Report to Planning and Environment Committee

To: Chair and Members

Planning & Environment Committee

From: Scott Mathers, MPA, P.Eng

Deputy City Manager, Planning and Economic Development

Subject: Draft Plan of Vacant Land Condominium on the Submission

by 2219008 Ontario Ltd. (York Developments) for

3524 Grand Oak Crossing

Public Participation Meeting: March 7, 2022

Recommendation

That, on the recommendation of the Deputy City Manager, Planning and Economic Development, based on the application of 2219008 Ontario Ltd. (York Developments) relating to the property located at 3425 Grand Oak Crossing:

- (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 3425 Grand Oak Crossing; 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 3425 Grand Oak Crossing.

Executive Summary

Summary of Request

This is a request by 2219008 Ontario Ltd. (York Developments) to consider a proposed Draft Plan of Vacant Land Condominium. The proposed Plan of Vacant Land Condominium (VLC) is being reviewed concurrently with an adjacent application for Draft Plan of Standard Condominium (STC) and an application for Site Plan Approval which covers both condominiums. The VLC consists of 23 single detached dwelling units with access via a common element private road to Pack Road and Grand Oak Crossing. Other shared common elements include visitor parking, waste disposal, and landscaped amenity area to be shared with the adjacent proposed Standard Condominium with 35 townhouse units. The applicant's intent is to register the Vacant Land Condominium 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 and application for Site Plan Approval.

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 is well planned and sustainable over the long term.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

January 18, 2016 - Report to Planning and Environment Committee to regarding Public Participation Meeting and to recommend approval of the Draft Plan of Subdivision and associated Official Plan and Zoning By-Law Amendments (39T-14504/OZ-8417).

August 28, 2017 - Report to Planning and Environment Committee on Special Provisions for the Phase 1 Subdivision Agreement (39T-14504).

1.2 Planning History

On September 15, 2014, an application was first received for Draft Plan of Subdivision on the subject property. After working with City Staff to resolve issues and several revised submissions, a final plan was submitted for 172 residential units in the form of single detached dwellings, one (1) mixed use/medium density residential block (Block 173), three (3) medium density residential blocks (Blocks 174-176), three (3) walkway blocks (Blocks 181-183), one (1) future development block (Block 177), two (2) park blocks (Blocks 178-179), one (1) open space block (Block 180), a stormwater management block (Block 184) serviced by Pack Road, and six (6) local public streets. A public meeting for this application was held on January 18, 2016. The subdivision was granted draft approved on March 24, 2016.

On September 5, 2017 Council endorsed the special provisions for Phase 1 and recommended that a subdivision agreement be entered into between the City of London and the property owner. Phase 1 of the subdivision was registered on May 3rd, 2018.

An application for Draft Plan of Vacant Land Condominium with twenty-three (23) single detached dwellings was received and deemed complete on December 15, 2021 for the subject lands. Notice of the application was circulated on December 24, 2021. A concurrent application for a Draft Plan of Standard Condominium (39CD-21521) was submitted and circulated at the same time.

The lands are also subject to applications for Site Plan Approval (SPA21-016) and removal of holding provisions (H-9414). The reviews of both applications are nearing completion.

1.3 Property Description

The subject lands consist of a portion of a block in the northwest corner of the Silverleaf Subdivision (Block 115 in 39T-14504/33M-742) - with an area of 1.277 ha (3.1 acres). The block is irregularly shaped and is located to the east of a stormwater management pond and the Dingman Creek, south of Pack Road, and north of existing low density residential.

The eastern half of Block 115 in 39T-14504/33M-742 is subject to a separate application for a Draft Plan of Standard Condominium with 35 townhouse dwelling units. Access to Pack Road and Grand Oak Crossing is proposed via a private road which will be shared between the two condominium corporations via a reciprocal easement. Other common

elements are planned including visitor parking, a pumping station, community mail box, and landscaped open space.

1.4 Current Planning Information (see more detail in Appendix B)

- The London Plan Place Type Neighbourhoods
- (1989) Official Plan Designation Multi-Family, Medium Density Residential
- Existing Zoning Holding Residential R6 Special Provision (h*h-100*h-198*R6-5(43)) Zone

1.5 Site Characteristics

- Current Land Use Vacant
- Frontage approx. 32m on Pack Road (Civic Boulevard)
- Area approx. 1.27 ha (3.1 acres)
- Shape Irregular

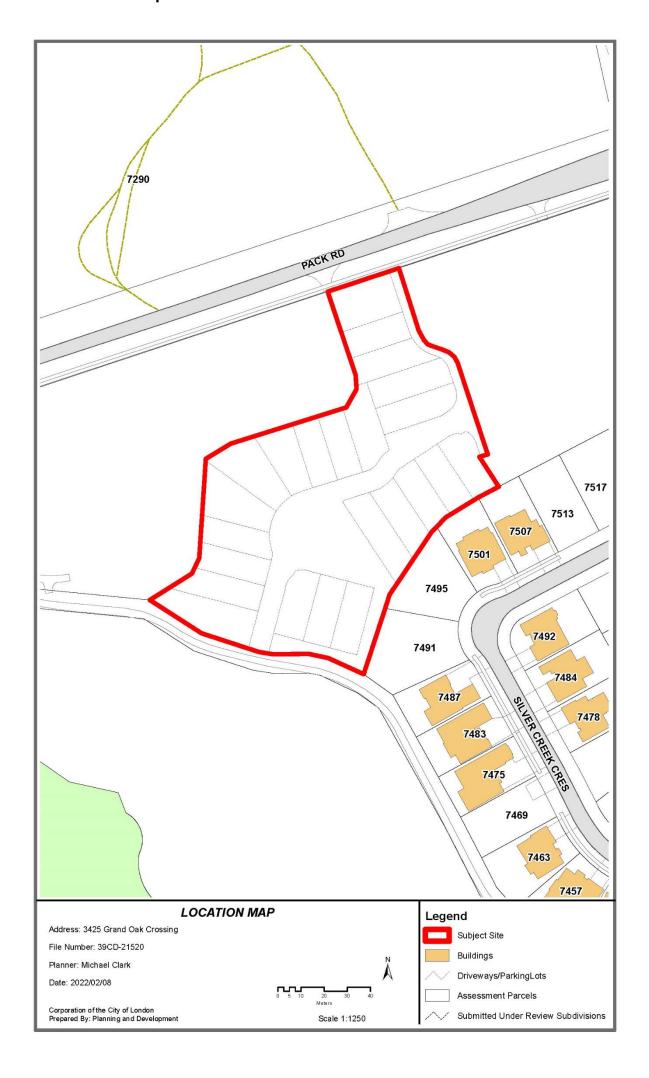
1.6 Surrounding Land Uses

- East future medium density residential
- South existing low density residential
- West stormwater management, open space, Dingman Creek
- North agricultural land

1.7 Intensification

• The 23-unit, single detached dwelling 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 proposed Vacant Land Condominium consists of 23 single detached dwellings served by a private road in a common elements easement. The shared common elements easement will provide access to both Pack Road and Grand Oak Crossing, as well as include other amenities such as visitor parking, a pumping station, waste disposal, and other internal services.

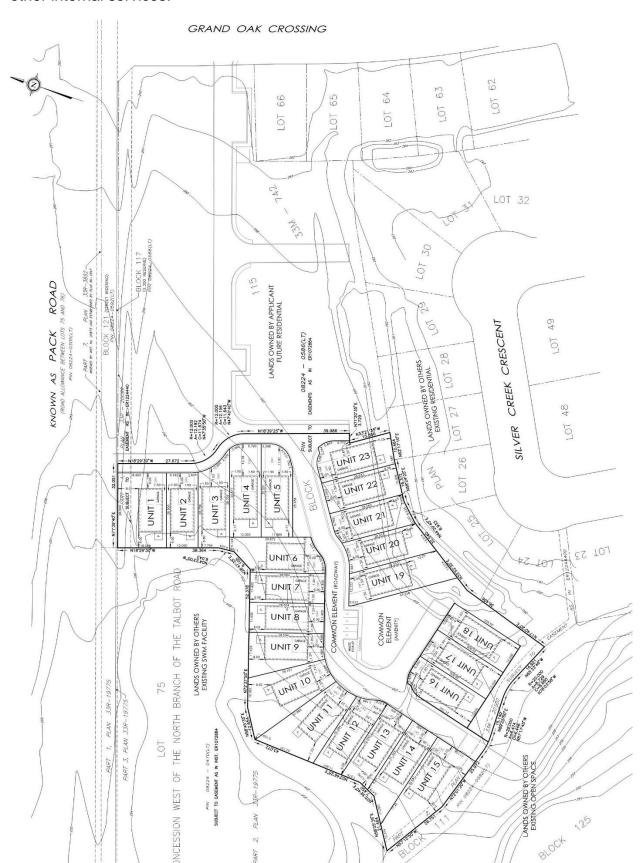


Figure 2 - Site Concept Plan

An application for Site Plan Approval (SPA21-016) has also been made in conjunction with the application for Draft Plan of Vacant Land Condominium. The site plan submission, including servicing, grading, and landscaping plans are under review and will be informed by any comments received through the Vacant Land Condominium Public Participation Meeting. The Site Plan covers both this Vacant Land Condominium as well as the adjacent Standard Condominium with 35 townhouse dwellings.

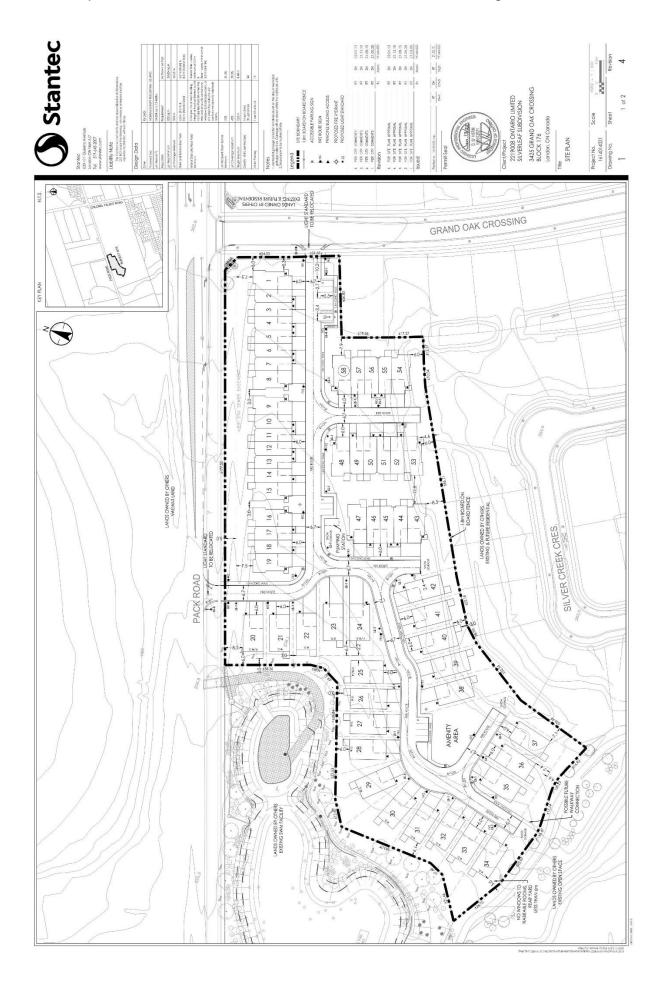


Figure 2 – Site Plan

2.2 Community Engagement (see more detail in Appendix A)

Public Circulation

The notice of application was circulated on December 24, 2021. Through the public circulation process two (2) comments were received from the public. The concerns from the public related to the impacts on privacy, the height of the buildings, and the proposed building types. Detailed comments can be found in Appendix "A".

Notice for the Public Participation Meeting was circulated on February 17, 2022.

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, 2020

The proposed development achieves objectives for efficient development and land use patterns. It represents new development taking place within the City's built-area boundary, 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. 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 with frontage on a Civic Boulevard at an intersection with a Neighbourhood Street which permits a range of low-medium density residential uses from single detached dwellings, townhouses, stacked townhouses and low rise apartments. The proposed single detached dwellings within a vacant land condominium are in keeping with the permitted uses and intensity of the Neighbourhood Place Type.

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 single detached dwelling units conform to the Official Plan and The London Plan policies and have access to municipal services. The access and residential uses proposed are appropriate for the site. There is sufficient open space/park space within the

neighbourhood, and existing and planned commercial uses in close proximity. 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 single detached dwelling units do not result in units below or above other units.

4) Only one dwelling will be permitted per unit;

There is only one single detached dwelling proposed per unit.

5) At the time of registration, structures cannot cross unit boundaries;

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

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

The proposed cluster single detached dwelling 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 (MDR). The Medium Density Residential designation is intended to accommodate multiple-unit residential developments having a low-rise profile, and densities that exceed those found in Low Density Residential areas but do not approach the densities intended for the Multi-Family, High Density Residential designation. 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; and small-scale nursing homes, rest homes and homes for the aged. These areas may also be developed for single-detached, semi-detached and duplex dwellings. (3.3.1. Permitted Uses). The proposed vacant land condominium is in keeping with the range of permitted uses.

Development 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 commercial, industrial, or high density residential development. The development of multi-family, medium density residential uses shall be subject to appropriate site area and frontage requirements in the Zoning By-law. These requirements may vary in areas of new development according to the characteristics of existing or proposed residential uses and shall result in net densities

that range to an approximate upper limit of 75 units per hectare (30 units per acre) (3.3.3. Scale of Development). The development also provides a density of 18.15 uph which is less the maximum of 75 uph permitted in the MDR designation.

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 lands are currently zoned Residential 6 Special Provision (R6-5(43)). The R6 Zone provides for and regulates cluster housing developments. The R6 Zone Variation 5, permits single detached dwellings, with a maximum height of 12.0m, a minimum 30% landscaped open space, and a maximum lot coverage of 45%. The site-specific policies include a minimum density of 14 units per hectare, and a reduced maximum density of 30 units per hectare. The proposed vacant land condominium and site plan will be implemented in conformity with the existing zoning.

Public Concern

Through the review process two members of the public provided comments. The concerns related to the height and form of the buildings proposed as well as the potential loss of privacy in their rear yards due to the development. There were also comments related to the difference between the vacant land condominium to the west and the standard condominium to the east.

Through conditions in the draft plan of condominium and the development agreement through the site plan approval, the condominium corporation will be required to construct and maintain a board on board fence along the property line and plant shade trees between the proposed buildings and the fence.

Since the application for vacant land condominium is proposing to create new parcels the City is required to give notice of the application. The application for standard condominium only relates to the ownership of the units and permits units to be sold, rather than just rented. No new lots are being created through the standard condominium and the proposed buildings are consistent with the previously approved zoning, no pubic notice of the application is required.

More information and details are available in Appendix A of this report.

Shared Sanitary and Water Services

The Vacant Land Condominium is proposed to share the use of a sanitary pumping station on the adjacent proposed Standard Condominium, as well as sanitary and water mains located within both condominiums. Prior to final approval and registration of the approval of the Vacant Land Condominium, it shall be required that the Owner(s) establish a single common element shared between the Vacant Land and Standard Condominium Corporations, including any easements required for the continued maintenance and operation of the shared water and sanitary service common elements.

Conclusion

The proposed Draft Plan of 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 single detached dwelling units are appropriate for the site and permitted under the existing zoning. An application for Site Plan Approval has also been submitted and reviewed in conjunction with the application for Vacant Land Condominium.

Prepared by: Michael Clark, MA

Planner I, Subdivision Planning

Reviewed by: Bruce Page, MCIP, RPP

Manager, Subdivision Planning

Recommended by: Gregg Barrett, AICP

Director, Planning and Development

Submitted by: Scott Mathers, MPA, P.Eng.,

Deputy City Manager,

Planning and Economic Development

cc: Matt Feldberg, Manager, Subdivisions and Development Inspections

cc: Bruce Page, Manager, Subdivision Planning

cc: Matt Davenport, Manager, Subdivision Engineering

cc: Michael Pease, Manager, Site Plans

BP/mc

Y:\Shared\DEVELOPMENT SERVICES\3 - Condominiums\2021\39CD-21520 - 3425 Grand Oak Crossing VLC (M. Clark)\02. Working\03. Draft Approval\PEC\3425 Grand Oak Cross. - 39CD-21520 (M Clark).docx

Appendix A – Community Engagement

Public liaison: On December 24, 2021, Notice of Application was sent to 51 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on December 30, 2021.

Nature of Liaison: The purpose and effect of this application is to approve a Draft Plan of Vacant Land Condominium within a block of a registered plan of subdivision (39T-14504 / 33M-742) consisting of 23 single detached dwellings. Common elements will be provided including visitor parking, waste disposal, and landscaped amenity area. Private roads are proposed to provide access from Pack Road and Grand Oak Crossing which will be shared with the adjacent proposed Standard Condominium with 35 townhouse units. The Vacant Land Condominium is proposed to be registered as one Condominium Corporation. File: 39CD-21520 Planner: M. Clark (City Hall).

Responses to Public Liaison Letter and Publication in "The Londoner"

From: Kelly Baxter

Sent: Thursday, December 30, 2021 3:30 PM

To: Clark, Michael

Subject: [EXTERNAL] File: 39CD-21520

Hello Michael.

I am reaching out regarding the planning application for 3425 Grand Oak Crossing.

First off, and this is embarrassing, in an epic failure of multitasking I managed to put the documentation I received in the mail through the washing machine this afternoon. Is the documentation that is sent to nearby residents also available online? I see other Notices of Planning Applications online but can't find the one I received for 3425 Grand Oak Crossing. I may be looking in the wrong place, or maybe it is not posted online yet? I only just received it in the mail this week.

The documentation I received only included information about the proposed 23 single detached condominiums. It mentioned a shared roadway with 35 townhouses, but no details on that plan (39CD-21521 per the online public notice). Will that proposal be coming separately? I live within 120 meters of both.

Finally, are you able to provide any additional information about the detached condominiums? In particular, I was hoping to find out how many stories they will have as well as the proposed height.

Thank you so much for your time, and happy new year!

Kelly Baxter (Shaw)

From: Rebecca Kenny

Sent: Tuesday, January 18, 2022 1:44 PM

To: Clark, Michael Cc: Hopkins, Anna

Subject: [EXTERNAL] File: 39CD-21520

Good afternoon,

I am writing to you in regards to the proposed development of the vacant land behind our house. We are located at 7521 Silver Creek Crescent, Lot #30 in the Silver Leaf Development. When purchasing our home we were told by the real estate agent, builder and developer that the future building behind us would consist of one floor condos only. I have confirmed with our various neighbours that they received the same information as well. We chose our current lot based on this information.

M. Clark

Upon receiving a copy of the Notice of Planning Application in the mail, I see that the proposal includes 23 single detached dwellings and 35 townhouse units. My understanding is that townhouses are more than one floor. Can you please confirm a description of these proposed townhouses. If they are anything other than one floor units I will object. I hope we have not been lied to and have to take further action.

I would appreciate it if our concerns are taken into consideration and will work with us in regards to planning with respect to the privacy/views in our backyard.

I look forward to hearing from you.

Regards,

Rebecca Kenny & Dwayne Snyder

Agency & Department Comments

Internal departments and external agencies were circulated for comment on December 24th, 2021 for a 23 unit draft plan of vacant land condominium. Comments received are identified below:

Enbridge Gas - December 24, 2021

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.

London Hydro - January 4, 2022

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.

Hyrdo One - January 14, 2022

We are in receipt of Application 39CD-21520 and 39CD-21521 dated December 24, 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.

<u>Urban Design – January 17, 2022</u>

There are no further UD concerns for Application- Draft plan of condominium related to 3425 Grand Oaks Crossing. UD has already reviewed the site plan application, SPA 21-016.

Stormwater Engineering Division - January 28, 2022

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 # SPA21-016) 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 - February 1, 2022

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 recirculations.

Please note that WSP operates Bell's development tracking system, which includes the intake of municipal circulations.

WSP is mandated to notify Bell when a municipal request for comments or for information, such as a request for clearance, has been received. All responses to these municipal circulations are generated by Bell, but submitted by WSP on Bell's behalf. WSP is not responsible for Bell's responses and for any of the content herein.

Parks Planning and Site Plan - February 7 & 8, 2022

I suggest that we simplify this and remove the pedestrian access to the Dingman Creek pathway completely. It's causing more confusion than it's worth, and is likely to cause ongoing issues within the park system if it is ever to be constructed.

Please see my clauses below for inclusion in the development agreement for 3425 Grand Oak Crossing. If you feel the wording needs to change, please feel free to make any necessary revisions or contact me if you are unsure.

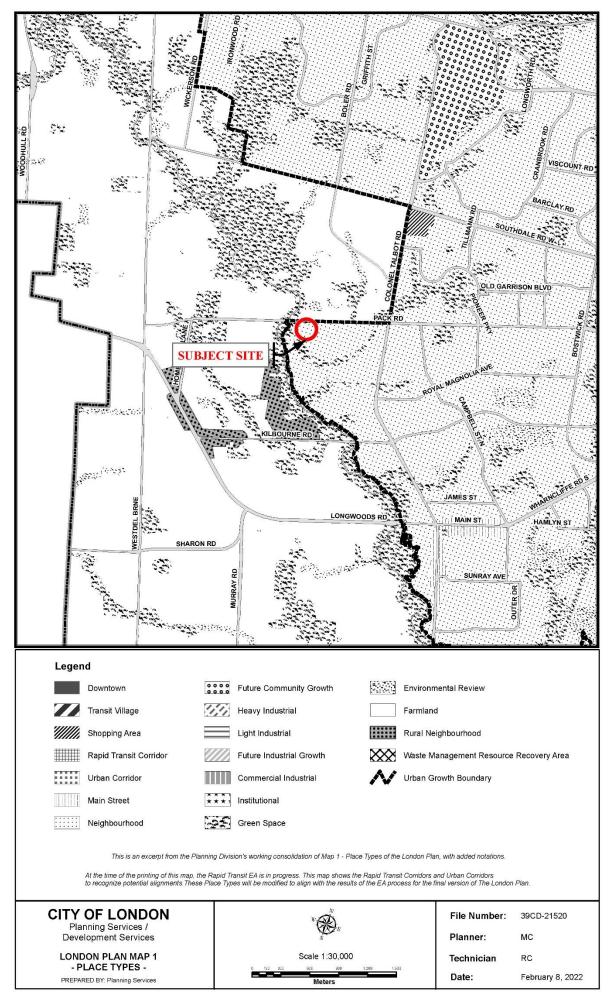
Development Agreement Clauses:

- Easement Agreement: Following the establishment of the second condo corporation, the Owners of 3425 Grand Oaks Crossing shall enter into a Joint use, Maintenance and Access Agreement for the purpose of future maintenance and repair of all shared site services and accesses. All easements required for shared services and accesses shall be note on the reference plan prior to submission to the Registry Office.
- 2. <u>Noise Warning Clauses</u>: The following shall be included in all agreements of purchase of sale or lease of all buildings:

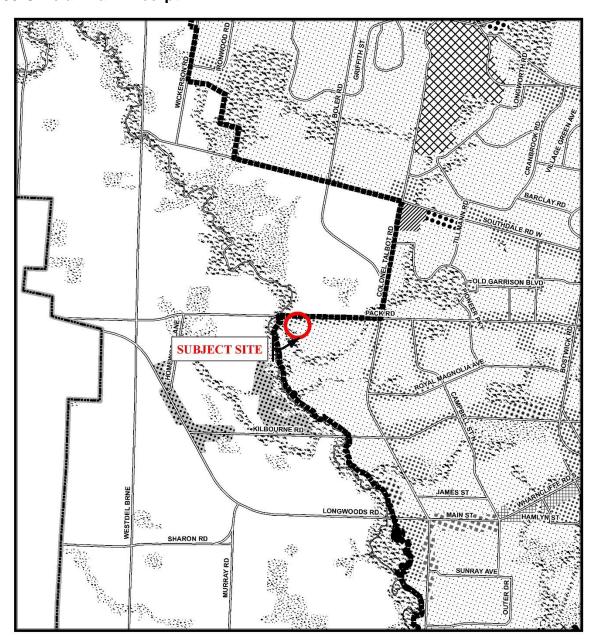
"The Corporation of the City of London assumes no responsibility for noise issues which may arise from the existing or increased traffic on Pack Road (Keep?) as it relates to the interior or outdoor living areas of any dwelling within the development. The City of London will not be responsible for constructing any form of noise mitigation for this development."

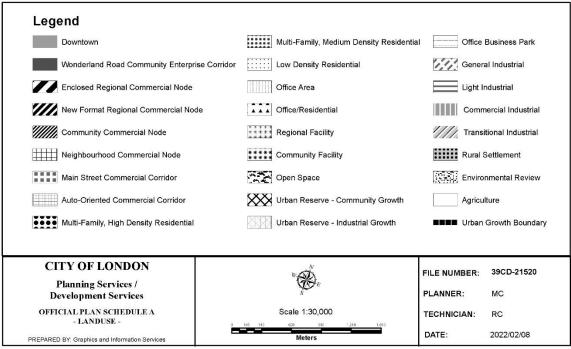
Appendix B - Relevant Background

London Plan Excerpt



1989 Official Plan Excerpt





PROJECT LOCATION: e:\planning\projects\p_officialplan\workconsol00\excerpts\mxd_templates\scheduleA_b&w_8x14_with_SWAP.mxd

Existing Zoning Map

