Agenda Item #	Page #

TO:	CHAIR AND MEMBERS -	
	PLANNING AND ENVIROMENT COMMITTEE MEETING	
FROM:	GEORGE KOTSIFAS DIRECTOR OF BUILDING CONTROLS AND CHIEF BUILDING OFFICIAL	
SUBJECT: APPLICATION BY: 1830150 ONTARIO LIMITED 580 FANSHAWE PARK ROAD EAST PUBLIC SITE PLAN MEETING MARCH 26, 2012 after 4:15 PM		

RECOMMENDATION

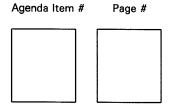
That on the recommendation of the Manager, Development Planning, the following actions be taken with respect to the site plan approval application of 1830150 Ontario Limited relating to the property located at 580 Fanshawe Park Road East:

- a) On behalf of the Approval Authority, the Planning and Environment Committee **BE REQUESTED** to conduct a public meeting and **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the application for Site Plan approval to permit the construction of a 1 storey, 566.15m², multi-unit commercial building with a drive-through;
- b) Council ADVISE the Approval Authority of any issues they may have with respect to the Site Plan application and ADVISE the Approval Authority whether they support the Site Plan application for a 1 storey, 566.15m^{2,} multi-unit commercial building with a drive-through;
- c) The Planning and Environment Committee **BE ADVISED** that the Site Plan Approval Authority does not support the plan as submitted because bicycle parking is located at north of the building, away from the entrances; and there is not adequate separation between the rear of the building and vehicular parking spaces to allow for pedestrians to circulate safely to the front of the building, a driveway width is substandard, turnaround facilities are proposed on the City road allowance and we anticipate significant on-site parking problems. These functional matters could be addressed if the building footprint were reduced; and,
- d) the applicant **BE ADVISED** that based on the submitted plan, the Director, Development Finance has projected claims and revenues information shown below.

CLAIMS AND REVENUE INFORMATION

The Director of Development Finance has projected the following claims and revenue information:

TOTAL	\$90,809.21	\$NIL
City Services Charges	\$58,265.71	\$NIL
Urban Works Charges	\$32,543.50	\$NIL
	Estimated Revenue	Estimated Claims



PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose of this application is to obtain site plan approval for the construction of a 1 storey, 566.15m², multi-unit commercial building with a drive-through on lands known municipally as 580 Fanshawe Park Road East. The application for site plan approval has been made to ensure the development takes a form compatible with adjacent land uses.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

Z-7917; Report to Planning Committee to amend Zoning By-law to change the zoning of the land from an Automobile Service Station (SS2) Zone TO a Holding Community Shopping Area Special Provision h-5*h-11*h-103*CSA3(5) – September 26, 2011.

Information report to Planning Committee with the results of the traffic patterns review and access assessment for the proposed development and the adjacent Fanshawe Park Road East and Adelaide Street North intersection – October 31, 2011.

APPLICATION DETAILS

Date Application Accepted:

Agent:

January 26, 2012

Sean Eden

REQUESTED ACTION: Conduct a public meeting and report to the Approval Authority the public responses on the proposed site plan, landscape plan, elevations and conditions for site plan approval.

SITE CHARACTERISTICS:

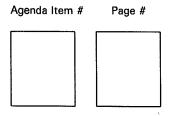
- Current Land Use Vacant
- Frontage 51.8m
- **Depth** 38.1m
- Area 1,974m²
- Shape Rectangular

SURROUNDING LAND USES:

- North Commercial Home Improvement Store
- South Residential Cluster Dwellings / Place of Worship
- East Financial Institution
- West Restaurant / Place of Worship

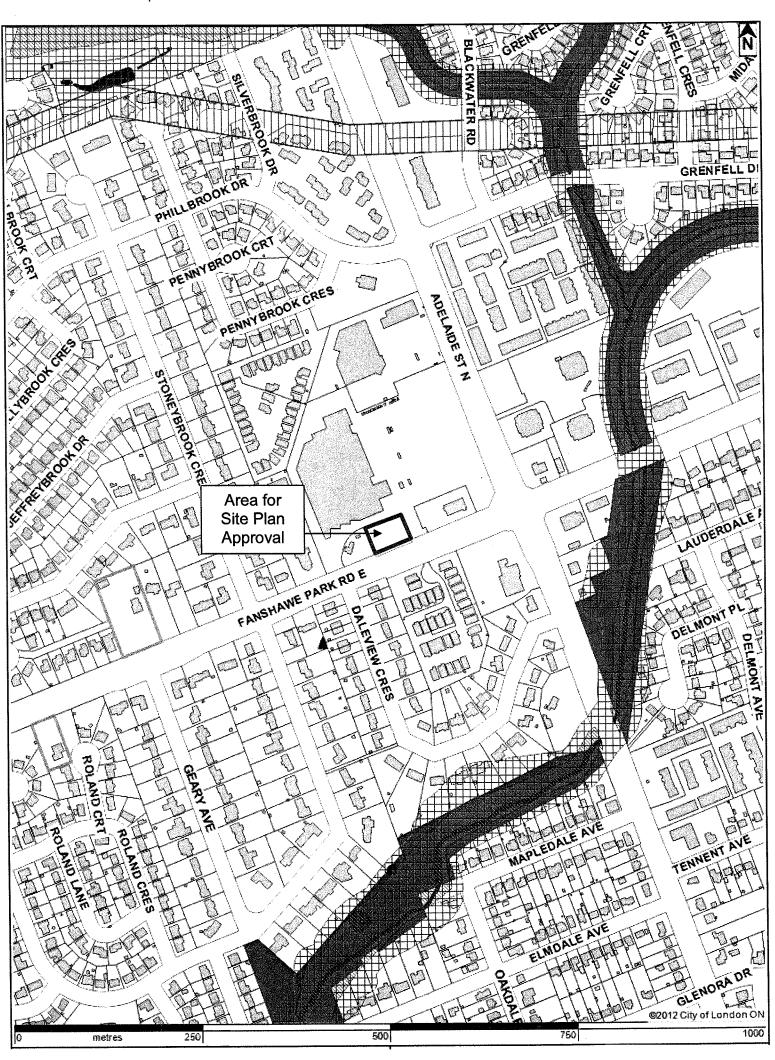
OFFICIAL PLAN DESIGNATION: Community Commercial Node

EXISTING ZONING: - Holding Community Shopping Area Special Provision (h-5*h-11*h-103-CSA3(5)

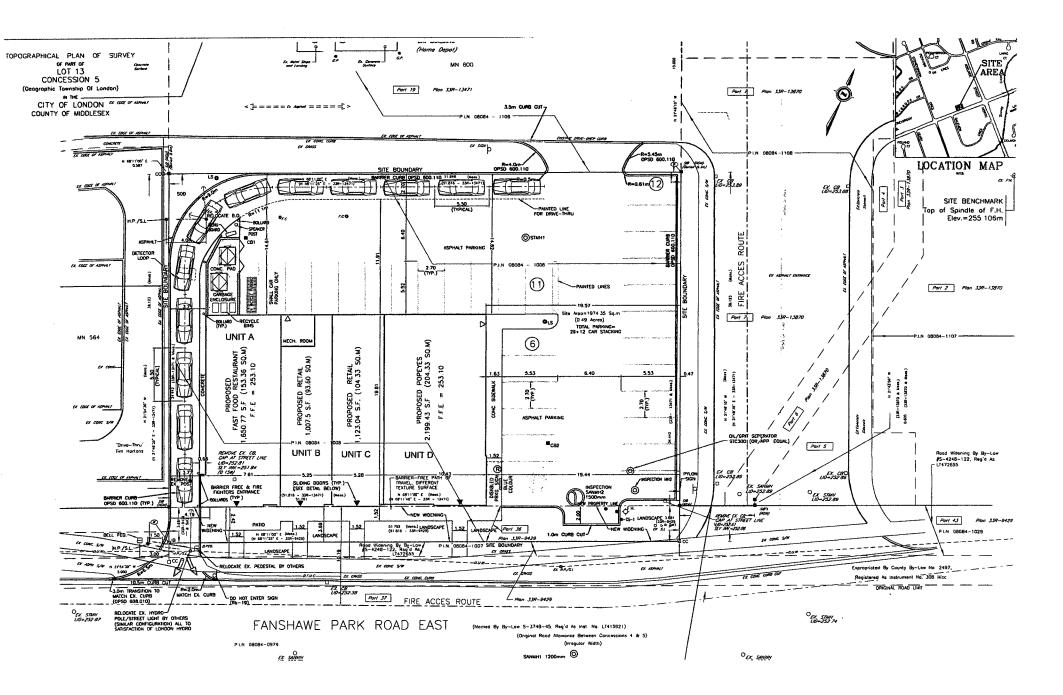


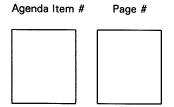
S. Bellaire File No: SP12-002238

Location Map



Proposed Site Plan





BACKGROUND

Re-Zoning

On May 20, 2011, a zoning by-law amendment application was submitted for these lands to permit a commercial building (our file Z-7917). When evaluating the proposal, staff and Council considered not only the land use issues but also the urban design and transportation impacts of this development. Council adopted the Zoning By-law Amendment on October 4, 2011 to rezone the lands FROM an Automobile Service Station (SS2) Zone TO a Holding Community Shopping Area Special Provision (h-5*h-11*h-103-CSA3(5)) Zone to permit commercial retail and service uses that serve the community and/or surrounding neighbourhoods with the following special provisions:

- i. a reduced number of parking spaces of 43 stalls whereas 67 are required;
- ii. a reduced front yard setback of 0.0m from the ultimate road allowance whereas 10m is required;
- iii. a reduced lot depth of 38.1m whereas 50m is required;
- iv. reduced loading spaces to 0 whereas 1 is required;
- v. reduced distance of parking area located next to an ultimate road allowance to 0m whereas 3m is required;
- vi. reduced distance of a parking area next to any side yard whereas 3m is required;
- vii. reduced distance of a parking area next to a rear yard to 0m whereas 3m is required; and,
- viii. reduced distance between a drive-through lane located in the interior side yard and the property line to 0m whereas 3m is required.

It was noted that the holding provision (h-103) was added to ensure the urban design was addressed at the site plan; it was further noted that the holding provision (h-11) was added to ensure the access arrangements were addressed at the site plan and will also ensure the orderly development of lands and the adequate provision of municipal services. The holding provision (h-5) was added to ensure that a public site plan meeting would be held for this property at the time the application was received for site plan approval.

Holding Provision h-103 is as follows:

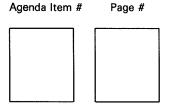
h-103 Purpose: To ensure that urban design is addressed at site plan, a site plan will be approved and a development agreement will be entered into which, to the satisfaction of the General Manager of Planning and Development, incorporates the design objectives as identified in the Council resolution.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

Note: as the position of General Manager of Planning and Development no longer exists the site plan and elevations shall be to the satisfaction of the City Planner.

Holding Provision h-11 is as follows:

h-11 Purpose: 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.

Permitted Interim Uses: Existing uses.



Holding Provision h-5 is as follows:

h-5 Purpose: To ensure that development takes a form compatible with adjacent land uses, agreements shall be entered into following public site plan review specifying the issues allowed for under Section 41 of the *Planning Act, R.S.O. 1990, c. P.13*, prior to the removal of the "h-5" symbol.

Permitted Interim Uses: Existing uses.

The applicant has produced a drawing package which can enable the above-mentioned holding provisions to be lifted after a development agreement is entered into with the City of London as the Urban Design division has approved the latest set of elevations, access arrangements have been satisfied through removal of the originally proposed access on Fanshawe Park Road East, and completion of the site plan public meeting is imminent.

The Council resolution also requested:

- The site plan application BE CONSIDERED at a public participation meeting, with all the members of the condominium corporation located at 567 Fanshawe Park Road East being notified; and,
- The Civic Administration BE DIRECTED to review the traffic patterns at the intersection of Fanshawe Park Road East and Adelaide Street.

Through the notification process for a public site plan meeting, all members of the condominium corporation at 567 Fanshawe Park Road East were circulated with a formal mail out indicating the proposed site plan application, date and time of public meeting, along with plans and elevations of the proposed development. The application was also placed in the Living in the City section of the London Free Press for all residents of London to view.

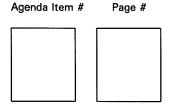
Roads and Transportation

On October 31, 2011, an information report was reviewed by the Built and Natural Environment Committee which outlined the traffic patterns and access assessment for the proposed development and the adjacent Fanshawe Park Road East and Adelaide Street North intersection as requested in the Council Resolution for the Zoning By-law Amendment dated October 4, 2011. The report summarized that the proposed full access which was originally shown on the proposed site plan would create a traffic safety hazard and potential collisions and should not be included in the site development. The report recommended that the existing common internal driveway with the commercial property to the north should be the full access to this site. It is noted that the applicant has since changed their plan to comply with this recommendation. The report also indicated that the Transportation department did not support the 0m building setback due to the proximity of the major signalized intersection at Fanshawe Park Rd E and Adelaide St N and the Fanshawe Park Road EA (2009) identifies major improvements for this intersection in 2016 to improve the level of service for the intersection and to reduce congestion.

Urban Design Peer Review Panel

The proposal was presented before the Urban Design Peer Review Panel (UDPRP) on September 21, 2011. The UDPRP has the following comments regarding the proposed development and the applicants response to the comments:

- 1. Eliminate the proposed Fanshawe Road East driveway to the south east corner of the property by negotiating shared access via the abutting existing driveway on the adjacent property to the east;
- 2. Increase the building's street frontage by resizing the building's depth;



- 3. Revisit the building's massing and consider articulating the end unit's interior space to take advantage of the potential for higher light filled interior space at the entrances to each restaurant unit;
- 4. Reconfigure the proposed building end unit canopies to reinforce the hierarchy of unit entrances over glazed curtain wall while maintaining the solar protection afforded by the canopies;
- 5. Improve the site's appeal by maintaining the zone's current parking area setbacks and lot coverage requirements. Utilize the resultant open space area for planting of moisture resistant ground cover and urban broad leaf deciduous shade trees.

NOTE: THE PANEL DOES NOT SUPPORT THE APPLICATION OF SPECIAL PROVISIONS a) INCREASING THE LOT COVERAGE;

- b) REDUCING THE DISTANCE OF A PARKING AREA NEXT TO ANY SIDE YARD to 0M WHEREAS 3M IS REQUIRED; or
- c) REDUCING THE DISTANCE BETWEEN A DRIVE-THROUGH LANE LOCATED IN THE INTERIOR SIDE YARD AND THE PROPERTY LINE TO 0M WHERAS 3M IS REQUIRED.
- 6. Shift the bicycle rack to a location that is adjacent to the front entrances of the commercial units to increase visibility for rider convenience, bike safety and messaging purposes;
- 7. Relocate the enclosed waste management area to improve safe access for staff and waste management trucks; and
- 8. Further demonstrate resource conservation through use of pervious pavement to the hard surfaced pedestrian and/or vehicular areas.

Comments 1 and 7 have been addressed through subsequent drawing submissions as the access along Fanshawe Park Road East has been eliminated from the plan and the garbage enclosure has been shifted out of the driveway. However, the other comments have not been incorporated into the latest drawing package. Comment number 5 cannot be accommodated on the plan as the re-zoning application created special provisions to change the zone's lot coverage and parking area setbacks.

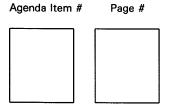
SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

Stormwater Management

Ensure the stormwater management system satisfies the Stoney Creek Subwatershed development criteria (i.e. 250 m₃/ha for peak flow attenuation).

Transportation Planning and Design Division

- We have reviewed the viability of the last parking space at the northwest corner of the site near the drive-through. A large passenger vehicle, SUV or pick-up truck would have difficulty manoeuvring in/out of the space without making a three point turn (or more).
- The 6.4 m drive aisle will be sufficient to provide two-way traffic and manoeuvrability for parking. This should not be viewed as precedence setting for future development but an accommodation to provide functional parking on a site with limited space.
- An easement for the patios will be required; it being noted that if the boulevard area is needed in the future for road widening or utility construction that the patio will be removed.



Parks Planning

Parkland dedication has not been collected for the subject lands. Consistent with the regulations of the Ontario Planning Act, the applicant shall provide cash-in-lieu of parkland equal to 2% of the value of the property assessed on the day before the day of issuance of a building permit. An appraisal undertaken by an Accredited Appraiser (AACI) is to be submitted to the Development Approvals Business Unit (DABU) for review and the value of payment is to be included as a condition of site plan approval.

Urban Design

Through the site plan consultation meetings, the Community Planning and Urban Design Department provided comments on the building elevations which include the requirement to clearly establish a hierarchy to the unit entrances. It was suggested this could be achieved by providing a canopy used consistently in the development over the principal entrance of each unit which the applicant was able to accommodate and the elevations have subsequently been approved.

The division also commented that a concrete sidewalk should be provided along the rear of the building to improve pedestrian circulation. This item has not been addressed with the latest site plan.

Finally, the Urban Design Section provided support for the outdoor patio located near the entrance of Unit A as it provided an active pedestrian-friendly frontage. The applicant shifted the patio to the east in the latest drawing submission which was acceptable to both the Urban Design and Transportation sections.

PUBLIC	
LIAISON:	

On February 21, 2012, Notice of the Application was sent out to area property owners within 120 metres of the subject lands and Notice of the Application was published in the Living in the City section of the London Free Press on February 25, 2012. On March 6, 2012, Notice of Site Plan Public Meeting was sent out to area property owners within 120 metres of the subject lands and Notice of the Application was published in the Living in the City section of the London Free Press on March 10, 2012.

2 responses

Nature of Liaison: Same as Requested Action

Responses:

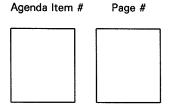
One area resident, phoned in with concerns about the development. He, believes it will impact the traffic flow and will make it extremely difficult to turn left on Fanshawe Park Road East from Daleview Cresent where he resides.

President of Middlesex Condominium Corporation #498, (567 Fanshawe Park Road East), emailed with traffic and pedestrian safety concerns along with an inquiry if the developer has provided a plan of what the development would look like without all the variances requested at the re-zoning stage. He has indicated he intends to ask for the opportunity to speak at the Public Meeting.

ANALYSIS

Description of the Site Plan

The applicant is proposing to construct a 1 storey, 566.15m², multi-unit commercial building with a drive-through. The building has been purposefully located as close as possible to the street as per the re-zoning application in order to comply with the intentions of the City's Urban Design



policies. The building is proposed to be located 0.0m from the ultimate road widening allowance at the front yard. Access to the site is proposed along the existing joint interior access with the commercial property to the north with a drive-through exit with no restrictions along Fanshawe Park Road East. The Owner does not enjoy an easement across the commercial property to the north. There are 41 surface parking spaces including 12 stacking spaces in the drive-through which are located north and east of the building. The applicant is providing 24 bicycle parking spaces (4 are required by the Zoning By-law and 20 are proposed through the bicycle parking incentives allowing for a reduction in required automobile spaces of up to 4 spaces). The landscape plan proposes to provide plant material within the required road allowance as this is the only available location to support plant material besides the northwest corner of the property opposite the drive-through.

Is the Proposed Site Plan in conformity with the Official Plan and is it consistent with the Provincial Policy Statement?

The proposed commercial building conforms to the Official Plan and is consistent with the Provincial Policy Statement.

Does the Plan Conform to the Holding Community Shopping Area Special Provision (h-5*h-11*h-103-CSA3(5)) Zoning?

The proposed site plan has been reviewed against the Holding Community Shopping Area Special Provision (h-5*h-11*h-103-CSA3(5)) Zone and conforms to the requirements of the Special Provision Zone. The proposal was also reviewed against the General Provisions of the Zoning By-law and conforms after making some changes as suggested through the site plan process. The original application proposed a Coffee Shop for the unit with the drive-through which requires 15 stacking spaces under the Z-1 By-law. The applicant has decided to change this unit to a Fast Food Restaurant which requires 12 stacking spaces at a length of 5.5 meters. Through the site plan review process, the applicant has shifted the location of the drive-through window south to accommodate the 12 required stacking spaces at 5.5 meters length for each space in the drive-through which is the City standard for a parking space length.

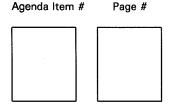
Is the Site Plan Compatible with Adjacent Properties and Appropriate for the Development of the Lands?

The proposed site plan has been designed to comply with the parameters set by the re-zoning application. Although the building conforms to the zoning for this site as amended, the proposal has been reviewed against the site plan guidelines and common site plan practices and there are a number of items which are unsupported from a Site Plan perspective.

Bicycle Parking

The applicant has proposed to implement the bicycle parking incentives available under the Z-1 By-law whereby they have proposed additional bicycle parking spaces in order to obtain a reduction in the required automobile spaces. 43 automobile parking spaces and 4 bicycle parking spaces are required as per the Zoning By-law Amendment. The applicant has proposed 41 automobile parking spaces and 24 bicycle spaces. The Zoning by-law allows for additional bicycle parking spaces in lieu of vehicular parking spaces at a rate of 5:1. If a development includes 5 additional parking spaces, the number of vehicular parking spaces can be reduced by 1. In this instance, the applicant is proposing 20 additional bicycle parking spaces with only a reduction of 2 proposed automobile parking spaces. The reduction of two parking spaces from earlier concepts has improved the functionality of the site plan; however, these earlier concepts proposed parking spaces which conflicted with the drive-through stacking lane and were only accessible via the abutting Home Depot lands.

The current plan proposed the bicycle parking in an inconvenient and unsupported location behind the building as per our Site Plan By-Law Manual which states:



Location of bicycle parking for Accessibility:

- Less than I5 metres from the entrance used by cyclists or if located within a building in a location easily accessible to bicycles;
- Should not be farther from the entrance than the closest motor vehicle parking space (excluding parking spaces for the person with disabilities);
- In a separately designated area that does not impede the movement of pedestrians; and,
- In an easy to find location directly visible from the street and if not directly visible from the street directional information signs shall be installed to direct cyclists to the bicycle parking facility.

Pedestrian Circulation

Along the rear of the proposed building is a proposal for 11 parking spaces (including one small car parking only designated space), the bicycle parking spaces, and the garbage enclosure. The parking spaces comply with the required minimum sizes however there is no buffer between the building and the parking stalls which could result in vehicles running into the building and conflict with pedestrians trying to access the mechanical room door along this elevation of the building. There is no opportunity to add a sidewalk because it would shift the parking to the north and the driveway width of 6.4 m is already our less than the Site Plan Guideline requirement of 6.7 m.

Through the site plan consultation meeting, Development Services and Urban Design indicated that a buffer consisting of a sidewalk, curb stops, or planter islands would be required to provide protection to the building and pedestrians using this space. The current proposal causes individuals using these parking spaces, or employees carrying garbage or recycling material to the enclosure, to walk behind the parked cars potentially creating a conflict. The small car parking only designated parking space in this line of parking will not function for a larger vehicle or SUV as there is not enough manoeuvrability for larger vehicles to avoid crossing into the drive-through.

Other Issues

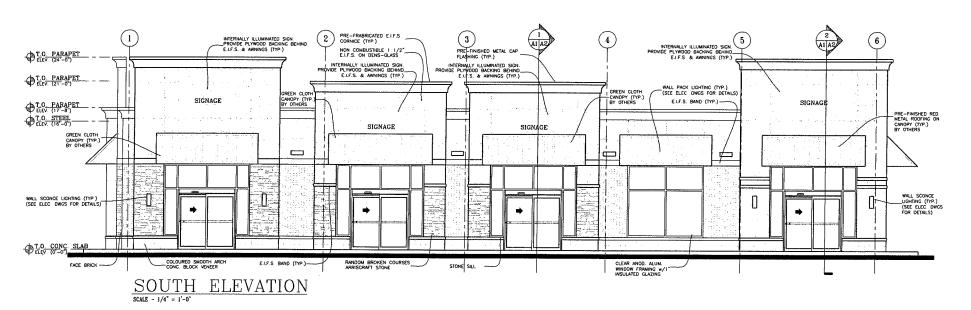
The Owner of this property does not enjoy a formal easement over the commercial lands north of the site. As this is the principle entrance to this development, not having a formal easement may result in future issues for this property should the commercial lands to the north request a redevelopment.

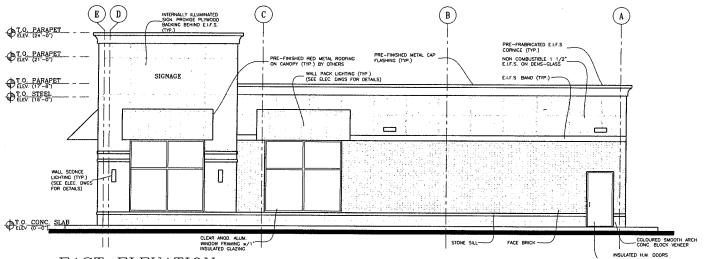
The Owner is proposing vehicular turn-around facilities on the City road allowance. While there is a mechanism for the owner to use road allowance lands until required by the City (Easement agreement with the City), it is our normal practice of design commercial developments to be self-sufficient and is an indication of the over-use of the site.

The functional items related to Development Services' concern with the site plan proposal can be resolved with a smaller building footprint and full implementation of the City's bicycle parking incentives. Overuse of the site as proposed may result in this development negatively impacting adjacent commercial properties as parking for this development could spill into adjacent commercial properties.

Response to Area Residents

Two residents phoned in to express an interest in the development of this site and had a few more questions about the process. Neither respondent was favourable of the development as proposed and had concerns regarding traffic impacts to Fanshawe Park Road East. As the development proposal has changed through the site plan approval process to remove the direct access from Fanshawe Park Road East, this will help to alleviate some of the concerns specific to traffic impacts area residents had with this development but will not eliminate their concerns.

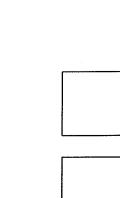


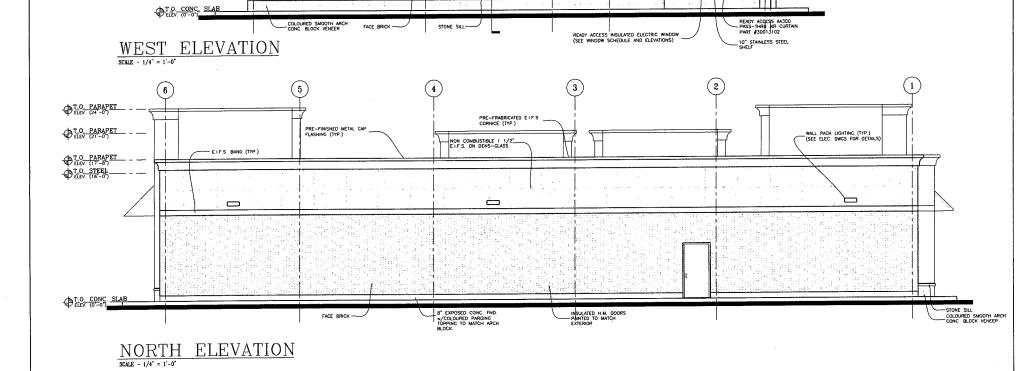


 $\underbrace{EAST}_{\text{SCALE - 1/4" = 1'-0'}}\underbrace{ELEVATION}$

 $\bigcirc \mathbb{E}$

Agenda Item





(Bi)

(c)

(B)

SIGNAGE

E.I.F.S. BAND (TYP.)

INTERNALLY ILLUMINATED SIGN.
PROVIDE PLYWOOD BACKING BEHIND.
E.E.F.S. & AWNINGS (TYP.) PRE-FRABRICATED E.J.F.S CORNICE (TYP.) NON COMBUSTIBLE 1 1/2" E.J.F.S. ON DENS-GLASS

 \Box

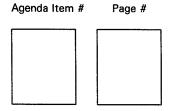
T.O. PARAPET

T.O. PARAPET

ELEV. (17'-8")

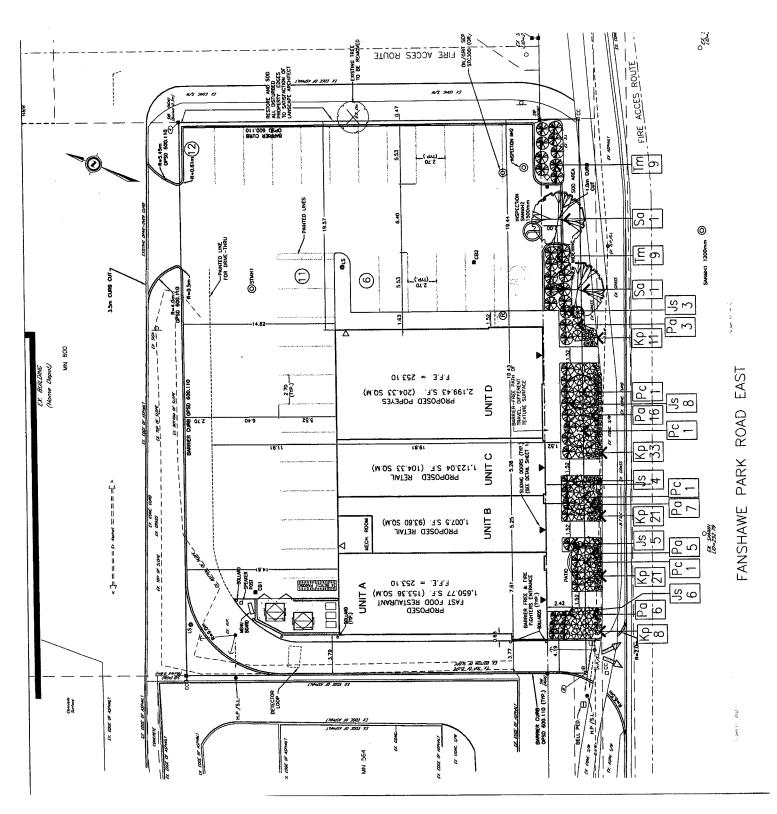
T.O. STEEL

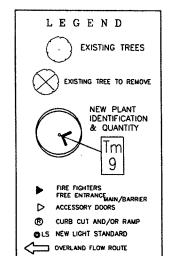
ELEV. (16'-0")



S. Bellaire File No: SP12-002238

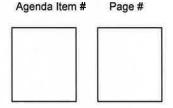
Proposed Landscape Plan





LANDSCAPE - NEW PLANT MATERIAL LIST

KEY	QTY	NAME TREES	SIZE & CONDITION
Sa	2	IVORY SILK TRE LILAC, Syringa amurensis japonica	65mm Caliper Wire Basket
Pc	4	CHANTICLEER FLOWERING Pyrus Calleryana . PEAR "Chanticleer"	65mm Caliper Wire Basket
KEY	QTY	SHRUBS & PLANTS	SIZE & CONDITION
Tm	18	DENSE YEW, Taxus medisa "Densiformis"	0.50m Ht. Potted; Planted Approx. 1.2m o/c
Js	26	ARCADIA JUNIPER, Juniperus sobino "Arcadia"	0.45m Spr Potted; Planted Approx. 1.2m o/d
Кр	99	PRAIRIE JUNE GRASS, Koleleria pyromidata	0.45m Ht. Potted; Planted Approx65m o/c
Pa	37	FOUNTAIN GRASS, Pennisetum diopecuroides'	0.45m Ht. Potted; Planted Approx .75m a/d



CONCLUSION

The proposed site plan has been reviewed against the Provincial Policy Statement, the applicable Official Plan policies, and Zoning By-law Z.-1 and has been determined to comply with these policies and regulations. However, the proposal does not comply with the Site Plan Control Manual and is not recommended for approval. A revised plan with the following changes to the proposed site and landscape plan would be recommended for Approval:

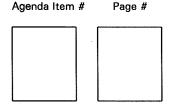
- Provide adequate vehicular separation between the rear parking spaces and the building by providing a sidewalk/curb stops/planter islands to improve pedestrian circulation and site functionality with employees accessing the waste/recycle enclosure and mechanical room along the north elevation.
- Reduce the footprint of the building to accommodate adequate vehicular separation between the rear parking spaces and the building.
- Relocate the bicycle parking area to the southeast corner of the building by eliminating
 one vehicle parking space and adjusting the proposed parking layout (shift the parking
 north). There is room on the drawing to eliminate a further 2 automobile parking spaces
 as the applicant has maximized the bicycle parking incentives allowed for this property
 by the Z-1 By-law.
- Obtain easements and licensing agreements as required for the items located in the City's road widening allowance.
- Provide additional landscape material (tree(s), shrubs, and/or groundcovers) in the northwest corner of the property opposite the drive-through and shift the proposed deciduous tree south and out of the car turnaround in the City's road widening allowance.

PREPARED BY:	RECOMMENDED BY:
Sera Bellon	Jeff la
SARA BELLAIRE, OALA CSLA LANDSCAPE PLANNER DEVELOPMENT PLANNING	JÉFF LEŬNISSEN, MCIP RPP MANAGER OF DEVELOPMENT PLANNING (TEAM EAST)
REVIEWED BY:	SUBMITTED BY:
Marla Starteta	In A
D.N. STANLAKE DIRECTOR OF DEVELOPMENT PLANNING	GEORGE KOTSIFAS, P.Eng DIRECTOR OF BUILDING CONTROL and CHIEF BUILDING OFFICIAL

March 16, 2012

JL/SB

c: John Braam, Acting Executive Director, PEES Department



Bibliography of Information and Materials

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.

City of London, Notice of Application, February 21, 2012.

City of London, Living in the City – Saturday, February 25, 2012.

City of London, Notice of Site Plan Public Meeting, March, 6, 2012.

City of London, Living in the City – Saturday, March 10, 2012.

City of London, Site Plan By-law C.P.-1455-451

Provincial Policy Statement, March 1, 2005

City of London, Site Plan Application, SP12-004340

City of London, Report to Planning Committee, Z-7917, September 26, 2011

City of London, Information Report to Planning Committee – Roads and Transportation, October 31, 2011

City of London, Council Resolution, Z-7917, October 4, 2011