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TO:	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING DIRECTOR OF LAND USE PLANNING AND CITY PLANNER
SUBJECT:	HYDE PARK ROAD COMMERCIAL REVIEW OFFICIAL PLAN AND ZONING REVIEW 1331-1369 and 1364-1420 Hyde Park Road MEETING ON Monday, March 26, 2012

RECOMMENDATION

That, on the recommendation of the Director of Land Use Planning and City Planner, **NO ACTION** be taken to amend the Official Plan land use designation and Zoning By-law for lands located at 1331-1369 and 1364-1420 Hyde Park Road.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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April 17, 2000 **Hyde Park Community Plan and Hyde Park Urban Design Guidelines approved by Council**

PURPOSE AND EFFECT OF RECOMMENDED ACTION

To determine the need to replace the existing Multi-Family, Medium Density Residential designation in the Official Plan and Urban Reserve (UR3) Zone in the Zoning By-law with a commercial designation and zoning; respectively, on the subject properties.

RATIONALE

1. The suggested amendment to the Official Plan is not consistent with the goals and objectives of the Hyde Park Community Plan, which included a comprehensive community and business association participation process.
2. The addition of new commercial land use along this corridor is not justified and will not support the Hyde Park Village Core.
3. Any existing commercial uses are allowed to continue.

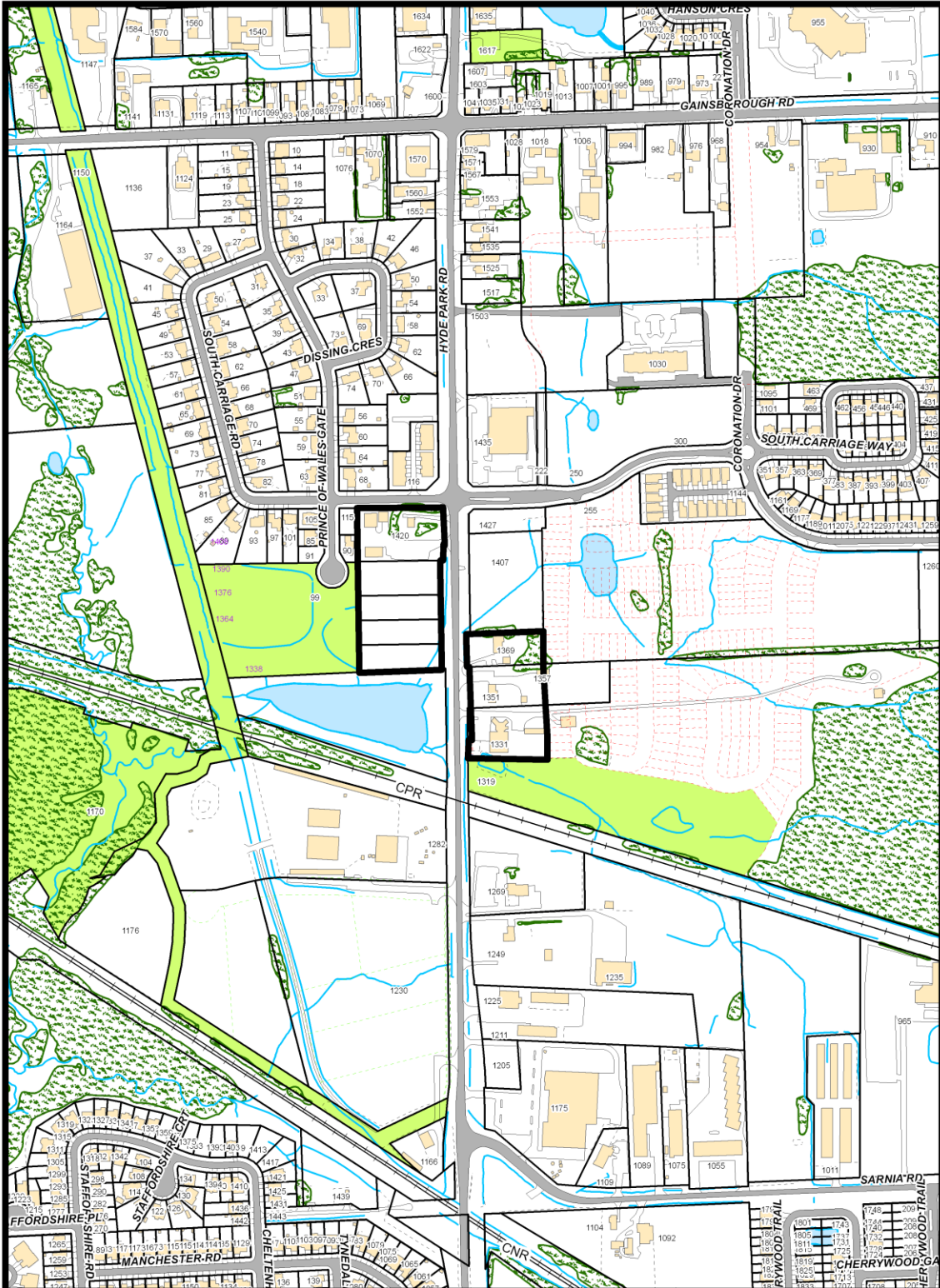
BACKGROUND

Introduction

Since the Hyde Park Community Plan was approved by Council in 2000, Planning staff have responded to a number of inquiries on the subject properties. Only one was the subject of a zoning by-law amendment application (Z-6937/Harvey Buck/1420 Hyde Park Road) in 2005 for a temporary farm market/garden centre.

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<p style="text-align: center;">LOCATION MAP</p> <p style="text-align: center;">CITY OF LONDON DEPARTMENT OF PLANNING AND DEVELOPMENT</p> <p style="font-size: small; text-align: center;">Topographic Information Date: April 2008 PREPARED BY: Graphics & Information Services</p>	<p>Legend</p> <p> Subject Site</p>		<p>SUBJECT SITE: 1319-1369 Hyde Park Rd 1364-1420 Hyde Park Rd</p> <hr/> <p>FILE NO: 11 COM h</p> <hr/> <p>MAP PREPARED: 2012/03/05 CK</p> <hr/> <p style="text-align: center;">1:5,700</p> <p style="text-align: center; font-size: x-small;">0 45 90 180 Meters</p>
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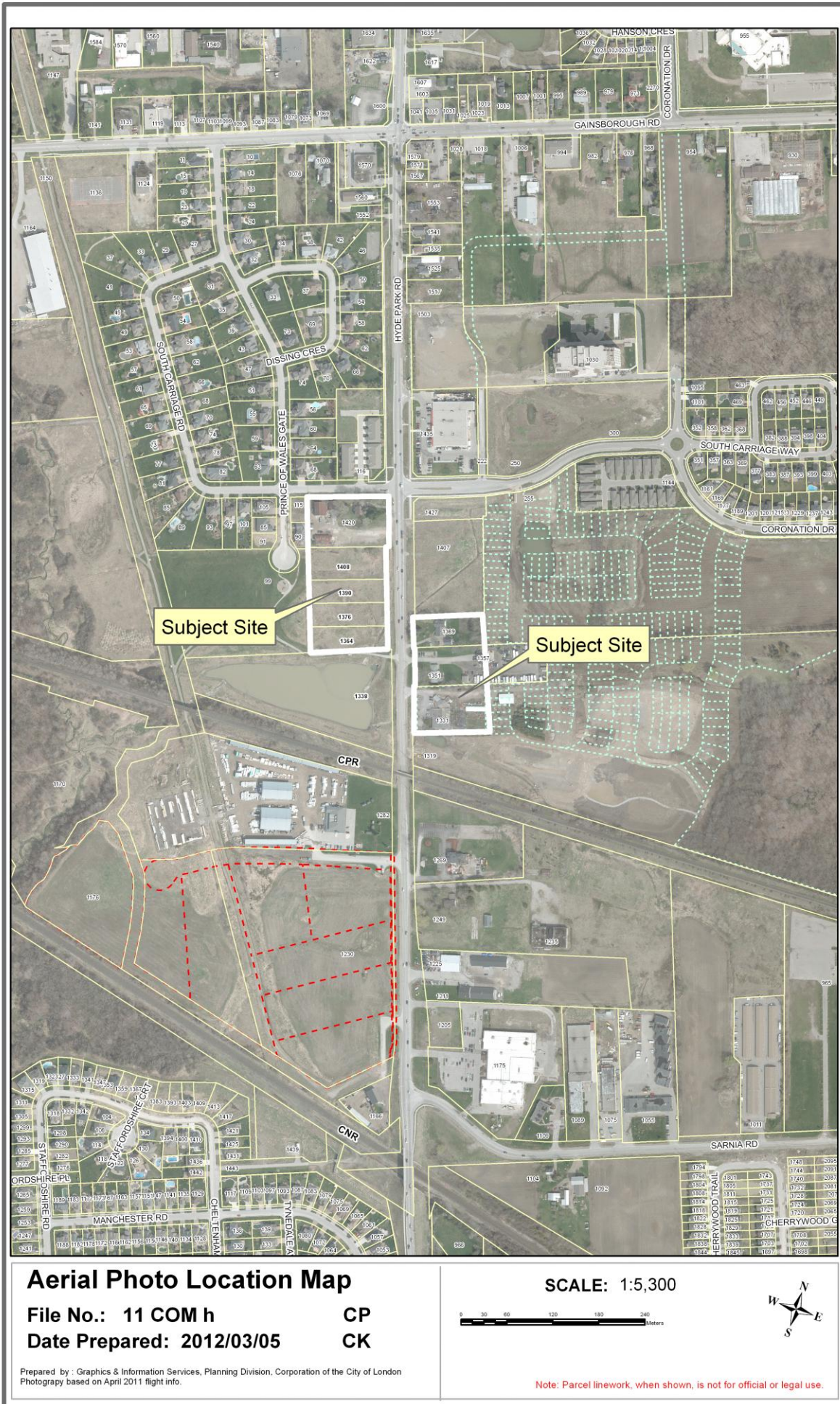
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In 2008 subdivision and zoning by-law amendment applications (39T-08502 and 39T-08503/Z-7489) were submitted on behalf of Kenmore Homes for vacant lands east of Hyde Park Road which also included 1331 Hyde Park Road. Through the processing of those files a single family residential subdivision was requested to the rear and commercial zoning was requested along the Hyde Park Road frontage. By letter dated September 9, 2011 the applicant's agent felt that the lands should be designated for commercial because "*the historic use of 2 of these properties, the change for the lands just north of the three in discussion and the limited capacity of the properties for residential use.....*"

The Built and Natural Environment Committee (BNEC) reviewed the letter in conjunction with the plan of subdivision on lands to the east (which include 1319 and 1331 Hyde Park Road) and on September 19, 2011 Council subsequently resolved;

1. *That the Civic Administration be directed to undertake the following actions with respect to the application submitted by Kenmore Homes (London), as amended by staff for an Official Plan Amendment, Zoning By-law Amendment and draft plan of subdivision for the lands located at 255 South Carriage Road and 1331 Hyde Park Road:*

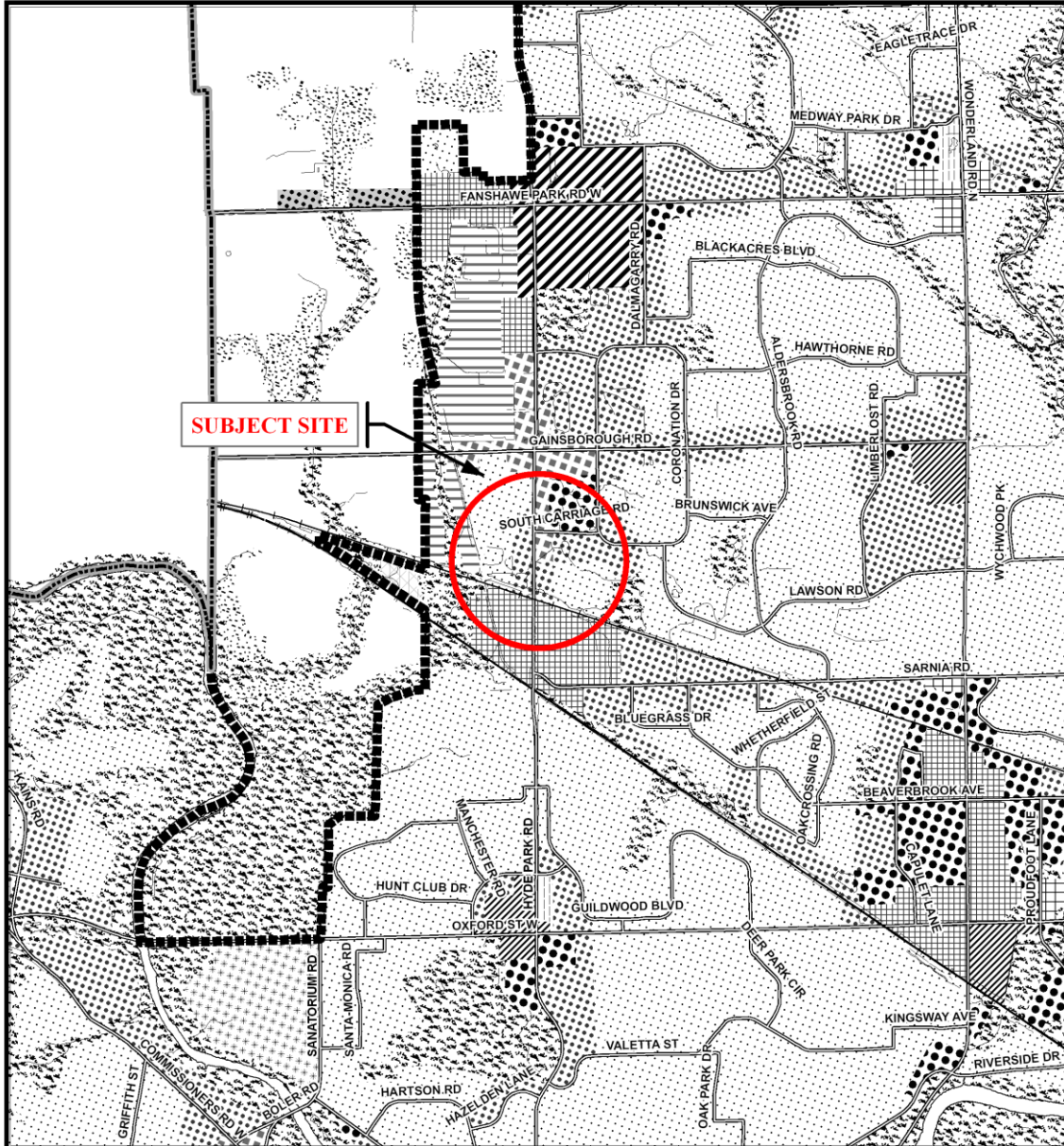
*The Director of Land Use Planning and City Planner **BE ASKED** to undertake a review of the land use designations on the east and west corridors of Hyde Park Road, south of Carriage Road to the Canadian Pacific Railway line with the potential for commercial zones; and,*

Because of similarities of other properties to the north on the east side and west side of Hyde Park Road, Planning staff added them to the Official Plan and Zoning review. Planning staff had earlier requested the applicant submit an OPA and ZBA for 1331 Hyde Park Road for commercial but they declined and Planning staff were subsequently directed by BNEC (see above) to undertake the review.

Rationale for the Multi-Family, Medium Density Residential Designation and not a Commercial Designation in the Hyde Park Community Plan

This area was annexed by the City of London on January 1, 1993. At the time it was intended that the London Township Official Plan and Zoning By-law would prevail until the City had time to carry out Official Plan and Zoning By-law reviews to include these lands within the City's Official Plan and Zoning By-law. Official Plan Amendment No. 88 replaced the London Township Official Plan in the Hyde Park area and Council designated the subject lands Urban Reserve - Community Growth on July 2, 1996 through that process. That designation was intended to act as a "holding" designation until more specific residential designations had been reviewed and applied. Agricultural uses and uses which do not have significant structures are permitted as an interim use until more "urban" development occurs.

In 1997 the City started the Hyde Park Community Plan process and on April 17, 2000 Council approved the Plan. Official Plan Amendment No. 193 was approved by the Ontario Municipal Board in 2001. There was a conscious decision made through the process to direct future commercial development to one of three commercial nodes developing in the planning area; 1) Hyde Park and Fanshawe, on the northeast and southeast corner, for a "big box" form of development, 2) Hyde Park hamlet, confined by primary collector roads and the railway, for pedestrian-oriented retail uses and 3) lands south of the CPR railway line for uses which require large floor spaces and/or outdoor storage. These concentrations would ensure commercial designations remained nodal and avoid the "strip" retail that has developed along arterial roads such as Wellington Road, Wharnccliffe Road and Dundas Street. This strip form of development historically has created traffic problems and has led to impacts when adjacent to residential areas. Development in nodal commercial concentrations generally can be planned more efficiently to reduce the impact of traffic and noise. Also "strip" forms of commercial development encourage a greater reliance on automobiles to move from one commercial use to another. This has implications for air quality and energy consumption.



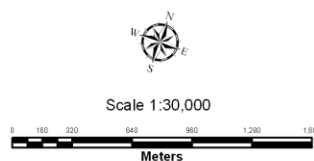
Legend

- | | |
|--|-----------------------------------|
| 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 |

CITY OF LONDON
Department of
Planning and Development

OFFICIAL PLAN SCHEDULE A
- LANDUSE -

PREPARED BY: Graphics and Information Services



FILE NUMBER: 11 COM h

PLANNER: CP

TECHNICIAN: CK

DATE: 2011/12/09

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As a result, all of the subject lands were designated Multi-Family, Medium Density Residential as were lands along the other arterial roads in Hyde Park (Gainsborough Road and Fanshawe Park Road West) to encourage transit supportive residential development. The designation allows townhouses, stacked townhouses and lower scale apartments up to 75 units per hectare. Since approval of the Hyde Park Community Plan, lands along Gainsborough Road have started to develop for townhouses and lands along the south side of Fanshawe Park Road have been the subject of applications for medium and high density residential development as envisioned by the Plan.

Hyde Park Community Plan Public Process

The Hyde Park Community Plan included an extensive public participation process and was intended to guide development over the following 20 years (2000-2020). The Plan was initiated as a result of requests from the Hyde Park Business Association but funded by First Professional Management (now Smart Centres). There were six community meetings (approx. 620 people attended) as well as individual meetings with neighbourhood associations, the Hyde Park Business association and major landowners. Letter notice to over 1000 landowners was provided on a number of occasions.

What has Changed?

Since 2000 the Hyde Park Community has developed consistent with the Community Plan. The interior of the blocks have developed for single family residential neighbourhoods; multi-family, medium density residential has been built along Gainsborough Road and some high density residential next to the village hamlet. With regards to commercial, the “Big Box” retail node at Hyde Park and Fanshawe is almost fully developed and there has been some infilling and change in use in the Hyde Park hamlet and the commercial node south of the CPR railway line. In the latter two commercial areas there are still vacant lands and/or vacant buildings.

As the Hyde Park area has developed, the amount of traffic moving through the area has increased. New residential development in Hyde Park and Ilderton and the presence of over 100,000 square metres (1 million sq. ft.) of new commercial space at Hyde Park and Fanshawe has led to significant increases in traffic along Hyde Park, Fanshawe and Gainsborough Roads. The amount of traffic is not unexpected. The traffic study done as part of the Hyde Park Plan anticipated traffic volumes of 32,000, 22,000 and 23,000 vehicles per day on Hyde Park, Gainsborough and Fanshawe, respectively. Current volumes in front of the subject properties have only reached 68% of the anticipated volumes.

Because of the increased traffic volumes road improvements to Hyde Park Road are planned starting in 2014. The section between the CPR railway and Fanshawe Park Road is not expected to start until 2015.

Nature of the Properties

All of the subject properties are physically unchanged since the City annexed these lands on January 1, 1993. Most still retain their rural characteristics, ie. large lots, agricultural type uses, large secondary buildings, large home occupations etc. Some of the uses have changed or have been removed but the lot characteristics remain.

Below is a summary of the characteristics of the eight subject properties;

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Hyde Park Address	Owner	Existing Use	Size LA – Lot Area F- Frontage D - Depth	Current OP/Zoning MDR – Medium Density Residential UR – Urban Reserve T - Temporary	Previous OP/Zoning (London Twp.) In force until 1996 (OP)/2005 (Zoning)
1369 (East side)	McLoed Since 2001	Single family semi-detached residential- built 1964/1990 Home occupation –McLoed Custom Homes- electrical contracting	LA - .39 ha F – 40m D – 97.5m	MDR/UR3	Agricultural RR – Rural Residential
1351-1357 (East side)	Plante	Auto sales/repair – since 1992 Single family residential – built 1959/Industrial building- built 1966	LA - .89 ha F – 51 m D – 175 m	MDR (front) LDR (rear) /UR3	Agricultural – changed to Highway Commercial (OPA #17) AC-1 – Special Auto Commercial – only permitted motor vehicle service
1331 (East side)	Kenmore Homes	Vacant (formerly Hyde Park Garden Centre – there before 1990)	LA – 14.4 ha	MDR/UR3	Agricultural A2-4 – Special Agricultural
1420 (west side)	Vilos	SFR with commercial unit – built 1880	LA - .7 ha F – 65.8 m D – 106 m	MDR/UR3 T-51	Industrial M2-4 – Special Light Industrial
1408 (West side)	Randa Inv./ City (Tax Sale)	Vacant	LA - .43 ha F – 42.3 m D – 101.5 m	MDR/UR3	Industrial – changed to Hamlet (OPA #32) HC-28 – Special Hamlet Commercial
1390 (West side)	Randa Inv./City (Tax Sale)	Vacant	LA - .32 ha F – 30.5 m D – 101.5 m	MDR/UR3	Industrial – changed to Hamlet (OPA#32) HC-28 – Special Hamlet Commercial
1376 (West side)	Randa Inv./ City (Tax Sale)	Vacant	LA - .32 ha F – 30.5 m D – 101.5 m	MDR/UR3	Industrial – changed to Hamlet (OPA#32) HC-28 – Special Hamlet Commercial
1364 (West side)	Randa Inv./ City (Tax Sale)	Vacant	LA - .32 ha F- 30.5 m D – 101.5 m	MDR/UR3	Industrial – changed to Hamlet (OPA#32) HC-28 – Special Hamlet Commercial

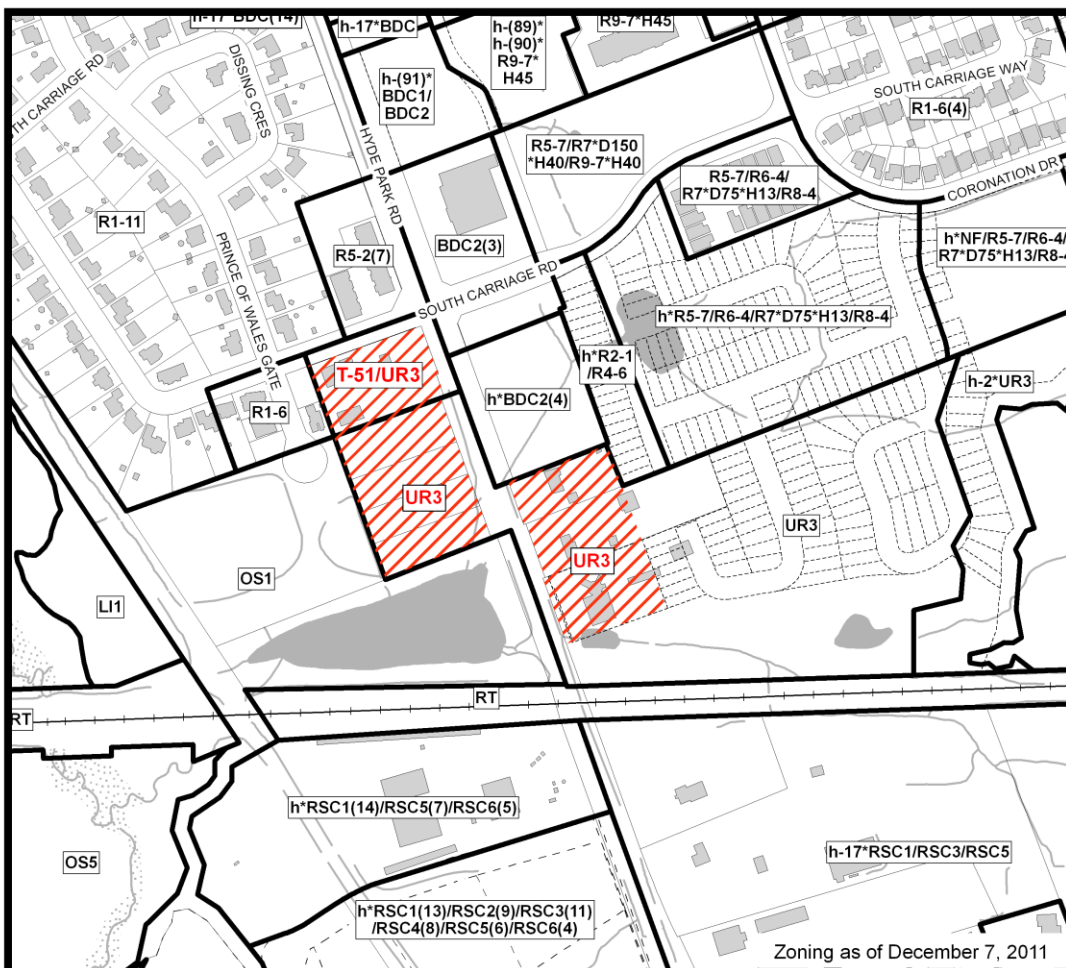
It is important to point out that some of the properties were zoned for commercial uses prior to June 2005. All of the properties prior to annexation were designated Agricultural or Industrial until the Multi-Family, Medium Density Residential designation in the Hyde Park Community Plan was approved in 2000. Since zoning has to conform to the Official Plan, the zoning was changed through the Annexed Area Zoning By-law approved by Council in June 2005. In the former London Township Zoning By-law two of the sites were zoned for only one commercial use, an auto repair establishment at 1351 Hyde Park and a greenhouse at 1319 Hyde Park (in an Agricultural designation). Vacant lands on the west side of Hyde Park Road were zoned to permit a shopping centre, personal service establishment, home improvement store, retail store, bank and restaurant, provided services were available, but never developed and the zoning was changed in 2005 to implement the residential Official Plan designation.

Are the Properties large enough for MDR?

The properties on the west side of Hyde Park measure 105 metres by 200 metres and those on the east side measure 94 metres by 142 metres, which would accommodate the already developed townhouse projects at 1630 Bayswater Crescent, 1571 Coronation Drive and 116 South Carriage Road in Hyde Park. It is also important to point out that the Multi-Family, Medium Density Residential designation not only permits townhouses and low-rise walk-up apartments but also permits small scale office buildings (2-3 storeys, 2000m²), nursing homes, homes for the aged, rest homes, churches and community facilities. City-wide, these higher

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COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: T-51/UR3 & UR3

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:
11 COM h CP

MAP PREPARED:
2012/03/05 CK

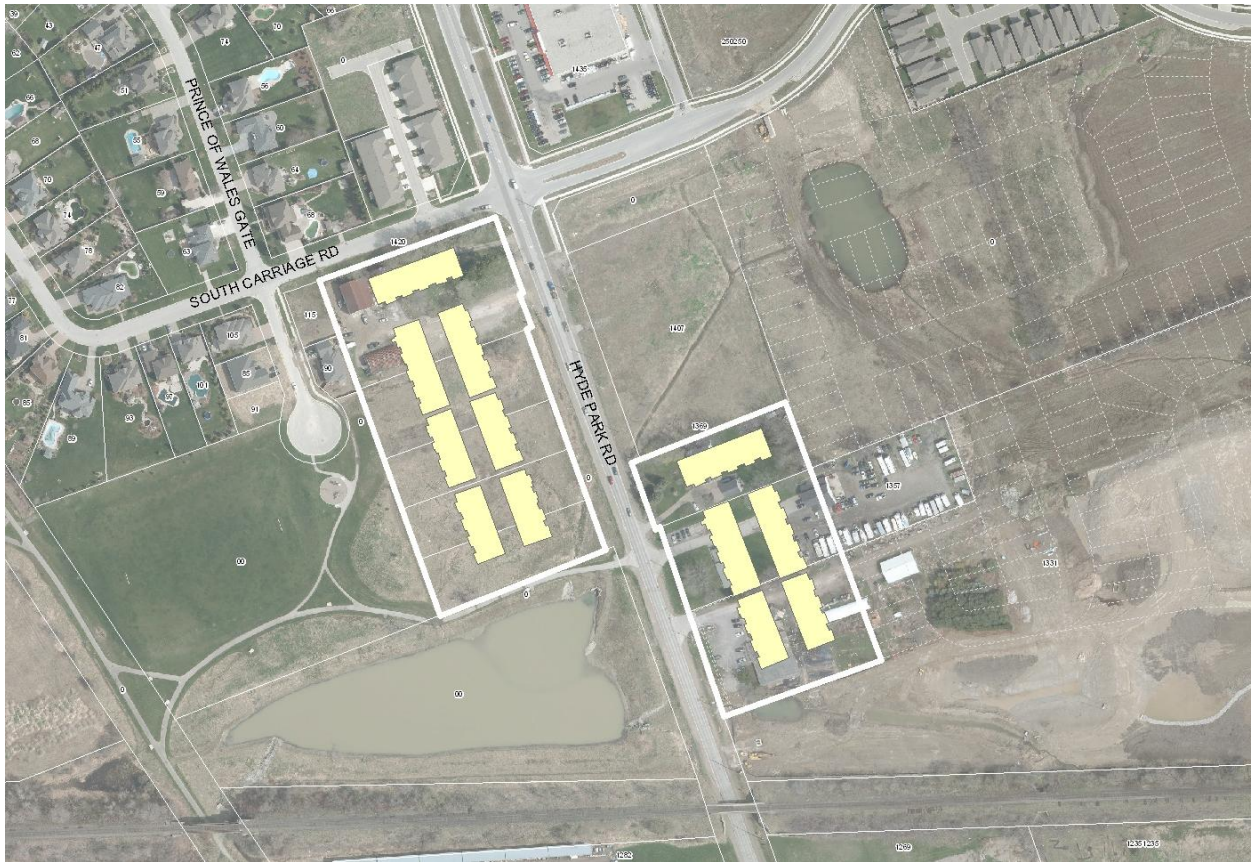
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THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS

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density residential designations are generally located along arterial roads to provide easy access to transit and to minimize automobile traffic traversing single family residential neighbourhoods. The larger sites also allow residential units to be separated from the roadway and allow more room for landscaping and grouped parking.



Map 1 - Existing Townhouse Development at 1630-1672 Bayswater Crescent Overlaid on Subject Properties

The Preparos Lands (1407 Hyde Park Road, north of subject properties on east side)

As indicated above, the intent of the Business District Commercial designation (now Main Street Commercial Corridor after 2006 Official Plan Review) applied to the Hyde Park hamlet (to the north) through the Hyde Park Community Plan was to foster the development of a pedestrian-orientated commercial area, an area which had started to develop prior to 2000. To prevent the spread of commercial uses along Hyde Park and Gainsborough Roads the designation ended at the railway line to the west, Coronation Drive to the east, South Carriage Drive to the south and North Routledge Park to the north. Any new development was expected to be by redevelopment or infilling.

Following approval of the Hyde Park Community Plan by Council in 2000, Sergio Pompili, acting for the owner of 1407 Hyde Park Road (Mr. Preparos) appealed the Multi Family, Medium Density Residential designation in the Plan on the basis of previous London Township Official Plan policies and Zoning By-law regulations. In 1984 Mr. Preparos received approval for Official Plan and Zoning By-law amendments for the frontage of the property to a depth of 174 metres to permit a limited range of commercial uses including a furniture or home furnishings retail store, mini-warehousing, shopping centre, general or professional offices, retail store, farm supply store and a banquet hall.

Planning staff reviewed the appeal and were concerned about extending the commercial designation beyond the road physical boundary and the precedent that would set for lands further south. In addition, what was previously approved for 7 uses under the Township Zoning By-law would now allow 30 uses under the City's Zoning By-law Z-1. After numerous

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discussions the designation was extended southward to include Mr. Preparos frontage because of the previous amendments and the presence of a future school/park complex on the rear portion of his lands.

No other landowners of the subject properties raised concerns about the Official Plan designation (Council approved April 17, 2000) and Zoning (Council approved June 27, 2005) applied to the properties.

Is a Change to Commercial Appropriate?

By letter dated September 9, 2011 and a summary of issues list presented to BNEC on September 12, 2011 by the applicant’s agent, the following rationale were provided for allowing commercial uses on the property at 1331 Hyde Park Road. Planning staff’s commentary is provided on each of the agent’s rationale.

1. *Historic use of two of these properties;*

There is only one existing commercial use (an auto repair garage) at 1351-1357 Hyde Park Road which was allowed by site specific zoning prior to annexation in 1993. The former greenhouse was a commercial operation but was allowed under the Agricultural policies and was consistent with the agricultural nature of the area prior to annexation, similar to the current greenhouse operating on Gainsborough Road.

The existing auto repair garage at 1351-1357 Hyde Park Road can remain in perpetuity as a legal non –conforming use under Section 19.5 of the Official Plan and Sections 1.3 and 4.16 of Zoning By-law Z-1.

2. *The change for the lands just north of 1369 Hyde Park Road leaving three properties not commercial;*

The Preparos property was included as a result of an appeal to the Hyde Park Community Plan in 2000. Setting a precedent and the range of uses permitted were issues. It appears that decision is now being used to justify commercial uses on the subject lands. No Official Plan or Zoning By-law appeals were received in 2000 or 2005; respectively, on the subject lands.

3. *Limited capability of these lands for residential uses because of size and shape;*

As indicated above, the lands are of a sufficient size to accommodate townhouse development based on examples already developed in the Hyde Park area.

4. *Widening of Hyde Park Road in 2014;*

Road widenings do not justify commercial uses. There are many examples of higher density residential development along arterial roads in the City, especially in newer subdivisions.

5. *Similar parcels north of South Carriage Way have been unsuccessful as residential; and,*

After some years in development, 10 townhouse units have been built with four more proposed. There are servicing constraints in the Hyde Park area and that may have caused the delay. Other townhouse developments on Gainsborough Road appear to be viable.

6. *Four lots proposed to be taken from Kenmore by City is beyond City authority to create a new access for lands of others that currently have frontage on a municipal street.*

This is an issue that needs to be addressed through the plan of subdivision, whether access to the townhouse blocks should be through the internal street system or combined onto Hyde Park Road. Combining road access points, one on the east side and one on the west side, minimizes multiple access points and would not affect the flow of traffic.

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CONCLUSION

After reviewing the applicant's agent's rationale, reviewing the direction provided by the Hyde Park Community Plan and looking at the historic use, size and configuration of the subject properties, Planning staff recommend that the current Multi-Family, Medium Density Residential land use designation not be amended, and that a commercial land use designation and commercial zoning is not appropriate for these lands.

PREPARED BY:	RECOMMENDED BY:
W.J. CHARLES PARKER SENIOR PLANNER CITY PLANNING AND RESEARCH SECTION	GREGG BARRETT MANAGER CITY PLANNING AND RESEARCH SECTION
RECOMMENDED BY:	
JOHN M. FLEMING DIRECTOR OF LAND USE PLANNING AND CITY PLANNER	

March 13, 2012

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