That on the recommendation of the Director of Development Planning, the following actions be taken with respect to the site plan approval application and the application for draft plan of vacant land condominium of 1423197 Ontario Inc. (Farhad Noori) for the property at 696 Commissioners Road West:

a) Built and Natural Environment Committee **CONDUCT** a public meeting on behalf of the Approval Authority for the proposed Draft Plan of Vacant Land Condominium as submitted by 1423197 Ontario Inc. (Farhad Noori) and **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the application for draft plan of vacant land condominium; and

b) Built and Natural Environment Committee concurrently **CONDUCT** a public meeting on behalf of the Approval Authority for the proposed Site Plan as submitted by 1423197 Ontario Inc. (Farhad Noori) and **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the application for Site Plan Approval; and

c) the Approval Authority **BE REQUESTED** to utilize (if possible) one agreement (in place of a separate development agreement and condominium agreement) to address the development of this site.

d) the applicant **BE ADVISED** of the following claims and revenues information:

<table>
<thead>
<tr>
<th>Estimated Revenue</th>
<th>Estimated Claims</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban Works Reserve Fund</td>
<td>$47,850.00</td>
</tr>
<tr>
<td>Other Reserve Funds (City Services &amp; Hydro)</td>
<td>$285,435.00</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$333,285.00</strong></td>
</tr>
</tbody>
</table>

**PREVIOUS REPORTS PERTINENT TO THIS MATTER**

Planning Committee December 13, 2010 - Public Participation Meeting to rezone the property to permit cluster housing.

**PURPOSE AND EFFECT OF RECOMMENDED ACTION**

The purpose and effect of this application is to consider a proposed draft plan of vacant land condominium and Site Plan Approval at 696 Commissioners Road West. The plan consists of fifteen (15) vacant land units (or lots) and a common element for the driveway and services, with access from Commissioners Road West.
RATIONALE

1. The draft plan of vacant land condominium conforms with the City's Official Plan and Condominium Submission Review and Approval Guidelines, and the proposed residential use is permitted by the zoning by-law.

2. Application for site plan approval was made in conjunction with the application for vacant land condominium.

3. Measures to minimize impacts of this development including measures to protect trees, perimeter fencing and landscaping will be implemented through conditions of Draft Plan Approval and Site Plan Approval.

BACKGROUND

REQUESTED ACTION: Request for approval of a draft plan of vacant land condominium and Site Plan Approval on the subject land. The application proposes a residential plan of vacant land condominium creating 15 residential units, and a common element for the driveway and related services.

SITE CHARACTERISTICS:
- Current Land Use – Single detached residential dwelling
- Frontage – 78.4 metres (257.2 ft.)
- Depth – 103.6 metres (340 ft.)
- Area – 0.8 hectares (2 acres)
- Shape – Rectangular orientation with frontage Commissioners Rd. West

SURROUNDING LAND USES:
- North – Single detached residential and cluster housing
- South – Single detached residential
- East – Cluster housing (condominium)
- West – Cluster housing (condominium)

OFFICIAL PLAN DESIGNATION:
- Multi Family Medium Density Residential

EXISTING ZONING:
- Holding Residential h-5. R5-2/R6-3(7)

PLANNING HISTORY

The subject property is located the Westmount Planning District. The lands on the south side of Commissioners Rd. West, between Longworth and Nottinghill, have been designated Multi-Family, Medium Density Residential since the adoption of the 1989 Official Plan. The Commissioners Road corridor, between Wonderland Road on the east and Crestwood Drive on the west, mainly includes a mix of low and medium density residential development.
During the 1990's, several blocks in the vicinity of the subject site have been developed with various forms of cluster housing including: townhouse units on the property to the west at 500 Cranbrook Road (1997); townhouse units on the property to the east at 680 Commissioners Road West (1998); and cluster single detached units to the north at 681 Commissioners Road West (1999). The lands on the north side of Commissioners Road, opposite the subject property and further to the west, include single detached residential dwellings.

The subject property constitutes the last undeveloped parcel of land in the corridor along Commissioners Road West, between Crestwood Drive and Wonderland Road. While this segment of Commissioners Road experiences relatively high volumes of traffic, it is considered to be a stable area that has maintained its residential amenity.

On December 20, 2010 Municipal Council resolved:

That, on the recommendation of the Director of Development Planning and Managing Director of Development Approvals Business Unit, based on the application of 1423197 Ontario Inc. (Farhad Noori) relating to the property located at 696 Commissioners Road West the attached proposed by-law BE INTRODUCED at the Municipal Council meeting on January 24, 2011 to amend Zoning By-law No. Z-1, in conformity with the Official Plan, to change the zoning of the subject lands FROM a Holding Residential R2/Residential R5 (h-5*R2-1/R5-2) Zone which permits single detached, semi-detached duplex, converted, cluster townhouse and cluster stacked townhouse dwelling at a maximum density of 30 units per hectare and a maximum height of 12 metres, TO a Holding Residential R5/Residential R6 Special Provision (h-5*R5-2/R6-3) Zone, which permits cluster townhouse, stacked townhouse, single detached, semi-detached and duplex dwellings up to a maximum density of 30 units per hectare and a maximum height of 12 metres, with special provisions in the R6-3 Zone for a maximum lot coverage of 40%, a minimum front yard setback of 3.0 metres, a minimum rear yard setback of 4.5 metres, and a minimum side yard setback of 1.2 metres plus, for any portion of the side yard adjacent to a part of the building exceeding one storey in height, 0.6 metres for each storey or part thereof above one storey;

it being noted that the issues to be addressed as part of the site plan application and public meeting to satisfy the "h-5" holding provision will include: road widening dedication, tree preservation, noise attenuation requirements, internal access and parking, landscaping, privacy fencing, site drainage, building orientation and streetscape interface;

it being pointed out that at the public participation meeting associated with this matter, the following individual made an oral submission in connection wherewith:

- T. Wey, Eng Plus Limited – representing the applicant and expressing support for the application, and requesting a correction to the application/by-law to reflect the company name of 1423197 Ontario Inc. (2010-D11-05) 21/1/BNEC

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

Canada Post

This subdivision will receive mail service to centralized mail facilities provided through our Community Mailbox program.

Urban Design

Unit 1 (D.P.N 7), (north elevation) is to include the addition of window in the northeast corner to further reduce the visual bulk of the building;

Streetscape elevations, as currently submitted, should include the elevations for Units 6 (D.P.N 1) and 7 (D.P.N 3). As these units are located at the end of the driveway the garage is to be located so as not to be the dominate feature of the view terminus (ie. flip the garages on these units);

Provide the main entrance to each building at the front, facing the street;

The use of a diversity of material types that are of a high quality are encouraged.
On February 11, 2011 a Notice of Public Site Plan Meeting was sent to 176 surrounding property owners. Notice was published in the Living in the City section of the London Free Press on February 19, 2011.

**Nature of Liaison:** Consideration of a request to approve a vacant land plan of condominium and a Site Plan consisting of 15 detached dwelling units, and a common element for the driveway and services.

**Responses:** Development Planning received 1 telephone call and 0 written responses. The key concerns are summarized as follows:

- Neighbor across the street at 703 Commissioners Road West called with concerns about headlights from cars leaving the site causing glare in his front windows. Upon further review of the Site Plan and the proposed driveway location his concerns were alleviated.
- At the rezone stage there was concern regarding the existing hedgerow at the rear of the property that neighbors would like maintained for privacy. The accepted Tree Preservation Report outlines measures to preserve this hedgerow through the construction process.

**ANALYSIS**

**Description of the Site Plan**

Fifteen vacant land condominium units with one storey single detached dwellings are proposed on the site which will be accessed from a central driveway with one access to Commissioners Road West. The perimeter of the site is currently fenced with a 1.8m high board fence. A proposed 2.5m high noise wall will wrap around a 13.5m portion of the north-west corner of the site on private property to protect the rear amenity area for Unit #1 (D.P.N. # 7). The proposed single storey, single family homes will be finished with diversity of material types including brick.

**Does the proposal conform to the Site Specific Zoning By-law?**

Yes the Site Plan conforms to the Site Specific Zoning By-law.

The following regulations apply with the proposed site plan:

- **Permitted Uses:** Cluster Housing
- **Lot Area (minimum):** 2000 m²
- **Lot Frontage (minimum):** 22.0 m
- **Front Yard Setback (minimum):** 2.7 m
- **Interior Side Yard – west (minimum):** 1.2 m
- **Interior Side Yard – east (minimum):** 1.2 m
- **Rear Yard Depth (minimum):** 4.5 m
- **Landscaped Open Space (%) (minimum):** 40
- **Lot Coverage (%) (maximum):** 40
- **Height (maximum):** 10.5 m
- **Density – units per hectare (maximum):** 25
- **Parking:** 30

A holding provision is in effect:

- **“h-5” – Purpose:** To ensure that development takes a form compatible with adjacent land uses, agreements shall be entered into following public site plan review specifying the issues allowed for under Section 41 of the Planning Act, R.S.O. 1990, c. P. 13, prior to the removal of the “h-5” symbol.
- Once the development agreement has been entered into for the site, a separate report will be filed for the removal of the holding provision.
How does the recommended Site Plan address the issues raised by Council?

The following issues Council requested be addressed by the Approval Authority as part of the site plan application and public meeting to satisfy the "h-5" holding provision:

Road widening dedication - The proposed site plan has incorporated the road widening dedication on Commissioners which tapers from 5.8m to 4.5m from west to east;
Tree preservation - The retention of many of the perimeter trees and the retention of the existing cedar hedge at the rear of the property as described in the accepted Tree Preservation report by ENG PLUS dated August 31, 2010 provides a natural buffer for adjacent properties.
Noise attenuation requirements - A noise study was prepared by Eng Plus and the recommendations of the report have been incorporated into the development agreement.
Internal access and parking - The driveways within the complex have been adjusted to create better focal points.
Landscaping - The proposed Landscape Plan will add 17 large shade trees to the site and the proposed tree and shrub plantings along Commissioners Road West will soften the visual impact of the driveways and homes from Commissioners Road West.
Privacy fencing -The site will be buffered from adjacent properties by an existing 1.8m high wood fence.
Site drainage - The site will be designed to generally retain all surface runoff which will be directed to the on site storm system.
Building orientation and streetscape interface - The site layout has accommodated street oriented units for Units 13, 14 & 15 and will have an active façade on Unit 1.

CONCLUSION

Based on our review, the Site Plan and the draft plan of vacant land condominium is compatible with surrounding residential land uses. Measures to minimize impacts of this development including measures to protect trees, perimeter fencing and landscaping have been implemented through conditions of Draft Plan Approval and the Site Plan process.

PREPARED BY: LINDA MCDougall
SUBMITTED BY: BRUCE HENRY
LINDA MCDougall LANDSCAPE PLANNER BRUCE HENRY MANAGER OF DEVELOPMENT PLANNING
RECOMMENDED BY: D. N. STANLAKE DIRECTOR DEVELOPMENT PLANNING

c: Royal Homes
c/o Eng Plus Limited
101-750 Baseline Road East
LONDON ON N6C 2R5
Fax: 519-4387052
DEVELOPMENT AGREEMENT

Standard Clauses to be Incorporated into the Development Agreement

1. Include standard clauses 9, 10, 13, 14, 15, 16, 21, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35(b), 37, 38, 39, 40, 41, 42, 43, 44

2. Delete standard clauses 1, 2, 3, 4, 5, 6, 8, 11, 12, 17, 18, 19, 20, 24, and 35(a).

Modifications to Standard Clauses

1. Clause 7. Road Widening Dedication:

Prior to and as a condition precedent to the issuance of a final building permit for the development, the Owner shall deliver to the City Legal Department a fully registrable deed or transfer to the satisfaction of the City's Chief Survey or dedicating, at no expense to the City, sufficient land free from any building, encumbrance, restriction, condition, right-of-way, or easement whatsoever, except as may be acceptable to the City, to widen Commissioners Road West 5.8m to 4.5m metres in perpendicular width, tapering from west to east, from the limit of Commissioners Road West as it existed on the date of this agreement.

Clause 22. Special Provisions

a) Overland Flows

The Owner hereby remises, releases, and forever discharges the Corporation of the City of London of and from all actions, causes of action, claims and demands of every nature or kind arising out of or in any way related to or connected with the overland flows from this site and agrees not to make any claim or to commence or maintain any action or proceeding against any person or corporation in which any claim could arise against the Corporation of the City of London for contribution or indemnity under the Negligence Act or otherwise in respect of any overland flows from these lands.

b) Lot Grading

The Owner covenants and agrees that all lots and blocks shown on the approved site servicing plan attached hereto as Schedule "C" shall be graded including fill or excavation as required by the City Engineer, for their full width and length to the grades, levels specifications, requirements and satisfaction of the City Engineer.

The Owner covenants and agrees that each lot and block be graded to conform generally to the elevations and grades shown on the approved site servicing plan attached hereto as Schedule "C" for the full developed lot or block including the building, the landscaping and the paved driveway.

The Owner further agrees that he shall either impose by a general registration on all lots and blocks in the development a building scheme which includes the following lot and block grading restrictions, or include in the agreement of sale and in conveyance or transfer of each and every lot and block in the development a covenant by the purchaser of transferee (and by each successive owner after such purchaser or transferee) in the following form to observe and comply with the lot grading restrictions contained therein:
Lot and Block Grading Restrictions

The Transferee covenants with the Transferor to observe and comply with the following lot and block grading restrictions, and the benefit shall likewise run with these lands and with each of the said lots and blocks and shall be annexed to and run with each and every part of these lands and also each and every part of the land now owned by the Transferor, not included in these lands. This covenant shall be binding upon and ensure to the benefit of the respective heirs, executors, administrators, successors and assigns of the parties.

(i) Obligation to Grade According to Accepted Plan: These lands shall not be grades except in general conformity with the grades and elevations shown on the approved site servicing plan attached to the development agreement or filed with the City Engineer of the City of London.

(ii) Certified Lot Grading Plan: No building shall be constructed on these lands until a Certified Lot Grading Plan has been filed with the Chief Building Official of the City of London showing:

- the proposed finished elevation of these lands at each corner of the lot or block;
- the proposed finished elevation of these lands at the front and rear of the building;
- the proposed finished elevations of the underside of the footings and the proposed finished height of the foundation of the building;
- the proposed finished elevation of any retaining walls, the proposed elevation of any walk-out onto these lands from the basement of the building, and the proposed elevation of any basement window openings;
- the proposed finished elevation and slope of any driveway and the proposed location of any swale or rear yard catch basin; and,
- any abrupt changes in the proposed finished elevation of these lands.

The plan shall bear the signature and seal of an Ontario Professional Engineer authorized by the Association of Professional Engineers of Ontario or who is employed by a partnership or corporation authorized by the Association to offer professional engineering services to the public (hereinafter called an "Ontario Professional Engineer") who certifies thereon that the Plan generally conforms with the approved site servicing plan attached to the development agreement or filed with the City Engineer.

(iii) Owner's Interim Grading Certificate: No building shall be constructed beyond the readiness to construct structural framing until there has been filed with the Chief Building Official an Owner's Interim Grading Certificate bearing the signature and seal of either an Ontario Professional Engineer or an Ontario Land Surveyor that the elevations of the footings or the foundations generally conform with the Certified Lot Grading Plan.

(iv) Owner's Final Grading Certificate: No newly constructed building shall be occupied or used unless there is filed:

Prior to occupancy, in the case of substantial completion on or between June 1 and October 31, or;

by the following June 1, in the case of substantial completion on or between November 1, and May 31;

with the Chief Building Official an Owner's Final grading Certificate bearing the signature and seal of an Ontario Professional Engineer that the actual finished elevation and grading of these lands generally conform with the approved site servicing plan and the Certified Lot Grading Plan.
(v) Obligation to Maintain Grading: After these lands are graded in accordance with Clause 1 of these restrictions, no change shall be made to the actual finished elevation and grading of these lands in any way that results in a material alteration of drainage on or across these lands or adjacent lands from that shown on the approved site servicing plan and the Certified Lot Grading Plans for these lands and the adjacent lands.

(vi) Continuation of Covenant: The Transferee agrees to obtain from any subsequent purchaser or transferee from him a covenant to observe and comply with the restrictions set forth above including this clause.

The Owner further agrees that the existing property line grades abutting developed lands are not to be altered or disturbed, except as approved otherwise by the City Engineer.

The Owner shall construct silt fences or other facilities as required during construction to control overland flows from this development to ensure that mud, silt, construction debris, etc. does not adversely affect abutting properties, all to the specifications of the City Engineer.

c) Zoning to be Final

In the event that the proposed Zoning by-law for R6-6 Special Provision Zone is not finally approved and "in force" pursuant to the Planning Act RSO 1990 this agreement shall be terminated and have not further force and effect.

d) Noise Warning

The standard warning clause below be placed in all offers of purchase or lease for Units 1, 13, 14, & 15 being D.P.N's 7, 5, 3 & 1 respectively.

This dwelling unit has been fitted with a forced air heating system and the ducting, etc. was sized to accommodate central air conditioning. Installation of central air conditioning by the occupant will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality's and the Ministry of the Environment's noise criteria.

Note: The location and installation of the outdoor air conditioning device should be done so as to comply with noise criteria of MOE Publication NPC-216, Residential Air Conditioning Devices and thus minimize the noise impact both on and in the immediate vicinity of the subject property.

The Owner's qualified consultant shall certify for each respective permit that the plans accommodate these measures and will certify the installation of the same upon completion of each building on the respective unit.

The standard warning clause below be placed in all offers of purchase or lease for Unit 2 being D.P.N. 9 only; Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the Municipality's and the Ministry of the Environment's noise criteria.

2. Clause 26 Storm Water Management

Amend to read:

The consulting engineer shall provide inspection during construction of the storm water management system and certify upon completion that it was constructed in accordance with the accepted plans. This work shall be completed prior to occupancy of the development. The Owner shall maintain this storm water management system thereafter so this it is functional as designed.

3. Clause 36 Security for Performance

Add the amount of "$40,000.00" for onsite works.
Elevations D.P.N. 7, 696 Commissioners Road West - SP10-035360
Elevations D.P.N. 1, 3 & 5, 696 Commissioners Road West - SP10-035360
SITE DATA

ZONING: B-3, R-2, R-5.2 Chomedio to R-6.3C

LOCATION MAP

TOPographical PLAN OF AREA

EXTENSION: 09-07 1/12
INFECTION: 05-07 1/12
FORCING: 04-07 1/12
SPACING: 03-07 1/12
FREQUENCY: 02-07 1/12
"FOR ANALYSIS,": 01-07 1/12
LOT AREA: 00-07 1/12

AGENDA ITEM # 28-2