

Report to Planning and Environment Committee

To: Chair and Members
Planning and Environment
From: George Kotsifas, P.Eng.
Deputy City Manager, Planning and Economic Development
Subject: Draft Plan of Vacant Land Condominium on the Submission
by Sifton Properties Limited for 235 Kennington Way
Public Participation Meeting: November 1, 2021

Recommendation

That, on the recommendation of the Director, Planning and Economic Development, the following actions be taken with respect to the application of Sifton Properties Limited relating to the property located at 235 Kennington Way:

- (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 a property located at 235 Kennington Way; and,
- (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 235 Kennington Way.

Executive Summary

Summary of Request

This is a request by Sifton Properties Limited to consider a proposed Draft Plan of Vacant Land Condominium. The proposed Plan of Condominium is being reviewed concurrently with an application for Site Plan Approval and Removal of Holding Provisions. The Plan consists of 41 dwelling units, within multiple-attached townhouse buildings with a new private road providing access from Kennington Way. The Applicant's intent is to register the development as one Condominium Corporation.

Purpose and the Effect of Recommended Action

The purpose and effect are 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.

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

This application supports the Building a Sustainable City area of focus in the Corporate *Strategic Plan* by ensuring that the City of London's growth and development are well planning and sustainable over the long term.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

May 12, 2003 – Report and Public Participation Meeting to Planning Committee recommending adoption of North Longwoods Area Plan (O-6424).

February 19, 2012 – Report to Planning and Environment Committee on Stormwater Management (SWM) Facility Land Acquisition Agreement (39T-15501).

December 12, 2016 – Report and Public Participation Meeting to Planning and Environment Committee regarding Draft Plan of Subdivision and associated Zoning By-law Amendments (39T-15501/Z-8470).

May 31, 2018 – Report to Approval Authority recommending approval of Consent Application (B.009/18).

December 13, 2019 – Report to Approval Authority recommending approval of Consent Application (B.045/19).

April 15, 2019 – Report to Planning and Environment Committee on Richardson (Middleton) Subdivision, Phase 1A Special Provisions for Subdivision Agreement (39T-15501).

1.2 Planning History

This application is for Block 46 of Phase 1A of the Richardson (Middleton) Subdivision. On January 27th, 2017, the City of London Approval Authority granted final approval and the subdivision was registered as Plan 33M-769 on October 9th, 2019. The final plan consisted of 42 single detached residential lots, two (2) medium density residential blocks, two (2) open space blocks, and two (2) neighbourhood streets.

On December 19th, 2016, Municipal Council passed a Zoning By-law amendment to change the zoning from Urban Reserve (UR6) Zone, a Holding Light Industrial (h-17*LI3) Zone, and an Environmental Review (ER) Zone to a Holding Residential R5 Special Provision (h*h-100*h-198*R5-4(23)) Zone and a Holding Residential R6 Special Provision (h*h-100*h-198*R6-5(51)) Zone for Block 46 of Registered Plan of Subdivision 33M-769. This amendment was brought forward to facilitate the development of a residential subdivision consisting of low and medium density forms of housing.

Applications for Site Plan Approval, Removal of Holding Provisions and Minor Variances have been received and accepted (SPA21-047, H-9375, A.136/21). These applications are being processed concurrently with the Draft Plan of Vacant Land Condominium application (39CD-21509) which was accepted on June 23, 2021. The Minor Variance Application was heard by the Committee of Adjustment on October 14, 2021.

1.3 Property Description

The subject property is located west of Stewart Avenue and south of Kennington Way, which is generally north of Exeter Road and east of Wonderland Road South. The site has a mix of light industrial and low density residential to the north, medium density residential to the east, and light industrial to the south and west. The proposal consists

of the northern portion of one medium density residential block within a Registered Plan of Subdivision (Block 46 of Plan 33M-769). The site is currently vacant and approximately 0.89 hectares (2.2 acres) in size. The site has full access to municipal services and is in an area which is planned for future growth.

1.4 Current Planning Information

- The *London Plan* Place Type – Neighbourhoods
- (1989) *Official Plan* Designation – Multi-Family, Medium Density Residential
- Existing Zoning – Holding Residential R5/R6 Special Provision (h*h-100*h-198*R5-4(23)/R6-5(51))

1.5 Site Characteristics

- Current Land Use – Vacant
- Frontage – 119.47 meters along Kennington Way and 72 meters along Stewart Avenue
- Depth – Various
- Area – 0.89 hectares
- Shape – Irregular

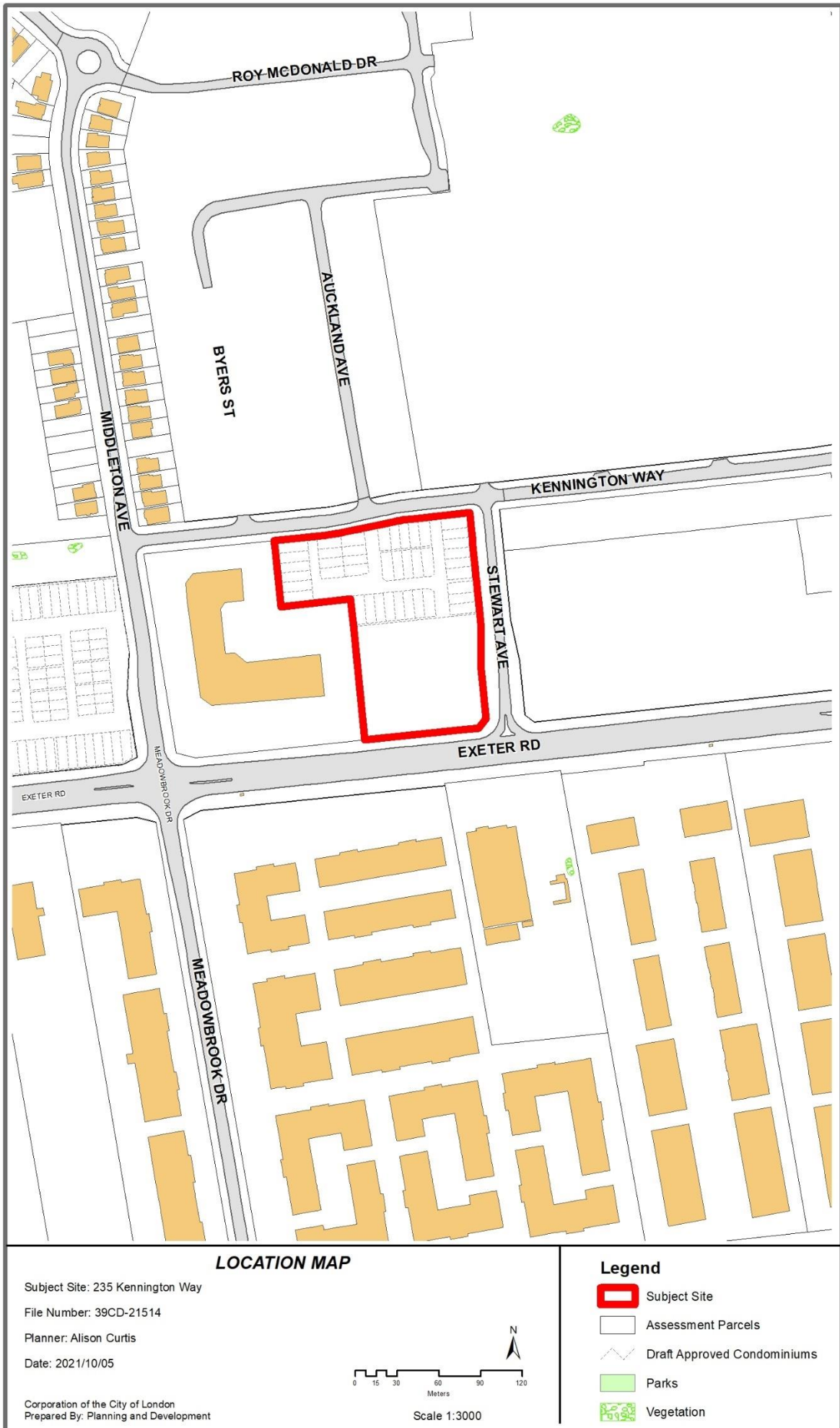
1.6 Surrounding Land Uses

- North – Light Industrial and Low-Density Residential
- East – Medium-Density Residential
- South – Light Industrial
- West – Light Industrial

1.7 Intensification (41 Units)

- The 41-unit, multiple-attached townhouse development is located outside the Primary Transit Area and inside the Urban Growth Boundary.

1.8 Location Map

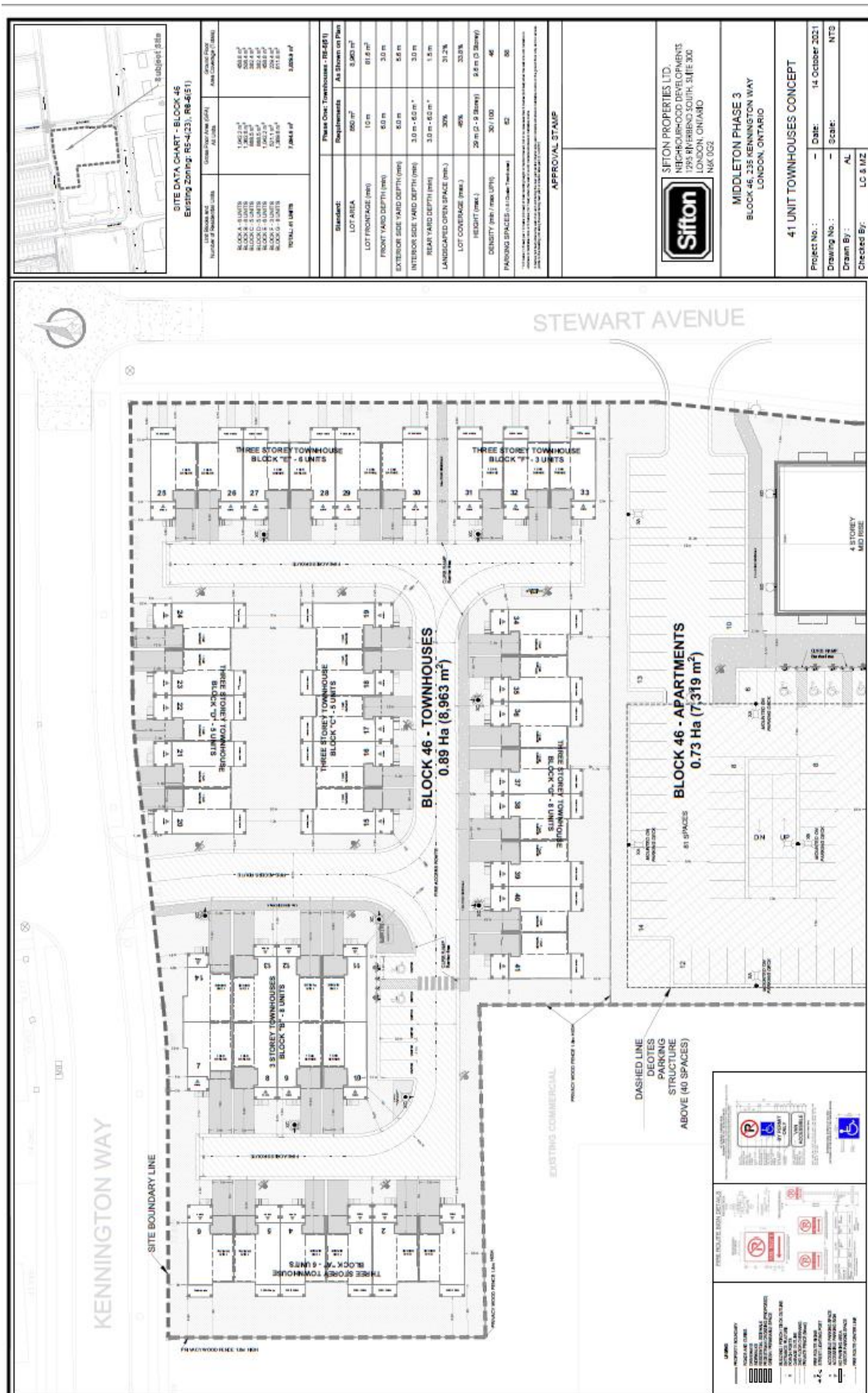


2.0 Discussion and Considerations

2.1 Development Proposal

The effect of the application request is to create 41 Vacant Land Condominium Units to be developed in the form of 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



Applications for Site Plan Approval (SPA21-047) and Minor Variances (A.136-21) have also been submitted 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. The Minor Variance application requested relief for reduced exterior side yard, front yard, rear yard and interior side yards setbacks, and was heard by the Committee of Adjustment on October 14, 2021. The following Minor Variances were granted approval by the committee:

**VAIRANCE(S) REQUESTED:
AS AMENDED BY COMMITTEE**

Phase One (Townhouses):

1. To permit an exterior side yard setback of 1.4m (4.6ft), whereas 6.0m (19.7ft) is required.
2. To permit a front yard setback of 3.7m (12.1f), whereas 6.0m (19.7ft) is required.
3. To permit a rear yard setback of 3.0m (9.8ft), whereas 4.0m (13.1ft) is required.
4. To permit an interior side yard setback of 2.9m (9.5ft), whereas 4.0m (13.1ft) is required (Block A).
5. To permit an interior side yard setback of 3.0m (9.8ft), whereas 4.0m (13.1ft) is required (Block G).
6. To permit an interior side yard setback of 1.5m (4.9ft) 2.1m (609ft), whereas 4.0m (13.1ft) is required (Block F).

The full Notice of Decision can be found in Appendix D.

Figure 2: Proposed Conceptual Elevations



Figure 3: Proposed Conceptual Elevations



2.2 Consultation

Information regarding the Draft Vacant Land Condominium application and opportunities to provide comments were provided to the public as follows:

- Notice of Public Participation Meeting was sent to property owners within 120 meters of the subject property on October 14th, 2021.
- Notice of Application and Public Participation were published in the Public Notices and Bidding Opportunities section of *The Londoner* on October 14th, 2021.
- Information about the Application were posted on the website on October 14th, 2021.

No comments were received from the public. Comments from external agencies are included in Appendix B.

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 *Provincial Policy Statement (PPS)* provides policy direction on matters of provincial interest as identified in Section 2 of the *Planning Act*. In accordance with Section 3 of the *Planning Act*, all planning decision shall be consistent with the *PPS* and the land use planning policies: Building Strong Healthy Communities; Wise Use and Management of Resources; and, Protecting Public Health and Safety. The *PPS* is to be read in its entirety.

The subject site is in the settlement area, and the proposal is to create 41 Vacant Land Condominium units. There is a mix of residential, open space and agricultural uses adjacent to the property. This Draft Plan of Vacant Land Condominium is consistent with several *PPS* policies, which are outlined below.

Policy Sections 1.1.1, 1.1.3 and 1.6 requires land use within settlement areas to effectively use the land and resources through appropriate densities, range of uses and the efficient use of infrastructure. This contributes to resilient development and the creation of healthy, livable, and safe communities. This proposal will develop a vacant site within the settlement area that has full access to municipal services, as well as provide a range of housing in compact form for current and future residents (Section 1.4). The subject lands are designated and intended, over the long term, to be used for multiple-dwelling, low to medium density residential uses.

The compact form, mix of uses, and density of the proposal result in efficient and resilient development, and this will encourage the use of public and active transportation options. This will help to support energy conservation and help to improve air quality, which is consistent with Section 1.8 of the *PPS*. An archaeological study was completed for the subject site and determined there would no impacts to archaeological or cultural resources, which is consistent with Section 2.6 of the *PPS*. The site is also located outside of any natural or man-made hazards, which helps to protecting public health and safety as prioritized in Section 3.0 of the *PPS*.

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 PL170700) and not in force and effect are indicated with an asterisk (*) throughout this report).

Neighbourhood Place Type

The subject lands are located with the “Neighbourhoods” Place Type at an intersection of two Neighbourhood Streets, Kennington Way and Stewart Avenue. This Place Type and location based on street classifications permit a range of lower-density residential uses (i.e., single-detached dwellings, semi-detached and townhouses) at a maximum height of 2.5 storeys. The proposed vacant land condominium is generally in keeping with these policies.

The vision for the Neighbourhood Place Type is to ensure that neighbourhoods are vibrant and exciting places that contribute to community well-being and quality of life. This vision is supported by key elements, some of which include: strong neighbourhood character; diverse housing choices; well-connected neighbourhoods; alternatives for mobility; and, parks and recreational opportunities. The proposal is generally in keeping with the vision for the Neighbourhood Place Type and its key elements. It contributes to a neighbourhood character and provides diversity of housing choice. The site is located close to City owned open space lands and public transportation options on Exeter Road and Wharncliffe Road, which would contribute to a connected and strengthened community that offers convenient alternatives for mobility and accessing services.

City Building and Design

The proposal is generally supportive of the policies laid out in the City Building section of *The London Plan*, which seeks to set a framework for the shape, form, and character of the City. The layout of the proposed vacant land condominium contributes to neighbourhood character orienting buildings to the street along Stewart Avenue and discouraging blank walls along the street edge on Kennington Way, which will contribute to an active street front (202*, 229, 259*, 291*). This proposed layout will also help to create an environment that is safe for pedestrians and promotes connectivity, within the proposed development and the surrounding neighbourhoods, which offers opportunities for active mobility (255*, 259*, 285*, 291*).

Our Tools

Policy 1709 of the *London Plan* outlines the applicable policies when considering vacant land condominium application. Part 1 of this policy outlines that draft plans of vacant land condominiums shall be evaluated by the same requirements and considerations as draft plans of subdivision, which has been done. The proposal conforms with the *1989 Official Plan* and the *London Plan* policies and has 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 are future commercial and neighbourhood facility uses proposed in proximity to the site, as well as City owned open space. The size and style of the townhouses provide a mix of housing choices in the community. Building elevation, 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.

The proposal is also in keeping with Parts 2 to 6 of Policy 1709 because: it is being considered concurrently with an active Site Plan Application; the proposed units do not result in unit boundaries above or below other units; there is only one townhouse per unit; a Development Agreement is required before hand, which will prevent structures from crossing unit boundaries; and the proposed cluster townhouse development is to be registered as one condominium corporation.

1989 Official Plan

The subject lands are designated as Multi-Family, Medium Density Residential (MFMDR) in the *1989 Official Plan*. The permitted uses in this residential designation include: row houses or cluster houses; low-rise apartment buildings; rooming and boarding house; emergency care facilities; converted dwellings; and, small-scale nursing homes, rest homes, and homes for the aged (3.3.1 Permitted Uses).

One of the preferred locations for the MFMDR designation is abutting arterial, primary collector or secondary collector streets (3.3.2 Location). Although not directly abutting an arterial or secondary collector, the subject lands are located adjacent to Exeter Road, an arterial road, and Middleton Avenue, a secondary collector. Development within this designation shall be low-rise in form with a density and site-coverage that serve as a transition between low density residential areas and more intensive forms, such as commercial, industrial, or high density residential (3.3.3 Scale of Development). The proposed vacant land condominium is in keeping with these policies as it would serve as a transition between single detached dwellings to the north and light industrial uses to south and west. It also provides a density of 46 units per hectares, which is less than the 75 units per hectare permitted in the MFMDR designation, and does not exceed the permitted 4 storeys (3.3.3 Scale of Development).

Southwest Area Secondary Plan

This site forms part of the Southwest Area Secondary Plan and is subject to the development vision and detailed policies of the Secondary Plan. Additionally, the site forms part of the 'Central Longwoods Neighbourhood' within the greater plan. This secondary plan sets out policy and guidance to create neighbourhoods that have the following features: a mix of uses and diverse mix of residential housing; an emphasis on design parameters with placemaking features; walkability within and between neighbourhoods; an integration of the Natural Heritage System as an opportunity for residents to enjoy; and, Neighbourhood Central Activity Nodes as destination places in the neighbourhood.

The site is designated as Medium Density Residential in the Southwest Area Secondary Plan and is located adjacent to Exeter Road, which is an arterial road. This designation encourages a mix of housing forms at a higher intensity than suburban neighbourhoods, and residential development that supports public and active transportation opportunities. The permitted uses defer to those in the Multi-Family, Medium Density Residential Designation of the *1989 Official Plan*, as identified in the previous section of the Policy Context. Southwest Area Secondary Plan also permits a limited range of convenience and personal service commercial uses, small-scale eat-in restaurants, civic and institutional uses, such as parks, schools and churches, and live-work uses may be permitted within the Medium Density Residential Designation. A minimum density of 30 units per hectare and a maximum density of 100 units per hectare is permitted in this designation at this location. The proposed vacant land condominium is considered an appropriate use of the lands and achieves the vision of the Southwest Area Secondary Plan, and the 46 units per hectare is within the permitted densities.

Z.-1 Zoning By-law

The existing zoning is a Holding Residential R5/R6 Special Provision (h*h-100*h-198*/R5-4(23)/R6-5(51) Zone. This Zone permits medium density, residential development in the form of cluster townhouses and cluster housing, as single detached dwellings, townhouses, and low-rise apartments. The special provision permits a density of 30 to 100 units per hectare and 2 to 9 storeys in height. The proposed vacant land condominium and proposed site plan are consistent with the Zoning By-law.

- The holding provisions that currently form part of the zone are to ensure the following: orderly development and adequate provision of municipal services through approved Development Agreement (h);

- there is adequate water services and appropriate access, a looped watermain system must be constructed and a second public access must be available to the satisfaction of the City Engineer (h-100); and,
- street-oriented development and discourage noise attenuation walls along arterial roads, a development agreement shall be entered into to ensure that new development is designed and approved consistent with the Southwest Area Secondary Plan (h-198).

An application to remove the holding provisions will be brought forward in a separate report under the application H-9363.

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

4.2 Issues and Considerations

Amenity Space

The Residential R5 Special Provision (h-h-100-h-198*/R5-4(23)/R6-5(51) Zone requires a minimum of 30% of the subject lands be landscaped open space. Landscaped open area is defined in the Zoning By-law as:

the open space which is used for the growth and maintenance of grass, flowers, shrubbery and other landscaping and includes any surfaced walk, patio, swimming pool or similar area, but does not include any access driveway or ramp, parking area, bus parking area, roof-top area or any open space beneath or within any building or structure.

There is 31.2% landscaped open space proposed in the Draft Plan of Vacant Land Condominium, as seen in Figure 4, which satisfies the regulations. However, the distribution, location and orientation of these lands results in limited space that may not provide sufficient or useable space that would support opportunities for residents to gather or participate in active or passive recreation.

Conclusion

The proposed Vacant Land Condominium is consistent with the *Provincial Policy Statement*, and in conformity with the *London Plan, (1989) Official Plan*, and the *Southwest Area Secondary Plan*. The proposed townhouse use is appropriate for the site and permitted under the existing zoning. Applications for Site Plan Approval, Removal of Holding Provisions and Minor Variances have also been submitted and are being reviewed in conjunction with this application.

Prepared by: Alison Curtis, MA
Planner 1, Planning and 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, Subdivisions and Development Inspections
Bruce Page, Manager, Subdivision Planning
Michael Pease, Manager, Site Plans


Appendix A: Community Consultation

Public liaison: On October 14, 2021, 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 October 14, 2021.

Nature of Liaison: Consideration of a Draft Plan of Vacant Land Condominium consisting of 41 multiple-attached, townhouse dwelling units in one (1) Block with common element for access from Kennington Way, to be registered as one Condominium Corporation. This property is also the subject of Site Plan Approval (SPC21-035) and Removal of Holding Provisions (H-9375).

Londoner Notice: 235 Kennington Way: located on the north side of Exeter Road, east of Middleton Avenue; approximately 0.89 hectares; The propose and effect of this application is to approve a Draft Plan of Vacant Land Condominium consisting of 41 units in one (1) Block. Consideration of a proposed draft plan consisting of 41 multiple-attached dwellings and common elements to be registered as one Condominium Corporation. **For the lands under consideration, the following separate applications have been submitted by Sifton Properties Limited: Site Plan Approval – Application File No. SPA21-047 and Removal of Holding Provision – Application File No. H-9375.*
File: 39CD-21514 Planner: A. Curtis (x. 4497)

Appendix B: Agency and Department Comments




**Reply Sheet for City of London Applications
to be Reviewed by
London Hydro Engineering**

Date: _____
To: City of London Planning Division – Room 609
Attn: _____

RE: **Address:** _____
Applicant: _____
File/Ref #: _____

London Hydro Response:

<p>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. Note: Transformation lead times are minimum 16 weeks. Contact the Engineering Dept. to confirm requirements & availability.</p>	
<p>This site is presently serviced by London Hydro. Contact the Engineering Dept. if a service upgrade is required to facilitate the new building. Any new and/or relocation of existing infrastructure will be at the applicant's expense, maintaining safe clearances from L.H. infrastructure is mandatory. Note: Transformation lead times are minimum 16 weeks. Contact the Engineering Dept. to confirm requirements & availability.</p>	
<p>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.</p>	✘
<p>London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. Any new or relocation of the existing service will be at the expense of the owner.</p>	
<p>London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. However, London Hydro will require a blanket easement.</p>	✘

Signed: 
Hans Schreff
Manager - Developer & Operations Support,
Engineering & Operations Administration Dept.
519-661-5800 ext. 5014

Committee of Adjustment	Notice of Application	Site Plan Consultation	Site Plan Application
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Enbridge Gas

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

It is Enbridge Gas Inc.'s request 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.

Should you require any further information, please contact the undersigned.

Barbara M.J. Baranow
Analyst Land Support

Enbridge Gas Inc.
50 Keil Drive North, Chatham, ON N7M 5M1

Integrity. Safety. Respect.
Hydro One

Hello,

We are in receipt of Application 39CD-21514 dated October 15, 2021. 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.**

For proposals affecting 'Low Voltage Distribution Facilities' please consult your local area Distribution Supplier.

To confirm if Hydro One is your local distributor please follow the following link:
<http://www.hydroone.com/StormCenter3/>

Please select " Search" and locate address in question by entering the address or by zooming in and out of the map.

If Hydro One is your local area Distribution Supplier, please contact Customer Service at 1-888-664-9376 or e-mail CustomerCommunications@HydroOne.com to be connected to your Local Operations Centre

Thank you,

Best Wishes,

Dolly Shetty
Real Estate Assistant | Land Use Planning

Hydro One Networks Inc.
185 Clegg Road (R32)
Markham, ON | L6G 1B7
Email: Dolly.Shetty@HydroOne.com



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immediately by reply email and delete the transmission received by you. This statement applies to the initial email as well as any and all copies (replies and/or forwards) of the initial email.

Appendix C: Policy Review

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

Provincial Policy Statement, 2020

Section 1.0 Building Strong Healthy Communities

- 1.1.1 of Managing and directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns
- 1.1.3 Settlement Areas
- 1.4 Housing
- 1.6 Infrastructure and Public Service Facilities
- 1.8 Energy Conservation, Air Quality and Climate Change

Section 2.0 Wise Use and Management of Resources

- 2.2 Water
- 2.6 Cultural Heritage and Archaeology

Section 3.0 Protecting Public Health and Safety

The London Plan

Neighbourhood Place Type

Vision for the Neighbourhoods Place Type

916_ * In 2035 our neighbourhoods will be vibrant, exciting places to live, that help us to connect with one another and give us a sense of community well-being and quality of life. Some of the key elements of our vision for neighbourhoods include:

1. A strong neighbourhood character, sense of place and identity.
2. Attractive streetscapes, buildings, and public spaces.
3. A diversity of housing choices allowing for affordability and giving people the opportunity to remain in their neighbourhoods as they age if they choose to do so.
4. Well-connected neighbourhoods, from place to place within the neighbourhood and to other locations in the city such as the downtown.
5. Lots of safe, comfortable, convenient, and attractive alternatives for mobility.
6. Easy access to daily goods and services within walking distance.
7. Employment opportunities close to where we live.
8. Parks, pathways, and recreational opportunities that strengthen community identity and serve as connectors and gathering places.

City Building

*202_ Buildings and public spaces at key entry points into neighbourhoods will be designed to help establish a neighbourhood's character and identity.

229_ Except in exceptional circumstances, rear lotting will not be permitted onto public streets and side-lotting will be discouraged on Civic Boulevards and Urban Thoroughfares.

*255_ Site layout will promote connectivity and safe movement between, and within, sites for pedestrians, cyclists, and motorists.

*259_ Buildings should be sited with minimal setbacks from public rights-of-way and public spaces to create a street wall/edge and establish a sense of enclosure and comfortable pedestrian environment.

*285_ To support pedestrian activity and safety, blank walls will not be permitted along the street edge.

*291_ Principal building entrances and transparent windows should be located to face the public right-of-way and public spaces, to reinforce the public realm, establish an active frontage and provide for convenient pedestrian access.

* Policy subject to LPAT Appeal PL170100 - November 13, 2019

Our Tools

1709_ The following policies will apply to consideration of an application for a vacant land condominium:

1. The same considerations and requirements for the evaluation of draft plans of subdivision shall apply to draft plans of vacant land condominium.
2. The applicant may be required to provide site development concepts and meet design requirements consistent with the Site Plan Control By-law as part of the consideration of a draft plan of vacant land condominium.
3. Proposals for vacant land condominiums which will result in units above or below any other unit will not be supported.
4. Only one dwelling will be permitted per unit.
5. At the time of registration, structures cannot cross 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.

1898 Official Plan

Chapter 3: Residential Land Use Designations

- 3.3 Multi-Family, Medium Density Residential
- 3.3.1 Permitted Uses
- 3.3.2 Location
- 3.3.3 Scale of Development

Southwest Area Secondary Plan

20.5.1 – Introduction

20.5.2 – Community Structure Plan

20.5.4 – General Land Use Policies

20.5.10 – North Lambeth, Central Longwoods and South Longwoods Residential Neighbourhoods

Z.-1 Zoning By-law

Section 3: Zones and Symbols

Section 9: Residential R5 Zone

Section 10: Residential R6 Zone

Appendix D: Minor Variance – Committee of Adjustment Notice of Decision

NOTICE OF DECISION

LONDON COMMITTEE OF ADJUSTMENT SUBMISSION NO.: A.136/21

Thursday October 14, 2021

OWNER:

Sifton Properties Limited
300-1295 Riverbend Road
London, ON N6K 0G2

WARD: 12

LOCATION: 235 Kennington Way, PLAN 33M769 BLK 46, south of Kennington Way, west of Stewart Avenue

At its meeting on Thursday October 14, 2021, the London Committee of Adjustment **GRANTED** the requested Minor Variance **SUBJECT** to the following **CONDITIONS**:

1. At the side yard of Unit 1, flows are to be conveyed from a rear yard swale that is over 120m long and is conveying flows from 10 units. The applicant's engineer shall demonstrate that the reduced side yard setback is adequate to convey the overland flows while maintaining all Building Code requirements for homes adjacent to overland flow routes, to the satisfaction of SWED.

NOTES:

- SWED recommends refusal of variance 5 (townhouses). The external major overland flow route from the adjacent Commercial Block (to the west) is shown to be conveyed directly in front of Unit 41 at elevation 262.35m. The overland flow route poses an increased risk of flooding to Unit 41. If the Owner wishes to proceed with a reduced setback, the Owner shall obtain permission from the owner of the external Commercial Block to regrade the low spot westerly to avoid crossing the driveway/property of Unit 41 and reduce the risk of flooding to the Unit. The reduced setback may not be approved at Site Plan as shown.
- Transportation supports requested exterior, front, and rear yard setbacks in the phase one (townhouse) and front yard setback in the phase two (apartment).
- Archaeological issues previously associated with this property can be considered addressed.

PURPOSE: To permit a new townhouse and apartment development.

VARIANCE(S) REQUESTED:

AS AMENDED BY COMMITTEE:

Phase One (Townhouses)

1. To permit an exterior side yard setback of 1.4m (4.6ft), whereas 6.0m (19.7ft) is required.
2. To permit a front yard setback of 3.7m (12.1ft), whereas 6.0m (19.7ft) is required.
3. ~~To permit a rear yard setback of 3.0m (9.8ft), whereas 4.0m (13.1ft) is required~~
4. To permit an interior side yard setback of 2.9m (9.5ft), whereas 4.0m (13.1ft) is required (Block A).
5. ~~To permit an interior side yard setback of 3.0m (9.8ft), whereas 4.0m (13.1ft) is required (Block G).~~
6. To permit an interior side yard setback of ~~1.5m (4.9ft)~~ 2.1m (6.9ft), whereas 4.0m (13.1ft) is required (Block F).

Phase Two (Apartment):

1. To permit a front yard setback 6.0m (19.7ft), whereas a minimum of 8.0m (26.3ft) is permitted.
2. To permit an interior side yard setback of 6.0m (19.7ft), whereas a minimum of 12.4m (40.7ft) is permitted.
3. To permit a lot coverage of 54%, whereas a maximum of 45% is permitted.
4. To permit a density of 165 units per hectare, whereas a maximum of 100 units per hectare is permitted.
5. To permit 127 off-street parking spaces, whereas a minimum of 152 spaces is permitted.

REASON: In all the circumstances, the Committee is of the opinion that the variance requested is minor and is desirable for the appropriate development of the land and is in keeping with the general intent and purpose of the By-law and Official Plan.

APPEAL PERIOD

This permission is not final until the expiration of a statutory appeal period of twenty (20) days from the date the decision is signed, being 4:30 p.m. on Wednesday November 3, 2021, during which any objector may file with the Secretary - Treasurer an appeal against this decision of the London Committee of Adjustment.

Any appeal must set out the reasons for the appeal and must be accompanied by the \$400.00 fee prescribed by the Ontario Land Tribunal Act in the form of a certified cheque or money order made payable to the Minister of Finance and must be accompanied by an Appellant Form (A1) found on the OLT website: <http://elto.gov.on.ca/lpat/> or from the Office of the Secretary - Treasurer of the Committee of Adjustment. A copy of the regulations governing appeals is enclosed. If you have any questions regarding the OLT process, please contact the ELTO Citizen Liaison Office toll free at 1-866-448-2248, or in person at 655 Bay Street, Suite 1500, Toronto.

Note: The Planning Act provides for appeals to be filed by "persons". As groups or associations, such as residents or ratepayers groups which do not have incorporated status, may not be considered "persons" for purposes of the Act, groups wishing to appeal this decision should do so in the name or names of individual group members, and not in the name of the group.

Please ensure that all conditions are cleared prior to applying for a Building Permit. Contact the undersigned if information is required.

Acting, Secretary - Treasurer
London Committee of Adjustment
The Corporation of the City of London
Phone: 519-930-3500
CoAsubmit@london.ca www.london.ca

APPEALS TO THE ONTARIO LAND TRIBUNAL, VARIANCES SECTION 45.
PLANNING ACT, R.S.O. 1990, c.P.13

The following extracts from section 45 of the Planning Act outline the appeal process for appealing variance decisions made by the Committee of Adjustment.

Appeal to OLT

45 (12) The applicant, the Minister or any other person or public body who has an interest in the matter may within 20 days of the making of the decision appeal to the Tribunal against the decision of the committee by filing with the secretary-treasurer of the committee a notice of appeal setting out the objection to the decision and the reasons in support of the objection accompanied by payment to the secretary-treasurer of the fee charged by the Tribunal under the Ontario Land Tribunal Act, 2017 as payable on an appeal from a committee of adjustment to the Tribunal. 2017, c. 23, Sched. 5, s. 98 (3).

Note: The fee for an appeal is \$400.00 and \$25.00 for a related appeal and should be in the form of a **certified cheque or money order** made payable to the Minister of Finance of Ontario.

45 (13) On receiving a notice of appeal filed under subsection (12), the secretary-treasurer of the committee shall promptly forward to the Tribunal, by registered mail, (a) the notice of appeal; (b) the amount of the fee mentioned in subsection (12);(c) all documents filed with the committee relating to the matter appealed from;(d) such other documents as may be required by the Tribunal; and (e) any other prescribed information and material. 2017, c. 23, Sched. 5, s. 98 (3).

Exception

45 (13.1) Despite subsection (13), if all appeals under subsection (12) are withdrawn within 15 days after the last day for filing a notice of appeal, the secretary-treasurer is not required to forward the materials described under subsection (13) to the Tribunal. 1999, c. 12, Sched. M, s. 26; 2017, c. 23, Sched. 5, s. 98 (4).

Decision final

45 (13.2) If all appeals under subsection (12) are withdrawn within 15 days after the last day for filing a notice of appeal, the decision of the committee is final and binding and the secretary-treasurer of the committee shall notify the applicant and file a certified copy of the decision with the clerk of the municipality. 1999, c. 12, Sched. M, s. 26.

Where no appeal

45 (14) If within such 20 days no notice of appeal is given, the decision of the committee is final and binding, and the secretary-treasurer shall notify the applicant and shall file a certified copy of the decision with the clerk of the municipality. R.S.O. 1990, c. P.13, s. 45 (14); 1994, c. 23, s. 26 (3).

Where appeals withdrawn

45 (15) Where all appeals to the Tribunal are withdrawn, the decision of the committee is final and binding and the Tribunal shall notify the secretary-treasurer of the committee who in turn shall notify the applicant and file a certified copy of the decision with the clerk of the municipality. 2017, c. 23, Sched. 5, s. 98 (5).

Hearing

45 (16) On an appeal to the Tribunal, the Tribunal shall, except as provided in subsections (15) and (17), hold a hearing of which notice shall be given to the applicant, the appellant, the secretary-treasurer of the committee and to such other persons or public bodies and in such manner as the Tribunal may determine. 2017, c. 23, Sched. 5, s. 98 (5).

Dismissal without hearing

45 (17) Despite the Statutory Powers Procedure Act and subsection (16), the Tribunal may dismiss all or part of an appeal without holding a hearing, on its own initiative or on the motion of any party, if,

(a) it is of the opinion that,

(i) the reasons set out in the notice of appeal do not disclose any apparent land use planning ground upon which the Tribunal could allow all or part of the appeal,

(ii) the appeal is not made in good faith or is frivolous or vexatious,

(iii) the appeal is made only for the purpose of delay, or

(iv) the appellant has persistently and without reasonable grounds commenced before the Tribunal proceedings that constitute an abuse of process;

(b) the appellant has not provided written reasons for the appeal;

(c) the appellant has not paid the fee charged under the Ontario Land Tribunal Act, 2017; or

(d) the appellant has not responded to a request by the Tribunal for further information within the time specified by the Tribunal. 2017, c. 23, Sched. 5, s. 98 (5).

Representation

45 (17.1) Before dismissing all or part of an appeal, the Tribunal shall notify the appellant and give the appellant the opportunity to make representation on the proposed dismissal but this subsection does not apply if the appellant has not complied with a request made under clause (17) (d). 2000, c. 26, Sched. K, s. 5 (3); 2017, c. 23, Sched. 5, s. 80.

Dismissal

45 (17.2) The Tribunal may dismiss all or part of an appeal after holding a hearing or without holding a hearing on the motion under subsection (17), as it considers appropriate. 2017, c. 23, Sched. 5, s. 98 (5).

Powers of OLT

45 (18) The Tribunal may dismiss the appeal and may make any decision that the committee could have made on the original application. R.S.O. 1990, c. P.13, s. 45 (18); 2017, c. 23, Sched. 5, s. 80.

Amended application

45 (18.1) On an appeal, the Tribunal may make a decision on an application which has been amended from the original application if, before issuing its order, written notice is given to the persons and public bodies who received notice of the original application under subsection (5) and to other persons and agencies prescribed under that subsection. 1993, c. 26, s. 56; 1994, c. 23, s. 26 (7); 2017, c. 23, Sched. 5, s. 80.

Exception

45 (18.1.1) The Tribunal is not required to give notice under subsection (18.1) if, in its opinion, the amendment to the original application is minor. 2017, c. 23, Sched. 5, s. 98 (5).

Notice of intent

45 (18.2) Any person or public body who receives notice under subsection (18.1) may, not later than thirty days after the day that written notice was given, notify the Tribunal of an intention to appear at the hearing or the resumption of the hearing, as the case may be. 1993, c. 26, s. 56; 1994, c. 23, s. 26 (8); 2017, c. 23, Sched. 5, s. 98 (6).

Order

45 (18.3) If, after the expiry of the time period in subsection (18.2), no notice of intent has been received, the Tribunal may issue its order. 1993, c. 26, s. 56; 2017, c. 23, Sched. 5, s. 98 (6).

Hearing

45 (18.4) If a notice of intent is received, the Tribunal may hold a hearing or resume the hearing on the amended application or it may issue its order without holding a hearing or resuming the hearing. 1996, c. 4, s. 25 (2); 2017, c. 23, Sched. 5, s. 98 (6).

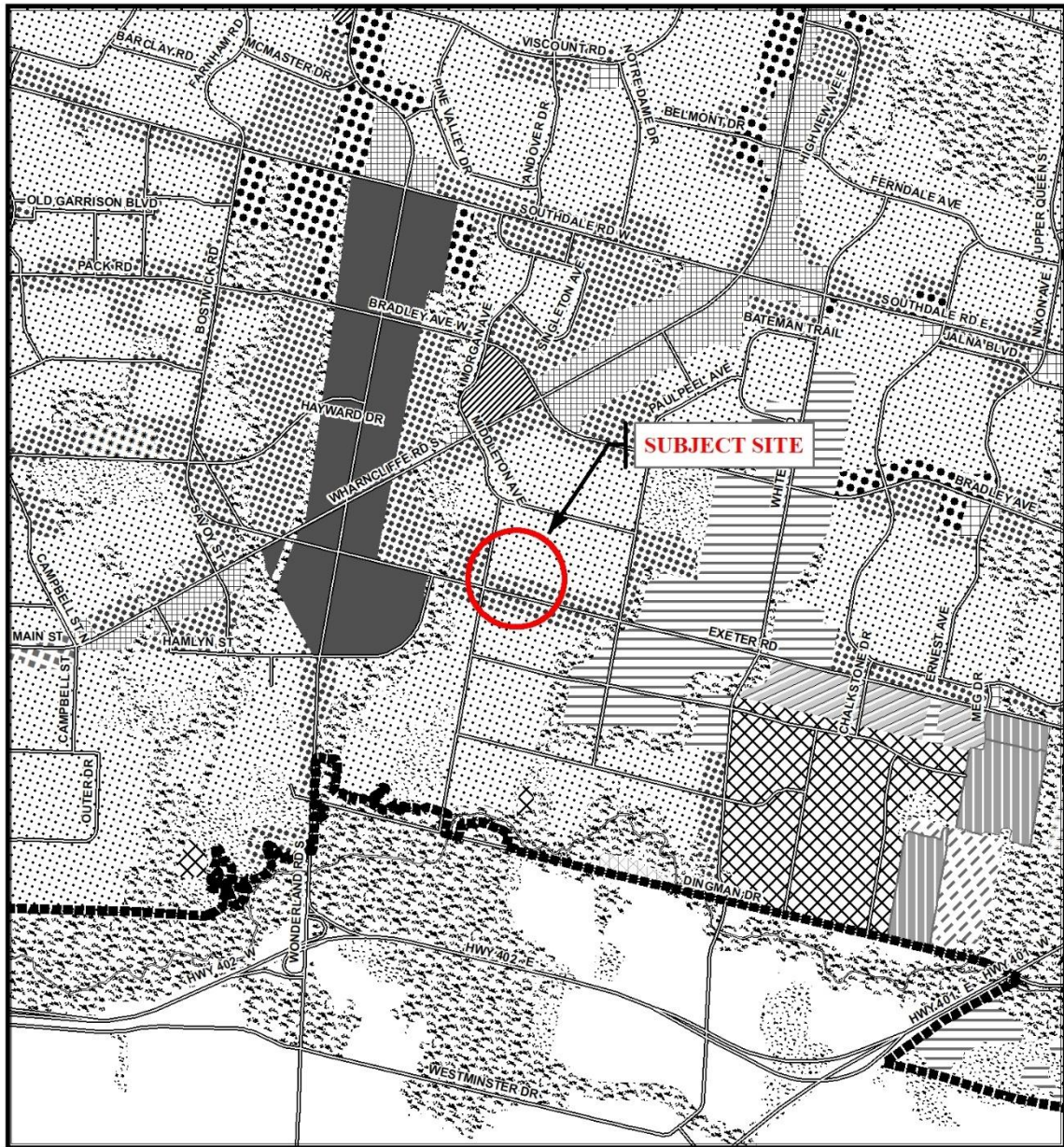
Notice of decision

45 (19) When the Tribunal makes an order on an appeal, the Tribunal shall send a copy thereof to the applicant, the appellant and the secretary-treasurer of the committee. 2017, c. 23, Sched. 5, s. 98 (7).

Idem

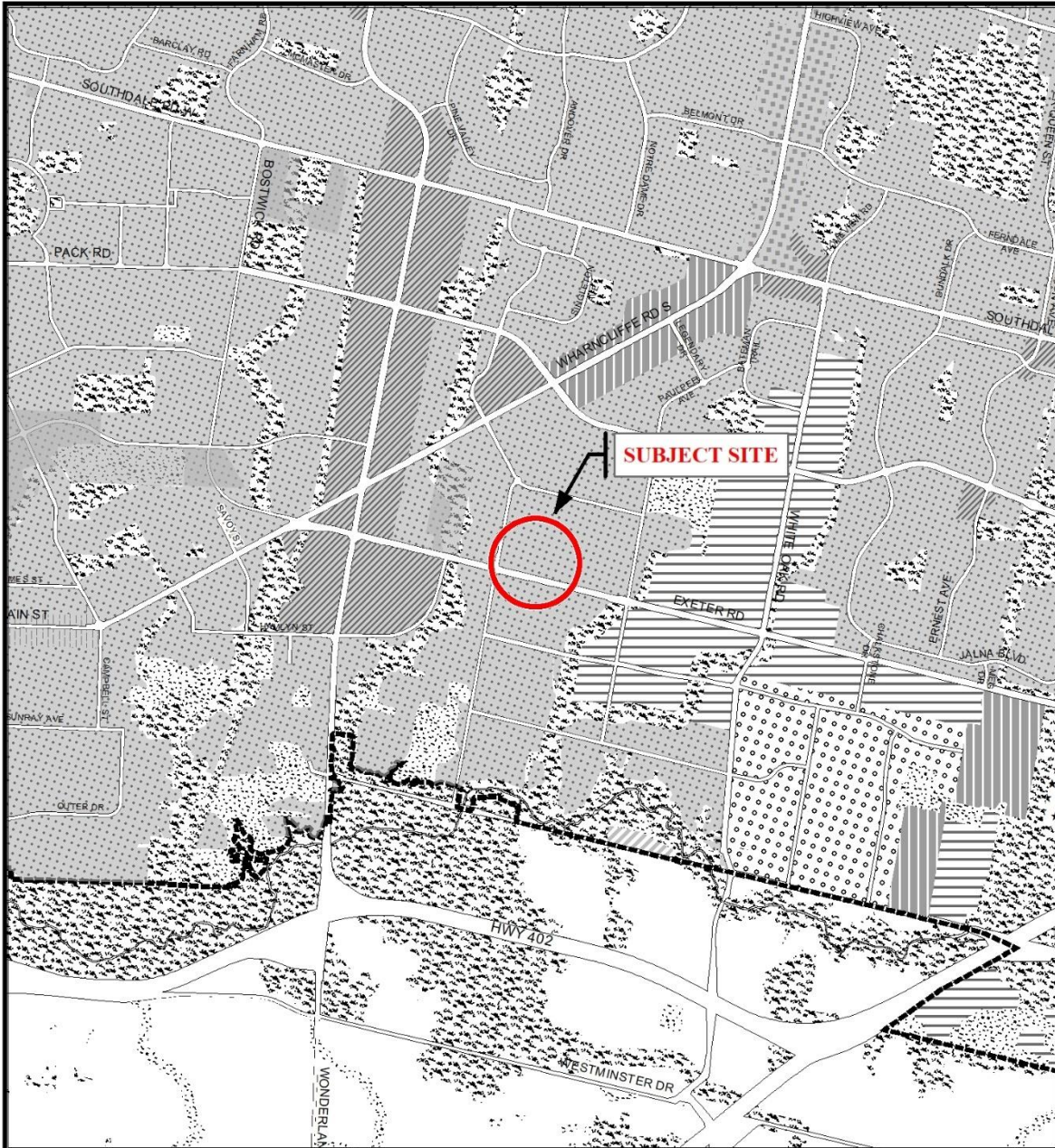
45 (20) The secretary-treasurer shall file a copy of the order of the Tribunal with the clerk of the municipality. R.S.O. 1990, c. P.13, s. 45 (20); 2017, c. 23, Sched. 5, s. 98 (8).

Appendix E: Relevant Background



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 Planning Services / Development Services OFFICIAL PLAN SCHEDULE A - LANDUSE - PREPARED BY: Graphics and Information Services</p>	<p style="text-align: center;"> Scale 1:30,000 Meters </p>	<p>FILE NUMBER: 39CD-21514 PLANNER: AC TECHNICIAN: MB DATE: 2021/10/07</p>
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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 | Areas Withheld from LPAT Approval |
| 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.

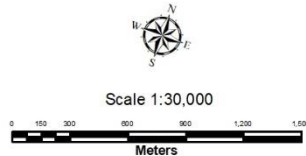
At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.

CITY OF LONDON

Planning & Development

**LONDON PLAN MAP 1
- PLACE TYPES -**

PREPARED BY: Planning & Development

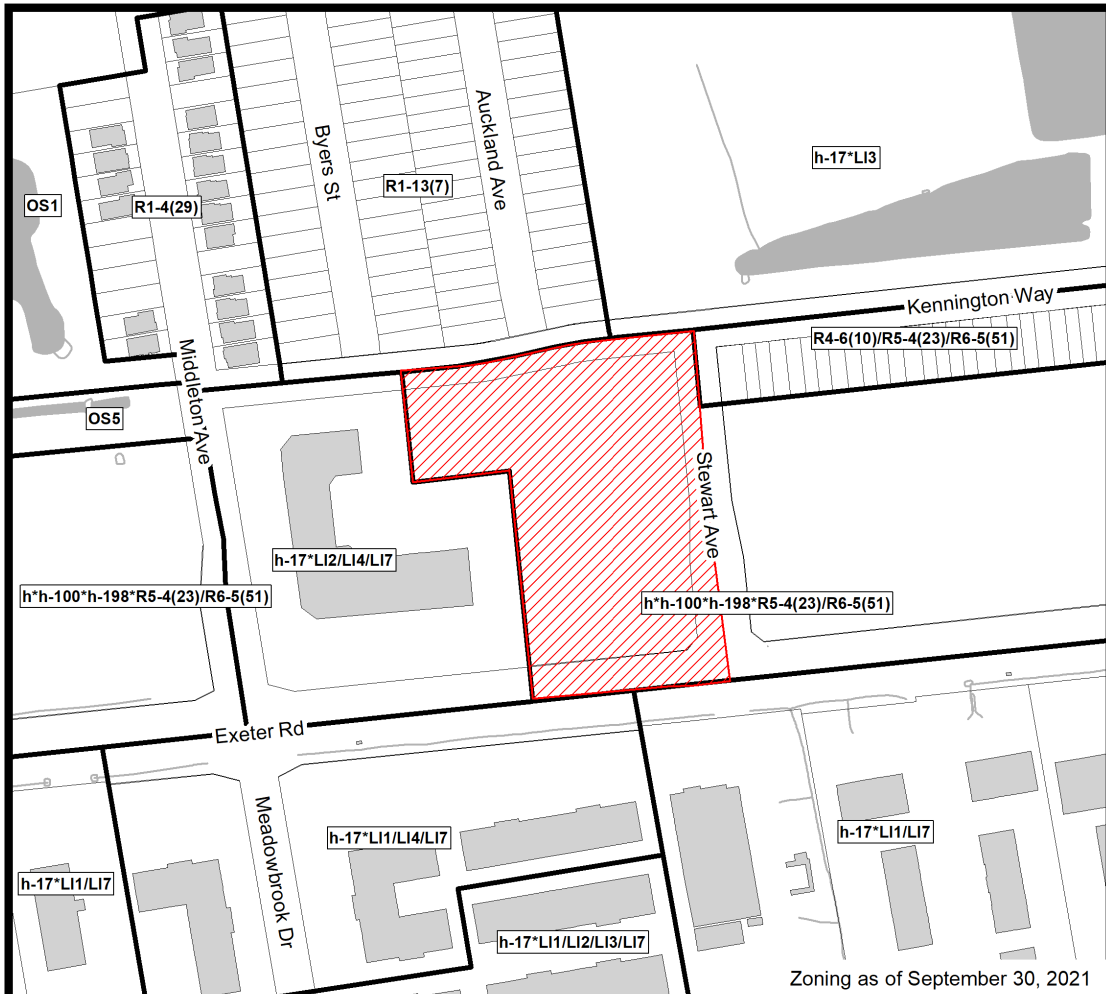


File Number: 39CD-21514

Planner: AC

Technician MB

Date: 2021/10/05



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: h-h-100-h-198-R5-4(23)/R6-5(51)

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

- | | |
|---|-----------------------------------|
| R1 - SINGLE DETACHED DWELLINGS | RF - REGIONAL FACILITY |
| R2 - SINGLE AND TWO UNIT DWELLINGS | CF - COMMUNITY FACILITY |
| R3 - SINGLE TO FOUR UNIT DWELLINGS | NF - NEIGHBOURHOOD FACILITY |
| R4 - STREET TOWNHOUSE | HER - HERITAGE |
| R5 - CLUSTER TOWNHOUSE | DC - DAY CARE |
| R6 - CLUSTER HOUSING ALL FORMS | OS - OPEN SPACE |
| R7 - SENIOR'S HOUSING | CR - COMMERCIAL RECREATION |
| R8 - MEDIUM DENSITY/LOW RISE APTS. | ER - ENVIRONMENTAL REVIEW |
| R9 - MEDIUM TO HIGH DENSITY APTS. | |
| R10 - HIGH DENSITY APARTMENTS | OB - OFFICE BUSINESS PARK |
| R11 - LODGING HOUSE | LI - LIGHT INDUSTRIAL |
| DA - DOWNTOWN AREA | GI - GENERAL INDUSTRIAL |
| RSA - REGIONAL SHOPPING AREA | HI - HEAVY INDUSTRIAL |
| CSA - COMMUNITY SHOPPING AREA | EX - RESOURCE EXTRACTIVE |
| NSA - NEIGHBOURHOOD SHOPPING AREA | UR - URBAN RESERVE |
| BDC - BUSINESS DISTRICT COMMERCIAL | AG - AGRICULTURAL |
| AC - ARTERIAL COMMERCIAL | AGC - AGRICULTURAL COMMERCIAL |
| HS - HIGHWAY SERVICE COMMERCIAL | RRC - RURAL SETTLEMENT COMMERCIAL |
| RSC - RESTRICTED SERVICE COMMERCIAL | TGS - TEMPORARY GARDEN SUITE |
| CC - CONVENIENCE COMMERCIAL | RT - RAIL TRANSPORTATION |
| SS - AUTOMOBILE SERVICE STATION | |
| ASA - ASSOCIATED SHOPPING AREA COMMERCIAL | "h" - HOLDING SYMBOL |
| OR - OFFICE/RESIDENTIAL | "D" - DENSITY SYMBOL |
| OC - OFFICE CONVERSION | "H" - HEIGHT SYMBOL |
| RO - RESTRICTED OFFICE | "B" - BONUS SYMBOL |
| OF - OFFICE | "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:

39CD-21514 AC

MAP PREPARED:

2021/10/07 MB

1:3,000

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Meters