCA has no objections to this application and a Section 28 permit will not be required. Thank you for the opportunity to comment.

Appendix B – Relevant Background

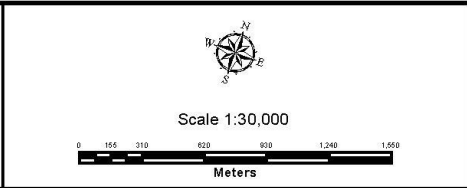
Additional Maps





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

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



FILE NUMBER: 39T-21504
PLANNER: MC
TECHNICIAN: RC
DATE: 2021/06/167



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**



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

FILE NO:

39T-21504

MC

MAP PREPARED:

2021/06/11

RC

1:2,500

0 12.525 50 75 100

Meters