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H-8016  
Nancy McKee

<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE</b>
<b>FROM:</b>	<b>GEORGE KOTSIFAS DIRECTOR OF BUILDING CONTROLS AND CHIEF BUILDING OFFICIAL</b>
<b>SUBJECT:</b>	<b>APPLICATION BY: 1830150 ONTARIO LIMITED 580 FANSHAWE PARK ROAD EAST MEETING ON MAY 7, 2012</b>

**RECOMMENDATION**

That, on the recommendation of the Senior Planner of Development Services, based on the application by 1830150 Ontario Limited relating to the property located at 580 Fanshawe Park Road East, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on May 22, 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 Community Shopping Area Special Provision (h-5\*h-11\*h\*103\*CSA3(5)) Zone **TO** a Community Shopping Area Special Provision (CSA3(5)) Zone to remove the holding provisions.

**PREVIOUS REPORTS PERTINENT TO THIS MATTER**

**Z-7917** - Report to Built and Natural Environment 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.

**SP12-002238** – Report to Planning & Environment Committee on site plan and Public Meeting – March 26, 2012.

**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 commercial plaza with uses such as restaurants and retail stores.

**RATIONALE**

1. The appropriate studies were submitted and accepted as part of the site plan process.
2. The public site plan meeting was held.
3. Conditions have been added to the development agreement to ensure appropriate access and urban design to the satisfaction of the City.
4. In accordance with the requirements of the holding provision, the Owner has executed the Development Agreement.

**BACKGROUND**

<b>Date Application Accepted:</b> February 8, 2012	<b>Agent:</b> Sean Eden, York Developments
<b>REQUESTED ACTION:</b> Request to remove the holding provisions from the zoning of lands located at 580 Fanshawe Park Road East to allow the development of a commercial plaza.	








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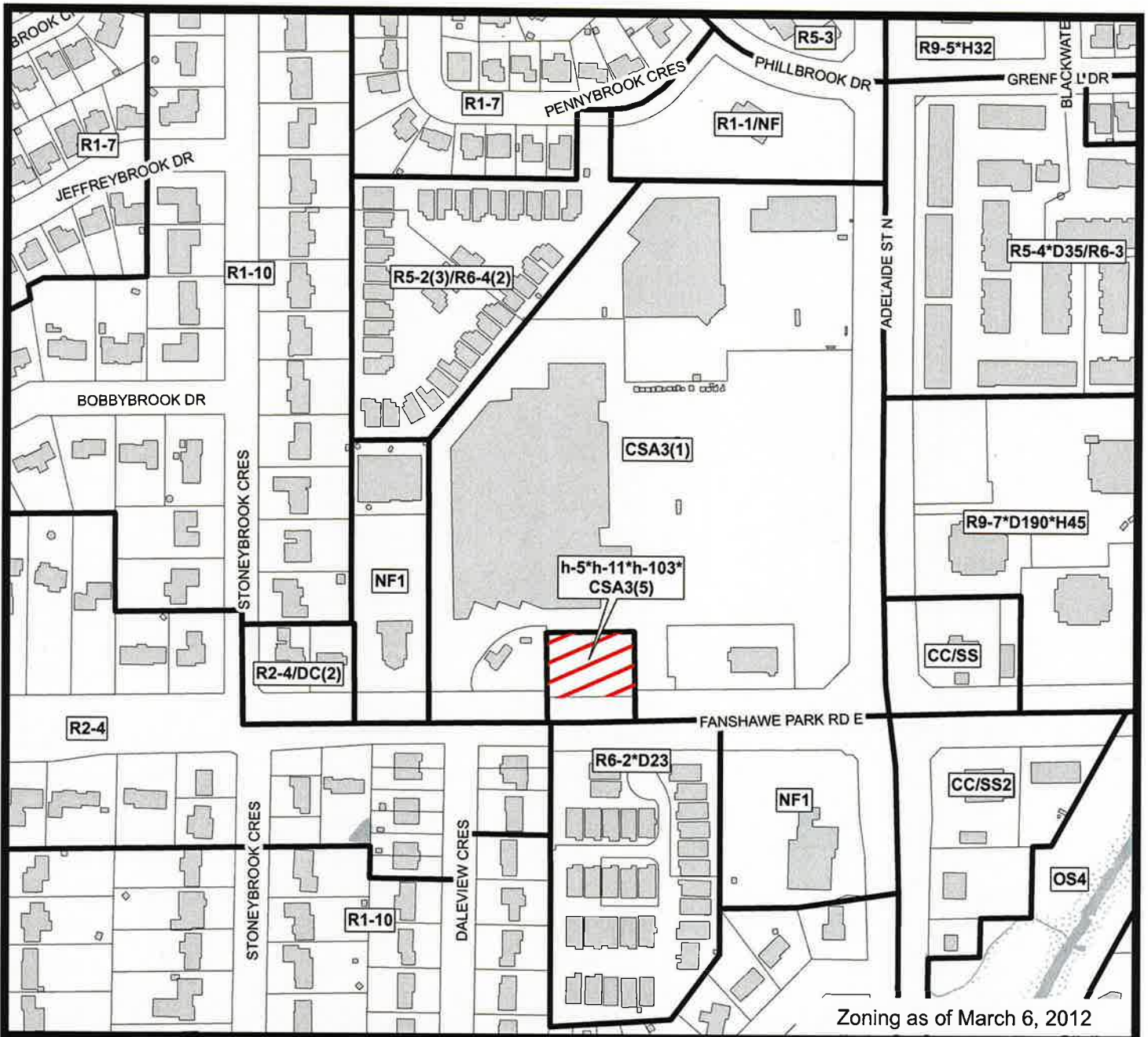
### LOCATION MAP

Subject Site: 580 Fanshawe Park Road East  
 Applicant: 1830150 Ontario Ltd  
 File Number: H-8016  
 Planner: Nancy McKee  
 Created By: Nancy McKee  
 Date: 2012-02-22  
 Scale: 1:2500

### LEGEND

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





Zoning as of March 6, 2012



**COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: h-5\*h-11\*h-103\*CSA3(5)**

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-8016

NM

MAP PREPARED:

April 26, 2012

DT

1:3,500

0 15 30 60 90 120 Meters

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**Nancy McKee**

<b>PLANNING HISTORY</b>
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On May 20, 2011, a zoning by-law amendment application was submitted for these lands to permit the development of a commercial plaza, with a series of special provisions for reduction in parking, increases in height and building coverage, and reductions in yard setbacks (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 3, 2011 and applied three holding provisions to address the following:

- 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.
- 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.
- 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 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.

<b>SIGNIFICANT DEPARTMENT/AGENCY COMMENTS</b>
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<b>PUBLIC LIAISON:</b>	Notice was published in the Living in the City section of the London Free Press on February 18, 2012.	No replies
<p><b>Nature of Liaison:</b> City Council intends to consider removing the holding (h-5, h-11, h-103) provision which was put in place to: a) ensure that development takes a form compatible with adjacent land uses, agreements shall be entered into following public site plan (h-5); b) ensure the orderly development of lands, a development agreement associated with a site plan which provides for appropriate access arrangements to the satisfaction of Council; and, c) ensure that urban design is addressed at site plan, a site plan will be approved and a development agreement will be entered into which incorporates the design objectives as identified in the Council resolution. The Planning &amp; Environment Committee will consider removing the holding provision(s) as it applies to these lands no earlier than March 26, 2012.</p> <p><b>Responses:</b> None</p>		

<b>ANALYSIS</b>
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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 Street North 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 Provincial Policy Statement, 2005 (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The proposed redevelopment and intensification of an existing contaminated site within an established urban area is an efficient reuse of the lands. The proposed redevelopment will utilize existing municipal services and available infrastructure. The proposal is on an existing arterial road with transit routes and

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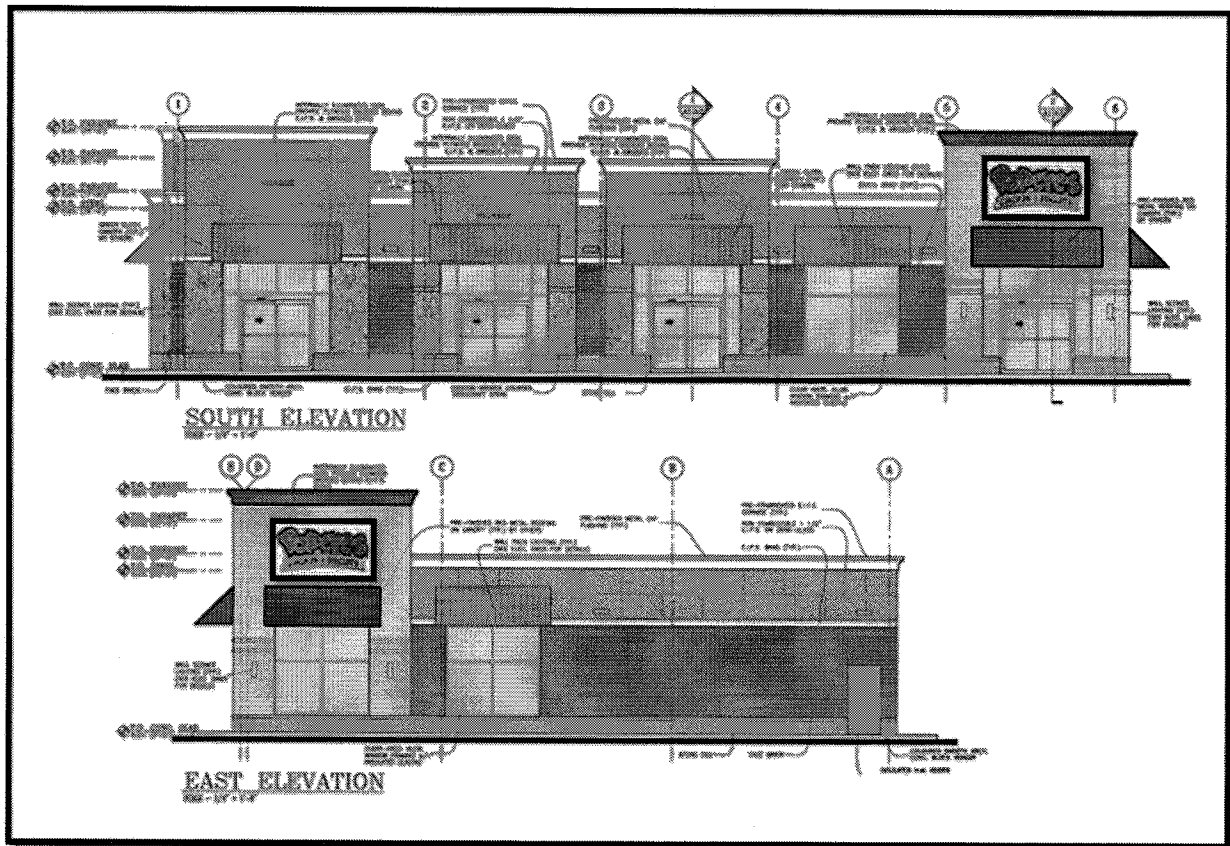
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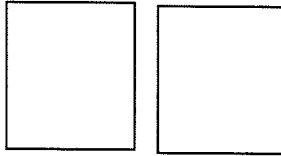
shared efficient and safe vehicular access/egress points. The proposal will result in the redevelopment of a contaminated site. The subject site has no natural heritage features. The proposed redevelopment is outside the influence of a natural hazard. The development meets the policies of the Official Plan and conforms to the zoning by-law approved for the site.

**h-5 Public Site Plan Meeting**

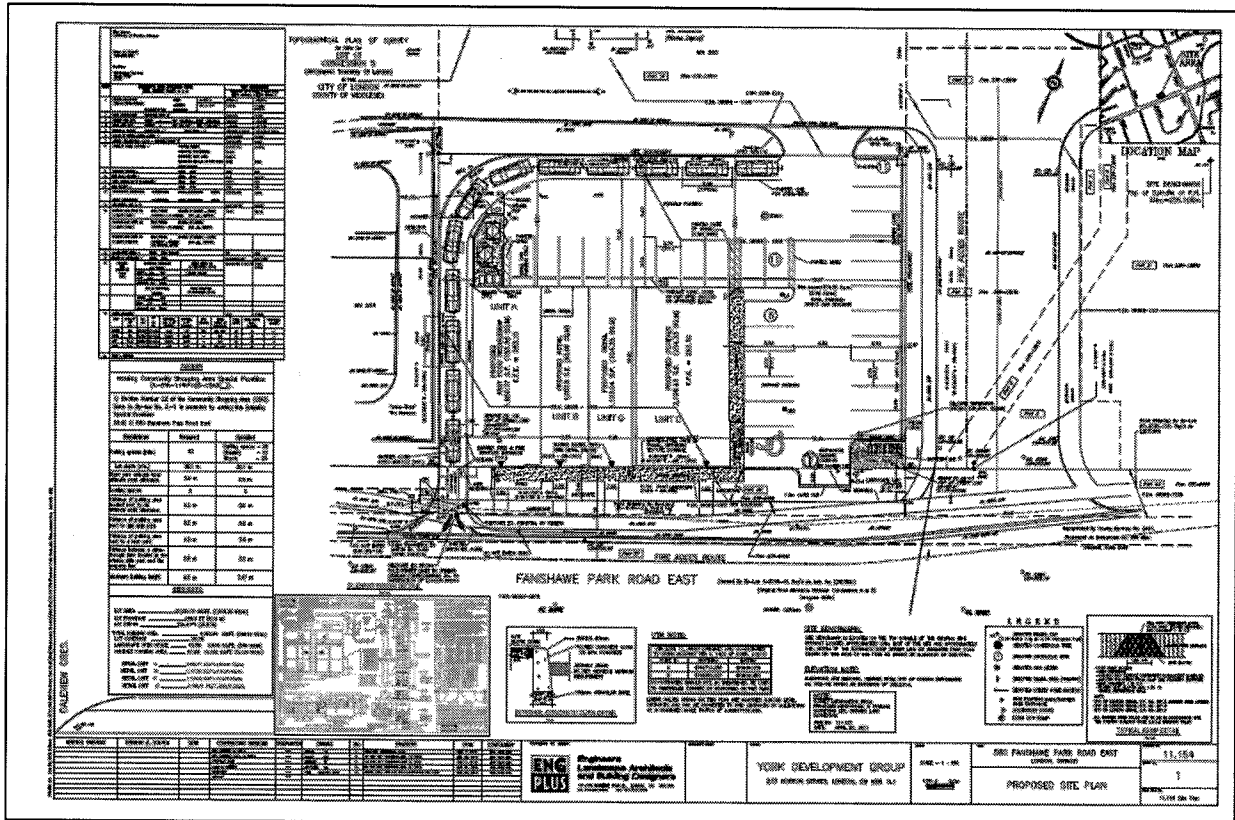
The proposed site plan was submitted on January 26, 2012. The public site plan meeting was held on March 26, 2012. The Site Plan Approval Authority did not support the plan as submitted because bicycle parking was not located near the entrances, there was no adequate separation between the rear of the building and vehicular parking spaces to allow for pedestrians to circulate safely to the front of the building, the driveway width was substandard, the turnaround facilities were proposed on the City road allowance, and it was anticipated that there would be significant on-site parking problems. Staff felt that these functional matters could be addressed if the building footprint were reduced. The Applicant submitted a revised site plan at the public meeting, which had moved the bicycle parking towards the entrances by eliminating one parking space, and created an additional pedestrian walkway for safer circulation. Notwithstanding the Site Plan Approval Authority's recommendation, Council supported the revised site plan.

**Elevations and REVISED Site Plan from March 26<sup>th</sup> Public Meeting  
– 580 Fanshawe Park Rd E**





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**h-11 – Appropriate Access**

On October 31, 2011, an information report was reviewed by the Built and Natural Environment Committee which outlined the traffic patterns and provided an 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. 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. The applicant changed their plan to comply with this recommendation. The development agreement includes clauses which require joint access with the adjacent lands to the north.

**h-103 - Urban Design Peer Review Panel**

Through the site plan application, an urban design brief and elevations were submitted. 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:

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;**

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- 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 WHEREAS 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 were addressed through subsequent drawing submissions, through the access along Fanshawe Park Road East being eliminated from the plan, and through the shifting of the garbage enclosure of the driveway. However, the other comments were not incorporated. However, since the site plan was recommended for approval by Council, notwithstanding Staff's recommendation, staff will move forward with the lifting of the holding provision.

A public meeting has occurred and the conditions to remove the other two holding provisions were satisfied by the signing of the Development Agreement, which occurred on April 23, 2012. Removal of the holding provision is therefore recommended.

<b>CONCLUSION</b>
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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 implement the preferred urban design principles as recommended by Council. Shared access arrangements have been approved and incorporated into the final site plan. A public meeting was held as per the h-5 holding provisions. Overall the development is in keeping with the Community Commercial Node designation and approved zoning for the site. 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.

<b>PREPARED AND RECOMMENDED BY:</b>	<b>REVIEWED BY:</b>
	
<b>NANCY MCKEE, MCIP, RPP SENIOR PLANNER, DEVELOPMENT SERVICES</b>	<b>D.N. STANLAKE DIRECTOR OF DEVELOPMENT PLANNING</b>
<b>SUBMITTED BY:</b>	
	
<b>GEORGE KOTSIFAS, P. ENG. DIRECTOR OF BUILDING CONTROLS AND CHIEF BUILDING OFFICIAL</b>	

April 26, 2012

Agenda Item #	Page #

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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 580 Fanshawe Park Road East.

WHEREAS 1830150 Ontario Limited has applied to remove the holding provision from the zoning for 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 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 580 Fanshawe Park Road East, as shown on the attached map, to remove the holding provisions so that the zoning of the lands as a Community Shopping Area Special Provision (CSA3(5)) 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 22, 2012.

Joseph Fontana  
Mayor

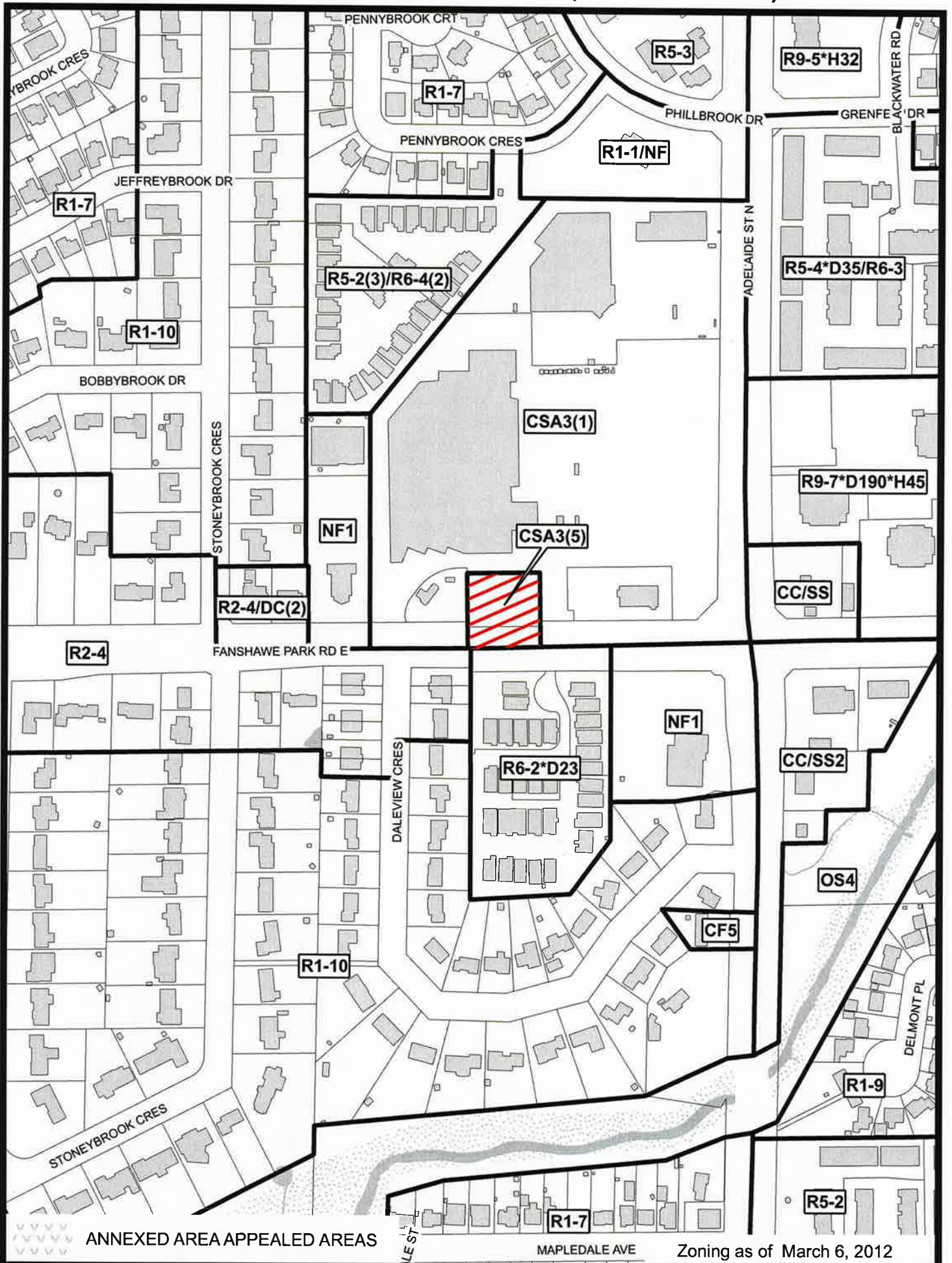
Catharine Saunders  
City Clerk

First Reading - May 22, 2012  
Second Reading - May 22, 2012  
Third Reading - May 22, 2012





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



File Number: H-8016

Planner: NM

Date Prepared: April 26, 2012

Technician: DT

By-Law No: Z-1-

SUBJECT SITE



1:3,500



0 15 30 60 90 120 Meters