

--	--

TO:	CHAIR AND MEMBERS – PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING DIRECTOR, LAND USE PLANNING AND CITY PLANNER
SUBJECT:	SMARTCENTRES 1280 FANSHAWE PARK ROAD WEST AND 1875 AND 1965 HYDE PARK ROAD MEETING ON FEBRUARY 27, 2012

RECOMMENDATION

That, on the recommendation of the Director, Land Use Planning and City Planner the following actions be taken with respect to the application by Smartcentres relating to the property located at 1280 Fanshawe Park Road West and 1875 and 1965 Hyde Park Road:

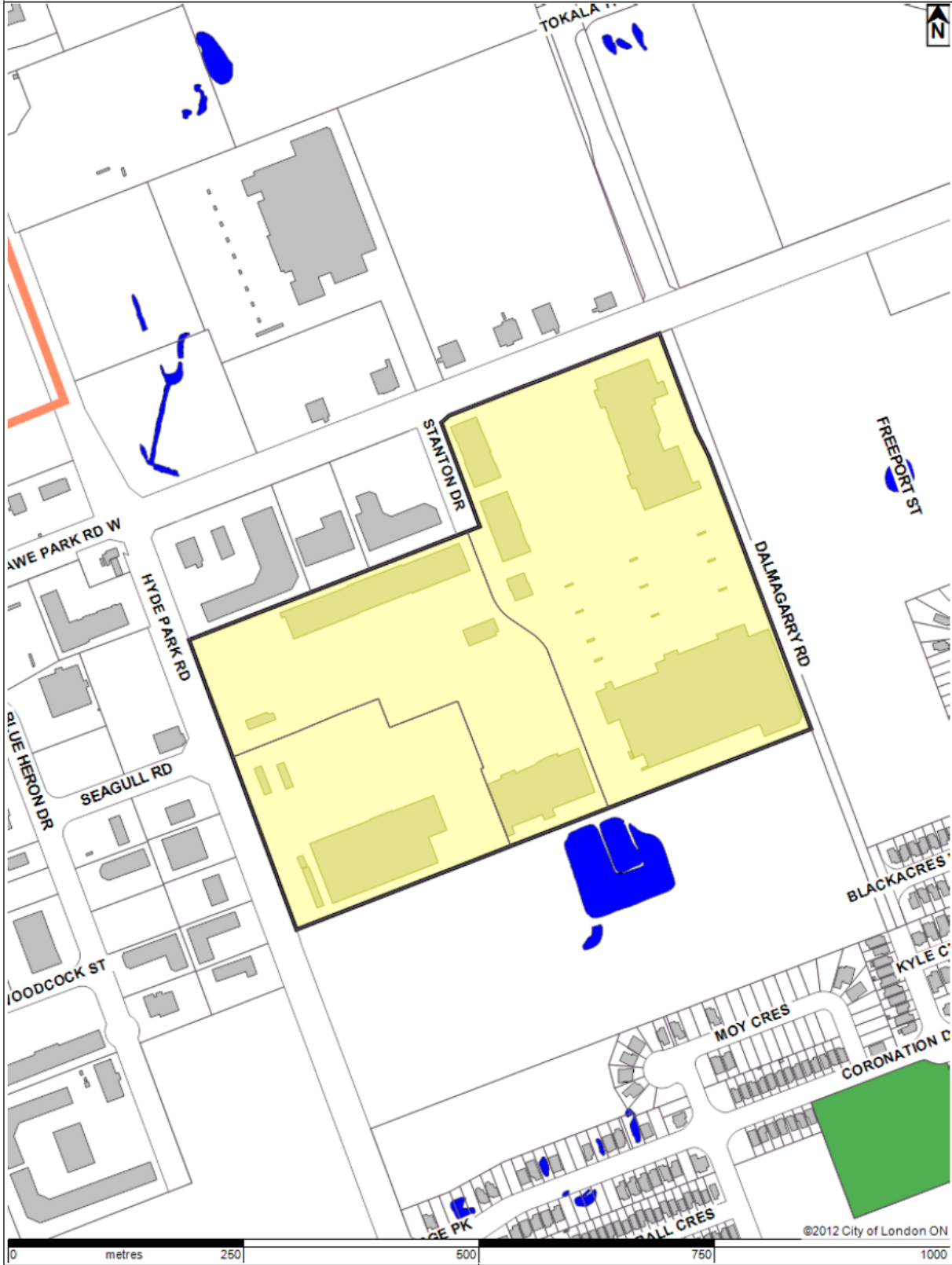
- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on March 20, 2012, to amend policy 4.7.1.5.4 of the Official Plan which refers to the Fanshawe Park Road/Hyde Park Commercial Node to change the maximum gross floor area for retail commercial uses in this node from 113,620m² to 117,336m² and to change the maximum gross floor area for retail commercial uses permitted on the southeast corner from 53,890m² to 57,606m²; and
- (b) the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on March 20, 2012, to amend Zoning By-law No. Z.-1 (in conformity with the Official Plan, as amended in part (a) above) to change the zoning of the subject property **FROM** a Holding Associated Shopping Area Special Provision (h*h-25*ASA3/ASA6/ASA8(4)) Zone which permits a wide range of commercial uses in a shopping centre or stand alone buildings with a maximum gross floor area of 53,890m² provided that a development agreement is entered into with the City and that the development complies with the City of London Commercial Urban Design Guidelines **TO** an Associated Shopping Area Special Provision (ASA3/ASA6/ASA8 (_)) Zone which permits commercial uses in a shopping centre or stand alone buildings with a maximum gross floor area of 57,606m².

PREVIOUS REPORTS PERTINENT TO THIS MATTER
--

October 29, 2007- Report submitted to the Planning Committee by the General Manager of Planning and Development.

SP 07- 022649- Site Plan application to permit the construction of two buildings of approximately 836m² and 1,111m² on the site. Site Plan withdrawn September 2008.

--	--



<p>LOCATION MAP</p> <p>Description: 1945, 1946, 1985 Hyde Park Rd File Number: OZ-7401 Created By: Craig Smith Date: 2012-01-30 Scale: 1:5000</p> <p>Prepared By: Planning and Development</p>	<p>LEGEND</p> <ul style="list-style-type: none"> Parks Assessment Parcels Flood Plains Buildings Address Numbers Parking Area 1 Parking Area 2 Parking Area 3
---	--

--	--

BACKGROUND

On November 6, 2007 Municipal Council resolved:

That on the recommendation of the General Manager of Planning and Development, the following actions be taken with respect to the application by Smartcentres relating to the property located at 1280 Fanshawe Park Road West and 1875 and 1965 Hyde Park Road.

- a) *the proposed by-law hereto attached as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on November 5, 2007 to amend policy 4.7.1.5.4 of the Official Plan which refers to the Fanshawe Park Road/Hyde Park Commercial Node to change the maximum gross floor area for retail commercial uses in this node from 113,620m² to 114,452m² and to change the maximum gross floor area for retail commercial use permitted on the southeast corner from 53,890m² to 54,732m²*
- b) *the proposed by-law hereto attached as Appendix "B" **BE INTRODUCED** at a future the Municipal Council meeting to amend Zoning By-law No. Z-1 in conformity with the Official Plan, as amended in part (a) above) to change the zoning of the subject property FROM a Holding Associated Shopping Area Special Provision (h*h-25*ASA3/ASA6/ASA8(4)) Zone which permits a wide range of commercial uses in a shopping centre or stand alone buildings with a maximum gross floor area of 53,890m² provided that a development agreement is entered into with the City and that the development complies with the City of London Commercial Urban Design Guidelines TO an Associated Shopping Area Special Provision (ASA3/ASA6/ASA8 ()) Zone which permits commercial uses in a shopping centre or stand alone buildings with a maximum gross floor area of 54,732m²; and*
- c) *three readings of the recommended Zoning By-law amendment in (b) above) **BE WITHHELD** until the development agreement currently under review for this site has been signed and staff have had an opportunity to confirm minor corrections in the size of the gross floor area and make any adjustments that may be necessary to the proposed by-law at such time as it comes forward for introduction by the Municipal Council.*

it being noted that pursuant to Section 34 (17) of the Planning Act, it has been determined that no further notice of the proposed revised bylaw is required.

ANALYSIS

There have been many reports prepared on the Smartcentre (formerly First London North) site since 1998 as well as background reports prepared for the Hyde Park Community Plan.

In the fall of 2007 Smartcentres had applied for site plan approval (SP-07022649) to construct two commercial retail units on their site on the southeast corner of Hyde Park and Fanshawe Park Road West. The proposed units were 836m² and 1111m². It was determined during the site plan approval review process that the gross floor area required to construct the two units exceeded the maximum permitted in the Official Plan and Zoning By-law.

Section 4.7.1.5.4 of the City of London Official Plan permits a maximum commercial gross floor area of 113, 620m² for the Fanshawe Park Road West/Hyde Park Road Node and a maximum commercial gross floor area of 53,890 m² on the lands located on the southeast corner of the commercial node.

To allow the for the construction of the two proposed commercial retail units the applicant applied to amend the Official Plan to allow for 114,452 m² in the commercial node and 54,732 m² on the southeast corner of the commercial node. The applicant had also applied to amend the Zoning By-law Z.1 to amend the Associated Shopping Area Special Provision (ASA3/ASA6/ASA8 (4)) Zone to permit a maximum gross floor area of 54,732m². The proposed amendments represented an increase of 842m² above the maximum permitted in the Official Plan and Zoning By-law.

Agenda Item #	Page #

File No. OZ-7401
Planner: C. Smith

Canadian Tire representatives attended the committee meeting on October 29, 2007 with concerns regarding availability of gross floor area in the commercial node after the completion of Smartcentres proposed development. Canadian Tire intends in the future to expand their existing retail store. Canadian Tire expressed concerns that there would not be sufficient gross floor area remaining in the commercial node designation to actualize their proposed expansion after the completion of Smartcentres proposed development. Council approved the proposed amendment but withheld final reading until Canadian Tire and Smartcentres could agree on a total gross floor area required that would meet both their future needs.

Smartcentres has submitted a letter dated January 19, 2012, (attached Schedule 1) that requests an increase to the permitted maximum gross floor area of 3,716m². Included in the document is a letter from Canadian Tire Real Estate Limited that agrees that the proposed amendment and resulting gross floor area maximums will meet their future needs. The proposed Official Plan amendment would result in a maximum commercial gross floor area of 117,336m² in the Fanshawe Park Road/Hyde Park Commercial Node, a maximum commercial gross floor of 57,606m² on the southeast corner of the commercial node. Zoning By-law Z-1 requires an amendment to the Associated Shopping Area Special Provision (ASA3/ASA6/ASA8 (4)) Zone to permit a maximum gross floor area of 57,606m².

Site Plan Approval will be required to be obtained for the proposed future development on the Smartcentres and Canadian Tire lands. At that time the proposed development will be reviewed for conformity with the City of London commercial design guidelines and development agreements will be entered into with the City.

As per Council's November 6, 2007 resolution and pursuant to Section 34 (17) of the Planning Act, no further notice of the proposed revised bylaw is required.

PREPARED BY:	SUBMITTED BY:
CRAIG SMITH – PLANNER COMMUNITY PLANNING AND URBAN DESIGN	JIM YANCHULA, MCIP, RPP MANAGER OF COMMUNITY PLANNING AND URBAN DESIGN
RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP DIRECTOR, LAND USE PLANNING AND CITY PLANNER	

February 10, 2012
CS/
Attached

Y:\Shared\implemen\DEVELOPMENT APPS\2007 Applications\7401OZ - 1280 Fanshawe Pk Rd W & Hyde Pk Rd (CS)\GFAconfirmation\PECreportthridreadingOZ-7401.docx

Agenda Item #	Page #

File No. OZ-7401
Planner: C. Smith

Appendix "A"

Bill No. (number to be inserted by Clerk's Office)
2012

By-law No. C.P.-1284-_____

A by-law to amend the Official Plan for the City of London, 1989 relating to 1280 Fanshawe Park Road West and 1875, 1965 Hyde Park Road.

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

1. Amendment No. (to be inserted by Clerk's Office) to the Official Plan for the City of London Planning Area – 1989, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. This by-law shall come into effect in accordance with subsection 17(38) of the *Planning Act, R.S.O. 1990, c.P.13.*

PASSED in Open Council on March 20, 2012

Joe Fontana
Mayor

Cathy Saunders
City Clerk

First Reading – March 20, 2012
Second Reading – March 20, 2012
Third Reading – March 20, 2012

Agenda Item #	Page #

File No. OZ-7401
Planner: C. Smith

AMENDMENT NO.
to the
OFFICIAL PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is:

1. To amend policy in Section 4.7.1.5.4 of the Official Plan for the City of London to allow the completion of the commercial site.

B. LOCATION OF THIS AMENDMENT

1. This Amendment applies to lands located 1280 Fanshawe Park Road West and 1875, 1965 Hyde Park Road in the City of London.

C. BASIS OF THE AMENDMENT

To allow for the completion of the commercial development on the southeast corner of the Fanshawe Park Road West /Hyde Park Road Commercial Node

D. THE AMENDMENT

The Official Plan for the City of London is hereby amended as follows:

1. The Official Plan for the City of London is amended by amending the following subsection: Section 4.7.1.5.4 Fanshawe Park Road West/Hyde Park Commercial Node, by amending the text to change the maximum gross floor area for retail commercial uses from 113,620m² to 117,336m² in the node and to change the maximum gross floor area for retail commercial uses permitted on the southeast corner from 53,890m² to 57,606m².

Agenda Item #	Page #

File No. OZ-7401
Planner: C. Smith

Appendix "B"

Bill No. (number to be inserted by Clerk's Office)
2012

By-law No. Z.-1-12_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 1280 Fanshawe Park Road West and 1875, 1965 Hyde Park Road.

WHEREAS Smartcentres have applied to rezone an area of land located at 1280 Fanshawe Park Road West and 1875, 1965 Hyde Park Road, as shown on the map attached to this by-law, as set out below;

AND WHEREAS upon approval of Official Plan Amendment Number (number to be inserted by Clerk's Office) this rezoning will conform to the Official Plan;

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

Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 1280 Fanshawe Park Road West and 1875, 1965 Hyde Park Road, as shown on the attached map comprising part of Key Map No. 13, from a Holding Associated Shopping Area Special Provision (h*h-25*ASA3/ASA6/ASA8 (4)) Zone to an Associated Shopping Area Special Provision (ASA3/ASA6/ASA8 ()) Zone.

Section Number 24 of the Associated Shopping Area Zone to By-law No. Z.-1 is amended by adding the following

Special Provision:

Section No.24.4) ASA8 Zone ()

1. Additional Permitted Uses:
 - i. Automobile rental establishment

2. Regulations:

- | | |
|----------------------------|-----------------------|
| i. Gross Floor Area: | 57,606 square metres |
| in all ASA Zone variations | (620,056 square feet) |
| (maximum) | |

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.

This By-law shall come into force and be deemed to come into force in accordance with section 34 of the Planning Act, R.S.O. 1990, c. P.13, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on March 20, 2012.

Agenda Item #

Page #

--

--

File No. OZ-7401
Planner: C. Smith

Joe Fontana
Mayor

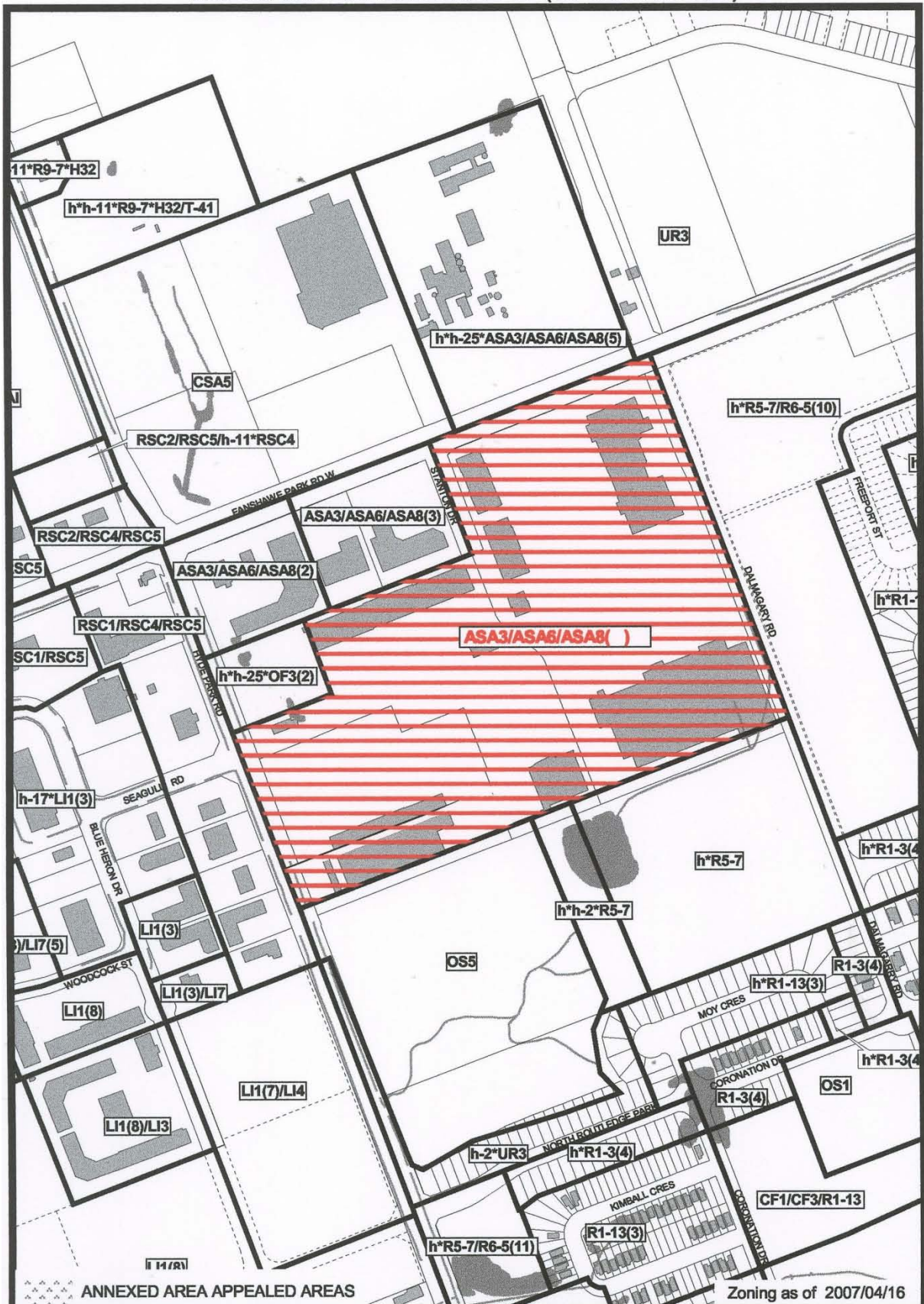
Cathy Saunders
City Clerk

First Reading - March 20, 2012
Second Reading - March 20, 2012
Third Reading - March 20, 2012


--	--

File No. OZ-7401
 Planner: C. Smith

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




File Number: OZ-7401
 Planner: CS
 Date Prepared: 2007/08/26//10/29
 Technician: CK/CMH
 By-Law No: Z.-1-

SUBJECT SITE 

SCALE 1:6000

100 0 100 Meters



--	--

File No. OZ-7401
Planner: C. Smith

Schedule 1



GSP
group
SHAPING GREAT COMMUNITIES

PLANNERS
URBAN DESIGNERS
LANDSCAPE ARCHITECTS

KITCHENER OFFICE
GSP Group Inc.
72 Victoria Street S., Suite 201
Kitchener, ON N2G 4Y9
P 519.569.8883
F 519.569.8643

HAMILTON OFFICE
GSP Group Inc.
29 Rebecca Street, Suite 200
Hamilton, ON L8R 1B3
P 905.572.7477

www.gspgroup.ca

January 19, 2012

The City of London
Planning Division
300 Dufferin Avenue
P.O. Box 5035
London, ON N6A 4L9

CITY OF LONDON
PLANNING DIVISION
RECEIVED Jan. 24. 2012
FILE NO. _____
REFERRED TO _____
SUBSEQUENT REFERRALS
 FOR ACTION
 FOR INFORMATION

Project No.: 9866.10

Attention: Mr. Craig Smith, Planner

Dear Mr. Smith:

**Re: Calloway REIT (London N) Inc./Canadian Property Holdings (Ontario Inc.)
1280 Fanshawe Park Rd., 1875 Hyde Park Rd. and 1965 Hyde Park Rd.
OPA & ZBA Applications, City File No. OZ-7401**

As you are aware, Calloway REIT (London N) Inc. and Canadian Property Holdings (Ontario Inc.), (the Owners), through their agent SmartCentres Shopping Centres Inc. ("SmartCentres"), submitted applications for Official Plan and Zoning By-law Amendments for their property at the southeast quadrant of Hyde Park Road and Fanshawe Park Road. The applications were considered at public meeting on October 29, 2007.

Canadian Tire owns a connected parcel of land subject to the same Official Plan designation and zone. Canadian Tire's consultant made submissions at the public meeting and expressed concerns that SmartCentres requested increase in permitted floor area overlooked Canadian Tire's plans for a planned gas bar and small store as well as future expansion of their existing store.

Following the public meeting, on November 7, 2007, London Council adopted the following resolution with respect to the applications:

"... three readings of the recommended Zoning Bylaw amendment in (b) above, BE WITHHELD until the development agreement currently under review for this site has been signed and staff have had an opportunity to confirm minor corrections in the size of the gross floor area and make any adjustments that may be necessary to the proposed by-law at such time as it comes forward for introduction by the Municipal Council."

Agenda Item #	Page #

File No. OZ-7401
Planner: C. Smith

The reason for Council's resolution was to allow SmartCentres time to discuss the specific GFA requirements if Canadian Tire and include an agreeable floor area cap to be placed in the OPA and ZBA. Since that time, further discussions were between SmartCentres and Canadian Tire have progressed and we have been advised by our client that both Canadian Tire and SmartCentres have agreed to the following proposed additional floor areas:

- Canadian Tire – 1,619 square metres (17,426 square feet) of additional floor space;
- SmartCentres 2,097 square metres (22,573 square feet) additional floor space (Buildings N and M on the attached concept);
- This totals 3,716 square metres (40,000 square feet).

The increase in floor space identified for the SmartCentres component is higher than the originally requested 842 square metres considered in 2007 for the following reasons:

- Change resulting from measuring gross floor area versus using area provided in occupancy permits (actual gross floor area of existing buildings is referred to in the above request);
- The proposed amount of floor space for Buildings N and M on the attached plan; and,
- A modest amount of floor space to provide flexibility to accommodate specific building design if necessary.

A concept plan has been prepared illustrating how the Canadian Tire expansion and buildings M and N can be accommodated on the site (see attached Site Plan SD-376, prepared by Petroff Partnership Architects).

In our discussions, London Planning Department has requested that justification be provided indicating why:

1. The site plan and then subsequent development agreement that was proposed in 2007 did not occur;
2. Why the additional GFA is required at this time; and,
3. Why site plan approval and development agreements are not required at this time.

Our response to these points is provided below.

Also, London Planning requested a copy of a letter of agreement with Canadian Tire Corporation for the proposed gross floor area. A copy of the agreement letter between SmartCentres and Canadian Tire is attached to this letter.

Agenda Item #	Page #

File No. OZ-7401
Planner: C. Smith

1. Reason why 2007 Site Plan was not pursued:

Based on the above noted figures, an additional 3,716 square meters over the 53,890 square metres maximum is required to be reflected in the Official Plan and zoning by-law amendment.

At the time of application, SmartCentres had specific tenant interests to lease the space proposed as anticipated through SmartCentres site plan application (City file 07-022649). For a number of reasons, including the time SmartCentres took to resolve the floor space figures, the tenants were accommodated elsewhere, or decided to wait entry into this market. Without the identification of specific tenants the site plan was not pursued, as tenant requirements have implications on building size and layout.

2. Why Approval of Additional GFA is required at this time:

At this time, a development agreement has not been entered into and SmartCentres is requesting that the adopting by-laws be brought forward for three readings.

Approval of the zoning by-law amendment will provide SmartCentres a greater degree of certainty in approaching interested tenants. Once tenants have been secured, SmartCentres will apply for site plan approval and a development agreement to be entered into.

We understand from our client that Canadian Tire does not have immediate plans to construct an expansion to its store. When expansion plans are known and imminent, a site plan amendment application will be filed and amended development agreement will be entered into with the City to facilitate this development. In the meantime, the certainty of the OPA and ZBA at this time will allow for business decisions to be made with a greater degree of certainty and confidence.

3. Why site plan approval and development agreements are not required at this time:

It is our opinion that a development agreement is not required for purposes of this OPA and ZBA because the concept plan (attached) demonstrates how the proposed additional floor area on the SmartCentres and Canadian Tire expansion can be accommodated. Specific details of the Canadian Tire expansion and the additional SmartCentres GFA will be set out in future site plan applications when more specific design details are known. Development agreements will be entered into with the City at this time.

Agenda Item #

Page #

--

--

File No. OZ-7401
Planner: C. Smith

We trust that this provides sufficient information to bring the enabling Official Plan and zoning by-laws to be forwarded to Council for three readings. Please call me should you have any questions or wish to discuss this matter further.

Yours truly,

GSP Group Inc.



Eric Saulesleja, MCIP, RPP
Associate

/enclosures

c.c. Ms. Elaine Sui, SmartCentres Shopping Centres

--	--

File No. OZ-7401
Planner: C. Smith

Proposed Site Plan (final build out)

