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File No: Z-7917
 Planner: Nicole Musicco

TO:	CHAIR AND MEMBERS BUILT AND NATURAL ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING DIRECTOR OF LAND USE PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: 1830150 ONTARIO LIMITED 580 FANSHAWE PARK ROAD EAST PUBLIC PARTICIPATION MEETING ON SEPTEMBER 26, 2011 5:00 P.M.

RECOMMENDATION

That, on the recommendation of the Director of Land Use Planning and City Planner, based on the application of 1830150 Ontario Limited relating to the property located at 580 Fanshawe Park Road East,

- (a) the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on October 3, 2011 to amend Zoning By-law No. Z.-1 to change the zoning of the subject lands **FROM** an Automobile Service Station (SS2) Zone which automotive uses, restricted **TO** a Holding Community Shopping Area Special Provision (h-11*h*103-CSA3(_)) Zone which permits commercial retail and service uses that serve the community and/or surrounding neighbourhoods, a reduced number of parking spaces of 43 stalls whereas 67 are required, an increased building height to 10 metres whereas 9.0 metres is the maximum permitted, a reduced front yard setback of 0.0 metres from the ultimate road allowance whereas 10 metres is required, a reduced lot depth of 38.1 metres whereas 50 is required, an increased lot coverage of 31.04% whereas 30% is required, reduced loading spaces to 0 whereas 1 is required, reduced distance of parking area located next to an ultimate road allowance to 0m whereas 3m is required, reduced distance of a parking area next to any side yard to 0m whereas 3m is required, reduced distance of a parking area next to a rear yard to 0m whereas 3m is required, reduced distance between a drive-through lane located in the interior side yard and the property line to 0m whereas 3m is required. The holding (h-103) has been added to ensure that urban design is addressed at site plan. The holding (h-11) has been added to ensure the access arrangements are addressed at site plan.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of this zoning amendment is to change the zoning on 580 Fanshawe Park Road East to permit a 613 m² multi-tenant commercial use which includes a drive through.

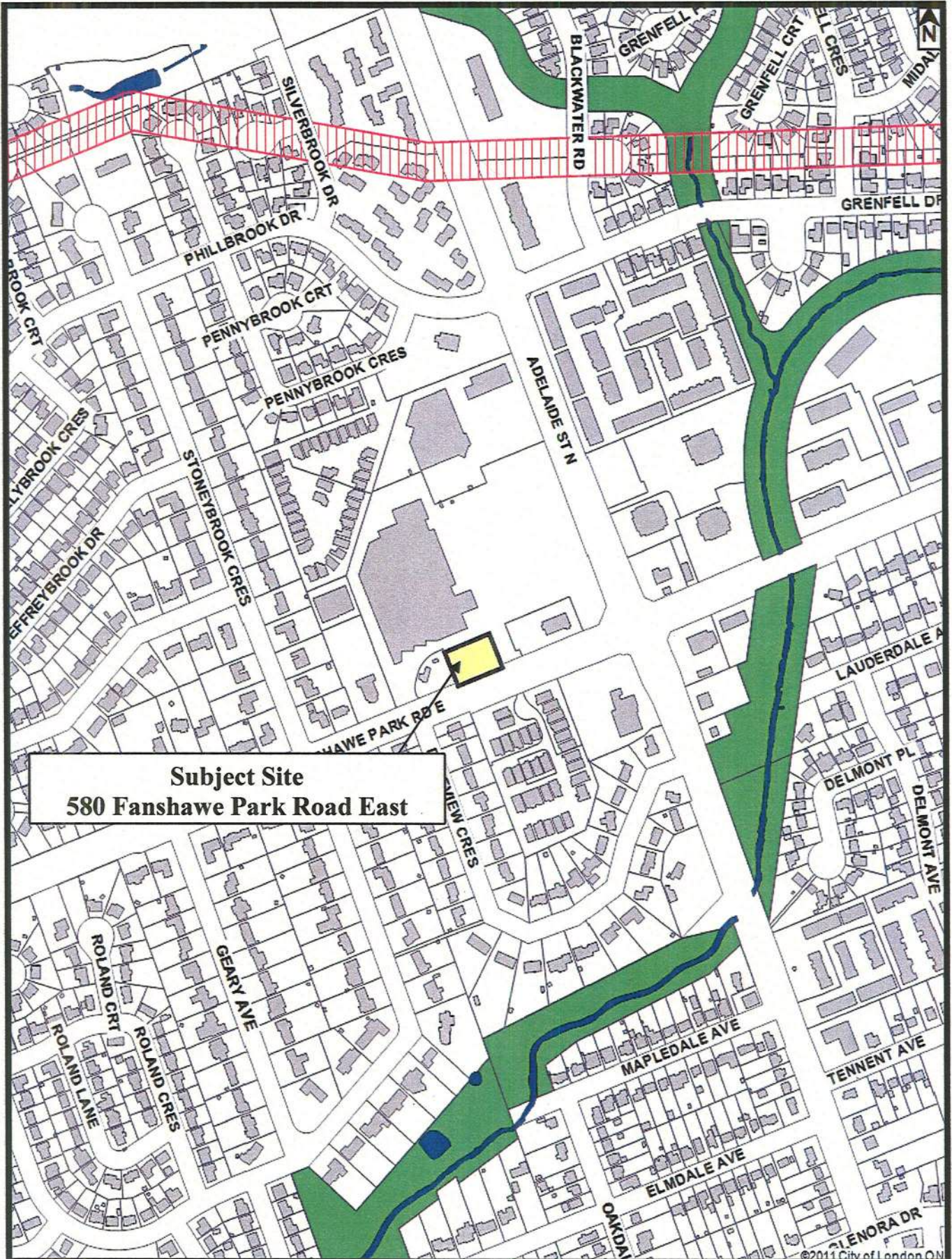
RATIONALE

1. The recommended amendments are consistent with the policies of the Provincial Policy Statement (2005).
2. The requested Official Plan designation is compatible with the existing and proposed uses in the area.
3. The subject lands are located along an arterial road where high traffic volumes are present and where services to the traveling public can be concentrated and supported
4. The proposal encourages intensification and redevelopment in an existing commercial area within the built-up area of the City to meet commercial needs to make better use of existing City infrastructure and to strengthen the vitality of this area.

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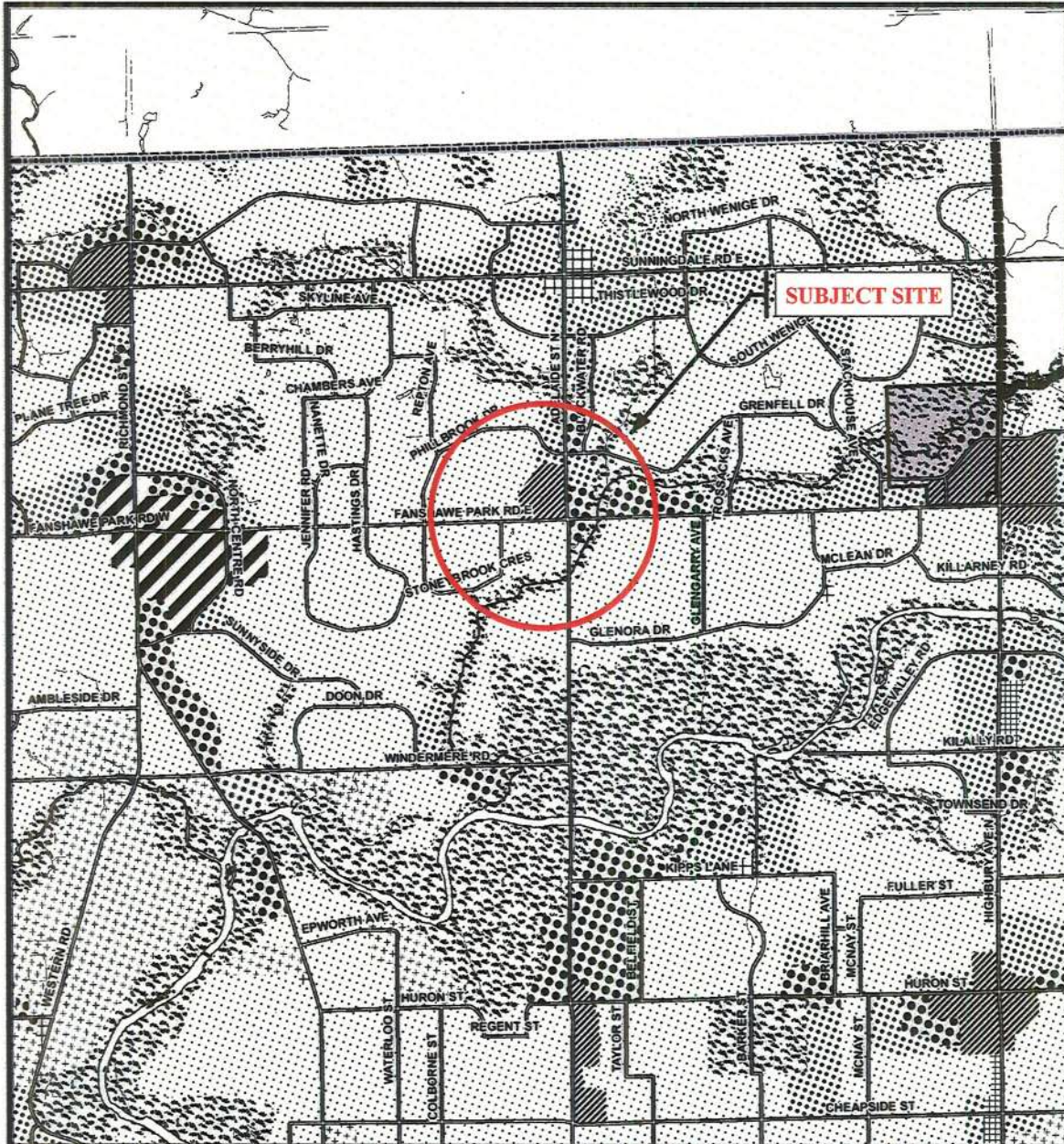
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LOCATION MAP



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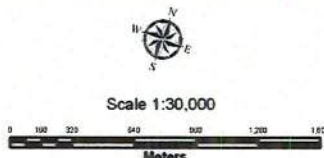


Legend

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

CITY OF LONDON
 Department of
 Planning and Development
 OFFICIAL PLAN SCHEDULE A
 - LANDUSE -

PREPARED BY: Graphics and Information Services



FILE NUMBER: Z-7917

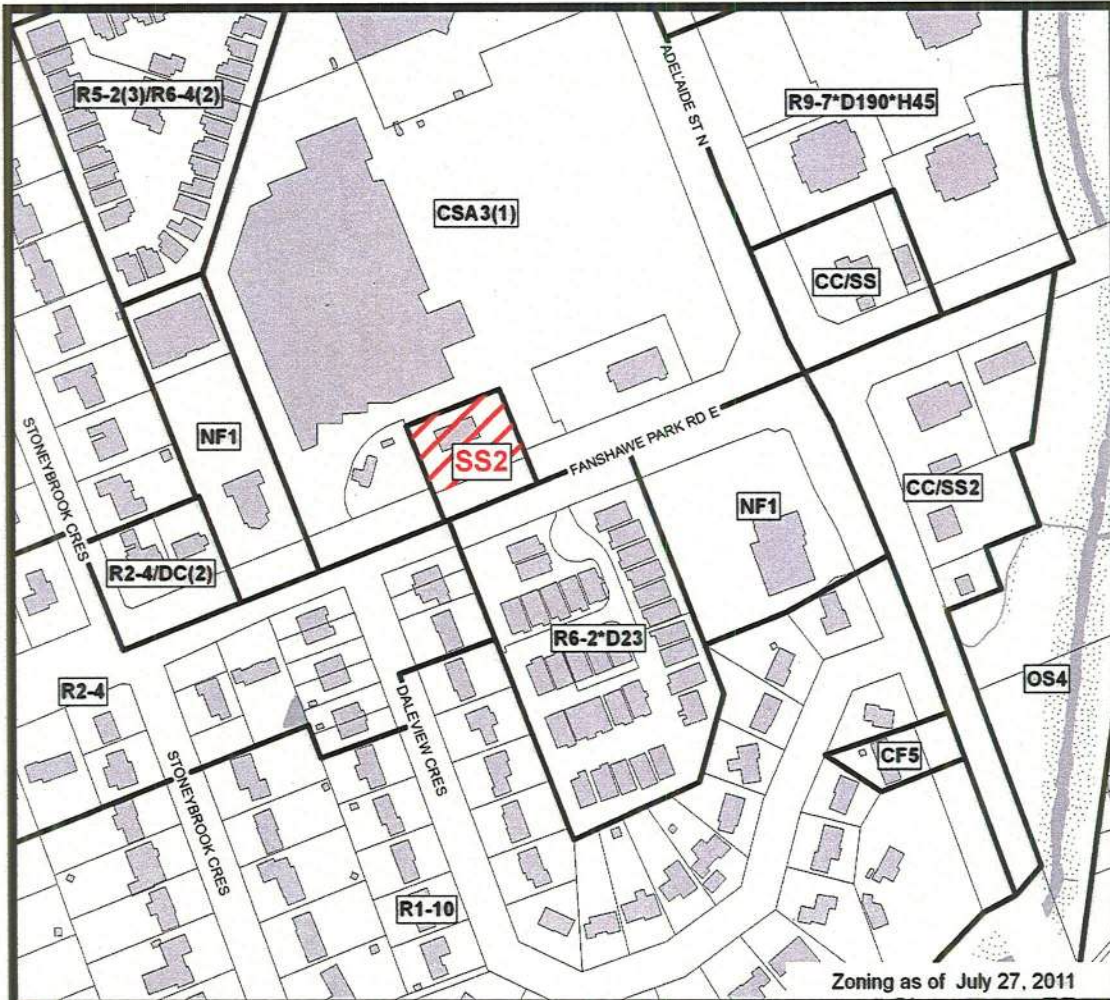
PLANNER: NM

TECHNICIAN: CK

DATE: 2011 Sept 06

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COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: SS2

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

- R1 - SINGLE DETACHED DWELLINGS
- R2 - SINGLE AND TWO UNIT DWELLINGS
- R3 - SINGLE TO FOUR UNIT DWELLINGS
- R4 - STREET TOWNHOUSE
- R5 - CLUSTER TOWNHOUSE
- R6 - CLUSTER HOUSING ALL FORMS
- R7 - SENIOR'S HOUSING
- R8 - MEDIUM DENSITY/LOW RISE APTS.
- R9 - MEDIUM TO HIGH DENSITY APTS.
- R10 - HIGH DENSITY APARTMENTS
- R11 - LODGING HOUSE

- DA - DOWNTOWN AREA
- RSA - REGIONAL SHOPPING AREA
- CSA - COMMUNITY SHOPPING AREA
- NSA - NEIGHBOURHOOD SHOPPING AREA
- BDC - BUSINESS DISTRICT COMMERCIAL
- AC - ARTERIAL COMMERCIAL
- HS - HIGHWAY SERVICE COMMERCIAL
- RSC - RESTRICTED SERVICE COMMERCIAL
- CC - CONVENIENCE COMMERCIAL
- SS - AUTOMOBILE SERVICE STATION
- ASA - ASSOCIATED SHOPPING AREA COMMERCIAL

- OR - OFFICE/RESIDENTIAL
- OC - OFFICE CONVERSION
- RO - RESTRICTED OFFICE
- OF - OFFICE

- RF - REGIONAL FACILITY
- CF - COMMUNITY FACILITY
- NF - NEIGHBOURHOOD FACILITY
- HER - HERITAGE
- DC - DAY CARE

- OS - OPEN SPACE
- CR - COMMERCIAL RECREATION
- ER - ENVIRONMENTAL REVIEW

- OB - OFFICE BUSINESS PARK
- LI - LIGHT INDUSTRIAL
- GI - GENERAL INDUSTRIAL
- HI - HEAVY INDUSTRIAL
- EX - RESOURCE EXTRACTIVE
- UR - URBAN RESERVE

- AG - AGRICULTURAL
- AGC - AGRICULTURAL COMMERCIAL
- RRC - RURAL SETTLEMENT COMMERCIAL
- TGS - TEMPORARY GARDEN SUITE
- RT - RAIL TRANSPORTATION

- "H" - HOLDING SYMBOL
- "D" - DENSITY SYMBOL
- "H" - HEIGHT SYMBOL
- "B" - BONUS SYMBOL
- "T" - TEMPORARY USE SYMBOL

2) ANNEXED AREA APPEALED AREAS

CITY OF LONDON
 PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES

ZONING BY-LAW NO. Z.-1
SCHEDULE A



FILE NO:
Z-7917 NM

MAP PREPARED:
 2011/09/06 CK



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BACKGROUND

May 26, 2008 – Report to Planning Committee – Regulation of Drive-Through Facilities
 This report recommended that Official Plan amendments more clearly identify the Official Plan designations where drive-through facilities are not permitted and identify urban design guidelines as a means of addressing site impact and design issues associated with a drive-through.

Date Application Accepted: May 20, 2011	Agent: York Developments (Sean Eden)
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REQUESTED ACTION: Possible amendment to the Zoning By-law Z.-1 **FROM** an Automobile Service Station (SS2) Zone which permits automotive uses, restricted **TO** a Community Shopping Area Special Provision (CSA3(_)) Zone which permits commercial retail and service uses that serve the community and/or surrounding neighbourhoods, a reduced number of parking spaces of 43 stalls whereas 67 are required, an increased building height to 10 metres whereas 9.0 metres is the maximum permitted, a reduced front yard setback of 0.0 metres from the ultimate road allowance whereas 10 metres is required, a reduced lot depth of 38.1 metres whereas 50 is required, an increased lot coverage of 31.04% whereas 30% is required, reduced loading spaces to 0 whereas 1 is required, reduced distance of parking area located next to an ultimate road allowance to 0m whereas 3m is required, reduced distance of a parking area next to any side yard to 0m whereas 3m is required, reduced distance of a parking area next to a rear yard to 0m whereas 3m is required, reduced distance between a drive-through lane located in the interior side yard and the property line to 0m whereas 3m is required.

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| SITE CHARACTERISTICS: |
| <ul style="list-style-type: none"> • Current Land Use – Automotive Fuel Station • Frontage – 51.8 meters • Depth – 38.1 meters • Area – 1, 974.3 hectares • Shape - Irregular |

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| SURROUNDING LAND USES: |
| <ul style="list-style-type: none"> • North – Home Improvement Store • South – Residential / Place of Worship • East – Financial Institution • West - Restaurant / Place of Worship |

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OFFICIAL PLAN DESIGNATION: (see attached map)

- **Community Commercial Node**
 Uses considered to be appropriate include all types of retail outlets including department stores, home improvement and furnishings stores, supermarkets, food stores and pharmacies; convenience commercial uses; personal services; restaurants; commercial recreation establishments; financial institutions and services; a limited range of automotive services; service-oriented office uses such as real estate, insurance and travel agencies; community facilities, such as libraries or day care centres; professional and medical/dental offices; and commercial and private schools. Within Community Commercial Nodes, office uses and places of entertainment will be permitted in limited amounts. Zoning on individual sites or areas may be for less than the full range of permitted uses.

EXISTING ZONING: (see attached map)

- **Automobile Service Station (SS2)**
 This Zone provides for and regulates a limited range of automotive related uses which provide a service to the immediate neighbourhood. Uses considered to be appropriate include: automotive uses, restricted. "AUTOMOTIVE USE, RESTRICTED" means an automobile service station, a gas bar, or a car wash

PLANNING HISTORY

Uplands Community Plan (1998)

The subject site falls with the Uplands Community Plan area. The community plan was prepared to plan the development of newly annexed lands to the north of the subject site. *"If any new commercial designation is necessary it would be of the neighbourhood commercial scale to serve the daily or weekly convenience and shopping needs of nearby residents and passing motorists"*.

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

PUBLIC LIAISON:	Notice of Application was also published in the "Living in the City" section of the London Free Press on June 25, 2011.	RESPONSES: 4
<p>Nature of Liaison: The purpose and effect of this zoning change is. Possible amendment to the Zoning By-law Z.-1 FROM an Automobile Service Station (SS) Zone which accommodates the current gas bar operation TO a Community Shopping Area Special Provision (CSA3(_)) Zone which permits commercial retail and service uses that serve the community and/or surrounding neighbourhoods, a reduced number of parking spaces of 43 stalls whereas 67 are required, an increased building height to 10 metres whereas 9.0 metres is the maximum permitted, a reduced front yard setback of 0.0 metres from the ultimate road allowance whereas 10 metres is required, a reduced lot depth of 38.1 metres whereas 50 is required, an increased lot coverage of 31.04% whereas 30% is required, reduced loading spaces to 0 whereas 1 is required, reduced distance of parking area located next to an ultimate road allowance to 0m whereas 3m is required, reduced distance of a parking area next to any side yard to 0m whereas 3m is required, reduced distance of a parking area next to a rear yard to 0m whereas 3m is required, reduced distance between a drive-through lane located in the interior side yard and the property line to 0m whereas 3m is required.</p>		
<p>Responses:</p> <ol style="list-style-type: none"> One resident was concerned with the number of variances being requested. One local real-estate agent inquired about staff's position on the location of the patio. Two local area residents expressed concerns with the number of requested variances and increase in traffic flows. 		

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Urban Design (City of London)

Administration has reviewed the urban design brief submitted by the applicant. The proposed development illustrated in the brief generally conforms with many of the Official Plan urban design criteria applicable to the site and its context. Some gaps in the information provided may defer, until the site plan approval stage, the evaluation of certain aspects of the proposal, including but not limited to:

- how the proposal facilitates access and use by disabled persons and senior citizens
- how the proposed design of parking and loading implements Section 11.1.1 (xiii) of the Official Plan
- clarifies in more how the proposal responds to Official Plan policies in Chapter 4.2.2 (iv) which discourage large, front yard surface parking areas; encourage street-oriented development; introduce a higher standard of landscaping; incorporate accessible pedestrian connections to transit facilities, to adjacent neighbouring residential areas and within large commercial developments; require joint access and the co-ordination of internal and external traffic movements.

With respect to the facade treatment of this building, the proponent advises it is similar to a project recently rezoned by York Development at 1905 Dundas Street and that "every effort will be made to make these buildings visually appealing". Thus the minimum features in the proposed development that would need to remain in the development approved through the site plan application in order to be consistent with Chapter 4.2.2 of the Official Plan, are: that the building's principal facade, all units, faces onto Fanshawe Park Road East, the principal pedestrian entrances to the retail stores are located on the front facades facing Fanshawe Park Road East, pedestrian connections to the entrances are provided from the sidewalk on Fanshawe Park Road East, and ample clear glazing be part of each of the retail store fronts on Fanshawe Park Road East.

This proposal will be presented to the Urban Design Peer Review Panel on Wednesday September 21, 2011. The holding zone provision (h-103) has been added to ensure that urban design is satisfactorily addressed at the site plan stage.

Wastewater and Drainage Engineering

A sanitary inspection manhole is required on the site to be located as close to the property line as possible on private property all to City of London Standards.

Park Planning (City of London)

No issue.

Development Approvals Business Unit

1. The requested reduction of the front yard setback to 0.0 m creates the following issues: encroachment agreement for footings, no room for landscaping in front of the building and the Permits for Approved Works (PAWS) when doing maintenance on the building. For example ladders and scaffolding would need to be placed on the road allowance during construction and maintenance, and for this they should get a permit.
2. Landscaping the road allowance as an alternative to private property is not an option as it conflicts with operations and utilities. Operations have said they will not be planting trees on arterial roads.
3. (DABU's) desire is to have a bit of room for landscaping in front of the building. If a 3 m setback is provided the planting of deciduous trees can be provided, less of a setback than that we are looking at ornamental trees and shrubs.
4. The requested reduction of the setback for parking areas from 3.0 m to 0.0 m. eliminates the possibility of screening parking areas.

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5. Encroachment agreement / licensing agreement will be necessary for patio in the City property, eaves, signs, windows, footings etc.

Transportation

- A road widening dedication will be required measured 18 metres from the centre line of Fanshawe Park Road.
- No support for the easterly access to Fanshawe Park Road as identified on the proposed site plan as it is too close to the access to Home Depot/Sobey's.
- Do not support the reduced parking requirements for the site.
- Motorists may be forced to park on abutting private property without consent from the owner.
- Internal laneway and access agreement will be required with the abutting property owner.
- Fanshawe Park Road is intended to be a six lane arterial roadway in the future with potentially eight lanes at the intersection with Adelaide St to accommodate turn lanes.
- May need additional right-of-way over and above the 36 m road allowance.
- Do not support a 0 m building setback for this site.
- Other transportation issue including pole relocation and driveway restoration will be discussed at site plan.
- We request holding provisions for access.

ANALYSIS

The subject site is located on the north side of Fanshawe Park Road East and east of Adelaide Street North. The site is surrounded by a commercial centre at the northwest corner of Fanshawe Park Road East and Adelaide which includes a Home Depot, Tim Horton's, Sobeys grocery store and Rexall Pharmacy. The subject site is a former Sunoco gas station which included two automobile repair bays. The proposed rezoning will change the nature of commercial use from automobile service use to a general commercial / retail use(s).

Proposal

The subject site is zoned Automobile Service Station (SS2) which accommodates the current gas bar operation. The purpose and effect of the rezoning is to change the zoning to a Community Shopping Area (CSA) zone to allow for commercial retail and service uses that service the community and/or surrounding neighbourhoods. The proposed uses will include a coffee shop with a drive-through, two general retail bays and a fast food restaurant.

Provincial Policy Statement

The Provincial Policy Statement, 2005 (PPS) provides policy direction on matters of provincial interest related to land use planning and development. It is intended to be read in its entirety and the relevant policies are to be applied in each situation. As it relates to this application, the PPS provides some direction to this matter.

1.0 Building Strong Communities

Efficient land use and development patterns support strong, liveable and healthy communities, protect the environment and public health and safety, and facilitate economic growth.

1.1 Managing and directing land use to achieve efficient development and land use patterns.

The proposed redevelopment and intensification of an existing contaminated site within an established urban area is an efficient reuse of the lands.

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1.2 Infrastructure and public service facilities.

The proposed redevelopment will utilize existing municipal services and available capacities. The proposal is on an existing arterial road, transit routes and shared efficient and safe vehicular access/egress points.

1.3 Long-term economic prosperity.

The proposal will result in the redevelopment of a contaminated site.

2.0 Wise Use and Management of Resources

Ontario's long-term prosperity, environmental health, and social well-being depend on protecting natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources for their economic, environmental and social benefits.

The subject site has no natural heritage features.

3.0 Protecting Public Health and Safety

Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage.

The proposed redevelopment is outside the influence of a natural hazard.

Official Plan

The Official Plan contains Council's objectives and policies to guide the short-term and long-term physical development of the municipality. The policies promote orderly urban growth and compatibility among land uses. While the objectives and policies in the Official Plan primarily relate to the physical development of the municipality, they also have regard for social, economic and environmental matters.

The commercial land use designations provide the primary location for retail and service commercial land uses. They provide for the orderly development and distribution of commercial uses consistent with the objectives of this Plan. Convenience commercial uses are permitted in commercial designations but are also permitted in residential designations subject to criteria to serve the convenience needs of surrounding residents. In the commercial designations, quality urban design is an important element and is implemented through the urban design policies of this Plan, the site plan approval process, the Commercial Urban Design Guidelines or other area specific design guidelines.

Planning Objectives for all Commercial Land Use Designations

- i) Promote the orderly distribution and development of commercial uses to satisfy the shopping and service needs of residents and shoppers;
- ii) Minimize the impact of commercial development on adjacent land uses and on the traffic-carrying capacity of adjacent roads;
- iii) Provide sufficient land at appropriate locations to meet the need for new commercial development; and,
- iv) Encourage intensification and redevelopment in existing commercial areas within the built-up area of the City to meet commercial needs, to make better use of existing City infrastructure and to strengthen the vitality of these areas.

The current Official Plan designation is Community Commercial Node. Community Commercial Nodes are intended to provide for a wide range of goods and services which are needed on a regular basis. A Community Commercial Node shall be located:

- i) at the intersection of two arterial roads or an arterial road and a primary collector road;

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- ii) centrally, and should be accessible to the community it serves through the provision of sidewalks and pathways;
- iii) substantially separated from other Community Commercial Nodes so that trade areas do not overlap to a significant extent;
- iv) on a site(s) large enough to accommodate all buildings plus parking, loading facilities and measures to provide adequate buffering and setbacks from adjacent residential uses; and,
- v) on a site with good access to public transit service.

Permitted Uses

Permitted uses include all types of retail outlets including department stores, home improvement and furnishings stores, supermarkets, food stores and pharmacies; convenience commercial uses; personal services; restaurants; commercial recreation establishments; financial institutions and services; a limited range of automotive services; service-oriented office uses such as real estate, insurance and travel agencies; community facilities, such as libraries or day care centres; professional and medical/dental offices; and commercial and private schools. Within Community Commercial Nodes, office uses and places of entertainment will be permitted in limited amounts. Zoning on individual sites or areas may be for less than the full range of permitted uses

The Community Commercial Node designation provides the primary location for retail and service commercial land uses. The current Official Plan designation supports the proposed retail and commercial uses. The proposed addition of a coffee shop with a drive-through, two general retail bays and a fast food restaurant will service the community and/or surrounding neighbourhoods and fit the intent of the designation. The proposed commercial uses are appropriate and are consistent with the existing / surrounding land uses.

Form

Community Commercial Nodes can have either an enclosed shopping centre or a strip plaza focus with either a supermarket or food store as an integral part of the centre. Free-standing structures along the street frontage should be developed to improve the design of the street edge, provide access to transit stops and reduce the visual impact of large open parking lots. A well defined streetscape and landscaping features are encouraged which should be integrated into the surrounding residential community and promote safe pedestrian access from surrounding streets.

Community Commercial Node designations should comprise lands that are in a nodal configuration, including lands on other quadrants of the intersection of major roads. However, some existing designations may be in a linear format. Infilling within the designation is permitted but extensions will be evaluated through an application to amend the Official Plan. Extension of the designation shall be subject to the consideration of land use compatibility; vehicular access; pedestrian safety and priority; the integration of development in terms of design, appearance and pedestrian and vehicle maneuverability between or among sites.

The proposed development form addresses the basic expectations for form that the Official Plan sets for Community Commercial Node designations. Because the new free-standing building on site will be significantly closer to the public sidewalk than the existing building, the design of the street edge will be improved, pedestrian/transit amenity will be enhanced, and the negative visual impact of the large open parking lots on the abutting property will be proportionately reduced. Because basic building orientation proposed on the site is not compromised by vehicular access, especially to the drive-through component, the requested zoning variations will assist at the site plan stage in providing for pedestrian safety and priority, and the integration of development between the subject and abutting site in terms of design, appearance and pedestrian and vehicle maneuverability.

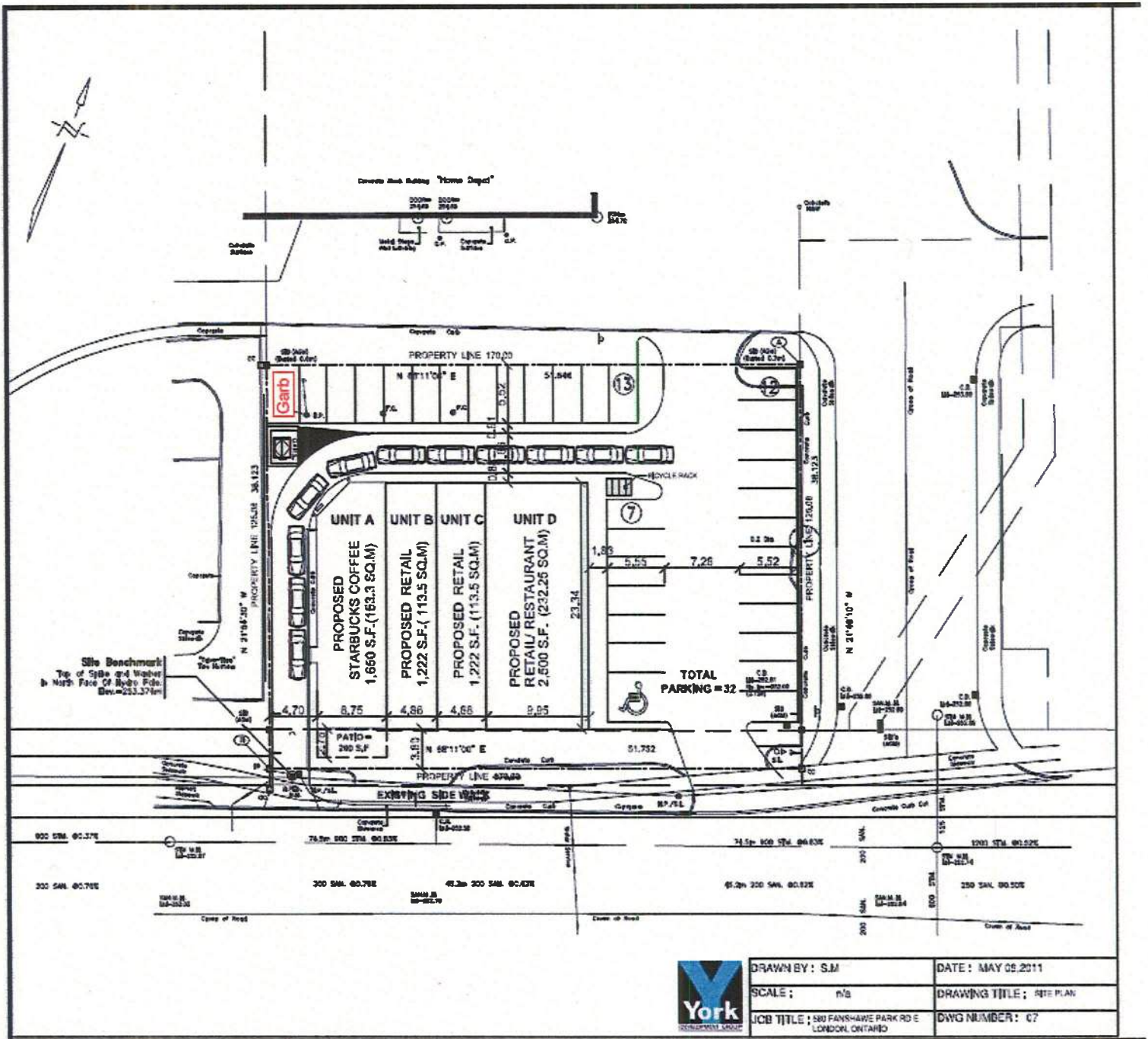
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Scale

Commercial development within a Community Commercial Node shall normally range in size from 13,000 m² to 50,000 m² gross floor area. Zoning of individual Community Commercial Nodes will normally be restricted to the existing zoned gross floor area and any expansions to these centres will be subject to a Zoning By-law amendment application.

The current nodal Gross Floor Area is approximately 17,000 m². The proposal is to permit a 613 m² multi-tenant commercial use which includes a drive through, remaining well within the allowable Gross Floor Area range.



DRAWN BY: S.M	DATE: MAY 09, 2011
SCALE: n/a	DRAWING TITLE: SITE PLAN
JOB TITLE: 580 FANSHAWE PARK RD E LONDON, ONTARIO	DWG NUMBER: 07

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Zoning By-law

The current zoning is Automobile Service Station (SS2). This Zone provides for and regulates a limited range of automotive related uses which provide a service to the immediate neighbourhood. Uses considered to be appropriate include: automotive uses, restricted. "AUTOMOTIVE USE, RESTRICTED" means an automobile service station, a gas bar, or a car wash.

The requested zoning is a Community Shopping Area zone which permits commercial retail and service uses that serve the community and/or surrounding neighbourhoods. Uses permitted include: Assembly halls; Automotive uses, restricted; Bake shops; Clinics; Commercial parking structures and/or lots; Commercial recreation establishments; Convenience service establishments; Day care centres; Duplicating shops; Financial institutions; Home and auto supply stores; Institutions; Medical/dental offices; Offices; Patient testing centre laboratories; Personal service establishments; Private clubs; Restaurants; Retail stores; Service and repair establishments; Studios; Supermarkets; Taverns; Video rental establishments; Brewing on premises establishment; Cinemas Commercial Schools and Private Schools.

Since the proposed development is with a developed and fully operating commercial node the following special provisions are required to accommodate the proposal:

1. A reduced number of parking spaces of 43 stalls whereas 67 are required;
2. An increased building height to 10 metres whereas 9.0 metres is the maximum permitted;
3. A reduced front yard setback of 0.0 metres from the ultimate road allowance whereas 10 metres is required;
4. A reduced lot depth of 38.1 metres whereas 50 is required;
5. An increased lot coverage of 31.04% whereas 30% is required;
6. A reduced loading spaces to 0 whereas 1 is required;
7. A reduced distance of parking area located next to an ultimate road allowance to 0m whereas 3m is required;
8. A reduced distance of a parking area next to any side yard to 0m whereas 3m is required;
9. A reduced distance of a parking area next to a rear yard to 0m whereas 3m is required; and
10. A reduced distance between a drive-through lane located in the interior side yard and the property line to 0m whereas 3m is required.

The holding (h-103) has been added to ensure that urban design is addressed at site plan, a site plan will be approved and a development agreement will be entered into which, to the satisfaction of the General Manger of Planning and Development, incorporates the design objectives as identified in the Council resolution. A requirement of the site plan submission will include an urban design brief and building elevations which detail how the objectives have been achieved.

The holding (h-11) has been added to ensure the orderly development of lands and the adequate provision of municipal services, the "h-11" symbol shall not be deleted until a development agreement associated with a site plan which provides for appropriate access arrangements to the satisfaction of Council is entered into with the City of London

Planning Impact Analysis

Planning Impact Analysis will be used to evaluate applications for an Official Plan amendment and/or Zoning By-law amendment, to determine the appropriateness of a proposed change in land use, and to identify ways of reducing any adverse impacts on surrounding land uses. Planning Impact Analysis is intended to document the criteria reviewed by municipal staff through the application review process to assess an application for change. Depending upon the situation, other criteria may also be considered.

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Proposals for changes in the use of land which require the application of Planning Impact Analysis will be evaluated on the basis of criteria relevant to the proposed change and identify ways of reducing any adverse impacts on surrounding land uses. Other criteria may be considered through the Planning Impact Analysis to assist in the evaluation of the proposed change. The criteria considered include the following:

- i) the policies contained in the Section relating to the requested designation;

The commercial land use designations provide the primary location for retail and service commercial land uses. They provide for the orderly development and distribution of commercial uses consistent with the objectives of this Plan.

- ii) compatibility of proposed uses with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area;

The proposed commercial uses are compatible with the surrounding land uses. The proposed addition of a coffee shop with a drive-through, two general retail bays and a fast food restaurant will service the community and/or surrounding neighbourhoods and fit the intent Community Commercial Node designation.

- iii) the size and shape of the parcel of land on which a proposal is to be located, and the ability of the site to accommodate the intensity of the proposed uses;

Since the proposed development is within a developed and fully operating commercial node a number of special provisions are required to accommodate the proposal. 580 Fanshawe Park Road East is a remnant parcel in the middle of a commercial node. Redeveloping this type of site typically requires an amendment to the Zoning By-law.

- iv) the location of vehicular access points and their compliance with the City's road access policies and Site Plan Control By-law, and the likely impact of traffic generated by the proposal on City streets, on pedestrian and vehicular safety, and on surrounding properties;

The City of London Transportation Department requested a holding provision (h-11) to ensure that access arrangements are addressed at site plan.

- ix) the exterior design in terms of bulk, scale, and layout of buildings, and the integration of these uses with present and future land uses in the area and its conformity with the City's commercial urban design guidelines;

The redevelopment proposal includes an aesthetically pleasing design, provides façade elements which identify the main entrance of each building unit and make the site accessible to pedestrian, vehicular and transit users.

- x) the potential impact of the proposed development on surrounding natural features and heritage resources;

There are no natural features surrounding the subject lands.

- xi) constraints posed by the environment, including but not limited to locations where adverse effects from landfill sites, sewage treatment plants, methane gas, contaminated soils, noise, ground borne vibration, and rail safety may limit development;

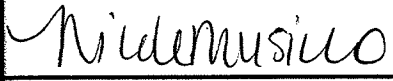

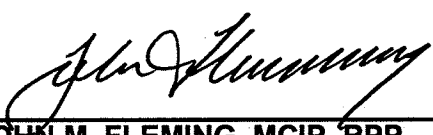
A request for record of site condition will be requested at the Site Plan.

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CONCLUSION

The proposed amendments are in conformity with the Provincial Policy Statement and the Official Plan. The proposed amendments are consistent with the surrounding development and implements the preferred urban design principles of an improved landscape. Parking has been proposed to the side and the rear of the building while the drive-through wraps around the back and side of the building with a single lane egress fronting Fanshawe Park Road East. The proposed addition of a coffee shop with a drive-through, two general retail bays and a fast food restaurant will service the community and/or surrounding neighbourhoods and fit the intent Community Commercial Node designation.

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

September 14, 2011

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File No: Z-7917
Planner: Nicole Musicco

Responses to Public Liaison Letter and Publication in "Living in the City"

Telephone

Elizabeth Kane
City of London Resident
519-432-1296

Suzanne DeYoung
Metrix Real Estate Appraisers
519-672-7550

James F Eakins
567 Fanshawe Park Road East
Unit 21
London Ontario
N5X 3T4
(see attached letter)

Norman and Margrette St. Onge
74 Daleview Crescent
London ON
519-601-3900

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File No: Z-7917
Planner: Nicole Musicco

Bill No. (number to be inserted by Clerk's Office)
 2011

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located 580 Fanshawe Park Road East.

WHEREAS 1830150 Ontario Limited has applied to rezone an area of land located at 580 Fanshawe Park Road East as shown on the map attached to this by-law, as set out below;

AND WHEREAS this application conforms 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 amendment by changing the zoning applicable to lands located at 580 Fanshawe Park Road East, as shown on the attached map comprising part of Key Map No.10 **FROM** an Automobile Service Station (SS2) Zone **TO** a Holding Community Shopping Area Special Provision (h-11*h*103-CSA3(_)).

- 1) Section Number 22 of the Community Shopping Area (CSA3) Zone to By-law No. Z.-1 is amended by adding the following Special Provision:

22.4() 580 Fanshawe Park Road East

Regulations

Parking Spaces (<i>minimum</i>)	43
Building Height (<i>maximum</i>)	10 meters
Lot depth (<i>minimum</i>)	38.1 meters
Lot coverage (<i>maximum</i>)	31.04%
Front yard setback from ultimate road allowance	0.0 meters
Loading spaces	0
Distance of parking area located next to an ultimate road allowance	0 meters
Distance of a parking area next to any side yard	0 meters
Distance of a parking area next to a rear yard	0 meters
Distance between a drive-through lane located in the interior side yard and the property line	0 meters

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 subsection 34(21) 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 subsection.

Agenda Item # Page #

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File No: Z-7917
Planner: Nicole Musicco

PASSED in Open Council on October 3, 2011

Joe Fontana
Mayor

Catharine Saunders
City Clerk

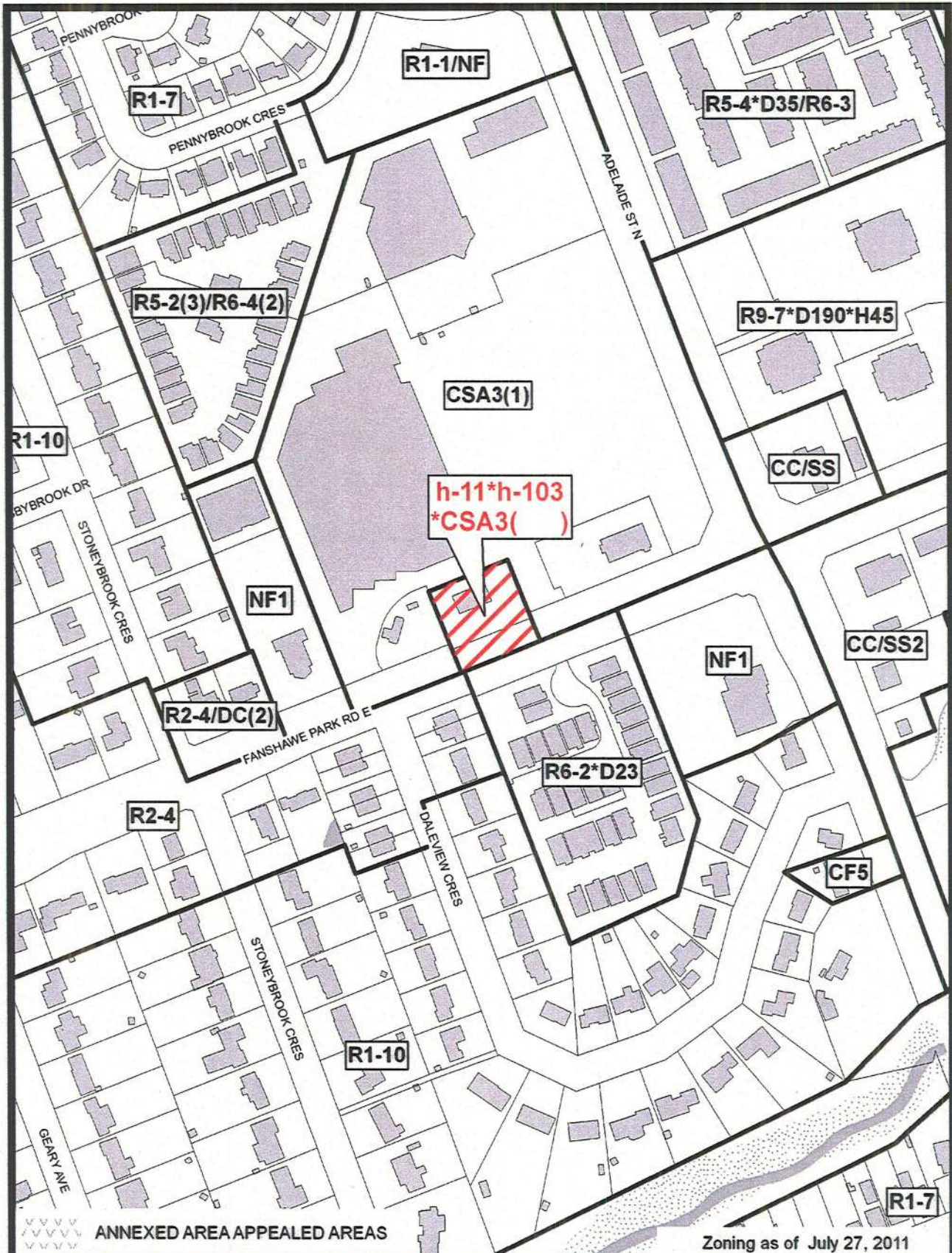
First Reading - October 3, 2011
Second Reading - October 3, 2011
Third Reading - October 3, 2011

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



File Number: Z-7917

Planner: NM


Date Prepared: 2011/09/14

Technician: CK

By-Law No: Z-1-

SUBJECT SITE 

1:3,000

0 15 30 60 90 120 Meters 

**James F Eakins
567 Fanshawe Park Road East Unit 21
London Ontario
N5X 3T4**

**519 672 3526
jimeakins@sympatico.ca**

City Clerk
300 Dufferin Avenue
PO Box 5035
London Ontario
N6A 4L9

Dear City Clerk

Subject: Notice Of Public Meeting Before Built and Natural
Environment Committee – Zoning By-Law Amendment
File # Z-7917

I am today in receipt of the subject notice. The Notice states that I was informed by letter on June 24th of these possible amendments. I understand from the Planning Department that such a letter was not sent.

A copy of a report on this proposal is not available today at the planning department contrary to the Notice. The Department will email a copy to me when it is available, estimated to be next Monday.

It is difficult to prepare a statement when the report is not available. Time to the meeting on September 26th is short. There are 10 mostly significant variance requests surrounding parking, traffic management/intensification and loading waivers. One presumes this is covered in the report, however, based on years of observations of traffic accidents and immediate area traffic congestion it is impossible to imagine how this will be mitigated. For example, how will a delivery by a typical sized truck be accomplished?

Due to the lack of visibility to the mitigation plan I feel that I must object to these variances as currently proposed at this stage. I am also President of MCC 476 located at 567 Fanshawe Park Road. The Board has convened and has directed that we obtain proper representation at the meeting as MCC 476 against the current proposal subject to revision upon receipt to the report.

It should be noted that I am not against proper development of the site. However, a traffic mitigation plan inclusive of requirements by Home Depot, TD Bank, Tim Hortons,

and 567 Fanshawe in conjunction with the City Planning Departments inclusive of Traffic and Engineering needs to be completed if it has not been done at this point.

Yours truly,

James F Eakins

CC

Nancy Musicco
City of London

Joni Baechler
Councilor – Ward 5

The Manager
Home Depot

The Manager
TD Bank
608 Fanshawe

The Manager
Tim Hortons
564 Fanshawe

The Board of Directors
MCC 476 and MCC 498
567 Fanshawe

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Bibliography of Information and Materials (Z-7917)

Request for Approval:

City of London Zoning By-law Amendment Application Form, completed by Sean Eden May 24, 2011.

Reference Documents:

City of London. *Official Plan*, June 19, 1989, as amended.

City of London. *Zoning By-law No. Z.-1*, May 21, 1991, as amended.

Ontario. Ministry of Municipal Affairs and Housing. *Provincial Policy Statement*, March 01, 2005.

City of London, Notice of Application, June 24, 2011

City of London, Living in the City – June 25, 2011

City of London, Notice of Public Meeting, September 8, 2011

City of London, Living in the City - Saturday September 10, 2011

Correspondence: (all located in City of London File No. Z-7917 unless otherwise stated)

City of London

L. Mugford and M. Hefferton (various emails) May 2011-August 2011.

G. Irwin and M. Hefferton (email – June 3, 2011)

N. Musicco and EESD (Email – September 9, 2011).

J. Yanchula and N. Musicco (Email – September 9, 2011)

External

M. Hefferton and A. Soufan (various emails) May 2011-August 2011.

Submitted Studies

Planning Justification Report (Stantec Consulting –May 2011). 580 Fanshawe Park Road East.

Urban Design Brief – 580 Fanshawe Park Road East (York Developments – May 2011).