Report to Planning and Environment Committee

To: Chair and Members

Planning and 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 Sifton Properties Limited for 355 Middleton Avenue

Public Participation Meeting: July 26, 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 355 Middleton Avenue:

- (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 355 Middleton Avenue:
- (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 355 Middleton Avenue.

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 122 dwelling units, within multiple townhouse blocks with a new private road providing access from Middleton Avenue. 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 concerns raised at the public meeting with respect to the application for Draft Plan of Vacant Land Condominium or the Site Plan Approval Process.

Rationale of Recommended Action

- 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

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

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

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

1.2 Planning History

This application is a component 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*Ll3) 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 45 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.

An application for Site Plan Approval was accepted on May 27th, 2021, and an application for Removal of Holding Provisions was accepted on May 28th, 2021. A Minor Variance application was also submitted and received on May 17th, 2021. These applications are being processed concurrently with the Draft Plan of Vacant Land Condominium application (39CD-21509) which was accepted on June 23, 2021.

1.3 Property Description

The subject property is located west of Middleton Avenue, which is generally north of Exeter Road and east of Wonderland Road south. The site has a mix of open space and low-density residential to the north, light industrial to the east and south, and open space and light industrial to the west. The proposal consists of one medium density residential block within a draft plan of subdivision (Block 45 of Plan 33M-769). The site is currently vacant and approximately 2.29 ha (5.66 ac) 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 132 meters
- Depth Various
- Area 2029 hectares
- Shape Square

1.6 Surrounding Land Uses

- North Open Space and Low-density Residential
- East Light Industrial
- South Light Industrial
- West Open Space and Light Industrial

1.7 Intensification (122 Units)

 The 122-unit, cluster townhouse development is located outside the Built-Area Boundary and Primary Transit Area.

1.8 Location Map

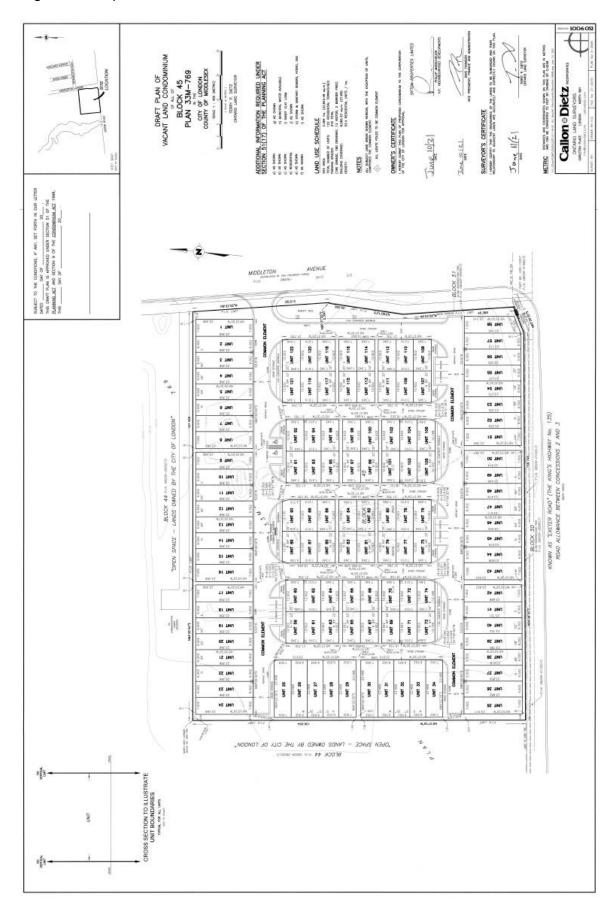


2.0 Discussion and Considerations

2.1 Development Proposal

The effect of the application request is to create 122 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



An application for Site Plan Approval (SPA21-033) has 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.

Figure 2: Proposed Conceptual Elevations

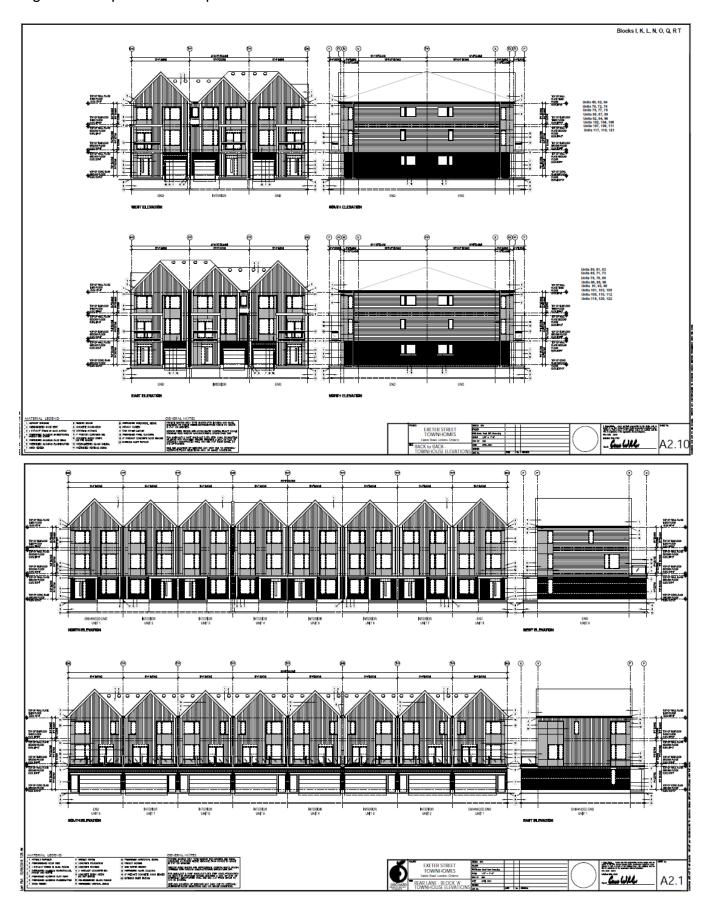
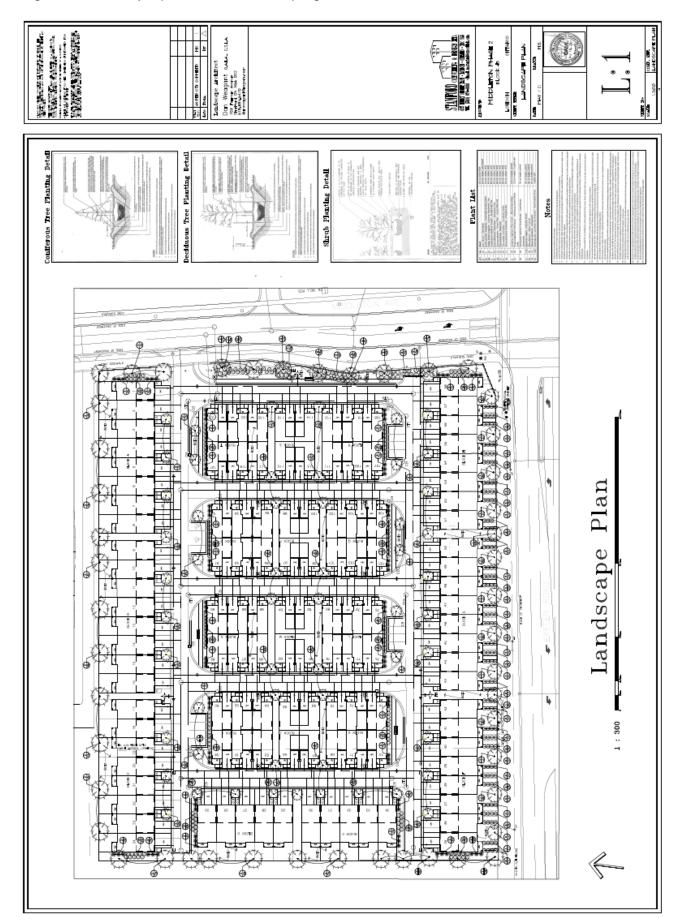


Figure 3: Amenity Space and Landscaping



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 <u>July 8th</u>, 2021.
- Notice of Application and Public Participation were published in the Public Notices and Bidding Opportunities section of The Londoner on <u>July 8th</u>, 2021.
- Information about the Application were posted on the website on <u>July 8th</u>, <u>2021</u>.

No comments were received from the public.

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 122 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 with 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 within the "Neighbourhoods" Place Type at an intersection of a neighbourhood connector and a civic boulevard, which permits a range of lower density residential uses at a maximum height of 2.5-storeys and higher density residential uses (i.e., stacked townhouses, fourplexes, low-rise apartments) at a maximum height of 4 storeys. The proposal is generally in keeping with what is permitted.

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 a diversity of housing choices. The site is also close to City owned open space and public transportation, which contributes to a connected and strengthened community that offers convenient alternatives for mobility and accessing services.

City Building

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 development contributes to neighbourhood character and identity by orienting buildings to the street and not using blank walls along the street edge, which contributes to an active street front (202*, 229, 259*, 291*). This layout also helps to create a safe pedestrian environment and promotes connectivity, within the 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). The proposed vacant land condominium is in keeping with these permitted uses.

One of the preferred locations for the MFMDR designation is abutting arterial, primary collector or secondary collector streets (3.3.2 Location). 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). This proposal is in keeping with these policies as it is located along an arterial and secondary collector, as well as serving as a transition between single detached dwellings to the north and light industrial uses to the east, south and west. The proposal also provides a density of 54 units per hectare, which is less than the 75 units per hectare permitted in the MFMDR designation (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 along 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 54 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 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 Condo 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 #1 Site Design - Relation to Adjacent Streets

The Southwest Area Secondary Plan encourages buildings to be located close to the street with front doors oriented towards the street to create a stronger street edge and sense of enclosure. The proposed condominium development consists of 122 townhouse dwellings arranged in clusters of units attached side-by-side. The site plan demonstrates front facades of dwelling units with strong street-orientation to the abutting streets (Middleton Avenue and Exeter Road). 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 with the Southwest Area Secondary Plan, and have been accepted as part of that review. More information and detail is available in Appendix A and B of this report.

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 and Removal of Holding Provisions have also been submitted and are being reviewed in conjunction with this application.

Prepared by: Alison Curtis

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 Condominiums Bruce Page, Manager, Subdivision Planning Michael Pease, Manager, Site Plans

Appendix A: Community Consultation

Public liaison: On July 8, 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 July 8, 2021.

Nature of Liaison: The purpose and effect of this application is to approve a Draft Plan of Vacant Land Condominium consisting of 20 townhouse buildings at 2-storeys in height with a total of 122 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 SPA21-033.

Londoner Notice: 355 Middleton: located on the north side of Exeter Road, west of Middleton Avenue; approximately 2.29 hectares; The purpose and effect of this applications is to approve a Draft Plan of Vacant Land condominium consisting of 122 units in one (1) Block. Consideration of a proposed draft plan consisting of 122 multiple attached dwellings and common elements to be registered as one Condominium Corporation. A public meeting will be held no sooner than July 26th, 2021 and will not be heard before 4:00 p.m. *For the lands under consideration, the following separate applications have been submitted by Sifton Properties Limited: Site Plan Approval – Application File No. SPA21-033; Minor Variance – Application File No. A.087/21; and, Removal of Holding Provisions – Application File No. H-9363.

Appendix B: Agency and Department Comments

Comments from Enbridge Gas Inc.

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

It is Enbridge Gas Inc.'s (operating as Union Gas) 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

Appendix B: Policy Context

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: Relevant Background

