

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning and Environment Committee

**From:** Scott Mathers, MPA, P.Eng.  
Deputy City Manager, Planning and Economic Development

**Subject:** 2134325 Ontario Inc. (York Developments)  
1407-1427 Hyde Park Road  
File Number: OZ-9438, Ward 7  
Public Participation Meeting

**Date:** October 23, 2023

## Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of 2134325 Ontario Inc. (York Developments) relating to the property located at 1407-1427 Hyde Park Road:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting November 7, 2023 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, The London Plan, to change the zoning of the subject property **FROM** a Holding Business District Commercial Special Provision (h\*BDC2(4)) Zone and a Business District Commercial Special Provision (BDC2(3)) Zone, **TO** a Business District Commercial Special Provision (BDC2(\_)) Zone;
- (b) the Site Plan Approval Authority **BE REQUESTED** to consider the following design issues through the site plan process:
- i) Ensure the townhouses function separately from the commercial development, with adequate landscape buffering and separate entrances and parking facilities for each use;
  - ii) Provide an adequately sized and functional amenity space for the residential units;
  - iii) The proposed east-west pedestrian connection, in the general location shown on the plans submitted with the Zoning By-law Amendment application, be maintained with enhanced landscaping;
  - iv) Consent to remove any boundary trees is required prior to final Site Plan Approval;
  - v) An alternative location for site access from Hyde Park Road be considered;
  - vi) Bicycle parking for the townhouse component of the development be considered; and,
  - vii) All outstanding matters with respect to the proposed watercourse enclosure be resolved with the Upper Thames River Conservation Authority (UTRCA), and a Section 28 approval be obtained.
- (c) Pursuant to Section 34(17) of the *Planning Act*, as determined by the Municipal Council, no further notice **BE GIVEN** in respect of the proposed by-law as the changes in height and density are minor in nature and will not significantly alter the proposed development circulated in the Notice of Public Meeting.

**IT BEING NOTED**, that the above noted amendment is being recommended for the following reasons:

- i) the recommended amendment is consistent with the Provincial Policy Statement, 2020;
- ii) the recommended amendment is in conformity with the 1989 Official Plan and the Hyde Park Community Plan;
- iii) the recommended amendment is in conformity with the Official Plan, The London Plan;

- iv) The recommended amendment facilitates the development of an underutilized site with an appropriate range of uses at an appropriate scale and intensity.

## Executive Summary

### Summary of Request

The applicant had initially requested an amendment to The London Plan to add a Specific Policy to the Main Street Place Type to permit a single-storey building, whereas a minimum of two storeys or 8 metres is required, and to add the subject site to Map 7 – Specific Policy Areas. The proposed development has since been revised to meet the minimum 8 metre height requirement and no longer requires a Specific Policy.

The applicant has requested an amendment to Zoning By-law Z.-1 to rezone the property from a Holding Business District Commercial Special Provision (h\*BDC2(4)) Zone and a Business District Commercial Special Provision (BDC2(3)) Zone to a Business District Commercial Special Provision (BDC2(\_)) Zone with the following special provisions: add stacked townhouses as an additional permitted use; maintain the existing special provision exempting the site from the maximum 3.0 metre front yard depth (South Carriage Road); permit a maximum mixed-use density of 70 units per hectare; and a maximum building height of 15.0 metres; and to permit parking in the front yard (South Carriage Road).

### Purpose and the Effect of Recommended Action

The recommended action will permit the development of two, one storey (8 metre) commercial buildings with a total gross floor area of 1,702 square metres and two, 3.5-storey stacked back-to-back townhouse buildings with a total of 72 units.

Staff are recommending approval with additional special provisions to affect the following: deeming Hyde Park Road the front lot line, a larger interior side yard depth for the proposed stacked townhouse dwellings, a minimum building height of 8.0 metres, a maximum of four (4) parking spaces along the South Carriage Road frontage, and prohibit parking within the required front yard on Hyde Park Road.

## Linkage to the Corporate Strategic Plan

This recommendation supports the following Strategic Areas of Focus:

- **Housing and Homelessness**, by ensuring London's growth and development is well-planned and considers use, intensity, and form.
- **Housing and Homelessness**, by increasing access to a range of quality, affordable, and supportive housing options that meet the unique needs of Londoners.
- **Wellbeing and Safety**, by promoting neighbourhood planning and design that creates safe, accessible, diverse, walkable, healthy, and connected communities.

## Analysis

### 1.0 Background Information

#### 1.1 Previous Reports Related to this Matter

OZ-9438 – 1407-1427 Hyde Park Road – Report to Planning and Environment Committee – March 27, 2023

OZ-9438 – 1407-1427 Hyde Park Road – Report to Planning and Environment Committee – September 12, 2022

#### 1.2 Planning History

The subject site was part of the Hyde Park Community Plan area (1989 Official Plan),

on lands that were annexed from London Township on July 1, 1993. At the time of annexation, Hyde Park had a considerable amount of existing industrial, community facility, commercial and residential uses within its boundaries. The existing commercial area centred on the intersection of Hyde Park and Gainsborough Roads had a distinct “village form” at the time, with street-orientated businesses along both Hyde Park Road and Gainsborough Road.

In 1999 the developers (First Professional Management) of the commercial area at Hyde Park and Fanshawe Park Road and the City initiated the Hyde Park Community Plan. In December 1999 the Hyde Park Community Plan – Community and Urban Design Guidelines were completed to guide future development in the area. Those guidelines are still used and form part of The London Plan City Design Guidelines in Policy 1716\_6 of the Plan. The Hyde Park Community Plan was Council adopted December 2, 2000 and formed part of the 1989 Official Plan policies.

Shortly after the completion of the Hyde Park Community Plan, an application (OZ-6368/Braskal Corporation) was initiated on a portion of the subject property requesting amendments to allow service commercial uses on these lands and on lands to the north of the proposed South Carriage Road. On September 2, 2003 Council passed a Zoning By-law amendment to rezone a portion of the site to a Business District Commercial Special Provision (BDC2(3)) Zone, which removed the maximum front yard depth of 3.0 metres from the northern portion of the subject property and lands north of the proposed future road allowance (South Carriage Road) to allow the development of a hardware store (TSC, now Peavey Mart) on the latter lands. The balance of the site was zoned a Holding Business District Commercial Special Provision (h\*BDC2(4)) Zone, which applied the same special provision as the BDC2(3) Zone and a holding provision requiring a Development Agreement.

### **1.3 Property Description and Location**

The subject lands are located on the southeast corner of Hyde Park Road and South Carriage Road in the Hyde Park Planning District. The site is relatively flat with no designated natural features except for a municipal drain which traverses the site. The Van Horik drain runs along the southern boundary of the site and across a portion of the site to the northeast.

The site is currently undeveloped and is immediately surrounded by residential uses, commercial uses, and other vacant lands, including: a hardware store (Peavey Mart) to the north, townhouses to the east, a single detached dwelling to the south, and undeveloped land to the west. Additional residential uses, such as townhouses and apartment buildings exist in the broader vicinity, as well as additional commercial uses such as a tire shop, restaurant, and motorcycle dealership.

#### **Site Statistics:**

- Current Land Use: Undeveloped
- Frontage: 93 metres (305 feet)
- Depth: 149.1 metres (489.2 feet)
- Area: 1.4 hectares (3.5 acres)
- Shape: regular (rectangle)
- Located within the Built Area Boundary: No
- Located within the Primary Transit Area: No

#### **Surrounding Land Uses:**

- North – South Carriage Road, hardware store (Peavey Mart), retail commercial businesses, apartment building and townhouses
- East – low density residential including street townhouses and single family detached dwellings.
- South – Commercial uses with a street-orientated design, SWM pond and CPR railway corridor
- West – Hyde Park Road (4 lane road with turning lanes), undeveloped land, low density residential subdivision and Canterbury Park.



## Existing Planning Information:

- 1989 Official Plan Designation – Main Street Commercial Corridor
- Hyde Park Community Plan – Business District
- London Plan Place Type – Main Street Place Type
- Existing Zoning – Business District Commercial Special Provision (BDC2(3)) Zone and Holding Business District Commercial Special Provision (h\*BDC2(4)) Zone

Additional site information and context is provided in Appendix “B”.



Figure 1- Aerial Photo of 1407-1427 Hyde Park Road and surrounding lands

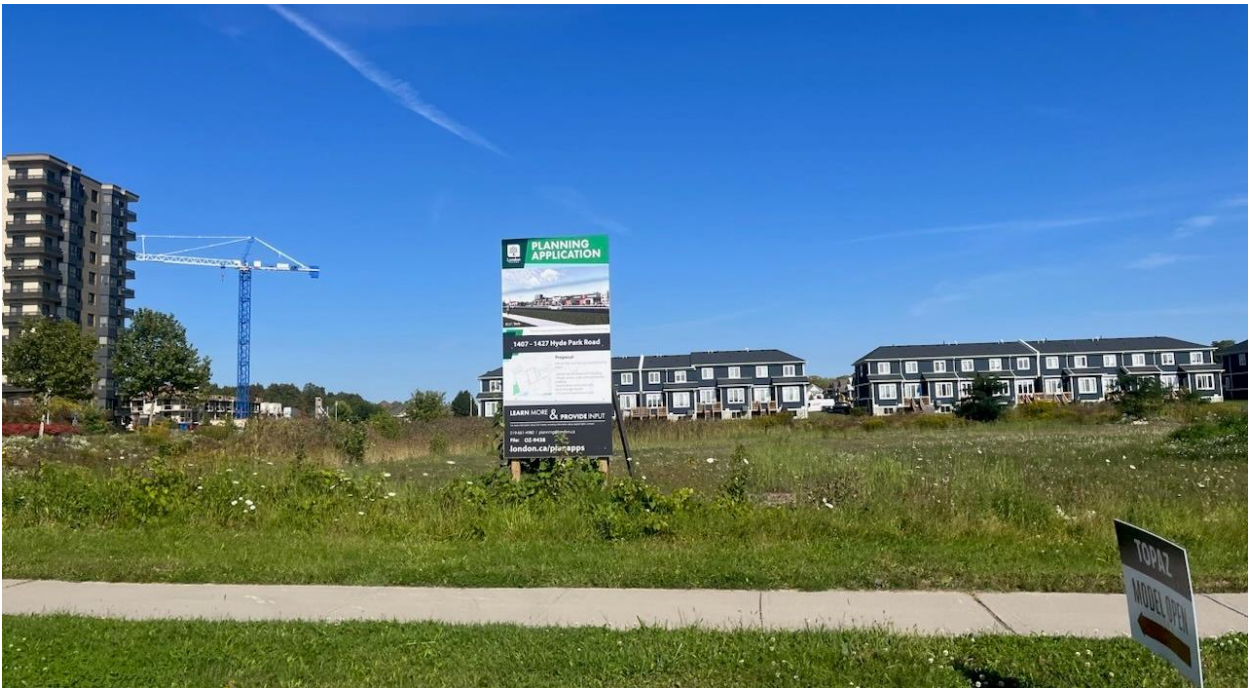


Figure 2 – Streetview of 1407-1427 Hyde Park Road (view looking E)

## 2.0 Discussion and Considerations

### 2.1 Development Proposal

Two previous design concepts of the proposed development were received and referred back to staff by the Planning and Environment Committee.

The initial design concept for the site included the following main components:

- A multi-unit, single storey commercial structure along Hyde Park Road, accommodating a variety of service/retail commercial uses with seven individual units ranging in gross floor area (GFA) from approximately 109m<sup>2</sup> to 140m<sup>2</sup> and a total gross floor area of 921m<sup>2</sup>;

- A stand-alone restaurant (McDonalds) at the corner of Hyde Park Road and South Carriage Road with an accessory drive through facility and an approximate gross floor area (GFA) of 410m<sup>2</sup> ;
- Two, 3.5 storey stacked, back-to-back townhouse buildings accommodating a total of 72 dwelling units in the central portion of the property;
- A common parking area comprised of 187 surface parking stalls, including barrier free spaces, and integrating 76 bicycle parking stalls and internal loading areas;
- An internal walkway system (1) providing pedestrian connectivity to commercial and residential units, adjacent sidewalks and the parking field and (2) incorporating enhanced landscaping elements (e.g., gazebo feature); and,
- Vehicular access from Hyde Park Road and South Carriage Road with internal drive aisle connections, pedestrian walkways and loading areas. A joint access with 1369 Hyde Park Road is proposed to accommodate the southern entrance.

In response to City comments and deferral of the application at Planning and Environment Committee on September 12, 2022, the applicant made the following revisions to their proposal which was submitted November 21, 2022 and circulated for additional comments:

- Increased the amount of commercial gross floor area from 1340m<sup>2</sup> to 1668m<sup>2</sup>;
- Removed the request for a restaurant with a drive-through facility;
- Reduced the number of parking spaces following the City-wide parking review (177 spaces provided, whereas 70 spaces are required, and 36 bicycle spaces provided, whereas 9 bicycle spaces are required);
- Increase the lot coverage from 26% to 28%; and,
- Increase the landscaped open space from 32% to 35%.

The application was referred back to staff by the Planning and Environment Committee a second time on March 27, 2023, and in response, a revised concept plan was received from the applicant on July 21, 2023. The final concept includes the following revisions:

- Enlarged central amenity between Buildings 1 and 2;
- Revised building footprints (Buildings 1 to 4);
- Revised major pedestrian crossings by replacing asphalt surfacing with concrete and providing speed bumps for enhanced safety;
- Introduced pedestrian crossing signs at main crossing between commercial and residential buildings;
- Provided an iron fence with gates to act as a buffer between townhouse buildings and western parking lot;
- Reoriented Building 3 townhouse entrances to South Carriage Road (north units);
- Reduced parking spaces fronting South Carriage Road from 14 to 4 spaces, with no parking located between Building 3 and the road corridor;
- Reduced total parking provided from 177 spaces to 164 spaces;
- Removed bicycle racks from Hyde Park Road frontage;
- Proposed a location for the transformer;
- Revised elevations to reflect new building footprints.

The current proposed development includes the following features:

- Land use: Commercial and residential (stacked townhouses)
- Form: Cluster
- Height: one storey (8 metres) – commercial; 4 storeys (14.3 metres) – residential
- Residential units: 72
- Density: 63.5 units / hectare (mixed-use density)
- Gross floor area: 1,702 square metres (commercial) and 7,977 square metres (residential)
- Building coverage: 28.3%
- Parking spaces: 164 surface
- Bicycle parking spaces: 36
- Landscape open space: 34.2%



Additional information on the development proposal is provided in Appendix “B”.

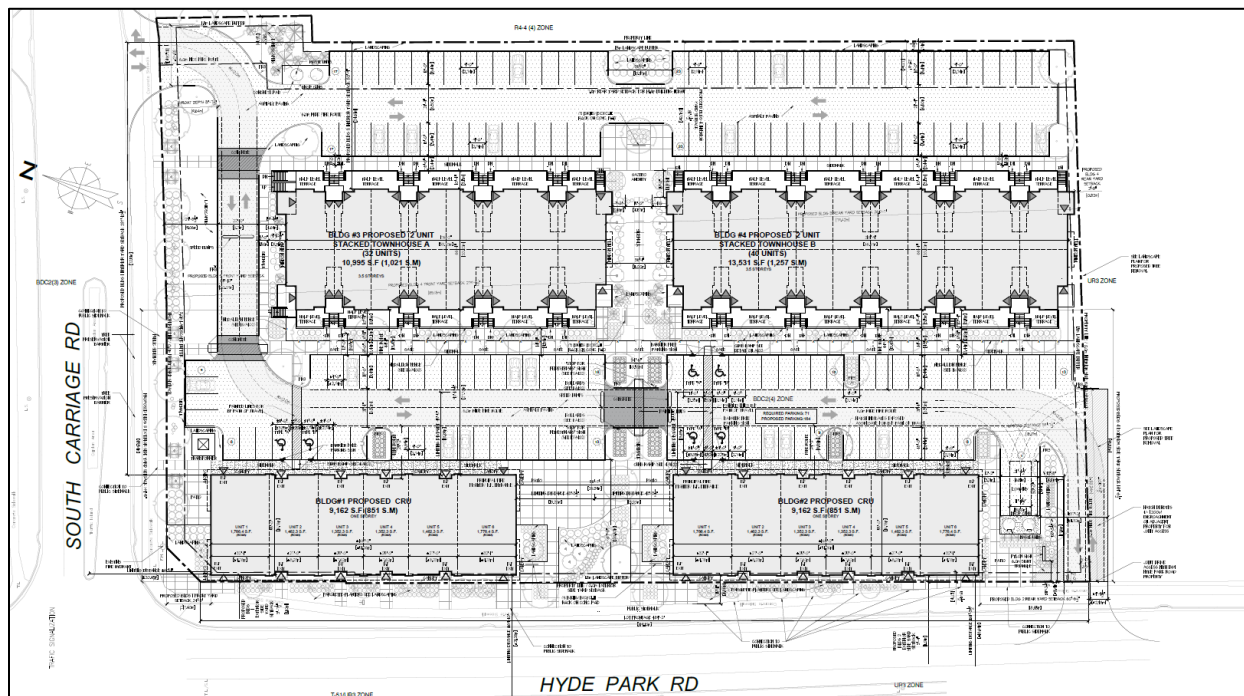


Figure 3 – Conceptual Site Plan (July 2023)

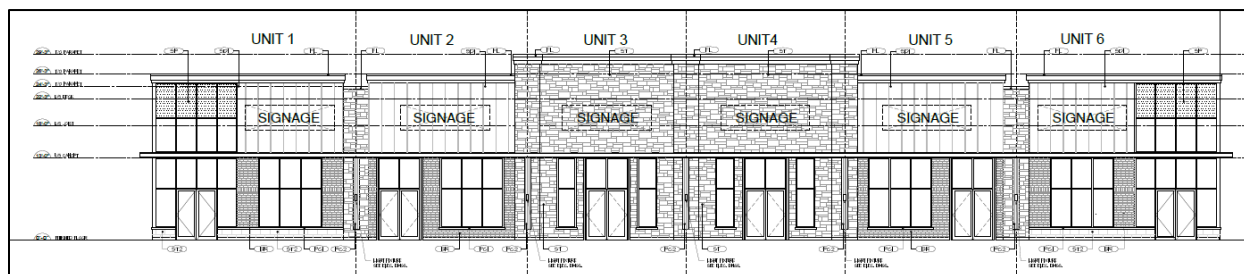


Figure 4 – West Elevation of Commercial Buildings (July 2023)



Figure 5 – West Elevation of Stacked Townhouses (July 2023)

Additional plans and drawings of the development proposal are provided in Appendix “C”.

## 2.2 Requested Amendments

The applicant had initially requested to add a Specific Policy to the Main Street Place Type in The London Plan, and to Map 7: Specific Policy Areas to facilitate the above noted development proposal. However, as the current building design meets the minimum 8 metre height requirement, a Specific Policy is no longer required.

The applicant has requested an amendment to Zoning By-law Z.-1 to rezone the property from a Holding Business District Commercial Special Provision (h\*BDC2(4)) Zone and a Business District Commercial Special Provision (BDC2(3)) Zone to a Business District Commercial Special Provision (BDC2(\_)) Zone with special provisions.

The following table summarizes the special provisions that have been proposed by the applicant.

Regulation (BDC2 Zone)	Required	Proposed
Additional Permitted Use		Stacked townhouses
Maximum Front Yard Depth	3.0 metres	No maximum front yard required
Density	Density to be determined through a site specific Zoning By-law Amendment	65 units per hectare
Building Height	12.0 metres	14.5 metres
Yards Where Parking Areas Permitted	Not permitted in the front yard	Permitted in the front yard (South Carriage Road)

### 2.3 Internal and Agency Comments

The application and [associated materials](#) were circulated for internal comments and public agencies to review. Comments received were considered in the review of this application and are addressed in Section 4.0 of this report.

Key issues identified by staff and agencies included:

- The commercial building along Hyde Park Road is only one storey in height, the policies require a minimum of two storeys or 8 metres (London Plan Policy 908\_2);
- The site layout and functionality;
- Mix of commercial and residential parking could create a safety hazard;
- Proposed parking in the front yard and building and parking area setbacks contrary to Main Street Place Type;
- Inadequate outdoor amenity area particularly for residential uses;
- UDPRP indicated the overall site design was confusing and detracted from the residential environment;
- Joint access with 1369 Hyde Park Road requires a consent application, is not supported by Transportation, and creates tree preservation concerns; and,
- Enclosure of municipal drain requires UTRCA approval.

Detailed internal and agency comments are included in Appendix “D” of this report.

### 2.4 Public Engagement

On December 2, 2021 a Notice of Application for the initial application/first submission was sent to 159 property owners within 120 metres of the property boundaries. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on December 3, 2021. A “Planning Application” sign was also placed on the site.

A Notice of Public Meeting for the September 12, 2022 Planning and Environment Committee meeting was mailed on August 24, 2022 and published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on August 25, 2022.

A Notice of Public Meeting for the March 27, 2023 Planning and Environment Committee meeting was mailed on March 8, 2023 and published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on March 9, 2023.

There were eight (8) responses received during the public consultation period.

Concerns expressed by the public relate to:

1. Increased traffic and reduction in pedestrian safety from commercial development and drive-through;
2. Increased litter and garbage;
3. Need for another McDonald’s restaurant;
4. Impact of restaurant/drive-through on climate change; and,

5. Disrespects the nearby memorial for the Afzaal family.

Detailed public comments are included in Appendix “E” of this report.

## **2.5 Policy Context**

### ***The Planning Act and the Provincial Policy Statement, 2020***

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the *Provincial Policy Statement, 2020 (PPS)*. The *Planning Act* requires that all municipal land use decisions affecting planning matters shall be consistent with the *PPS*.

The mechanism for implementing Provincial policies is through the Official Plan, *The London Plan*. Through the preparation, adoption and subsequent Ontario Land Tribunal (OLT) approval of *The London Plan*, the City of London has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest are reviewed and discussed in *The London Plan* analysis below.

As the application for a Zoning By-law amendment complies with *The London Plan*, it is staff's opinion that the application is consistent with the *Planning Act* and the *PPS*.

### ***The London Plan, 2016***

*The London Plan* (TLP) includes evaluation criteria for all planning and development applications with respect to use, intensity and form, as well as with consideration of the following (TLP 1577-1579):

1. Consistency with the Provincial Policy Statement and all applicable legislation.
2. Conformity with the Our City, Our Strategy, City Building, and Environmental policies.
3. Conformity with the Place Type policies.
4. Consideration of applicable guideline documents.
5. The availability of municipal services.
6. Potential impacts on adjacent and nearby properties in the area and the degree to which such impacts can be managed and mitigated.
7. The degree to which the proposal fits within its existing and planned context.

Staff are of the opinion that all the above criteria have been satisfied.

### ***1989 Official Plan***

As the application was received and deemed complete before *The London Plan* came into full force and effect on May 25, 2022, the application must be reviewed under the relevant policy framework of the 1989 Official Plan in addition to the policies of *The London Plan*. It is staff's opinion that the recommended Zoning By-law amendment conforms to the 1989 Official Plan.

### ***Hyde Park Community Plan and Urban Design Guidelines***

*The Hyde Park Community Plan and Urban Design Guidelines* has been reviewed in its entirety and it is staff's opinion that the recommended Zoning By-law amendment is consistent with it.

## **3.0 Financial Impact/Considerations**

None.



## **4.0 Key Issues and Considerations**

### **4.1 Land Use**

#### ***The London Plan***

The subject lands are in the Main Street Place Type in The London Plan, permitting a broad range of residential, retail, service, office and institutional uses to serve surrounding neighbourhoods within walking distance (Policy 908\_1). Mixed-use buildings will be encouraged (Policy 908\_2) and retail and service uses will be encouraged at grade, with residential and non-service office uses directed to the rear and upper floors of buildings (Policy 908\_3). The proposal does not propose a mix of uses in one building, instead it includes a mix of commercial and residential uses in separate buildings.

It is noted that both commercial and residential uses are contemplated in the Main Street Place Type and while mixed-use buildings are encouraged, they are not required. As such, staff is satisfied the proposed uses are in conformity with The London Plan.

#### ***1989 Official Plan***

The lands were designated Main Street Commercial Corridor in the 1989 Official Plan, which is very similar to the Main Street Place Type in The London Plan.

The Main Street Commercial Corridor designation permits small-scale retail uses, service and repair establishments, food stores, convenience commercial uses, personal and business services, pharmacies, restaurants, financial institutions, small scale offices, small scale entertainment uses, galleries, studios, community facility, residential uses (including secondary uses) and units created through the conversion of existing buildings, or through the development of mixed-use buildings as the main uses (4.4.1.4).

Policy 4.4.1.8 further states that residential uses combined with commercial uses or free-standing residential uses will be encouraged in the Main Street Commercial Corridors to promote active street life and movement in those areas beyond the work-day hours.

On this basis, staff is satisfied that residential development is contemplated in the Main Street Commercial Corridor designation and is not necessarily required to be created through the conversion of existing buildings or to take the form of a mixed-use building. Rather, freestanding residential development may be contemplated with the intent to generate activity on site after regular business hours. As such, staff is satisfied the proposed commercial and residential uses are contemplated in the 1989 Official Plan.

#### ***Hyde Park Community Plan and Urban Design Guidelines***

The site is designated Business District in the Hyde Park Community Plan and Urban Design Guidelines. The Business District land use designation allows for a range of uses including local retail and service space, offices, multi-unit housing, open space and community services (Section 6.0). As such, staff are satisfied the proposed commercial and residential uses are in conformity with the Hyde Park Community Plan and Urban Design Guidelines.

### **4.2 Intensity**

#### ***The London Plan***

Policy 791\_ states that “Zoning on individual sites may not allow for the full range of heights permitted within a Place Type. To provide flexibility, height limits have been described in building storeys rather than a precise metric measurement. For clarity, this is meant to convey the number of usable above-grade floors in a building. In some cases, minimum heights are to be measured by the lesser of storeys or metres. This alternative measure has been provided to allow for greater flexibility through

*implementation.*” Table 8 – Summary of Minimum and Maximum Heights by Place Type indicates that the minimum height allowed in the Main Street Place Type is “2 storeys or 8m”.

The proposed one storey commercial buildings along Hyde Park Road have a height of 8.9 metres, which is in conformity with Table 8 and policy 910\_4. The applicants had initially requested a specific policy to permit one storey for the commercial component of the development. However, in accordance with policy 971\_, the proposed building height is measured by the lesser of storeys or metres, which permits a minimum 8 metre building height in accordance with Table 8 and policy 910\_4.

The proposed 3.5 storey height for the stacked townhouses is in conformity with policy 910\_4, which permits a maximum height of 4 storeys.

### **1989 Official Plan**

The Main Street Commercial Corridor designation does not specify a minimum building height requirement but requires residential uses be at a Medium Density Residential scale (4.4.1.7).

Section 3.3.3 of this Official Plan prescribes that development in the Multi-Family, Medium Density Residential designation will normally have an approximate maximum net density of 75 units per hectare and a maximum height of four storeys. The proposed development provides a mixed-use density of 65 units per hectare and a proposed building height of 3.5 storeys, in conformity with these policies.

### **Hyde Park Community Plan and Urban Design Guidelines**

The Hyde Park Community Plan and Urban Design Guidelines do not specify a minimum or maximum height but does encourage a form of development which is similar to existing development at the intersection of Hyde Park and Gainsborough Roads. The Design Guidelines envision this area as a proposed business district, a high activity area with streetscaping and a building orientation to create a pedestrian-friendly, mixed-use area where people can live, work and shop (Section 2.0 Urban Form).

## **4.3 Form**

### **The London Plan**

Policy 911\_ states “*all new development will be designed to be well integrated with the character and design of the associated Main Street.*” The original Hyde Park Community Plan (1989 Official Plan) intended that all future commercial development along the Hyde Park and Gainsborough Road corridors would have a “village” character. For example, buildings along the street, rear yard parking, similar to the existing development at the intersection. Since these lands were annexed into the City and both the Hyde Park Community Plan and associated design guidelines were put in place, with one exception to the north of the subject property (1435 Hyde Park- TSC/Peavey Mart), new developments in the Hyde Park area have adopted the form under the framework of the design guidelines. New development is generally street-oriented with sidewalks and landscaping/street trees in front and parking to the rear.

Policy 911\_4 requires buildings along the front property line to be consistent with other developments in the area. Along Hyde Park Road the proposal shows windows, doors and signage to the individual commercial units. The frontage along South Carriage Road is proposed to have no buildings, just landscaping and parking which does not meet the intent of the policy.

Policy 911\_5 addresses pedestrian connections placing a priority on the pedestrian experience through site layout, building location, and a design that reinforces pedestrian comfort and safety. Although the proposed site plan provides a pedestrian access along the Hyde Park Road street edge, the proposed connections through the site require pedestrians to traverse over laneways serving commercial land uses and a large parking area between the commercial building and residential uses to the east. Doing

the latter is a safety hazard.

Policy 911\_9 directs surface parking to be located in the rear or interior side yard. The Applicant's proposal demonstrates an effort to screen parking from Hyde Park, and in the most recent submission the number of parking spaces along South Carriage Road was reduced from 14 to four (4). While the proposed development provides for an oversupply of parking based on the City's new parking standards, staff are generally supportive of a limited number of parking spaces along South Carriage Road.

### **1989 Official Plan**

The Main Street Commercial Corridor designation applies the following urban design objectives:

- i) *Encourage the rehabilitation and renewal of Main Street Commercial Corridors and the enhancement of any distinctive functional or visual characteristics;*
- ii) *Provide for and enhance the pedestrian nature of the Main Street Commercial Corridor;*
- iii) *Enhance the street edge by providing for high quality façade design, accessible and walkable sidewalks, street furniture and proper lighting;*
- iv) *Design development to support public transit;*
- v) *Create high quality public places;*
- vi) *Maintain and create a strong organizing structure;*
- vii) *Maintain or create a strong identity and place;*
- viii) *Maintain the cultural heritage value or interest of listed buildings and ensure through the application of the Commercial Urban Design Guidelines that new development is consistent with the form of existing development; and*
- ix) *Encourage the transition and connection between the gateway Main Street Commercial Corridors and the Downtown through pedestrian, transit and design linkages.*

Staff are of the opinion that all the above objectives have been satisfied.

### **Hyde Park Community Plan and Urban Design Guidelines**

The Hyde Park Community Plan, and associated urban design guidelines, were a Secondary Plan (Council approved in April 1999) under the 1989 Official Plan and included more specific policies for the area. Some relevant features include recognizing the Hyde Park Village or hamlet as a separate commercial entity and avoidance of typical "strip" commercial suburban development in commercial areas. The Plan states;

*"The transformation of an existing mix of auto-orientated and pedestrian-orientated commercial uses in the Hyde Park hamlet to a commercial "village" was eagerly supported by the current business owners and the community at large. The creation of a pedestrian scale commercial focal point was desirable for the community and is supported by the Hyde Park Urban Design Guidelines. Additional lands have been designated to provide room for parking and provide for "gateways" to the business area...."*

Section 6.0 (Hyde Park Hamlet) specifically addresses the design of development at the intersection with the following guidelines which are relevant to the subject site;

- *Buildings should be sited in close proximity to the street with walkways extending to the adjacent sidewalk.*
- *Street and pedestrian connections should be provided to neighbouring residential development.*
- *Encourage the planting of large deciduous "street" trees along the roadside to help shade and enclose the street, creating the atmosphere of an "outdoor room".*
- *Encourage efficient and attractive design of parking lots. Reduce large expanses of asphalt into smaller visual units with landscaping.*
- *Buildings should define the public street space with building walls maximized along the street to enclose and animate the street and create a consistent street edge.*

Staff are satisfied the recommended amendment is in conformity with the above noted guidelines.

#### **4.4 Zoning**

The proposed BDC2 Zone variation provides for and regulates a mix of retail, restaurant, neighbourhood facility, office and residential uses located along pedestrian-oriented business districts in older parts of the City and in hamlets or small business areas in rural areas. Normally buildings are located near the street line with parking to the rear.

##### *Front Yard Depth*

The existing special provisions in the current BDC2(3) Zone and BDC2(4) Zone state “Notwithstanding the regulations of Section 25.3 of this Bylaw to the contrary, the maximum front yard depth requirement shall not apply within this zone,” whereas the BDC2 Zone permits a maximum front yard depth of 3.0 metres. By definition, the front lot line on a corner lot is the shortest lot line abutting a street. On the subject lands, the shorter lot line is the South Carriage Road frontage. As such, the proposed stacked back-to-back townhouse dwellings are required to comply with this 3.0 metre maximum and are setback 20.07 metres.

Although staff are supportive of the proposed location of the stacked townhouse dwellings, staff are not supportive of the request to continue to exempt the site from the maximum front yard depth requirement. The current zoning is legacy zoning that does not fully implement the vision of The London Plan or Hyde Park Community Plan and Urban Design Guidelines, which requires street-oriented design. It should be noted that this regulation of the BDC Zone applies only to the front yard, rather than both the front and exterior side yard. By removing the maximum front yard requirement and permitting the requested special provision for front yard parking, the site could be reconfigured such that the commercial buildings are set farther back with parking between the building and the street.

Instead of exempting the site from the maximum front yard depth requirement, staff recommend special provisions deeming Hyde Park Road the front lot line and requiring a maximum front yard depth of 3.0 metres for commercial or mixed-use buildings. This would ultimately require the commercial development along Hyde Park Road to be setback between 0 metres and 3.0 metres, while also allowing all buildings to be set back farther from South Carriage Road and the stacked back-to-back townhouse buildings to be set back farther from Hyde Park Road.

##### *Interior Side Yard Depth*

The existing and proposed BDC Zone is typically applied to corridors with a main street character. Stacked townhouse dwellings are not a permitted use in the BDC Zone, therefore the regulations of the BDC2 Zone variation have not been designed to mitigate impacts of this use and built form. As the subject lands abut an Urban Reserve (UR3) Zone, a non-residential zone, a minimum interior side and rear yard depth of 0 metres is permitted in the BDC Zone and 0.83 metres is proposed. However, staff are not of the opinion that this setback is appropriate for the stacked townhouse form, and may negatively impact future development of the adjacent property. As such, staff are recommending a minimum interior side yard depth for stacked townhouse dwellings of 2.5 metres to the main building and 1.25 metres to first storey unenclosed decks.

##### *Front Yard Parking*

The applicant’s most recent plan shows four (4) parking spaces along the South Carriage Road frontage, which is a significant reduction from the previously proposed 14 spaces. Section 4.19 of Zoning By-law Z.-1 currently only prohibits it in the front yard and staff are generally supportive of a limited number of parking spaces along this frontage. However, staff are not supportive of any parking spaces within the required front yard along Hyde Park Road. On this basis, additional special provisions permitting a maximum of four (4) parking spaces along South Carriage Road and prohibiting parking in the required front yard along Hyde Park Road are recommended.



### *Height and Density*

The applicant has requested a maximum mixed-use density of 65 units per hectare and a maximum building height of 14.5 metres for the proposed stacked townhouse dwellings. Staff are satisfied the requested height and density are in conformity with the 1989 Official Plan, The London Plan, and the Hyde Park Community Plan and Urban Design Guidelines. To ensure conformity with the minimum intensity required by the Main Street Place Type of The London Plan, staff are recommending an additional special provision requiring a minimum building height of 8.0 metres.

### **4.5 Site Access**

The proposed development shows a joint access from Hyde Park Road over the adjacent property at 1369 Hyde Park Road. Transportation staff do not support this access, and further, it results in tree preservation concerns as there are several boundary trees which require written consent to remove or damage. An alternative access location and design is recommended as a consideration of the Site Plan Approval Authority.

## **Conclusion**

The applicant has requested an amendment to the Zoning By-law Z.-1 to rezone the subject lands from a Holding Business District Commercial Special Provision (h\*BDC2(4)) Zone and a Business District Commercial Special Provision (BDC2(3)) Zone to a Business District Commercial Special Provision (BDC2(\_)) Zone. Staff are recommending approval of the requested Zoning Bylaw amendment with additional special provisions.

The recommended action is consistent with the PPS 2020, conforms to the 1989 Official Plan, The London Plan, and the Hyde Park Community Plan and Urban Design Guidelines and will permit the development of two, one storey (8 metre) commercial buildings with a total gross floor area of 1,702 square metres and two, 3.5-storey stacked back-to-back townhouse buildings with a total of 72 units.

**Prepared by:** Catherine Maton, MCIP, RPP  
Senior Planner, Planning Implementation

**Reviewed by:** Mike Corby, MCIP, RPP  
Manager, Planning Implementation

**Recommended by:** Heather McNeely, MCIP, RPP  
Director, Planning and Development

**Submitted by:** Scott Mathers, MPA, P.Eng.  
Deputy City Manager, Planning and Economic Development

## Appendix A – Zoning Bylaw Amendment

Bill No. (number to be inserted by Clerk's Office)  
2023

By-law No. Z.-1-

A by-law to amend By-law No. Z.-1 to  
rezone an area of land located at 1407-  
1427 Hyde Park Road

WHEREAS this amendment to the Zoning By-law Z.-1 conforms to the Official Plan;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 1407-1427 Hyde Park Road, as shown on the attached map comprising part of Key Map No. A101, **FROM** Holding Business District Commercial Special Provision (h\*BDC2(4)) Zone and a Business District Commercial Special Provision (BDC2(3)) Zone, **TO** a Business District Commercial Special Provision (BDC2(\_)) Zone.
2. Section Number 25.4 of the Business District Commercial (BDC2) Zone is amended by adding the following Special Provisions:

BDC2(\_) 1407-1427 Hyde Park Road

a) Additional Permitted Uses

- i. Stacked townhouse dwellings

b) Regulations

- i. Hyde Park Road shall be deemed to be the front lot line
- ii. Front Yard Depth for Commercial and Mixed-Use Buildings (Maximum) – 3.0 metres (9.8 feet)
- iii. Interior Side Yard Depth for Stacked Townhouse Dwellings (Minimum) – 2.5 metres (8.2 feet) to the main building and 1.25 metres (4.1 feet) to unenclosed first storey decks
- iv. Building Height (Minimum) – 8.0 metres (26.2 feet)
- v. Building Height (Maximum) – 15.0 metres (47.6 feet)
- vi. Density (Maximum) – 70 units per hectare
- vii. A maximum of four (4) parking spaces shall be permitted within the exterior side yard along South Carriage Road
- viii. No parking shall be permitted within the required front yard along Hyde Park Road

3. This Amendment shall come into effect in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

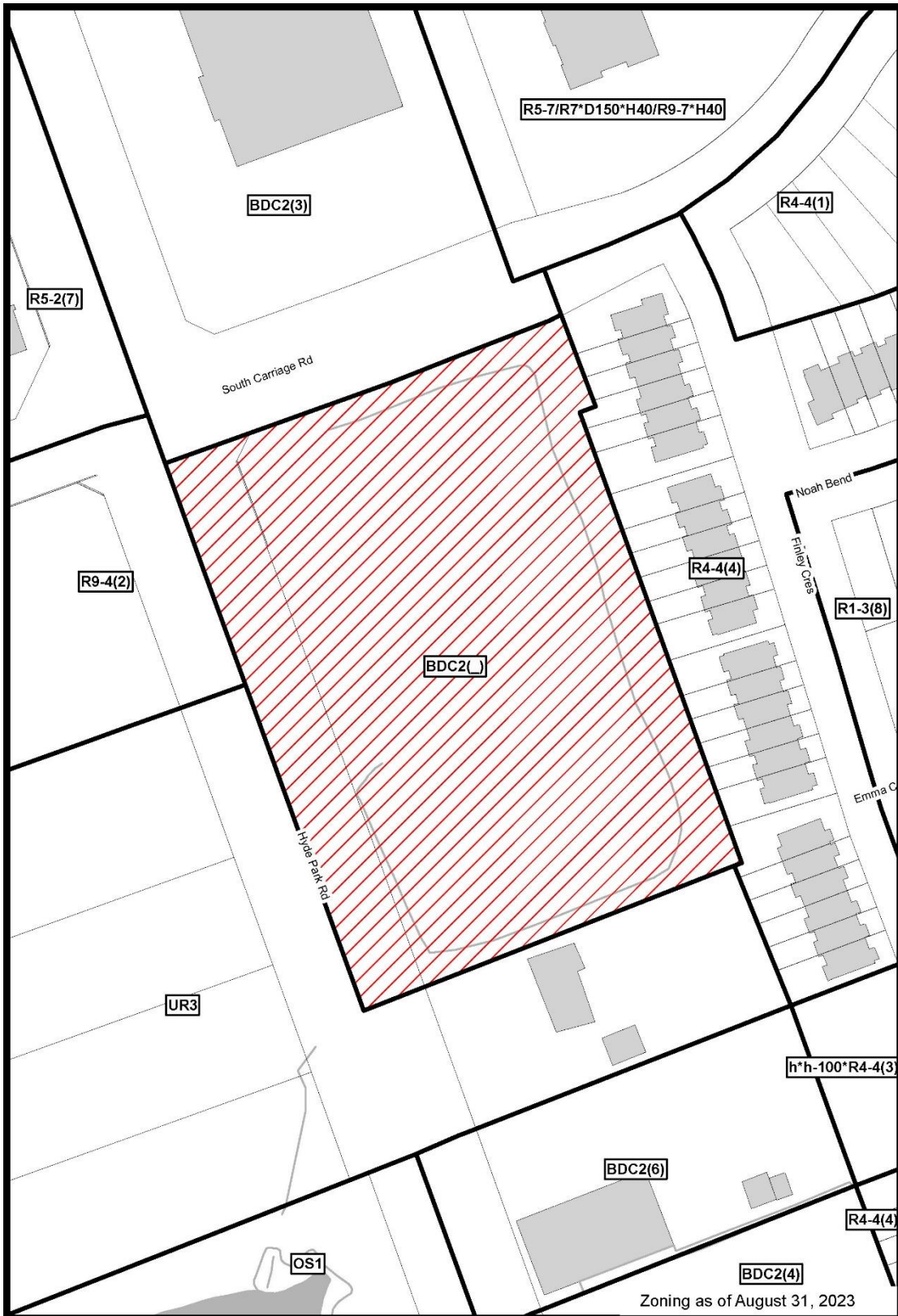
PASSED in Open Council on November 7, 2023 subject to the provisions of PART VI.1 of the *Municipal Act, 2001*.

Josh Morgan  
Mayor


Michael Schulthess  
City Clerk

First Reading – November 7, 2023  
Second Reading – November 7, 2023  
Third Reading – November 7, 2023

AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)




File Number: OZ-9438  
Planner: CM  
Date Prepared: 2023/09/27  
Technician: RC  
By-Law No: Z.-1-

SUBJECT SITE 

1:1,250

0 5 10 20 30 40 Meters





## Appendix B - Site and Development Summary

### A. Site Information and Context

#### Site Statistics

Current Land Use	Undeveloped
Frontage	93 metres (305 feet)
Depth	149.1 metres (489.2 feet)
Area	1.4 hectares (3.5 acres)
Shape	Regular (rectangle)
Within Built Area Boundary	No
Within Primary Transit Area	No

#### Surrounding Land Uses

North	South Carriage Road, hardware store (Peavey Mart), retail commercial businesses, apartment building and townhouses
East	Low density residential including street townhouses and single family detached dwellings
South	Commercial uses with a street-orientated design, SWM pond and CPR railway corridor
West	Hyde Park Road (4 lane road with turning lanes), undeveloped land, low density residential subdivision and Canterbury Park

#### Proximity to Nearest Amenities

Major Intersection	Hyde Park Road and South Carriage Road, 0 metres
Dedicated cycling infrastructure	Hyde Park Road, 0 metres
London Transit stop	Hyde Park Road and South Carriage Road, 50 metres
Public open space	Canterbury Park, 300 metres
Commercial area/use	Peavey Mart, 260 metres
Food store	Giant Tiger, 750 metres
Primary school	Clara Brenton Public School, 2.6 km
Community/recreation amenity	Springbank Gardens Community Centre, 5.8 km

### B. Planning Information and Request

#### Current Planning Information

Current Place Type	Main Street Place Type, Street Classification
Current Special Policies	Hyde Park Community Plan and Urban Design Guidelines
Current Zoning	Holding Business District Commercial Special Provision (h*BDC2(4)) Zone and a Business District Commercial Special Provision (BDC2(3)) Zone

#### Requested Designation and Zone

Requested Place Type	No change requested
Requested Special Policies	None
Requested Zoning	Business District Commercial Special Provision (BDC2(_)) Zone

#### Requested Special Provisions

Regulation (BDC2 Zone)	Required	Proposed
Additional Permitted Use		Stacked

Regulation (BDC2 Zone)	Required	Proposed
		townhouses
Maximum Front Yard Depth	3.0 metres	No maximum front yard required
Density	Density to be determined through a site specific Zoning By-law Amendment	65 units per hectare
Building Height	12.0 metres	14.5 metres
Yards Where Parking Areas Permitted	Not permitted in the front yard	Permitted in the front yard

## C. Development Proposal Summary

### Development Overview

Two, one storey (8 metre) commercial buildings with a total gross floor area of 1,702 square metres and two, 3.5-storey stacked back-to-back townhouse buildings with a total of 72 units.

### Proposal Statistics

Land use	Commercial and stacked townhouses
Form	Cluster
Height	One storey (8 metres) – commercial; 4 storeys (14.3 metres) – residential
Residential units	72
Density	63.5 Units per hectare (mixed-use density)
Gross floor area	1,702 square metres (commercial) and 7,977 square metres (residential)
Building coverage	28.3%
Landscape open space	34.2%
New use being added to the local community	No

### Mobility

Parking spaces	164 surface
Vehicle parking ratio	>0.5 spaces per unit and >1 per 50 sq.m commercial
New electric vehicles charging stations	0
Secured bike parking spaces	36
Secured bike parking ratio	Unknown
Completes gaps in the public sidewalk	NA
Connection from the site to a public sidewalk	Yes
Connection from the site to a multi-use path	NA

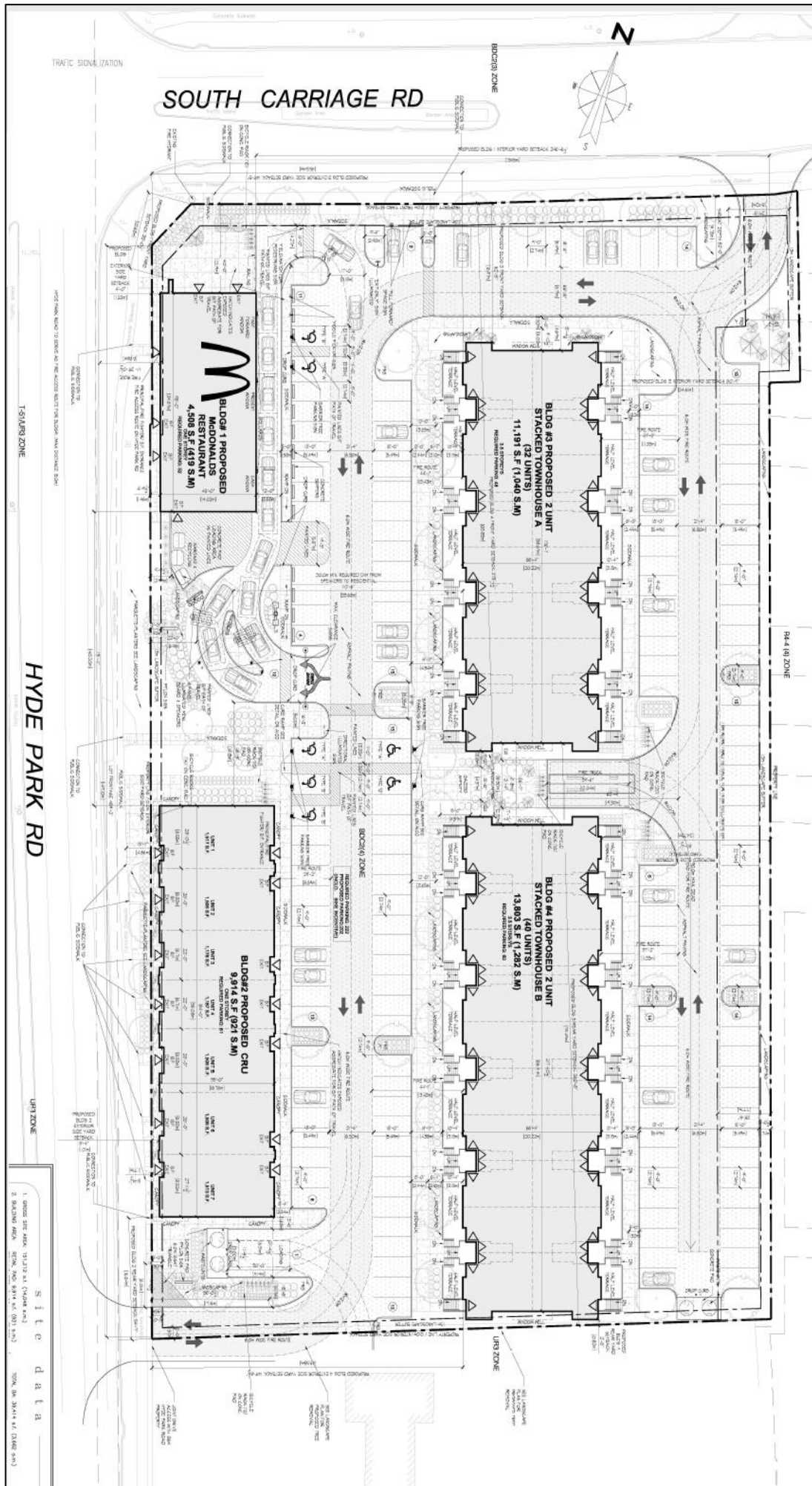
### Environmental Impact

Tree removals	24
Tree plantings	Unknown
Tree Protection Area	No
Loss of natural heritage features	NA
Species at Risk Habitat loss	NA
Minimum Environmental Management Guideline buffer met	NA

Existing structures repurposed or reused	NA
Green building features	Unknown

# Appendix C – Additional Plans and Drawings

## First Submission Drawings



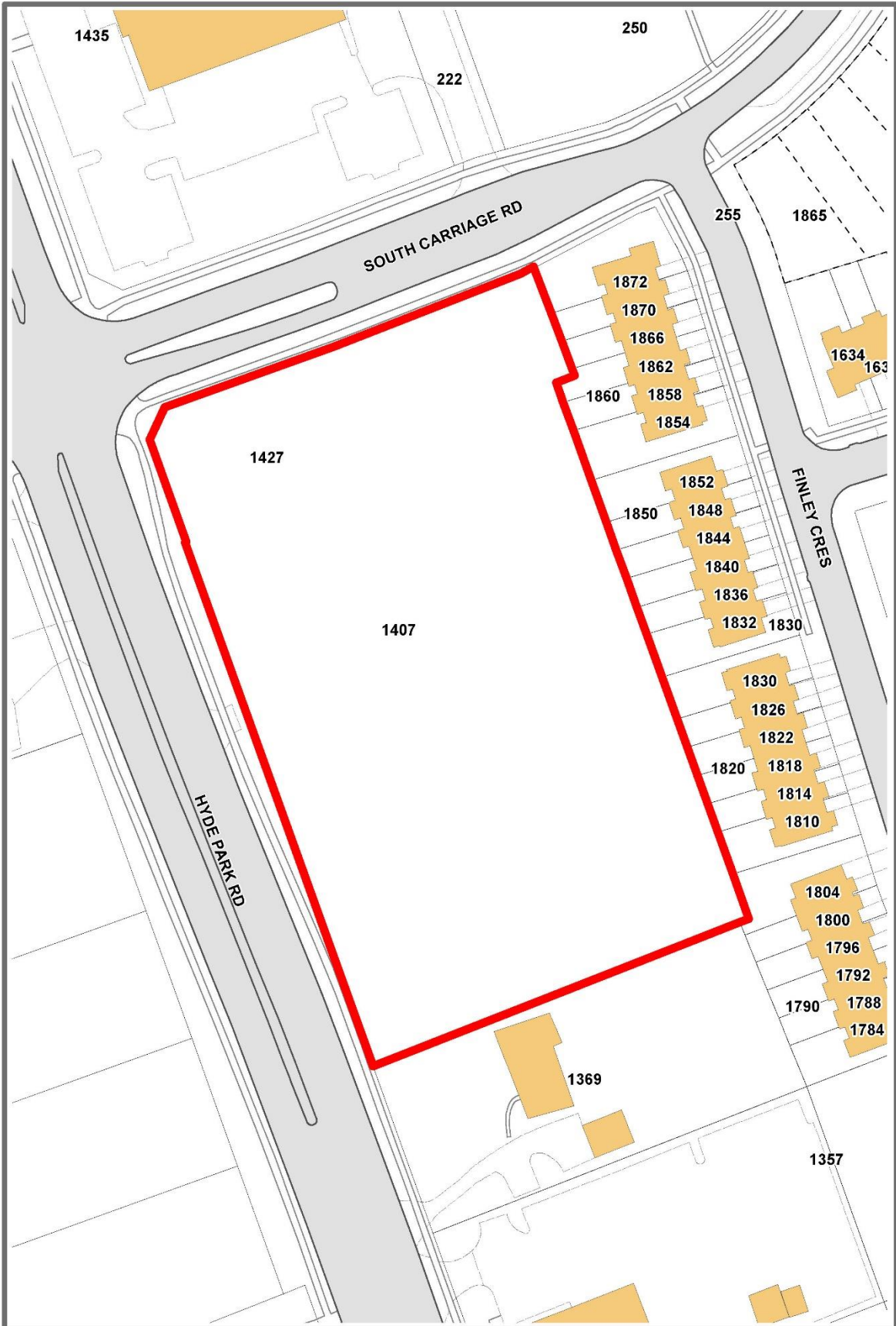






Second Submission Drawings





**LOCATION MAP**

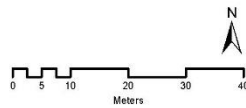
Address: 1407-1427 Hyde Park Road

File Number: OZ-9438

Planner: Catherine Maton






Date: 2022/09/27

Corporation of the City of London  
Prepared By: Planning and Development

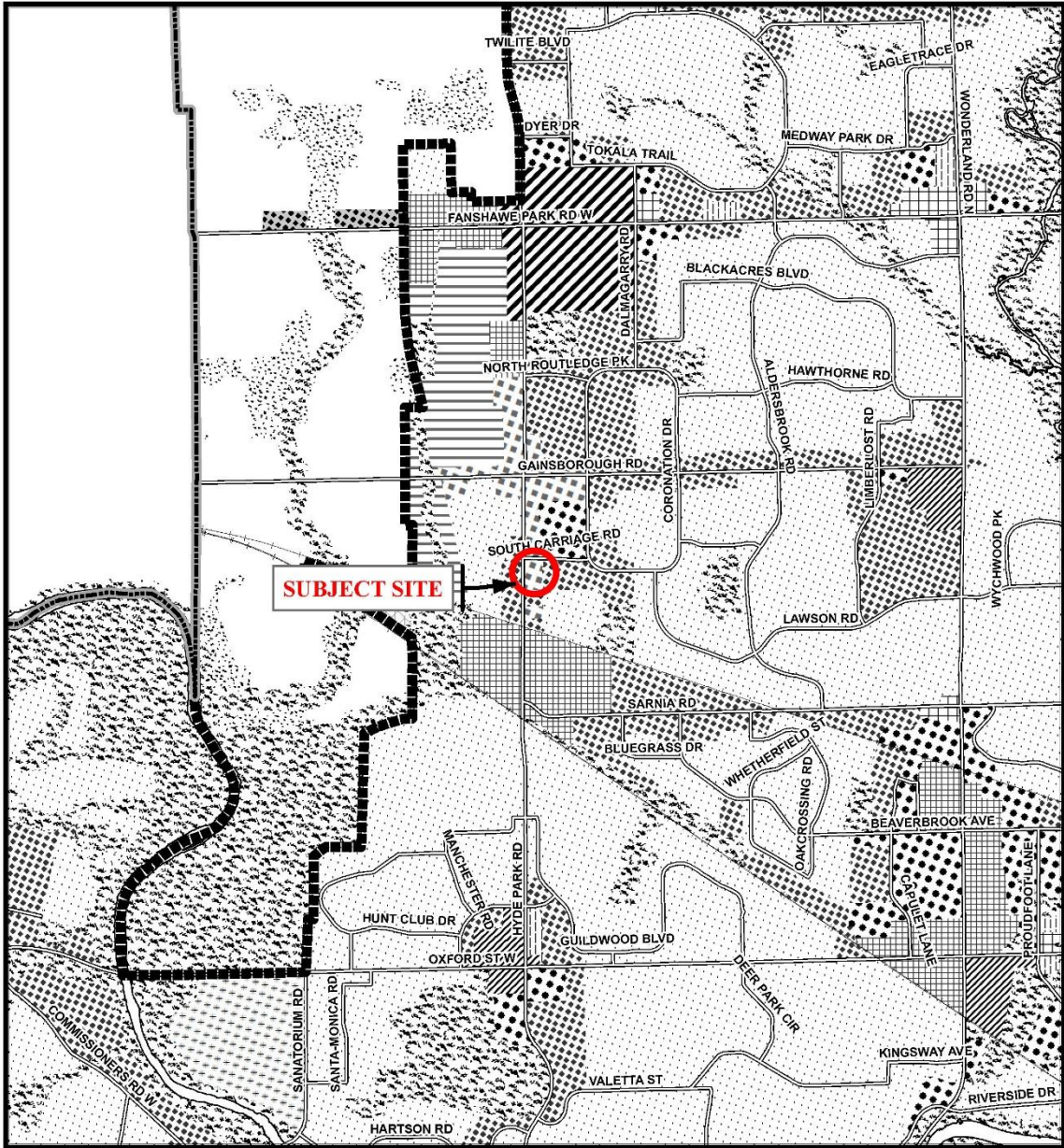


Scale 1:1000

**Legend**

-  Subject Site
-  Buildings
-  Assessment Parcels
-  Driveways/Parking Lots
-  Draft Approved Subdivisions





**Legend**

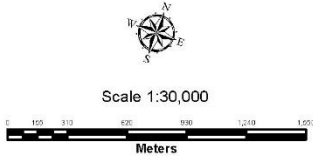
Downtown	Multi-Family, Medium Density Residential	Office Business Park
Wonderland Road Community Enterprise Corridor	Low Density Residential	General Industrial
Enclosed Regional Commercial Node	Office Area	Light Industrial
New Format Regional Commercial Node	Office/Residential	Commercial Industrial
Community Commercial Node	Regional Facility	Transitional Industrial
Neighbourhood Commercial Node	Community Facility	Rural Settlement
Main Street Commercial Corridor	Open Space	Environmental Review
Auto-Oriented Commercial Corridor	Urban Reserve - Community Growth	Agriculture
Multi-Family, High Density Residential	Urban Reserve - Industrial Growth	Urban Growth Boundary

**CITY OF LONDON**

Planning Services /  
Development Services

OFFICIAL PLAN SCHEDULE A  
- LANDUSE -

PREPARED BY: Graphics and Information Services



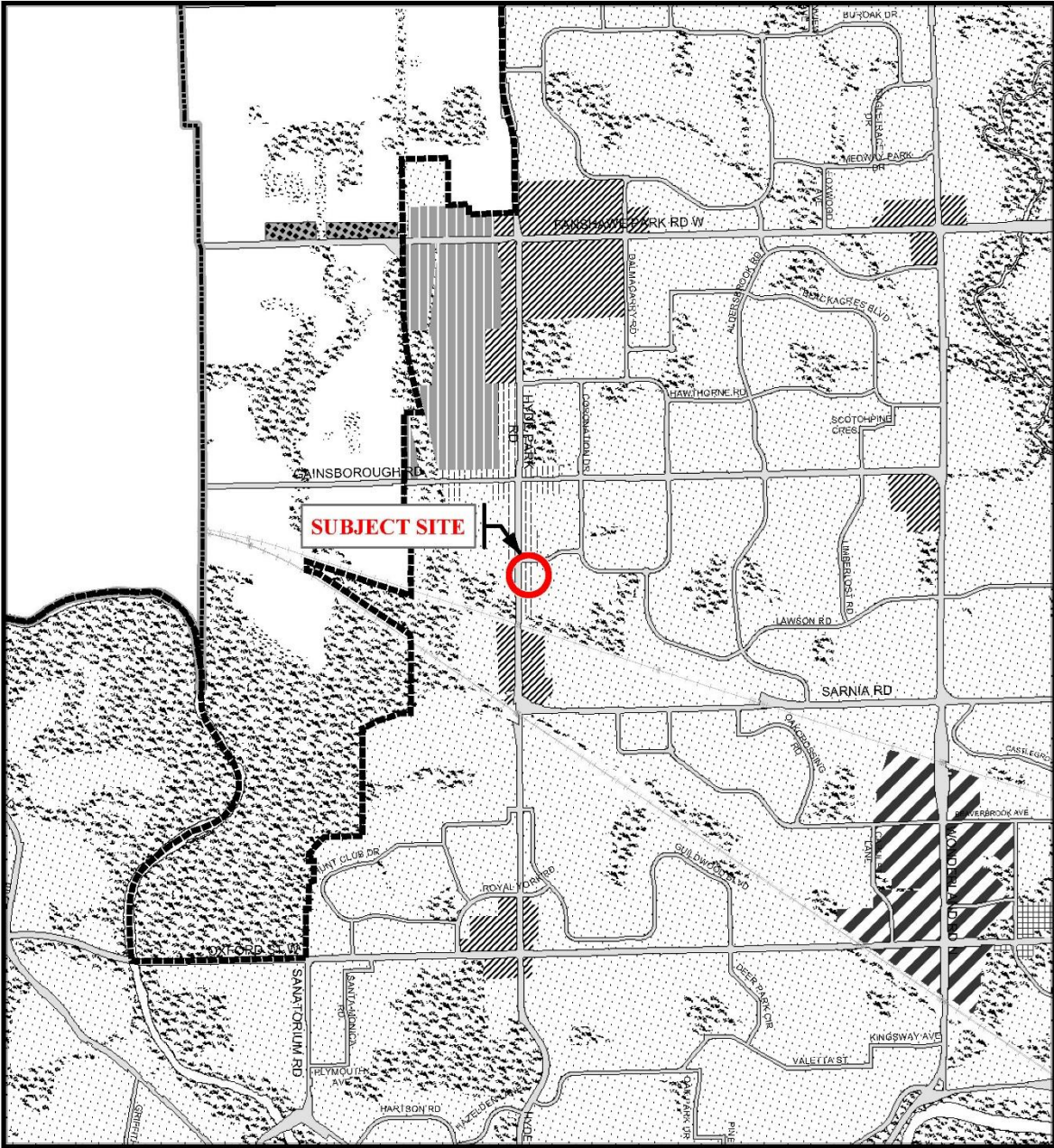
FILE NUMBER: OZ-9438

PLANNER: CM

TECHNICIAN: RC

DATE: 2022/09/27



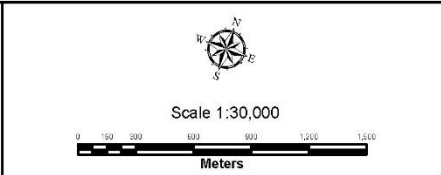


**Legend**

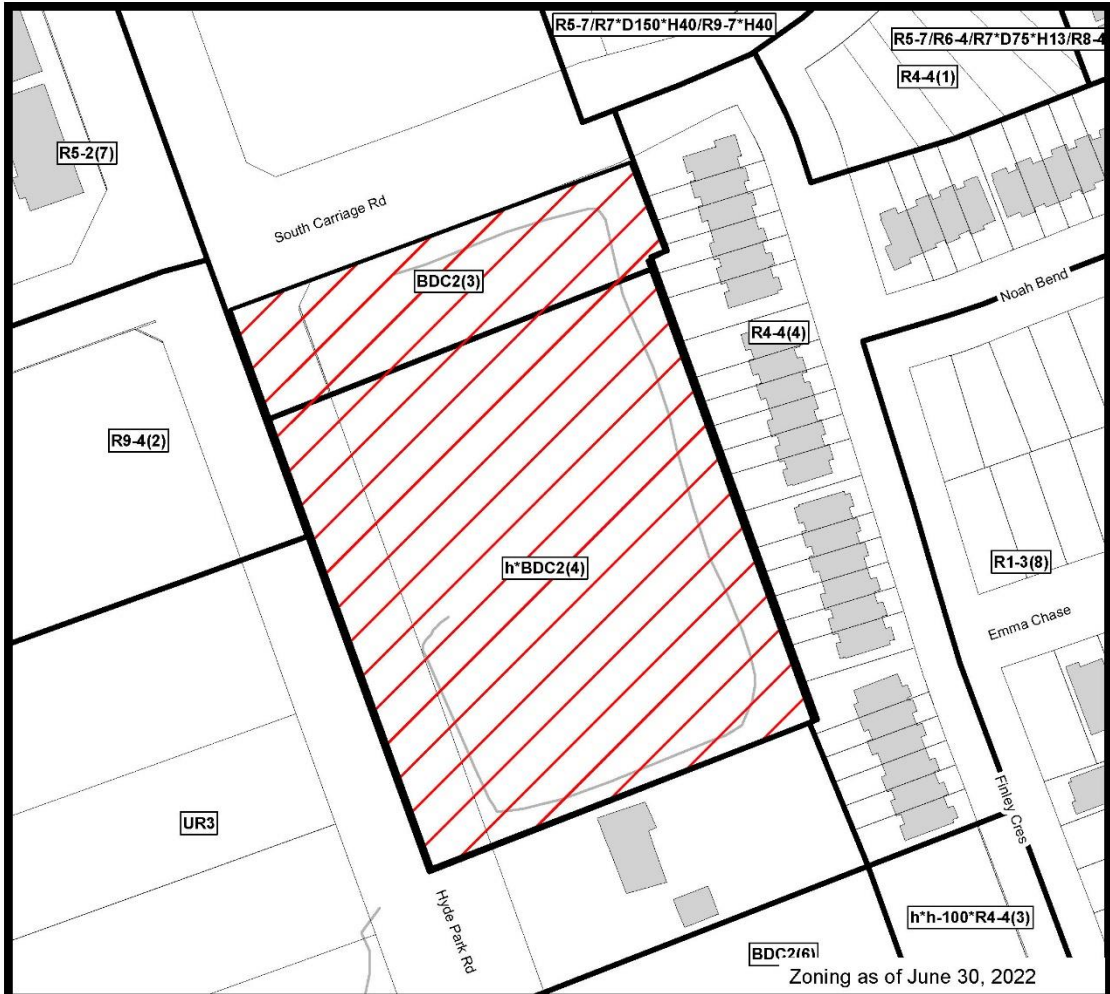
- |                        |                          |   |
|------------------------|--------------------------|---|
| Downtown               | Future Community Growth  | Environmental Review                    |
| Transit Village        | Heavy Industrial         | Farmland                                |
| 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            |   |
| Neighbourhood          | Green Space              |   |

*This is an excerpt from Planning & Development's working consolidation of Map 1 - Place Types of the London Plan, with added notations.*

**CITY OF LONDON**  
**Official Plan**  
**LONDON PLAN MAP 1**  
**- PLACE TYPES -**  
 PREPARED BY: Planning & Development



**File Number:** OZ-9438  
**Planner:** CM  
**Technician:** RC  
**Date:** 2022/09/27



**COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:**

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

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>R1 - SINGLE DETACHED DWELLINGS</li> <li>R2 - SINGLE AND TWO UNIT DWELLINGS</li> <li>R3 - SINGLE TO FOUR UNIT DWELLINGS</li> <li>R4 - STREET TOWNHOUSE</li> <li>R5 - CLUSTER TOWNHOUSE</li> <li>R6 - CLUSTER HOUSING ALL FORMS</li> <li>R7 - SENIOR'S HOUSING</li> <li>R8 - MEDIUM DENSITY/LOW RISE APTS.</li> <li>R9 - MEDIUM TO HIGH DENSITY APTS.</li> <li>R10 - HIGH DENSITY APARTMENTS</li> <li>R11 - LODGING HOUSE</li> <br/> <li>DA - DOWNTOWN AREA</li> <li>RSA - REGIONAL SHOPPING AREA</li> <li>CSA - COMMUNITY SHOPPING AREA</li> <li>NSA - NEIGHBOURHOOD SHOPPING AREA</li> <li>B6C - BUSINESS DISTRICT COMMERCIAL</li> <li>AC - ARTERIAL COMMERCIAL</li> <li>HS - HIGHWAY SERVICE COMMERCIAL</li> <li>RSC - RESTRICTED SERVICE COMMERCIAL</li> <li>CC - CONVENIENCE COMMERCIAL</li> <li>SS - AUTOMOBILE SERVICE STATION</li> <li>ASA - ASSOCIATED SHOPPING AREA COMMERCIAL</li> <br/> <li>OR - OFFICE/RESIDENTIAL</li> <li>OC - OFFICE CONVERSION</li> <li>RO - RESTRICTED OFFICE</li> <li>OF - OFFICE</li> </ul> | <ul style="list-style-type: none"> <li>RF - REGIONAL FACILITY</li> <li>CF - COMMUNITY FACILITY</li> <li>NF - NEIGHBOURHOOD FACILITY</li> <li>HER - HERITAGE</li> <li>DC - DAY CARE</li> <br/> <li>OS - OPEN SPACE</li> <li>CR - COMMERCIAL RECREATION</li> <li>ER - ENVIRONMENTAL REVIEW</li> <br/> <li>OB - OFFICE BUSINESS PARK</li> <li>LI - LIGHT INDUSTRIAL</li> <li>GI - GENERAL INDUSTRIAL</li> <li>HI - HEAVY INDUSTRIAL</li> <li>EX - RESOURCE EXTRACTIVE</li> <li>UR - URBAN RESERVE</li> <br/> <li>AG - AGRICULTURAL</li> <li>AGC - AGRICULTURAL COMMERCIAL</li> <li>RRC - RURAL SETTLEMENT COMMERCIAL</li> <li>TGS - TEMPORARY GARDEN SUITE</li> <li>RT - RAIL TRANSPORTATION</li> <br/> <li>"h" - HOLDING SYMBOL</li> <li>"D" - DENSITY SYMBOL</li> <li>"H" - HEIGHT SYMBOL</li> <li>"B" - BONUS SYMBOL</li> <li>"T" - TEMPORARY USE SYMBOL</li> </ul> |
|--|---|

**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:

OZ-9438

CM

MAP PREPARED:

2022/09/27

RC

1:1,500

0 5 10 20 30 40

Meters



## Appendix D – Internal and Agency Comments

### **Site Plan (August 9, 2023)**

- The BDC Zone regulations are not intended to apply to this form of development. Two separate zones (one for the commercial and one for the townhouses) should be established, with the zone line functioning as a property line to delineate between the two uses on site.
- Ensure the townhouses function separately from the commercial development, with adequate landscape buffering and separate entrances and parking facilities for each use.
- Provide an adequately sized and functional amenity space for the residential units.
- There is no minimum parking required for this development.
- Parking is not permitted in the front yard in the BDC Zone. The South Carriage Road frontage is considered the front lot line. All parking provided must be behind the front face of the building.
- The applicant should consider the future ownership strategy of the lands. If the townhouses are going to be condos, the condo limits should be established prior to final site plan approval to ensure servicing, easements, and access are all addressed. If the condo and commercial buildings are both left under the same development agreement, all parties would need to consent to future amendments/changes.
- Relocate the waste storage away from the Hyde Park Street frontage

### **Upper Thames River Conservation Authority comments (January 24, 2023)**

In our correspondence dated January 26, 2022, the Upper Thames River Conservation Authority (UTRCA) had advised that the subject lands are regulated due to the presence of a watercourse and the associated flooding hazard. We noted that the feature had not been identified on the concept/site plan.

The presence of the watercourse was to be confirmed and addressed with an appropriate setback of 15 metres being provided from the top of bank. Alternatively, if the intent was to seek approval to enclose the watercourse, proper justification was required. Furthermore, the necessary Section 28 approvals would have to be secured prior to any works being undertaken within the regulated area.

The applicant has submitted 1407 & 1427 Hyde Park Road Proposed Mixed-Use Development Regulated Channel Memo prepared by AGM dated August 2, 2022. The UTRCA is generally satisfied with the submission and we are of the opinion that the necessary approvals to enclose the watercourse can be secured. Our comments on the channel memo are as follows –

1. Please provide justification for why the proposed watercourse enclosure is a net environmental benefit. This may include submitting a compensation plan.
2. Please confirm the existing catchment area to the site from external lands to ensure that the watercourse is an appropriate candidate for enclosure.
3. Please provide the following information/confirmation:
  - a) Engineered designs must confirm that flood conveyance/control/storage are not impacted.
  - b) Confirmation that there will be no negative impact on SWM facility west of Hyde Park Rd.
4. The UTRCA has reviewed the September 12, 2022 PEC Report and we concur with the City's Stormwater comments (dated December 21, 2021). Please include the Conservation Authority in the review process of the storm/drainage servicing report.

RECOMMENDATION

As indicated, the UTRCA is of the opinion that the outstanding matters with respect to the proposed watercourse enclosure can be resolved through the Site Plan approval process and also that the necessary Section 28 approvals can be secured. We therefore have no objections to this application.

### ***Upper Thames River Conservation Authority (January 26, 2022)***

The Upper Thames River Conservation Authority (UTRCA) has reviewed this application with regard for the policies in the Environmental Planning Policy Manual for the Upper Thames River Conservation Authority (June 2006). These policies include regulations made pursuant to Section 28 of the Conservation Authorities Act, and are consistent with the natural hazard and natural heritage policies contained in the Provincial Policy Statement (2020, PPS).

### **PROPOSAL**

A mixed-use development comprised of stacked, back-to-back townhouse dwellings, a multi-unit commercial building and a drive-through restaurant are proposed for the site.

### **DELEGATED RESPONSIBILITY & STATUTORY ROLE**

#### **Provincial Policy Statement 2020**

The UTRCA represents the provincial interest in commenting on development applications with respect to natural hazards ensuring that applications are consistent with the PPS. This responsibility has been established in a Memorandum of Understanding between Conservation Ontario, the Ministry of Natural Resources and Forestry (MNR) and the Ministry of Municipal Affairs and Housing.

The Conservation Authority's role in the development process is comprehensive and coordinates our planning and permitting interests. Through the plan review process, we make sure that development applications meet the tests of the Planning Act, are consistent with the PPS, conform to municipal planning documents, and with the policies in the UTRCA's Environmental Planning Policy Manual (UEPPM, 2006). Our permit applications must meet the requirements of Section 28 of the Conservation Authorities Act and the UTRCA's policies (UEPPM, 2006). This approach ensures that the principle of development is established through the Planning Act approval process and that a Section 28 Permit can be issued once all of the planning matters have been addressed.

### **CONSERVATION AUTHORITIES ACT**

As shown on the enclosed mapping, the subject lands are regulated by the UTRCA in accordance with Ontario Regulation 157/06, made pursuant to Section 28 of the Conservation Authorities Act. The regulation limit is comprised of a riverine flooding hazard. The UTRCA has jurisdiction over lands within the regulated area and requires that landowners obtain written approval from the Authority prior to undertaking any site alteration or development within this area including filling, grading, construction, alteration to a watercourse and/or interference with a wetland.

Please be advised that in cases where a discrepancy in the mapping occurs, the text of the regulation prevails and a feature determined to be present on the landscape may be regulated by the UTRCA.

### **UTRCA ENVIRONMENTAL PLANNING POLICY MANUAL (2006)**

The UTRCA's Environmental Planning Policy Manual is available online at:

<http://thamesriver.on.ca/wp-content/uploads/PlanningRegulations/EnvPlanningPolicyManual-update2017.pdf>

### **NATURAL HAZARDS**

In Ontario, prevention is the preferred approach for managing hazards in order to minimize the risk to life and property. The UTRCA's natural hazard policies are consistent with the PPS and the applicable policies include:

#### **3.2.2 General Natural Hazard Policies**

These policies direct new development and site alteration away from hazard lands. No new hazards are to be created and existing hazards should not be aggravated. The

Authority also does not support the fragmentation of hazard lands through lot creation which is consistent with the PPS.

### 3.2.3 Riverine Flooding Hazard Policies

These policies address matters such as the provision of detailed flood plain mapping, floodplain planning approach, and uses that may be allowed in the flood plain subject to satisfying UTRCA permit requirements.

### 3.2.5 Watercourse Policies

The UTRCA discourages the conversion of open surface watercourses and/or drains to closed features.

As shown on the enclosed mapping, there is a watercourse located on the site, along the easterly lot line; it has not been identified on the concept/site plan.

The presence of the watercourse will need to be confirmed and addressed. An appropriate setback of 15 metres from the top of bank must be provided. If the intent is to seek approval to enclose the feature, the proper justification/studies must be prepared to the satisfaction of the Conservation Authority.

## COMMENTS

As indicated, the subject lands are regulated and the necessary Section 28 approvals and/or clearances must be obtained from the Conservation Authority prior to any site alteration or development occurring within the regulated area.

### ***Urban Design (December 23, 2022)***

- Consistent with the previous staff and panel comments, the following comments should be addressed in establishing appropriate zoning provisions ( e.g. Setbacks, heights etc..) and as direction to site plan authority.
- This site is fully located within the Main Street Place Type in The London Plan **[TLP]** which contemplates a mid-rise mixed use-built form up to 6 storeys along Hyde Park Road**[TLP 908-2; 910\_4]** and falls within the Hyde Park Community Plan Guidelines Area **[HPCPG]**.
- For a more efficient use of the site that is in line with the vision of the London Plan Place Type, a vertically integrated mixed-use mid-rise building should be provided. Should the file planner support the density and form currently proposed, the following changes are required:
  - Relocate Building 3 to be closer to South Carriage Road. To create a strong street wall and active facades for a comfortable and vibrant pedestrian environment along South Carriage Road provide an enhanced elevation for Building 3's street fronting townhouse units. **[TLP 911-9; HPCPG 4.1.2 ]**.
  - A maximum setback of 2m along Hyde Park Road and 4m along South Carriage Road from the property line should be considered to ensure buildings are located closer and oriented to the street.
  - Rotate "Building 3" and locate along the South Carriage Road frontage to allow for a greater portion of the built form parallel the street, with the surface parking located behind the building and direct access from the individual unit entrances to the public sidewalk.
  - A minimum building frontage requirement-75% of the plot frontage should also be considered to ensure a continuous street wall along street frontages.
  - No parking shall be located between street frontages and the building faces. **[TLP 911-9]**.
    - The proposed parking along South Carriage Road should be removed. This requires redesign of the site including locating the proposed stacked townhouses or alternative building typologies along South Carriage Road Frontage
  - Ensure that the proposed built form at the intersection of Hyde Park and South Carriage emphasize and address the corner location through appropriate massing, height element and location of entrances. **[TLP 291]**.

- Front doors for commercial and residential units are to be highly visible from and within convenient walking distance to the city sidewalk. Locate entrances to the end units of the commercial buildings on the north and south facades to provide convenient access from both the sidewalk and the parking lots, and to have a portion of the units with street-oriented access.
- Locate any garbage/recycling facilities away from the public street frontage.
  - Incorporate the garbage/recycling area south of “Building 2” into the building and fully wrapped with the same exterior materials;
- Screen any surface parking exposed to a public street with enhanced landscaping, including low landscape walls, shrubs, and street trees. **[TLP 277, 278, 235]**
- A minimum percentage of landscaped open space and perimeter buffering should be included in the zoning provisions to ensure adequate space for tree planting and to reduce the amount of impervious surface.
- The enhanced pedestrian connections and enhanced pedestrian realm along Hyde Park Road have been noted and should be carried forward through the site plan review.

#### ***Landscape Architecture (December 19, 2022)***

- The applicant has forwarded a Tree Assessment Report prepared by RKLA. There are no concerns about the assessment methods or format of report.
- The inventory captured 27 individual trees within the subject site, within 3 meters of the legal property boundary, and within the City ROW adjacent to the site. No endangered species were observed during the tree inventory.
- The southern ingress from Hyde Park encroaches onto adjacent property and requires the removal of several boundary trees and trees beyond the subject site.
- Boundary trees are protected by the province’s Forestry Act 1998, c. 18, Sched. I, s. 21, and can’t be removed without written consent from co-owner. Every person who injures or destroys a tree growing on the boundary between adjoining lands without the consent of the land owners is guilty of an offence under this Act. 1998, c. 18, Sched. I, s. 21.
- The City will not accept a Tree Preservation Plan at time of Site Plan Application with outstanding consents for the removal of boundary and offsite trees. Site Plan approval will require the letters of consent. Letters of consent for removal of offsite and boundary trees are to be forwarded to City with Site Plan Application Documents.
- To remove the requirement for consent letters, move driveway ingress entirely within site and do not proposed the injury or removal of offsite and boundary trees,

#### ***Urban Design Peer Review Panel (December 15, 2021)***

The Panel noted that the overall design strategy for the site was confusing and not in alignment with the intended “Main Street” character envisioned through the relevant City Documents (e.g. ’89 Official Plan & London Plan). Though the goal of integrating a mix of commercial and residential uses on the site is a good one, the organization of this site does so in a way that will detract from the residential living environment and the adjacent streetscapes. The following comment were provided to inform the on-going planning and design process for the project:

- The Panel recommends that the site design be revised to focus a more prominent built form (e.g., 2-storey buildings min.) along the Hyde Park Road frontage in order to create the desired sense of enclosure for the main street pedestrian realm and appropriately relate to width of the adjacent ROW.
- Further/special attention should be paid to how the proposed built form related to the intersection of Hyde Park Road and South Carriage Road.

- The Panel noted that it was unclear if the principal unit entrances for the proposed commercial/retail units are, in fact, facing Hyde Park Road. Commercial buildings/units are recommended to be oriented toward Hyde Park Road to contribute to the desired Main Street character.
- The Panel recommends that no parking be sited between any proposed building and the adjacent public streets in accordance with City policy. This will require a significant reorganization of the site to rectify the current proposed edge condition along South Carriage Road.
- The Panel suggested that current proposed site layout and amount of commercial uses relative to the space provided for parking and circulation will create significant barriers/obstacles to pedestrian flow across the site, particularly for those accessing the west-facing residential units.
- The Panel expressed concern about the lack of amenity space provided for future residents of the site.
- The Panel suggests that many organizational issues noted above could be resolved by shifting to a true mixed-use concept with residential apartment units stacked above street-oriented commercial/retail space. Further density is likely achievable on the site in that scenario.

Concluding comments:

This UDPRP review is based on City planning and urban design policy, the submitted brief, and noted presentation. It is intended to inform the ongoing planning and design process. Significant modifications are recommended in order to ensure the proposed development contributes to the planned urban Main Street context of the area.

***Parks Planning and Open Space Design (December 1, 2021)***

- Parkland dedication is required in the form of cash in lieu, pursuant to By-law CP-9 and will be finalized at the time of site plan approval.

***London Hydro (December 6, 2021)***

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

***Canadian Pacific Railway (December 2, 2021)***

Thank you for the recent notice respecting the captioned development proposal in the vicinity of Canadian Pacific Railway Company. The safety and welfare of residents can be adversely affected by rail operations and CP is not in favour of residential uses that are not compatible with rail operations. CP freight trains operate 24/7 and schedules/volumes are subject to change. CP's approach to development in the vicinity of rail operations is encapsulated by the recommended guidelines developed through collaboration between the Railway Association of Canada and the Federation of Canadian Municipalities. The 2013 Proximity Guidelines can be found at the following website address: <http://www.proximityissues.ca/>.

Should the captioned development proposal receive approval, CP respectfully requests that the recommended guidelines be followed.

***Engineering (December 2021)***

*Sewer Engineering (Dec 6, 2021):*

- Based on the recent submitted ZBA there was an attached servicing report for the above noted, SED notes that York and AGM identified the subject lands as a 1.41 ha area and was allotted an equivalent population of 141 people. As submitted, they are proposing 233 people in a mixed use of stacked townhouse residential, commercial retail and restaurant use on 1407-1427 Hyde Park.
- SED has no objection with the proposed population of 233.
- The intended outlet is a 450mm diameter on Hyde Park Rd. As per record drawings there is an existing PDC stubbed to the 450mm diameter sanitary on

Hyde Park for the entire subject lands when it was intended as one commercial development.

- As part of a future site plan application the subject lands proposed as a mixed use will need to demonstrate how they can be serviced and connected meeting all applicable standards to the abutting 450mm municipal sanitary sewers. The proposed development will require inspection MH's for the non residential uses. Further comments may be forthcoming with future development applications.

*Transportation (December 15, 2021)*

- No further widening requirements.
- Detailed comments regarding access design and location already provided at the site plan pre consultation in June/2021. (South access should be along projected frontage of 1407-1427 Hyde Park, joint access with 1369 Hyde Park not supported as the neighbouring property is already serviced by another access to the South and does not require an additional access.)

*Stormwater Engineering (December 21, 2021):*

- SWED staff have no new or additional comments for the subject site beyond those previously provided for pre-application consultation (dated March 5, 2021). Additional SWM related comments may be provided upon future review of this site.
- The Stormwater Engineering Division staff have no objection to this pre-application. For the benefit of the project, please ensure the applicant is informed about the following SWM issues/requirements to be considered by the applicant's consultant engineer when preparing the storm servicing strategy for this land during the development application stage:
- Specific comment for this site
  - The site is located within the UTRCA regulated area and therefore UTRCA approval/permits may be required, including confirmation as to required setbacks.
  - As per attached as-constructed 19211 & 26822, the site at C=0.90 is tributary to the existing 525mm storm sewer stub at the western property line. The applicant should be aware that any future changes to the C-value will require the applicant to demonstrate sufficient capacity in this pipe and downstream systems to service the proposed development as well as provide on-site SWM controls. On-site SWM controls design should include, but not be limited to required storage volume calculations, flow restrictor sizing, bioswales, etc.
  - The number of proposed parking spaces exceed 29 and although the site is tributary to a stormwater management facility, City of London SWMF's are not designed to accommodate/treat oils. The owner shall be required to have a consulting Professional Engineer confirming how the water quality will be addressed to the standards of the Ministry of the Environment, Conservation and Parks (MECP) with a minimum of 80% TSS removal to the satisfaction of the City Engineer. Bearing in mind the City of London does not support Goss Traps/Catchbasin Hoods as standalone solutions to address water quality and should only be utilized as part of a Treatment Train Design.
  - The proposed land uses of a medium density residential and commercial will trigger the application of design requirements of Permanent Private Storm System (PPS) as approved by Council resolution on January 18, 2010. A standalone Operation and Maintenance manual document for the proposed SWM system is to be included as part of the system design and submitted to the City for review.
  - The applicants consulting engineer shall ensure that there is no shared servicing between land uses proposed as part of the site plan application.
  - This site plan may be eligible to qualify for a Stormwater Rate Reduction (up to 50% reduction) as outlined in Section 6.5.2.1 of the Design Specifications and Requirements manual. Interested applicants can find more information and an application form at the following:



<http://www.london.ca/residents/Water/water-bill/Pages/Water-and-Wastewater-Rates.aspx>.

- Any proposed LID solutions should be supported by a Geotechnical Report and/or a Hydrogeological Assessment report prepared with a focus on the type(s) of soil present at the Site, measured infiltration rate, hydraulic conductivity (under field saturated conditions), and seasonal high groundwater elevation. Please note that the installation of monitoring wells and data loggers may be required to properly evaluate seasonal groundwater fluctuations. The report(s) should include geotechnical and hydrogeological recommendations of any preferred/suitable LID solution. All LID proposals are to be in accordance with Section 6 Stormwater Management of the Design Specifications & Requirements manual.
- An Operations and Maintenance manual should be provided as a separate report/manual identifying any implemented/constructed LIDs. For examples of such report contents please refer to the following website <https://cvc.ca/low-impact-development/lid-maintenance-monitoring>.
- As per 9.4.1 of The Design Specifications & Requirements Manual (DSRM), all multi-family, commercial and institutional block drainage is to be self-contained. The owner is required to provide a lot grading plan for stormwater flows and major overland flows on site and ensure that stormwater flows are self-contained on site, up to the 100 year event and safely convey the 250 year storm event.
- General comments for sites within Stanton Drain Subwatersheds
  - The subject lands are located in the Stanton Drain Subwatershed. The Owner shall provide a Storm/Drainage Servicing Report demonstrating compliance with the SWM criteria and environmental targets identified in the Stanton Drain Subwatershed Study that may include but not be limited to, quantity/quality control (80% TSS), erosion, stream morphology, etc.
  - The Owner agrees to promote the implementation of SWM Best Management Practices (BMP's) within the plan, including Low Impact Development (LID) where possible, to the satisfaction of the City Engineer.
  - The owner is required to provide a lot grading plan for stormwater flows and major overland flows on site and ensure that stormwater flows are self-contained on site, up to the 100 year event and safely conveys up to the 250 year storm event, all to be designed by a Professional Engineer for review.
  - The Owner shall allow for conveyance of overland flows from external drainage areas that naturally drain by topography through the subject lands.
  - Stormwater run-off from the subject lands shall not cause any adverse effects to adjacent or downstream lands.
  - An erosion/sediment control plan that will identify all erosion and sediment control measures for the subject site and that will be in accordance with City of London and MECP (formerly MOECC) standards and requirements, all to the specification and satisfaction of the City Engineer. This plan is to include measures to be used during all phases of construction. These measures shall be identified in the Storm/Drainage Servicing Report.

*Water Engineering (December 2, 2021)*

- There is an existing 450mm PVC watermain at Hyde Park Rd, and 300mm PVC on South Carriage Rd
- The area is located within the Hyde Park PS High level zone.
- The applicant shall identify the ownership for the buildings(one single ownership or multi). Where all buildings will remain within one ownership, a single private watermain could provide municipal water servicing to the site. Where there will be more than one ownership in the future of the buildings proposed, it will be necessary to have separate water servicing provided to each separately owned

site and the buildings on that site in order to prevent the creation of a regulated drinking water system.

**Site Plan – from Record of Site Plan Consultation (June 2021)**

*Site Design Comments:*

- Ensure the townhouses function separately from the commercial development, with adequate landscape buffering and separate entrances and parking facilities for each use.
- Provide an adequately sized and functional amenity space for the residential units.
- Locate the site access wholly on the subject property.
- Locate garbage/recycling facilities away from the public street frontage.

*Building Design Comments:*

- Explore opportunities to include a true mixed-use building along the Hyde Park Road frontage with commercial ground floor and residential on the upper levels, this could help resolve other site plan issues such as outdoor common amenity space and parking.
- Alternatively, split “Building 2” into two buildings with parking located between the two buildings to allow for better access to the commercial units along the Hyde Park Road frontage from the parking area.
- Orient any commercial units adjacent to Hyde Park Road to the street by including the principal building entrance on this elevation with direct access to the individual unit entrances to the public sidewalk.
- Rotate “Building 3” and locate along the South Carriage Road frontage to allow for a greater portion of the built form parallel the street, with the surface parking located behind the building and direct access from the individual unit entrances to the public sidewalk.
- Design “Building 1” to have regard for its corner location. Building massing and articulation should address the intersection of Hyde Park Road and South Carriage Road.
- Design the space within the R.O.W., between the proposed building and the existing public sidewalk on Hyde Park Road, to be consistent with the design that has been implemented for other developments in the Hyde Park area.
- Provide for a store-front design for any ground-floor commercial units proposed on the Hyde Park Road frontage. This should include a higher proportion of vision glass, double doors, an increase in ground floor height, and the potential for canopies and lighting to frame the entrance.

## Appendix E – Public Engagement

**Diane Dempsey (to Councillor Josh Morgan)**

[“Proposed McDonalds restaurant](#)

*As a member of the community that sees a plan for a McDonalds being built on Hyde Park Road and South Carriage, I am compelled to communicate with you as the City Councillor for this area. I walk on a regular basis past this intersection and honestly have not recovered from the tragedy of last June. I am very happy to see the lovely tribute that has been constructed at this intersection for the Afzaal Family as a permanent reminder of the horror that occurred there. This makes this corner hallowed ground as it memorializes this lovely family. It truly seems like an extreme insult to this Memorial to allow a McDonalds Restaurant to exist exactly across from this special tribute. There are other reasons that I will also mention as to why it is not wise to move forward with any fast food restaurant. The increase in traffic is a big concern as there are always lines as cars pull over to get into the queue for take out. This area is already very busy with traffic and the pedestrians have to navigate very carefully. I predict there will be cars backed up on a regular basis especially at rush hour. Along with this will be increased litter and amounts of garbage that are generated by purchases as well as the huge carbon footprint that McDonalds inflicts on our community. It is extremely discouraging to read all the information about how McDonalds contributes to climate change by how they operate and do business everyday. Please check this data and see how bad they are in this area. The other issues that are very concerning are all the noises, smells, fumes, and light pollution that will interrupt the quietness of this residential area. I have so often enjoyed the song of the killdeer birds who nest in that open space currently and it saddens me all they will be wiped out. I do hope our City leaders will find a solution that is not going to sacrifice quality of life over a McDonalds restaurant...”*

**Samantha Watt**

*“There are already 3 McDonald’s in this area. This would only cause congestion in a residential area, smell, and an ugly appearance. This area has a nice memorial set up across the street, and does not need an eyesore like McDonald’s to distract from it. Please consider this... I’m sure we can also get lots of signatures to help back us all up. I really hope this isn’t a done deal.”*

**A.J. Daniak**

*“...In the conceptualized site plan, it shows a McDonald's as the restaurant. In another spot in the documents, it says that the restaurant was 'conceptualized' as a McDonald's. I was a bit unclear how they would be able to use the McDonald's logo, unless they were already in talks with the company? From the use of the logo, I assumed someone was already in talks with the franchise. That said I did want to raise concerns that while I don't have objections to a restaurant or drive-thru necessarily I do think that a better suited restaurant could be chosen for the location. The first that comes to mind is a Starbucks (or a local independent coffee shop instead), but for sake of the conversation, a coffee shop would provide a much better lifestyle addition to the area residents, including to all those new proposed stacked townhouse residents who would be sharing a parking lot. A coffee shop would become a community hub where people can gather and meet and I think would be much more welcomed than a McDonald's - for many reasons. I understand that McDonald's would be considered an anchor tenant of the plaza, but that's why I compared it directly to a Starbucks. Less risk than an independent coffee shop. If not a coffee shop - any kind of local restaurant with good quality food would be more welcomed - think something like Dolcetto, Taverna 1331 that is right down the street, Porcino's and so forth. The Hyde Park main street that is being built up has much potential to become a hub for the city and while I have nothing personally against McDonald's, there are already 2 - one at Dalmagarry/Fanshawe Park, and one inside*

*the Hyde Park Walmart. I realize there is already a Starbucks as well at Fanshawe and Hyde Park road, but as Starbucks has demonstrated in certain locations there can be a Starbucks on multiple corners of the same intersection with no concern of customers served - as there is often that much demand. As well please note I am simply using Starbucks as an example in this situation, there may be many other more suitable choices.*

*I of course am not an official planner, do not have connections to Starbucks and am not privy to many of the other details I'm sure that go into the planning process before a decision is made, but I wanted to bring my comments to your attention for consideration and in case others share the same concerns.*

**Margaret Fuller**

*"I am a resident in the Hyde Park area and would like to be on record as opposing any zoning amendment that would permit a drive-through restaurant at the corner of Hyde Park Road and South Carriage Road.*

*As indicated in the "Notice of Planning Application", the London Plan does not permit a drive-through facility at this location, and I believe this check on development needs to be respected. In my opinion, the subject intersection was not designed for a drive-through facility, and by making allowances for one, the City of London would be creating an environment conducive to increased traffic problems and safety risks.*

*For this reason, I am strongly opposed to this proposed amendment and ask that the City respect the terms of the London Plan, which preclude a drive-through facility at the corner of Hyde Park Road and South Carriage Road."*

**Sandra Venneri**

*"I'm a resident near Hyde Park and would like to know the process of having a say in the plans. I want to speak up about the fast food restaurant and the planning of healthier options for our community that are allowed. With so many fast food options already, it seems excessive and not supporting public health initiatives that are important when city planning happens."*