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H-8388/C. Smith

FROM:	G. KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL
SUBJECT:	APPLICATION BY: MHBC PLANNING 1195 FANSHAWE PARK ROAD WEST 2151 DALMAGARRY ROAD MEETING ON SEPTEMBER 9, 2014

RECOMMENDATION

That, on the recommendation of the Manager of Development Services and Planning Liaison, based on the application of MHBC Planning relating to the property located at 1195 Fanshawe Park Road West and 2151 Dalmagarry Road, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on September 16, 2014 to amend Zoning By-law No. Z.-1 in conformity with the Official Plan to change the zoning of 1195 Fanshawe Park Road West and 2151 Dalmagarry Road **FROM** a Holding Neighbourhood Shopping Area Special Provision (h-120*h-171*NSA5 (6)) Zone **TO** an Neighbourhood Shopping Area Special Provision (NSA5 (6)) Zone to remove the holding “h-120 and h-171” provisions.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

Remove the holding “h-120 and h-171” provisions from 1195 Fanshawe Park Road West and 2151 Dalmagarry Road to allow development in the form of one integrated site, in conformity with the approved Zoning.

BACKGROUND

On March 5, 2013, Council amended By-law Z.-1 (OZ-8115) to change the zoning on the subject lands from an Urban Reserve (UR3) Zone, to a Holding Neighbourhood Shopping Area Special Provision (h-120*NSA (6)) Zone. In addition to the change in zoning, the Council resolution requested the Approval Authority to consider the following design elements for the commercial site through the site plan process:

- *situate the proposed “Retail A” building so that it fronts onto Dalmagarry Road, in line with the proposed restaurant and proposed Retail B in order to create a more consistent streetwall plane;*
- *ensure that buildings “Proposed Retail A”, “Proposed Retail B”, “Proposed Sunripe Market” and Proposed Restaurant are oriented to the public street and include active building elements such as principal entrances, transparent windows, merchandise display windows, canopies etc. fronting the street in order to create an active frontage and improve the pedestrian experience;*
- *screen all parking lot frontages along public streets using enhanced landscaping and landscaping walls;*
- *eliminate rows of parking which inhibit providing continuous pedestrian connections through the site, including between the residential and commercial portions. Ensure all buildings have a walkway to the street as well as a continuous walkways connecting to other buildings on the site;*
- *ensure all parking islands are appropriately landscaped and are of a sufficient size to allow for the planting of trees; and*
- *locate all garbage bins away from street frontages, ensure that they are contained within masonry enclosures and appropriately screened with landscaping. Alternatively garbage enclosures could be created as part of or an extension of proposed buildings.*

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On April 2, 2013 an appeal was submitted by Stikeman Elliott on behalf of 1830145 Ontario Limited (York Developments), in opposition to Municipal Council’s decision to approve the requested amendments. On October 2, 2013, the Ontario Municipal Board was advised that the appeal was withdrawn, resulting in the Council-adopted zoning coming into effect.

In September of 2013, Claybar Developments Inc. applied to sever two parcels from the property for the purpose of commercial development and retain the northerly parcel for the purpose future residential use. On March 17, 2014, the City of London Consent Authority granted a Provisional Consent (B.037/13) to sever pending the completion of conditions which included the following requirement:

A Zoning By-law amendment shall be submitted to rezone the severed parcels to add a holding provision (h-_) to ensure the orderly development of the lands and the adequate provision of municipal services. The holding provision(s) shall address, but is not limited to the following, prior to the deletion of the holding provision:

- a. That parcels B & C shall be developed simultaneously and only as a co-ordinated and integrated development, which acts as one site comprised of two separate development agreements. The development agreements shall be fully executed and registered on title.*
- b. That a subsequent consent application for lot adjustment be obtained if it is identified that the property boundaries between parcels B & C constrain the site plan function or design. The consent application shall be at no cost to the City, to the City’s satisfaction and in full force and effect.*
- c. That sanitary, storm and water servicing shall be provided to the satisfaction of the City Engineer.*

York Developments (London) Inc. subsequently applied to amend By-law Z-1 to satisfy this condition and an amendment was passed by Municipal Council on April 15, 2014 (Z-8326), changing the zoning on the two commercial lots from a Holding Neighbourhood Shopping Area Special Provision (h-120*NSA5 (6)) Zone, to a Holding Neighbourhood Shopping Area Special Provision (h-120* h-171*NSA5 (6)) Zone. The h-171 holding provision requires the two commercial lots to be developed as one integrated site.

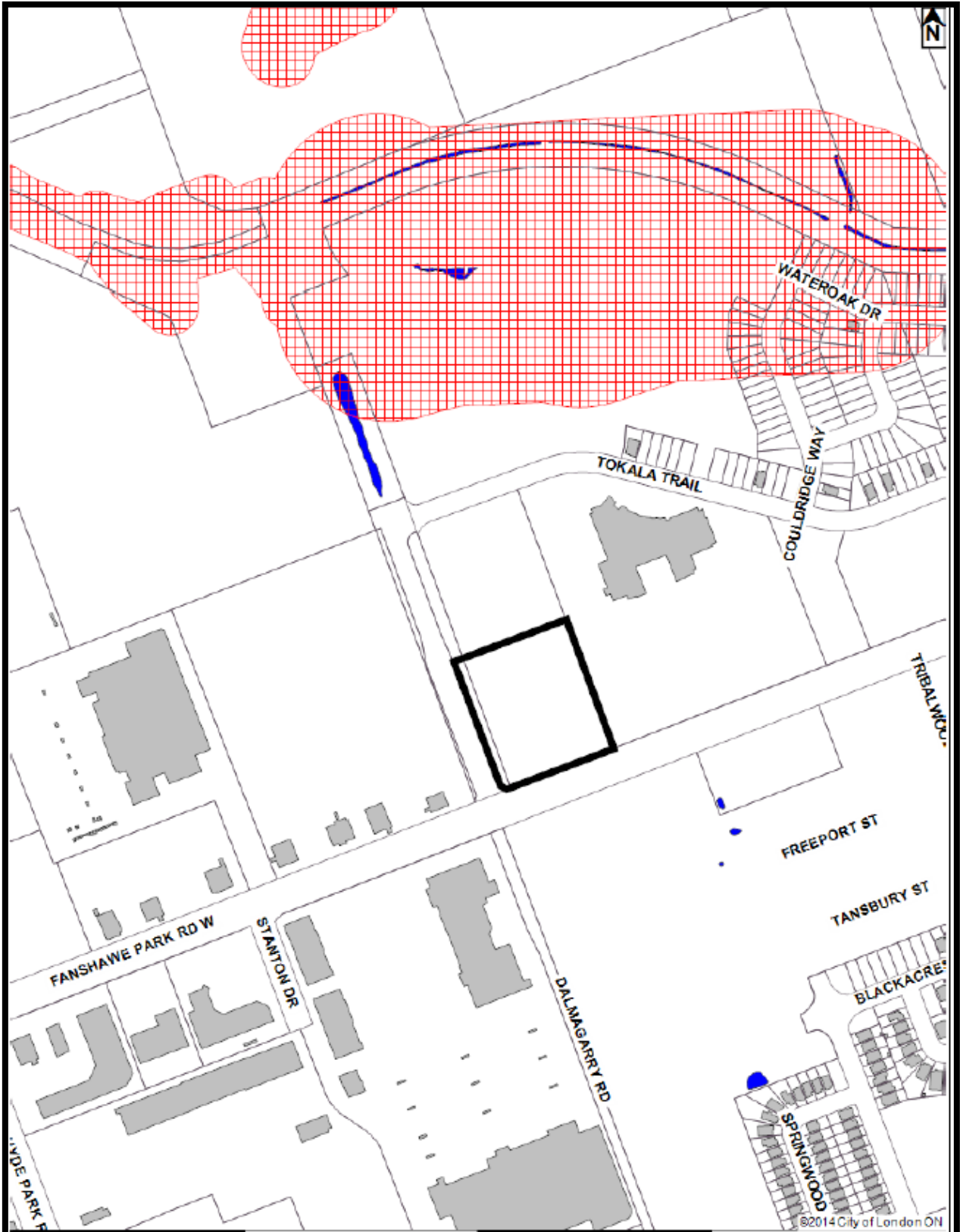
On June 17, 2014 the applicant applied for site plan approval for both lots (SP14-019671 and SP14-019626) to ensure that the lands are developed under two separate development agreements as a co-ordinated and integrated site to satisfy the requirement for removal of the h-171 provision.

RATIONALE

1. The removal of the holding provisions will allow for development in conformity with the City of London Official Plan and Zoning By-law Z.-1.
2. The requirements for removal of the h-120 and h-171 holding provisions have been satisfied through the approved site plans and development agreements for both properties.

Date Application Accepted: July 16, 2014	Owners: 1838097 Ontario Limited and Northwest Commercial Centre
REQUESTED ACTION: Removal of the holding “h-120” and “h-171” provisions from the Holding Neighbourhood Shopping Area Special Provision (h-120*h-171*NSA5 (6)) Zone.	






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LOCATION MAP
Subject Site: 1195 Fanshawe Park Road West
Applicant: MHBC Planning Limited
File Number: H-8387
Planner: Craig Smith
Created By: Craig Smith
Date: 2014-07-23
Scale: 1:5000

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

LEGEND

	Subject Site
	Parks
	Assessment Parcels
	Buildings
	Address Numbers

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PUBLIC LIAISON:	Notice of Application was published in the <i>Public Notices and Bidding Opportunities</i> section of <i>The Londoner</i> on July 31, 2014.
Nature of Liaison: City Council intends to consider removing the h-120 and h-171 holding provisions from the lands that ensure a traffic study is completed which includes the implementation of any recommendations and that two separate development agreements are entered into to ensure a co-ordinated and integrated commercial development on the lands including provisions for all municipal services. Council will consider removing the holding provisions as it applies to these lands no earlier than September 9, 2014	
Responses: None	

ANALYSIS

h-120 Holding Provision

The h-120 provision requires a Traffic Study to be completed and implemented through the site plan development agreements, as follows:

Purpose: To ensure the orderly development of lands, the "h-120" symbol shall not be deleted until a Traffic Impact Study has been completed and the accepted recommendations have been implemented through a development agreement all to the satisfaction of the City Engineer and the General Manager of Planning and Development.

The City of London Transportation Planning and Design has been involved in the site plan review process. A Traffic Impact Study was completed for the application and required road/access improvements are being implemented through the approved site plan drawings and executed development agreements. It's appropriate to remove the h-120 holding provision at this time on the basis of the approved site plan and development agreement.

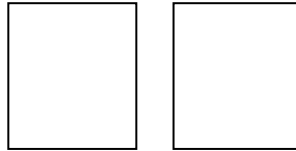
h-171 Holding Provision

The h-171 holding provision requires the two commercial parcels to be developed as one site, to ensure that building orientation, parking, access and pedestrian circulation function as one integrated commercial development. The h-171 provision states:

Purpose: To ensure the orderly development of the lands and the adequate provision of municipal services, the holding provision shall address the following, prior to the removal of the holding provision:

- *That the commercially zoned parcels shall be developed only as a co-ordinated and integrated development, which act as one site comprised of two separate development agreements. The development agreements shall be fully executed and registered on title.*
- *That a subsequent consent application for lot adjustment be obtained if it is identified that the property boundaries between the commercially zoned parcels constrain the site plan function or design. The consent application shall be at no cost to the City, to the City's satisfaction and in full force and effect.*
- *That sanitary, storm and water servicing shall be provided to the satisfaction of the City Engineer*

While separate site plan applications are required for each of the commercial properties, the plans have been submitted to the City and evaluated together, to ensure that the development will function in an integrated manner, notwithstanding the internal property boundary. Pedestrian and vehicular access between the sites is unrestricted and the location of buildings is in keeping with the design parameters endorsed by Council. Pedestrian connections are provided to the adjacent City sidewalks as well as to the future residual development to the north. Landscape islands are proposed at the ends or most parking aisles with enhanced



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plantings proposed along the main vehicular drives contributing to an aesthetically pleasing and welcoming environment for patrons.

Other design measures endorsed by Council have been considered by the Approval Authority in the site plan review process and implemented, where feasible. Elevation designs for the proposed McDonalds and Sun-Ripe buildings located in the northwest and southeast corners of the site have been endorsed by Urban Design. Elevations for the other two buildings have not been finalized and will require separate approvals (amended site plan) after tenants and internal designs have been confirmed.

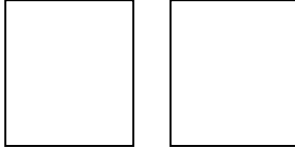
The site plan review process included input from Environmental & Engineering Services (including Transportation, Sanitary, Stormwater and Water), as well as Planning Services – Urban Design. The site plan, landscape plan and servicing drawings have been approved on the basis of a co-ordinated review and development agreements have been executed which provide for an integrated commercial development on the two properties. Security has been required for both agreements to ensure that site and servicing works will be completed in accordance with the approved plans. Registration of the agreements is considered imminent and expected to be completed by the date of the PEC meeting.

Related Rezoning Application:

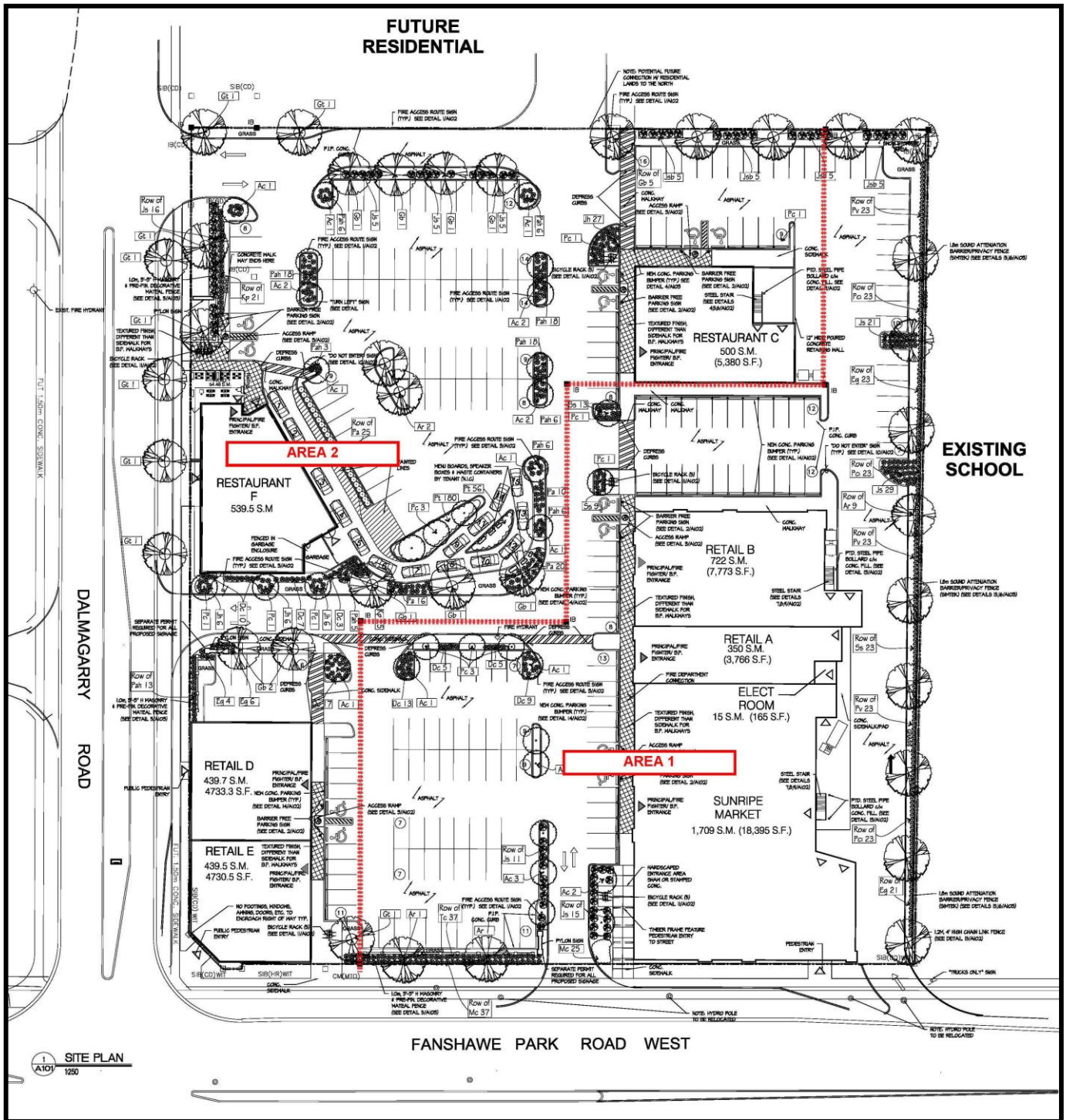
The commercial development that is the subject of this application meets all applicable zoning regulations and the site plan/development agreement are being approved on the basis of existing zoning. Changes to the existing zoning are being requested through a separate application (Z-8387), which is being addressed in a separate report on the September 9th PEC agenda.

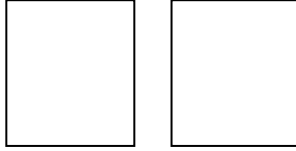
The purpose and effect of the requested zoning change is to permit an increase in the maximum gross floor area in the existing Neighbourhood Shopping Area (NSA5) Zone to a 790 m² maximum of one individual use other than food stores or restaurants; a 635 m² maximum of one individual use other than food stores or restaurants; and, for one 530m² individual restaurant. The application also includes a reduction in the minimum landscaped open space requirement from 15% to 13% of the total lot area, as well as an increase in lot coverage from 30% to 31%.

If the requested changes are approved, the owners have indicated that site plans will be revised and submitted to the City. Any future changes to the site plan and building elevation designs will require amendments to the currently approved site plans and development agreements.



Approved Landscape Plan





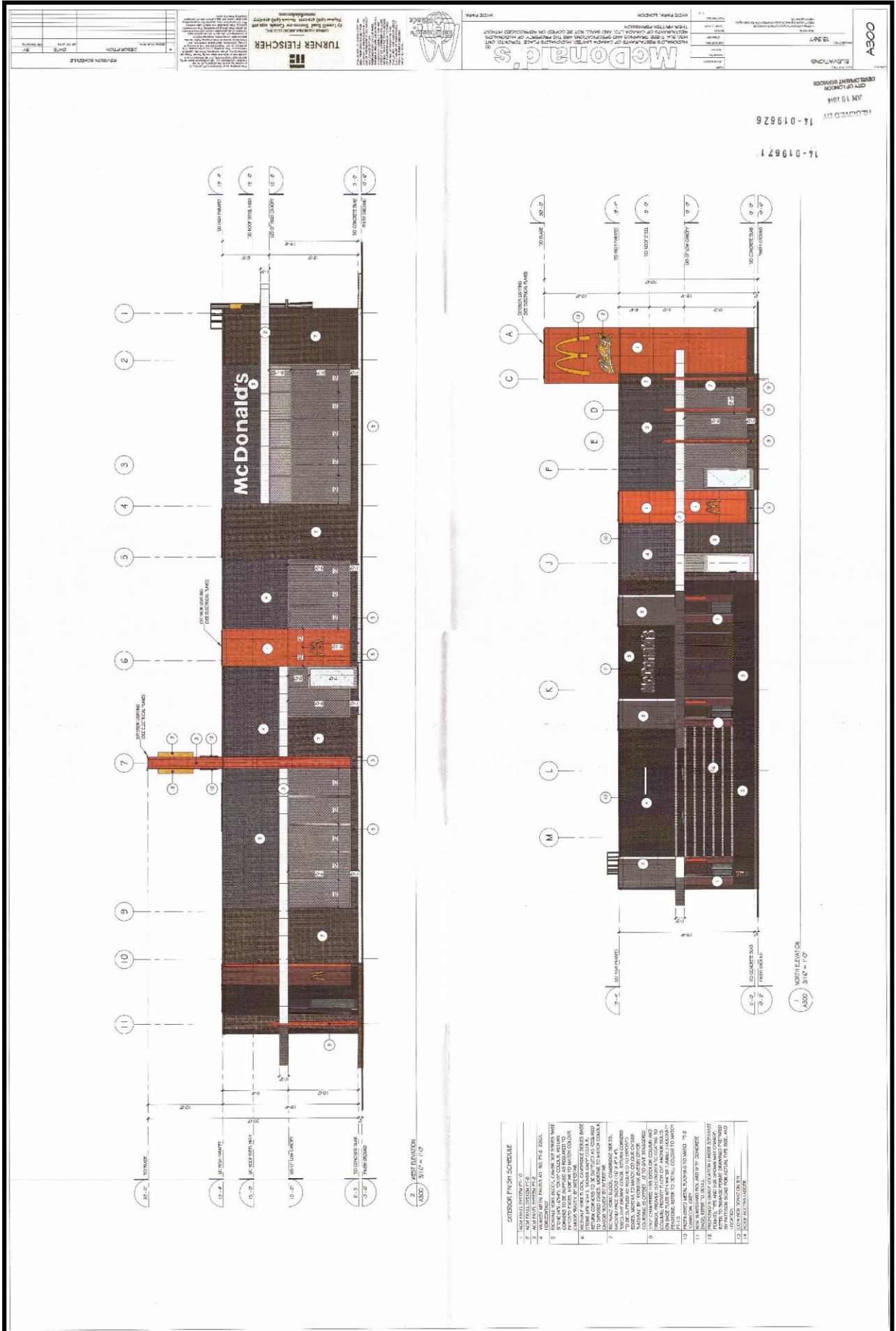
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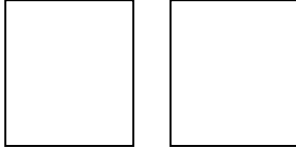
Proposed Elevations

<p>DATE: JULY 15/13 DRAWN BY: [Name] CHECKED BY: [Name] PROJECT NO: [Number] SHEET NO: [Number] PROJECT NAME: [Name] CLIENT: [Name] ADDRESS: [Address] CITY: [City] STATE: [State] ZIP: [Zip]</p>	<p>PHILIP HERR ARCHITECT INC. 6700 SHEPPARD AVENUE EAST SUITE 100 SCARBOROUGH, ONTARIO M1S 4T8 TEL: (416) 291-8888 FAX: (416) 291-8889 WWW.PHILIPHERR.COM</p>	<p>YORK REGION DEVELOPMENT 100 FANSHAW PARK RD. W. 2ND FLOOR LONDON, ONTARIO</p>	<p>PROJECT NO: 505 SHEET NO: A301 DATE: JULY 15/13 DRAWN BY: [Name] CHECKED BY: [Name]</p>
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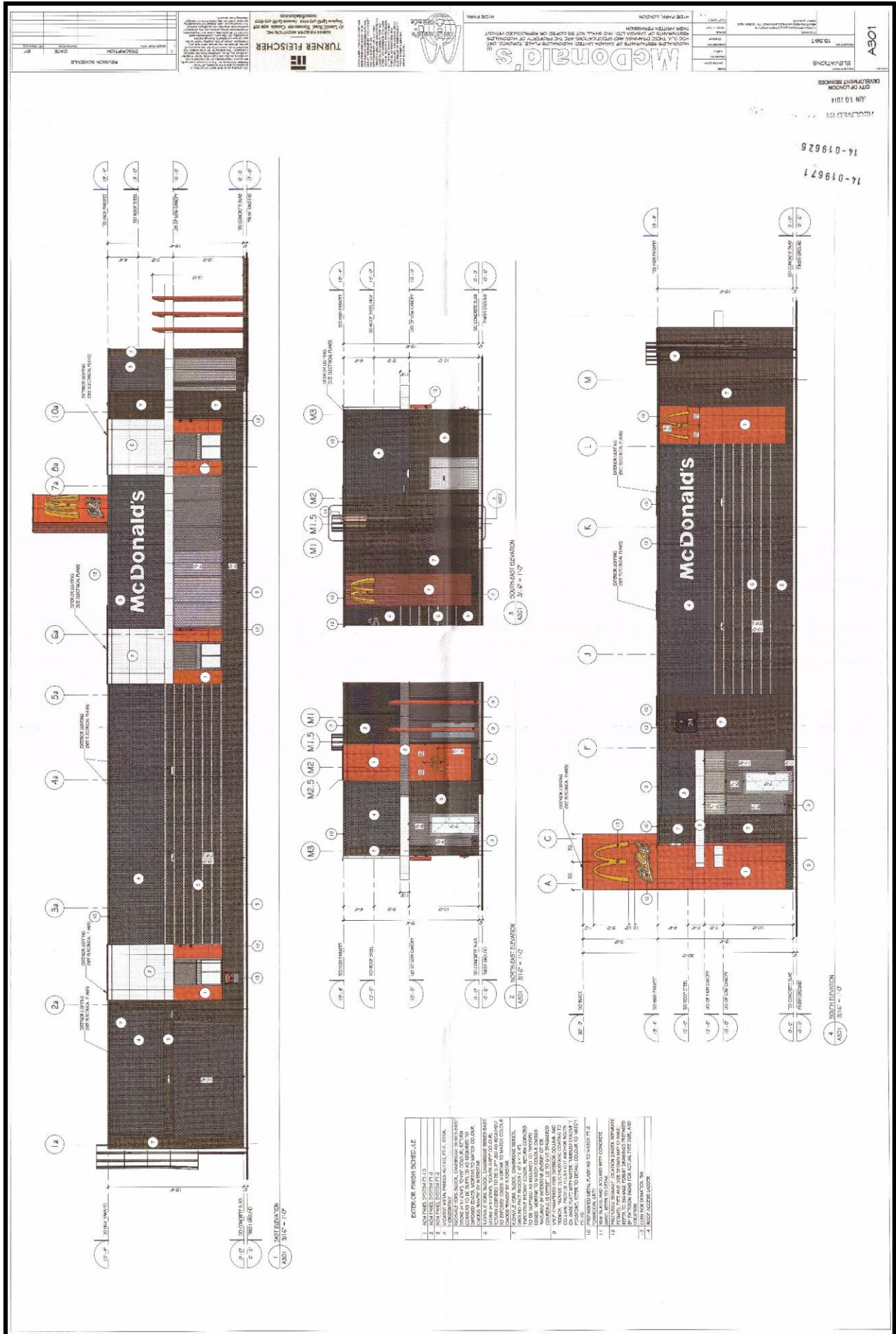


Proposed Elevations 2





Proposed Elevations 3



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CONCLUSION

Two site plan agreements have been executed which provide for a commercial development that is functionally integrated, in conformity with existing zoning, and in keeping with the intent of the design objectives that have been identified for this site. It is considered appropriate at this time to remove holding provisions "h-120 and h-171" so that development can proceed.

PREPARED BY:	REVIEWED BY:
C. SMITH SENIOR PLANNER, DEVELOPMENT SERVICES	ALLISTER MACLEAN MANAGER, DEVELOPMENT PLANNING
RECOMMENDED BY:	SUBMITTED BY:
TERRY GRAWAY MANAGER, DEVELOPMENT SERVICES & PLANNING LIAISON	G. KOTSIFAS, P.ENG MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL

JCS/

"Attach."

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H-8388/C. Smith

Bill No. (Number to be inserted by Clerk's Office)
2014

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to remove holding provisions from the zoning of the lands located at 1195 Fanshawe Park Road West and 2151 Dalmagarry Road.

WHEREAS MHBC Planning has applied to remove the holding provisions from the zoning for the lands located at 1195 Fanshawe Park Road West and 2151 Dalmagarry Road, as shown on the map attached to this by-law, as set out below;

AND WHEREAS it is deemed appropriate to remove the holding provisions from the zoning of the said land;

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 the lands located at 1195 Fanshawe Park Road West and 2151 Dalmagarry Road, as shown on the attached map to remove the holding provisions so that the zoning of the lands as a Neighbourhood Shopping Area Special Provision (NSA5 (6)) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on September 16, 2014.

Joni Baechler
Mayor

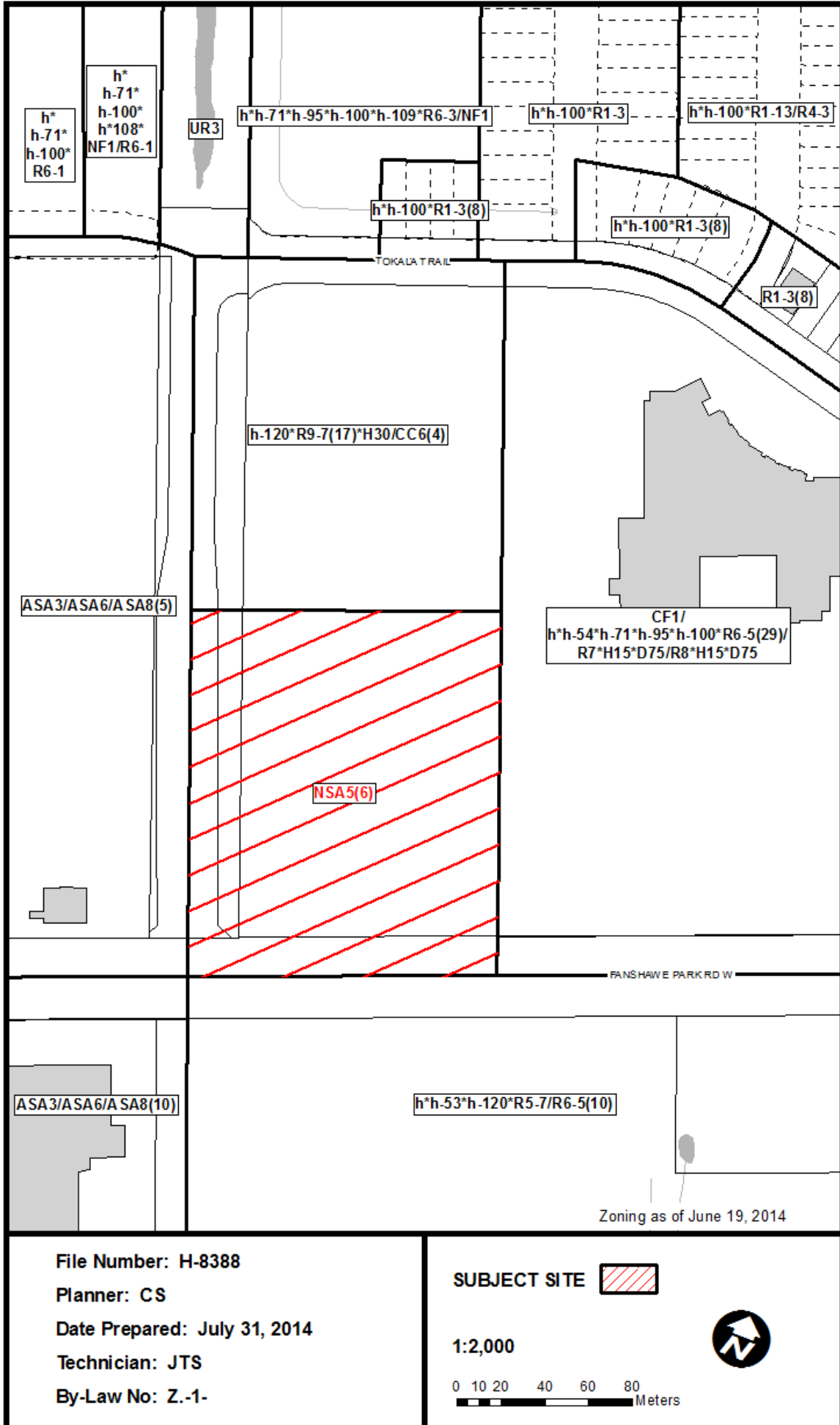
Catharine Saunders
City Clerk

First Reading – September 16, 201
Second Reading – September 16, 2014
Third Reading – September 16, 2014


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



File Number: H-8388
 Planner: CS
 Date Prepared: July 31, 2014
 Technician: JTS
 By-Law No: Z.-1-

SUBJECT SITE 

1:2,000

0 10 20 40 60 80 Meters 