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H-8011
Nancy McKee

TO:	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE
FROM:	GEORGE KOTSIFAS DIRECTOR OF BUILDING CONTROLS AND CHIEF BUILDING OFFICIAL
SUBJECT:	APPLICATION BY: ARMOCLAN ENGINEERING (MAC'S CONVENIENCE STORES LTD.) 1878 Highbury Avenue North & 1411 Fanshawe Park Road East MEETING ON APRIL 16, 2012

RECOMMENDATION

That, on the recommendation of the Senior Planner of Development Services, based on the application by Armoclan Engineering (on behalf of Mac's Convenience Stores Ltd.) relating to the property located at 1878 Highbury Avenue North & 1411 Fanshawe Park Road East, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on May 1, 2012 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject lands **FROM** a Holding Associated Shopping Area Commercial Special Provision (h-131*h-132*ASA5(4)) Zone **TO** an Associated Shopping Area Commercial Special Provision (ASA5(4)) Zone to remove the holding provision.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

Z-7860
April 11, 2011 - Report to Built and Natural Environment Committee on zoning by-law amendment change.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

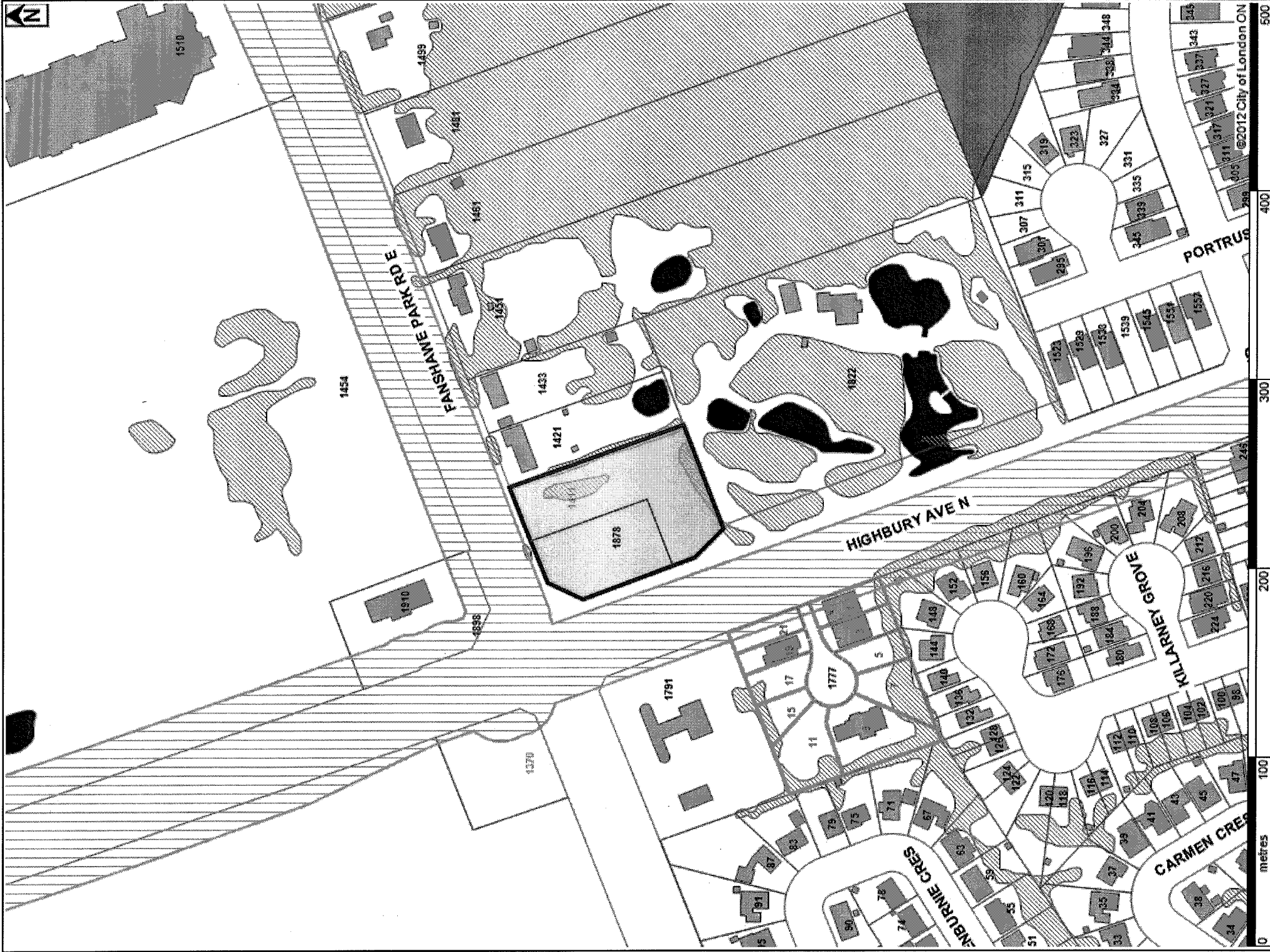
The purpose and effect of this zoning change is to remove the holding provisions from this site to permit the development of a Mac's convenience store, car wash and gas bar.

RATIONALE

1. The appropriate studies were submitted and accepted as part of the site plan process.
2. The site specific recommendations from the EIS, Hydrogeological Study and Water Balance Report have been implemented in the development agreement.
3. In accordance with the holding provision, the Owner has executed the Development Agreement.

BACKGROUND

Date Application Accepted: January 25, 2012	Agent: Armoclan Engineering Limited
REQUESTED ACTION: Request to remove the holding provisions from the zoning of lands located at 1878 Highbury Avenue North and 1411 Fanshawe Park Road East to allow the development of a new convenience store, gas bar and car wash.	








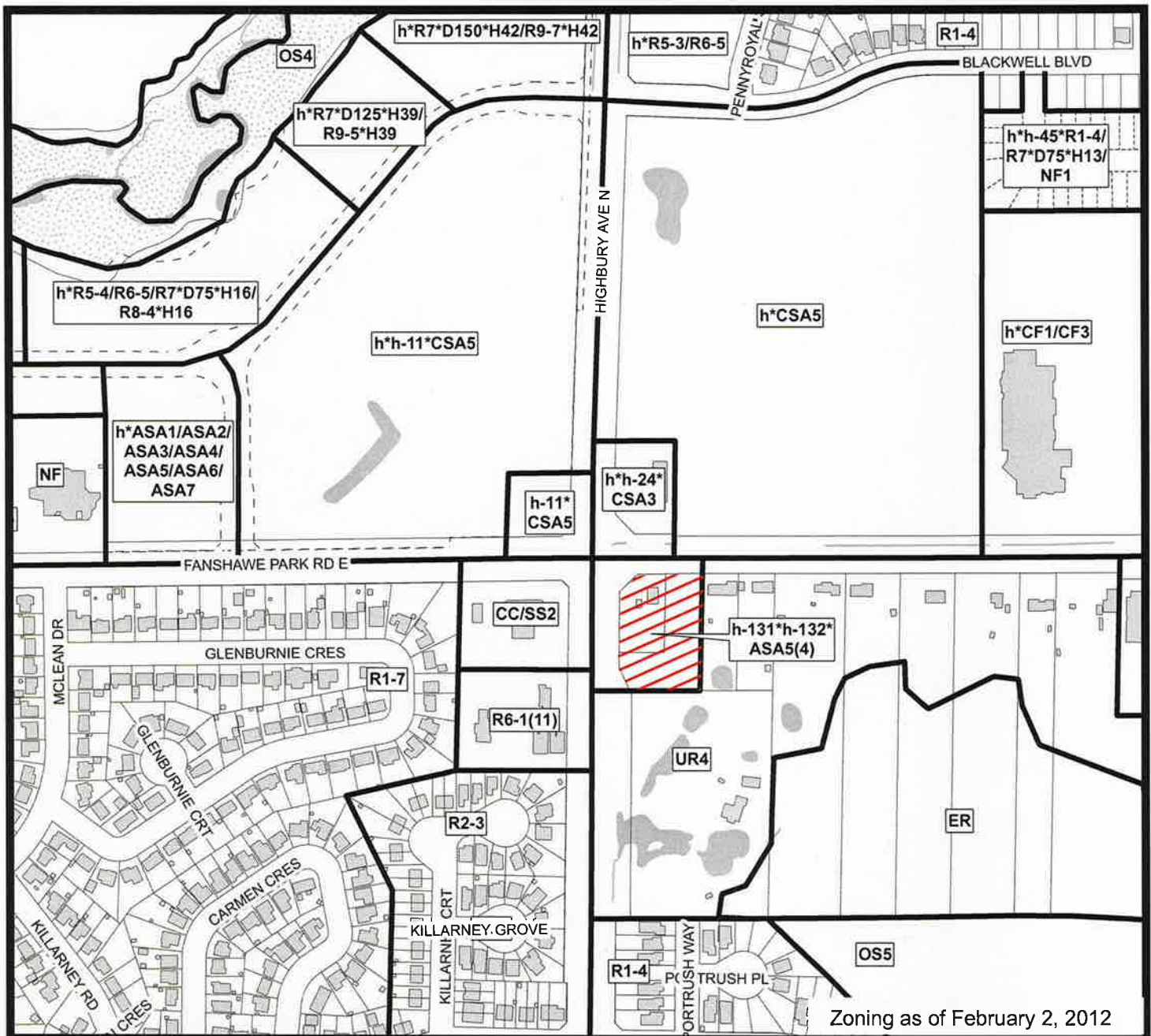
LOCATION MAP

Subject Site: 1878 Highbury Avenue North & 1411 Fanshawe Park Rd E
 Applicant: ARMOCLAN ENGINEERING LTD
 File Number: H-8011
 Planner: Nancy McKeen
 Created By: Nancy McKeen
 Date: 2012-01-30
 Scale: 1:2500

Corporation of the City of London
 Prepared By: City Managers Department

LEGEND

-  Subject Site
-  Parks
-  Assessment Parcels
-  Buildings
-  Address Numbers



Zoning as of February 2, 2012



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: h-131*h-132*ASA5(4)

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:

H-8011

NM

MAP PREPARED:

February 13, 2012

DT

1:5,000

0 25 50 100 150 200

Meters

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PLANNING HISTORY

On January 18, 2011, a zoning by-law amendment application was submitted for these lands to permit the development of a convenience store, gas bar and car wash (our file Z-7860). When evaluating the proposal, staff and Council considered not only the land-use issues but also the impact of this development on the adjacent wetland, and potential impact on groundwater and slope stability. Council adopted the Zoning By-law Amendment on April 18, 2011 and applied two holding provisions to address the following:

h-131 Purpose: To determine the extent to which development will be permitted and ensure that development will not have a negative impact on abutting wetlands and wells, an agreement shall be entered into specifying appropriate development conditions and boundaries, based on an Environmental Impact Study, a Water Balance Study and a Hydrogeological Study that has been prepared to the satisfaction of the City of London, prior to removal of the "h-(131)" symbol.

h-132 Purpose: To ensure that a Water Balance Study and a Hydrogeological Study is submitted as part of a complete Site Plan Application, the h-(132) symbol shall not be removed until the results of each study are accepted to the satisfaction of the city of London.

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

Parks Planning & Design – by memo January 26, 2012

"We have completed our final review of the reports associated with the requirements for the Environmental Impact Study to remove the holding provision.

Scoped EIS prepared by Watershed Management Ecology December 2010

We recommend approval of the EIS report based on the demonstration that the proposed development will not result in negative impacts to natural heritage features and functions on the site (UTRCA Wetland Interference Zone) or adjacent to the site (downstream wetland). We support the recommendation to protect, retain and enhance the WPZ vegetation community. Please note the following considerations when reviewing the site plan:

- 1. Ensure that all species selected for the primary enhancement planting area are of native origin. Non-native ornamental species may be used in more formal landscaped areas provided they are not invasive.*

Please provide the following editorial comments related to technical aspects of the report to the consultant:

- In the Methodology (p.3 of 8) the authority for plant species nomenclature should follow Newmaster et.al. 1998. Ontario Plant List. Ontario Forest Research Institute, OMNR, Sault Ste. Marie, Ontario.*
- In the Existing Site Conditions (p.4 of 8) Manitoba Maple is described as a non-native aggressive invasive species. This categorization is incorrect. As per Table 2 of the report, Acer negundo is correctly identified as a native plant. It does not carry a weediness index as does Rhamnus cathartica.*
- In the Vascular Plants section (p.4 of 8) the report authors noted that a ranking of Middlesex County's local flora is not available. The City of London maintains a County status list of species that is based on Oldham et.al. 1993 and Bowles et. al 1994 (for the City of London Subwatershed Studies Life Science Inventories) updated in 2000.*

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Stormwater Management Study Report prepared by Armoclan Engineering Ltd Sept.16 2011

We accept the UTRCA review and acceptance of the conclusions and recommendations contained in this report fulfilling the EIS requirements for demonstration of water balance to maintain pre-development flows and water quality to the downstream wetland.

Hydrogeological Assessment prepared by JFM Environmental May 25 2011

We accept the UTRCA review and acceptance of the conclusions and recommendations contained in this report to fulfil requirements for slope stability and demonstration of no negative impacts to groundwater. Please note the following consideration for construction timing:

1. *Where possible, complete the site construction, in particular the excavation of trenches, during the months of lowest potential for high precipitation events e.g. periods of January to March or June to September. "*

Upper Thames River Conservation Authority – by e-mail October 12, 2011

"The UTRCA has signed off on the water balance study as well as the EIS. The Authority has also signed off on the geotechnical study - the recommendations are to be implemented through our permit process. All of our concerns have been addressed."

PUBLIC LIAISON:	Notice was published in the Living in the City section of the London Free Press on February 4, 2012.	No replies
Nature of Liaison: The purpose and effect of this change is to remove the holding symbols to permit the development of a gas bar, car wash and convenience store. Possible change to Zoning By-law Z.-1 by deleting the Holding (h-112 & h-113) Provision from the subject lands. Development will not have a negative impact on abutting wetlands and wells, therefore, an agreement shall be entered into specifying appropriate development conditions and boundaries, based on an Environmental Impact Study, a Water Balance Study and a Hydrogeological Study (h-131), which shall be submitted as part of a complete site plan application (h-132).		
Responses: None		

ANALYSIS

As part of the complete site plan application (attached), and as per the h-131 & h-132 holding provision, the following studies were submitted:

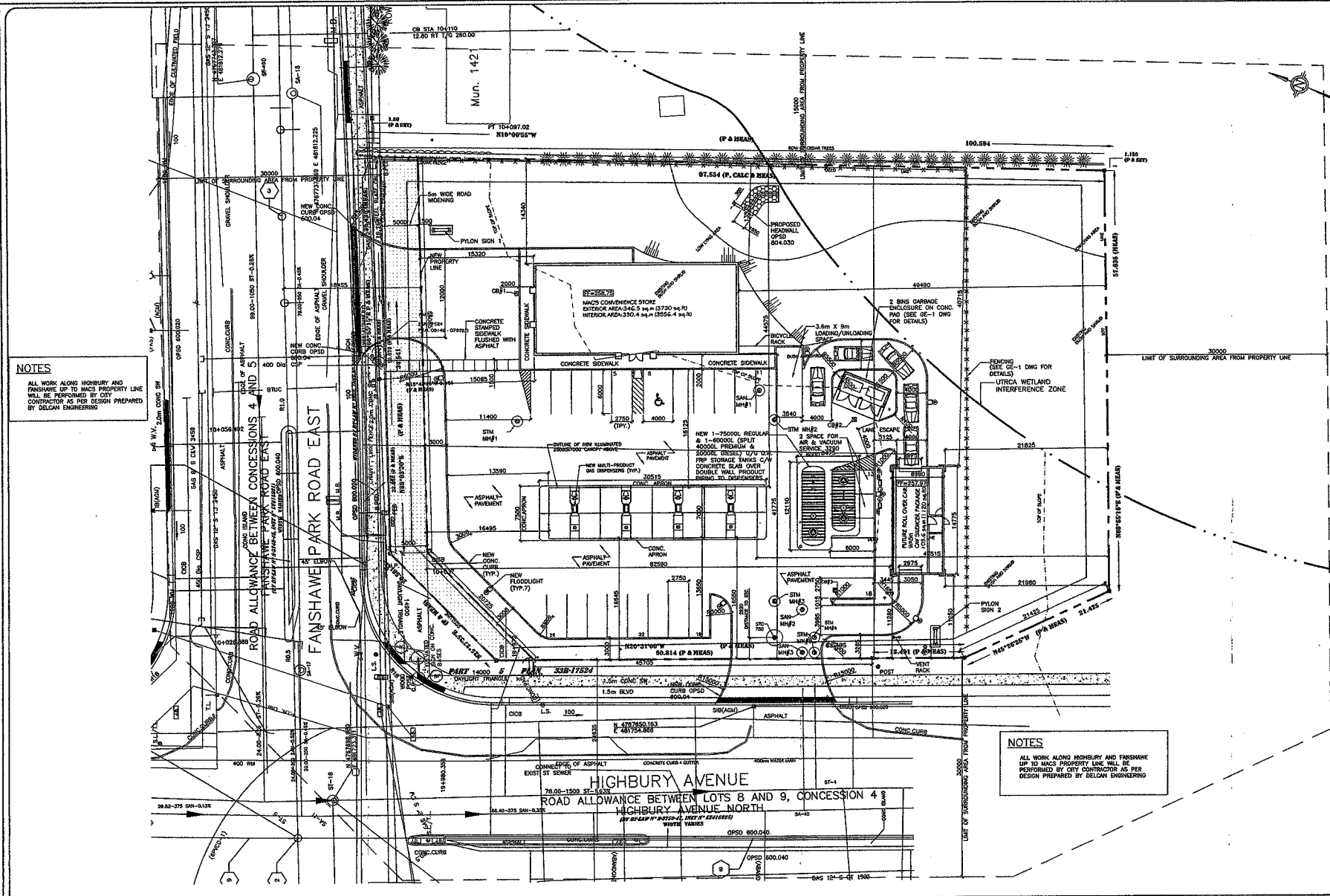
- Environmental Impact Statement (with Geotechnical Analysis) and Addendum/Response Letter – Watershed Management Ecology, December, 2010 & June, 2011;
- Hydrogeological Assessment – JFM Environmental Limited, Maym 2011; and,
- Water Balance Study (as part of Stormwater Management Study Report) – Armoclan Engineering Limited, September, 2011.

The Environmental Impact Statement (EIS) provided a general overview of the existing site conditions as they relate to the Natural Heritage System and outlined the potential impacts of the proposed development on the vegetation community, woodland and wetland sensitivities depicted by the Conservation Authority's Wetland Interference Zone (WIZ). The report concluded that the proposed development does not intrude into the WIZ and that any potential impacts of the proposed development on the WIZ can be mitigated in a manner that maintains the ecological function of the WIZ in relation to the nearby wetlands.

The overall recommendations from the EIS, Stormwater Management Report, and Hydrogeological Assessment which shall be included in the final Development Agreement include the following:

- Stormwater quality treatment and management should be discharged to existing storm sewers;
- Uncontaminated drainage from the site shall be directed to the WIZ to promote the soil moisture regime and the associated vegetation communities;

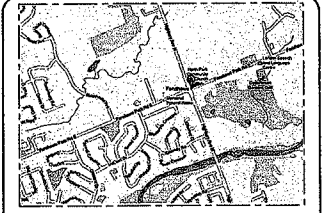
Approved Site Plan - March 30, 2012



NOTES
 ALL WORK ALONG HIGHBURY AND FANSHAWE UP TO MAC'S PROPERTY LINE WILL BE PERFORMED BY CITY CONTRACTOR AS PER DESIGN PREPARED BY DELCAN ENGINEERING

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1 SITE PLAN
 SP-1
 SCALE 1:250



KEY PLAN
 TOPOGRAPHICAL PLAN OF SURVEY
 OF PART OF
LOTS 1 AND 2
REGISTERED PLAN N° 91 (C)
 (GEOGRAPHIC TOWNSHIP OF LONDON)
 IN THE
CITY OF LONDON
 COUNTY OF MIDDLESEX

- NOTES:**
- FOR GENERAL NOTES REFER TO SITE PLAN DWG.
 - EVERYTHING IS TO BE CONSIDERED NEW UNLESS NOTED OTHERWISE.
 - EVERYTHING IS TO BE INSTALLED AS PER CLIENT STANDARD SPECIFICATIONS AND DRAWINGS UNLESS NOTED OTHERWISE.
 - CONTRACTOR TO VERIFY ALL EXISTING CONDITIONS PRIOR TO CONSTRUCTION AND REPORT BACK TO PROJECT ENGINEER ANY DISCREPANCIES.
 - THE CONTRACTOR SHALL CONFORM TO ALL GOVERNING CODE, STANDARDS AND REGULATIONS HAVING JURISDICTION.

- GENERAL NOTES**
- VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION. DO NOT SCALE DRAWINGS.
 - REPORT ALL DISCOVERIES OF ERRORS, OMISSIONS OR DISCREPANCIES TO PROJECT OR DESIGN ENGINEER AS APPLICABLE.
 - USE ONLY LATEST REVISED DRAWINGS OR THOSE THAT ARE MARKED "ISSUED FOR CONSTRUCTION".
 - DESIGN AND CONSTRUCTION OF THIS PROJECT SHALL COMPLY WITH THE PROVINCIAL AND LOCAL BUILDING CODES LATEST EDITION.
 - ALL WORKS AND MATERIALS USED SHALL COMPLY AS REQUIRED BY THE NATIONAL AND APPLICABLE PROVINCIAL BUILDING CODE, LATEST EDITION.
 - THIS DRAWING SHALL BE READ IN CONJUNCTION WITH ALL RELEVANT DRAWINGS & SPECIFICATIONS.

SITE PLAN STATISTICS

ZONING	ASA 5
LOT COVERAGE	8408 m ²
MAC'S STORE AREA	345.5 m ²
CAR WASH AREA	103.6 m ²
GARBAGE ENCLOSURE	18.0 m ²
	467.1 m ²

DESCRIPTION	REGULATION	%	PROPOSED	%
LOT COVERAGE	1822.4 m ²	30(MAX)	466.10 m ²	7
GROSS FLOOR AREA	6000 m ²	93.6	450.10 m ²	7
LANDSCAPED OPEN SPACE	961.2 m ²	16(MIN)	3263.83 m ²	51
BICYCLE PARKING	2 SPACES	7	8 SPACES	1
LOADING SPACE	1 SPACE	1	1 SPACE	1
PARKING	18 SPACES	26	26 SPACES	46
			1 BARRIER FREE	

MAC'S CONVENIENCE STORE

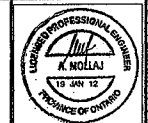
FRONT YARD	0.0	15.067m
REAR YARD	10m MIN.	49.652m
INTERIOR SIDE(EAST)	10m MIN.	13.50m
EXTERIOR	0.0	41.773m

CAR WASH

FRONT YARD	0.0	62.889m
REAR YARD	10m MIN.	25m
INTERIOR SIDE(EAST)	10m MIN.	40.763m
EXTERIOR	0.0	11.257m

CANOPY

FRONT YARD	0.0	16.485
REAR YARD	10m MIN.	47.516m
INTERIOR SIDE(EAST)	10m MIN.	44.573m
EXTERIOR	0.0	18.646m



No.	DATE	REVISIONS	INITIAL	CHECKED
1	23 NOV 10	ISSUED FOR APPROVAL	RDG	AM
2	18 FEB 11	ISSUED FOR SITE PLAN APPROVAL	WFD	AM
3	18 MAR 11	ISSUED FOR SITE PLAN APPROVAL (REVISED ENTRANCE)	RDG/SH	AM
4	15 MAY 11	ISSUED FOR SITE PLAN APPROVAL	RDG	AM
5	14 JUNE 11	ISSUED TO LONDON M800	RDG	AM
6	15 JUL 11	REVISED AS PER CITY COMMENTS	FLD	AM
7	30 AUG 11	ISSUED FOR BUILDING PERMIT	AM	AM
8	10 NOV 11	ISSUED FOR SIGN PERMIT	SH	AM
9	18 JUN 12	REVISED AS PER CITY COMMENTS	EP	AM

PROPOSED MAC'S GAS BAR
 1878 HIGHBURY AVENUE NORTH
 LONDON, ONTARIO

RECEIVED BY
 JAN 20 2012
 CITY OF LONDON
 DEVELOPMENT APPROVAL
 BUSINESS UNIT
SP-1

PROPOSED INTERM SITE PLAN

DESIGN:	AM	DWN BY:	RDG/WFP	CHECK:	AM
SCALE:	AS SHOWN	DWG. FILE:	1057-SP-1	SHEET No.:	1 of 1
DATE:	23 NOV 10	PROJ. No.:	1057		

11-015093

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- Protection/retention/enhancement of the WIZ vegetation communities through landscaping considerations;
- A detailed sediment and erosion control plan will be included and implemented at the construction stage;
- During construction, preparations should be in place to provide potable water to well owners that are being impacted by construction activities;
- Mounding of the edge of trenches and sloping the ground surface away from the trenches during construction should be utilized to minimize surface water inflow into the trenches;
- Trench related dewatering is anticipated to be handled within the 50,000 L per day volume. If this volume will be exceeded for any part of the proposed excavation, a Category 2 PTTW will be required; and
- Any on-Site out-of-service water wells that may be encountered prior to Site preparation or during construction, must be decommissioned as described in O. Reg. 903 of the Ontario Water Resources Act; and, Prior to development a Permit will be required from the UTRCA.

The recommendation of the EIS, Stormwater Management Report and Hydrogeological Assessment are implemented through accepted servicing drawings, and through Special Provisions added to the Development Agreement, which require that the recommendations and conclusion of the Hydrogeological Study, Stormwater Management Study Report, and Scoped Environmental Impact Statement be implemented throughout the development, during and after construction. This will ensure the adjacent natural heritage feature and existing groundwater will be protected.



The conditions to remove the holding provisions was to be satisfied by the signing of the Development Agreement, which has occurred on March 30, 2012. Removal of the holding provision is recommended.

As noted in the "Departmental Comments" section, both the UTRCA and Parks Planning agree with the findings and recommendations of the reports.

The proposed removal of the holding provision is consistent with the Provincial Policy Statement (PPS). The proposed development is located within a "Settlement Area" and makes efficient use of an underutilized site. Previously occupied by a refuelling station, the proposed redevelopment would efficiently use an existing Brownfield site while taking advantage of existing infrastructure. The proposed gas bar, car wash and convenience store contributes to the development of a mix of range of employment uses and does not prevent the efficient development of the lands located to the north of the subject site. A portion of the subject property is within the Wetland Interference area which is regulated by the UTRCA. The proposed site plan will preserve and enhance the naturalized area that is located on the southern portion of the property. This includes the preservation of the mature vegetation located along the south-eastern property boundary.


CONCLUSION

The applicant has submitted the reports necessary, and the recommendations and conclusions of the reports will be implemented during and after construction. The development agreement has been signed. Therefore, the removal of the holding provision represents sound land use planning and is appropriate.

PREPARED AND RECOMMENDED BY:	REVIEWED BY:
	
NANCY MCKEE, MCIP, RPP SENIOR PLANNER, DEVELOPMENT SERVICES	D.N. STANLAKE DIRECTOR OF DEVELOPMENT PLANNING

Agenda Item #	Page #

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SUBMITTED BY:

GEORGE KOTSIFAS, P. ENG. DIRECTOR OF BUILDING CONTROLS AND CHIEF BUILDING OFFICIAL

March 30, 2012

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Agenda Item #	Page #

**H-8011
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Appendix "A"

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

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to remove the holding provisions from the zoning for an area of land located at 1878 Highbury Avenue North & 1411 Fanshawe Park Road East.

WHEREAS Armoclan Engineering (on behalf of Mac's Convenience Stores Ltd.) have applied to remove the holding provision from the zoning for an area of land located at 1878 Highbury Avenue North & 1411 Fanshawe Park Road East, as shown on the map attached to this by-law, as set out below;

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

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

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at located 1878 Highbury Avenue North & 1411 Fanshawe Park Road East, as shown on the attached map, to remove the holding provisions so that the zoning of the lands as an Associated Shopping Area Commercial Special Provision (ASA5(4)) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on May 1, 2012.

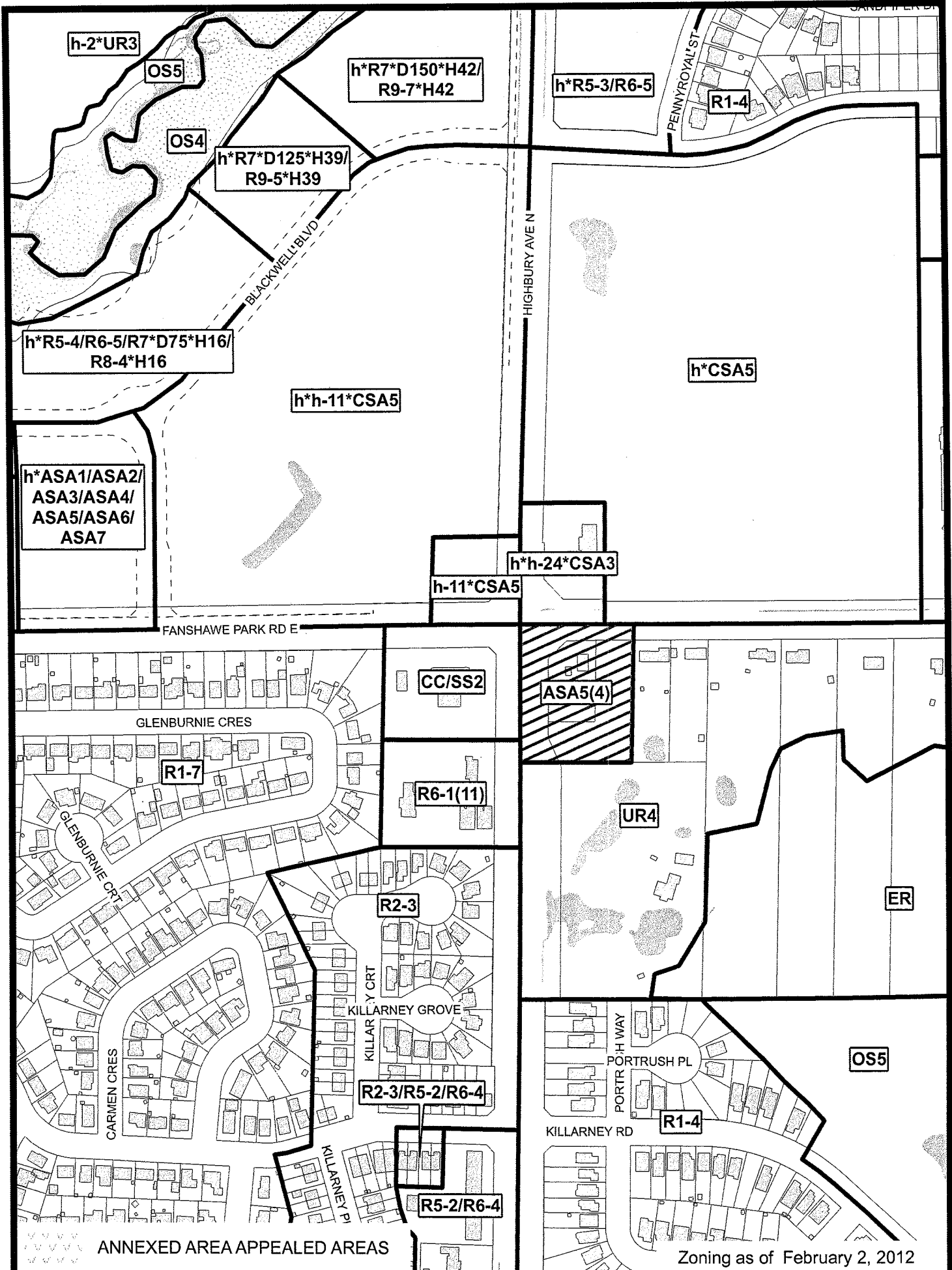
Joseph Fontana
Mayor

Catharine Saunders
City Clerk

First Reading - May 1, 2012
Second Reading - May 1, 2012
Third Reading - May 1, 2012



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



File Number: H-8011

Planner: NM

Date Prepared: February 13, 2012

Technician: DT

By-Law No: Z.-1-

SUBJECT SITE 

1:4,000

