

**KNUTSON DEVELOPMENT
CONSULTANTS INC**

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September 9, 2011

Project No: KEN-2
Bierens / Perparos

Corporation of the City of London
300 Dufferin Ave.
London, ON, N6A 4L9

Attention: Mr. Bud Polhill, Chair of Built and Natural Environment Committee

Re: Bierens / Perparos draft plan of subdivision 39T-08502

Dear Chairman Polhill;

Monday evening we will again deal with the draft plan and conditions for the above. I am presenting a red line version of the plan (attached) that incorporates all areas of agreement on red line changes and does not show the 2 access blocks (4 lots). It continues to show the commercial block as such (block 203). Attached to this report is a justification report for the commercial block 203. I have not attached a draft amendment as your Committee's direction will provide the basis for that and also an amending Zoning By-law.

The issue of the city design versus the Kenmore design was discussed at Committee last winter. We have calculated that in terms of saved servicing costs and the additional premium lots the difference in value is that the Kenmore plan is greater than the city design by approximately \$750,000.

There has been a great deal of controversy with staff and discussion about what Kenmore is seeking. Our suggestion that block 203 as well as the 2 properties north was to us a common sense approach to a future land use based on the location and property dimensions on Hyde Park Road. Kenmore made this suggestion to deal with the staff recommendation to take the equivalent of 4 lots for future access if the properties (including block 203) became residential. Kenmore has no other issue than this. This has been clearly communicated to staff via email.

As to the commercial designation for block 203, Kenmore is fulfilling its covenant to the vendors (agreement of purchase and sale and subsequent mortgage) to return this as such. In attempting to be helpful in finding a solution it has become lost as to what my clients intention was. Simply restated it was to provide a practical opportunity for the three properties that would rely on their continued access to Hyde Park Road.

To address the missing commercial justification report, we did not do the expensive and labour intensive work to analyze the "need". Simply put the need will fill the space at the appropriate time. The historic use of 2 of these properties, the change for the lands just north of the three in discussion and the limited capability of the properties for residential use should in my opinion be justification enough.

Based on the structure of the Official Plan as it has been changed in 2008, the designation that would make the most sense is a continuation of the frontage of the lands south of South Carriage Road. If the property to the north was so designated, however, it would not be able to be redeveloped based on the current use. I have recommended a Special Policy approach be used based on Main Street Commercial as the basis and also permitting historic uses.

The matter of proper notice has been raised by staff in our discussions. I have no authority to deal with the 2 properties to the north and as such can only recommend that an OPA be initiated by the city or alternatively, that Council give direction that these 2 properties be changed during the current 5 year review. Alternatively if Council initiated the OPA for the northerly properties, we are content to either defer Kenmore's lands to be included or deal with us now and them in the future.

One matter that has arisen while reviewing the proposed conditions of draft approval has to do with condition 49. In that staff have required that Sydenham Investments certify that they have received payment for half the cost of the road along South Carriage Drive. The issue of payment for road was litigated over the past number of years and has reached a conclusion with payment for all road sections being provided. We continue to be concerned with a potential hostile relationship. One of the serious issues through that litigation was for Sydenham to provide its back up material for Kenmore's engineers to review. That took a great deal of the courts time and was so ordered. The solution at the end was based on the city relying on the certification of someone that may not have complete objective capabilities.

If there is any payment due, Kenmore would prefer to have the city provide it with experienced costs for a secondary collector netting off the cost of sewers which were installed here by others and paid for from the Urban Works Reserve Fund. If any payment is actually required, the above approach ensures a level of fairness. That would require a rewording of condition 49.

There is a long staff report for information. Kenmore is seeking the following:

1. That draft plan of subdivision file 39T-08502 (consolidated) be approved as red line amended based on the Kenmore redline attached, subject to the conditions as proposed in the staff report and amended to apply to the Kenmore plan. Amend conditions 1, 39, 40, 46 and 87
2. That conditions and redline amendments that pertain to reserving access blocks for lands fronting onto Hyde Park Road not be required and that these be part of the lot fabric of the draft plan. Delete conditions 44 and 94
3. That the matter of compensating the developer of South Carriage Road (Sydenham Investments) (Condition 49) be done, if proven necessary, based on city provided experienced costs for half of a secondary collector road netting out the cost of excavation and services.
4. That the Official Plan be amended as it pertains to block 203 of 39T-08502 from a Medium Density Residential designation to an appropriate designation under Chapter 10, Special Policies, that would permit similar uses and site development standards as the lands to the north at 1407 and 1427 Hyde Park Road and allowing for the historic use as a "garden centre".
5. That the 2 parcels of land immediately north of the subject lands (1351, 1357, and 1369 Hyde Park Road) be reviewed in the 5 year Official Plan review (2011) to be included as Main Street Commercial and also permit historic uses.

6. That the Zoning By-law (By-law Z-1) be amended it being noted that the BDC2(4) zone needs to also include a garden centre as a permitted use.

This has been a long process made more difficult through review of the pond by outside agencies, the creation of the pond which rendered Hyde Park Gardens as we have known it for decades as not being able to survive, and the confusion created over the commercial designation versus the taking of 4 lots for the benefit of others for future access.

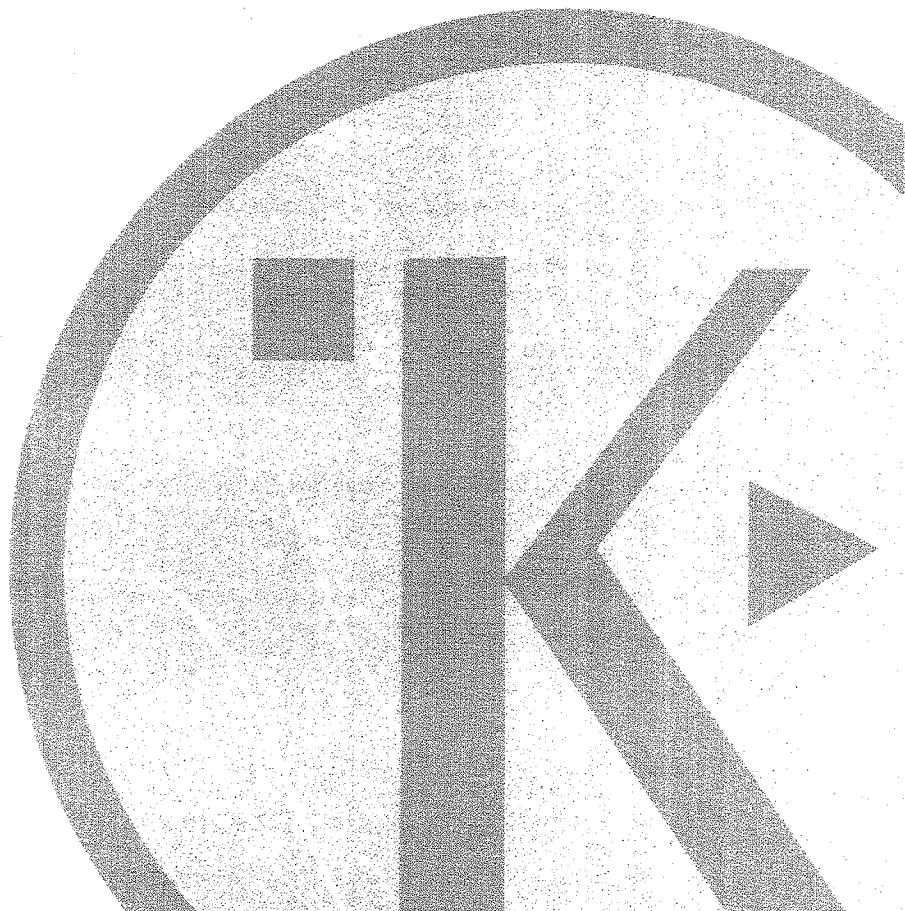
Thank you for your patience and on behalf of Kenmore we look forward to bringing this subdivision to the development stage.

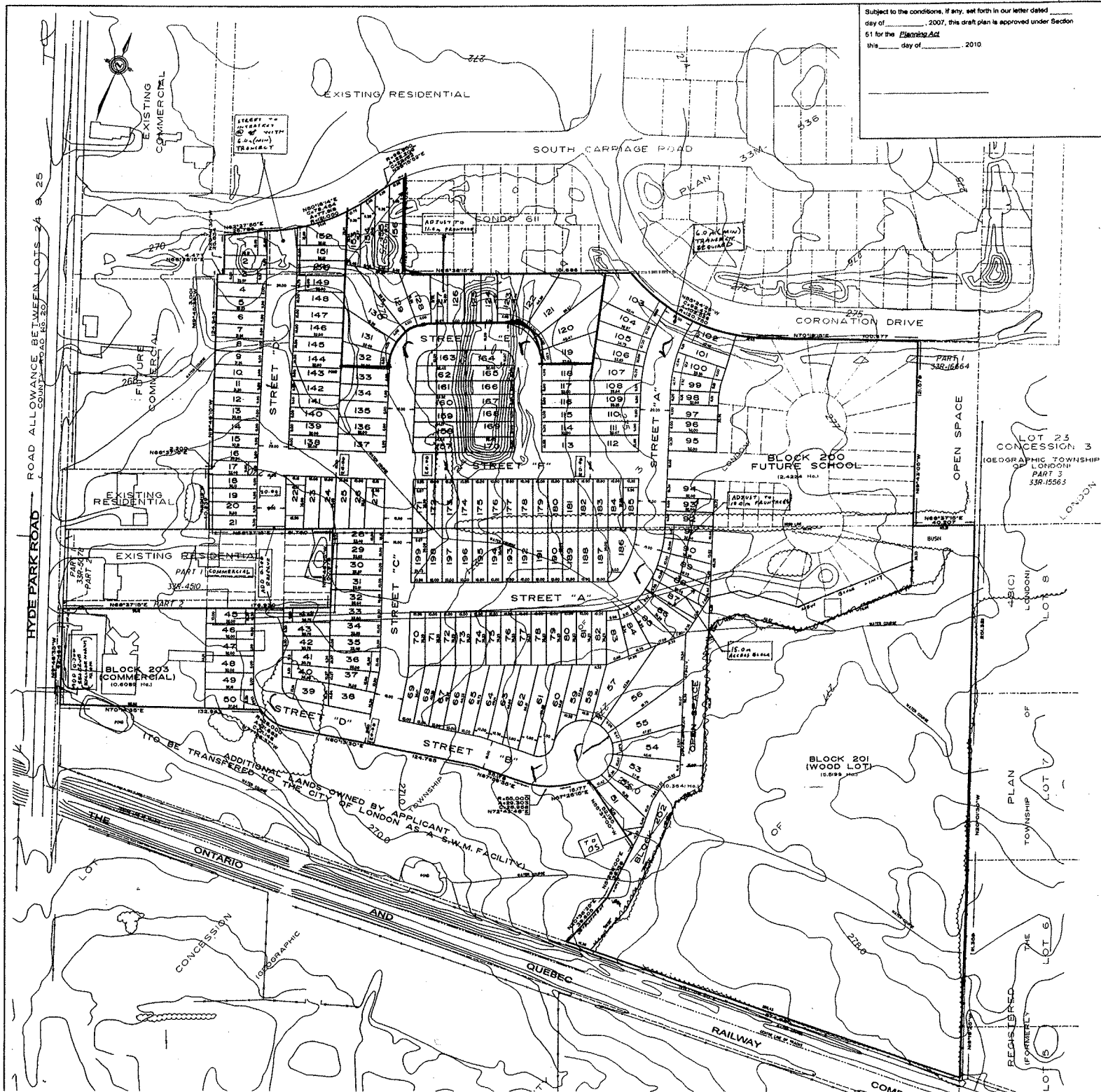
Yours very truly,
Knutson Development Consultants Inc.



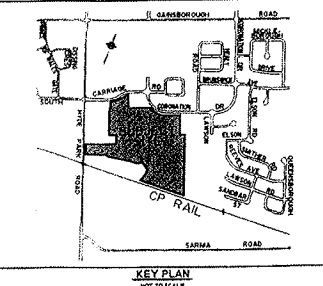
Ric Knutson

Cemail: client
 Committee Secretary
 David Ailles
 Allister MacLean





Subject to the conditions, if any, set forth in our letter dated _____ day of _____, 2010, this draft plan is approved under Section 51 for the Planning Act this day of _____, 2010.



DRAFT PLAN OF SUBDIVISION
OF PART OF
LOT 24
CONCESSION 3
(GEOGRAPHIC TOWNSHIP OF LONDON)
IN THE
CITY OF LONDON
COUNTY OF MIDDLESEX
SCALE: 1:1000
MAY 2010
ARCHIBALD, GRAY & MCKAY LTD.
ONTARIO LAND SURVEYORS

SURVEYOR'S CERTIFICATE:
I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN PER ARCHIBALD GRAY & MCKAY LTD.
May 26, 2010
BRUCE S. BAKER
ONTARIO LAND SURVEYOR

OWNER'S CERTIFICATE:
I, RIC KNUTSON AM AUTHORIZED TO SUBMIT THIS DRAFT PLAN OF SUBDIVISION ON BEHALF OF THE OWNER, NEWMORE HOMES (LONDON) INC.
May 26, 2010
RIC KNUTSON

- ADDITIONAL INFORMATION REQUIRED UNDER SECTION 51(7) OF THE PLANNING ACT.**
- (a) AS SHOWN
 - (b) AS SHOWN
 - (c) AS SHOWN
 - (d) AS SHOWN ON SCHEDULE OF LAND USE
 - (e) AS SHOWN
 - (f) AS SHOWN
 - (g) AS SHOWN
 - (h) PIPED WATER TO BE PROVIDED
 - (i) CLAY LOAM SOIL
 - (j) STORM AND SANITARY SEWERS TO BE PROVIDED
 - (k) AS SHOWN ON PLAN

SITE DATA

TOTAL SITE AREA	18,2664 Ha.
AREA OF STREETS	2,7654 Ha.
AREA OF RESIDENTIAL LOTS	7,5657 Ha.
(LOTS 1 - 99)	
AREA OF SCHOOL BLOCK (BLOCK 200)	2,4224 Ha.
AREA OF OPEN SPACE (BLOCK 200)	0,344 Ha.
AREA OF WOOD LOT (BLOCK 201)	5,599 Ha.
AREA OF COMMERCIAL BLOCK (BLOCK 203)	0,6099 Ha.

METRIC:
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048. AREAS SHOWN ON THIS PLAN ARE IN HECTARES AND CAN BE CONVERTED TO ACRES BY MULTIPLYING BY 2.47105.

AGM ARCHIBALD, GRAY & MCKAY LTD.
265 SOUTHVILLE RD., LONDON, ON, N6C 1G2
PHONE 819-866-4300 FAX 819-866-6202

**Land Use Change
Justification Report
City file: OZ-7510**

1331 Hyde Park Road

Introduction

The intent of this report is to provide background and context for a possible land use change from the current Multi-Family Medium Density Residential to an appropriate Commercial land use designation within the City of London Official Plan.

The lands primarily considered in this report are a 0.69 ha. parcel of land that is a remnant from previous commercial use reduced in size by the creation of the City of London Storm Water Management Facility (SWM) 1B1. It also represents the current frontage of the lands known as the "Bierens" lands and a draft plan of subdivision, city file 39T-08502 (consolidated) as well as Zoning File Z-7489 and Official Plan amendment file OZ-7510. The lands under consideration as a draft plan total 14.4 ha of which the lands being considered are 0.69 ha. (Block 203, 39T-08502 (consolidated)).

This report and the author's retainer extend only to the "Bierens" lands. Similar circumstances regarding location can be interpreted for the other adjacent lands.

Location and Surrounding Land Use

The lands in question front onto the east side of Hyde Park Road immediately north of City SWM facility 1B1 currently under construction. Adjacent to the SWM facility to the south is the CPR main railway line that connects London to places to the west.

Immediately north of 1331 Hyde Park Road is a commercial facility known as Fanshawe Motors and a single detached house (1351 & 1357 Hyde Park Road), north of that is a single detached residential use (1369 Hyde Park Road). From the house at 1369 north is approximately 1.45 ha. of vacant lands designated as Main Street Commercial. Lands north are a variety of Auto Oriented

Commercial uses (TSC Store, Practical Plumbing) and other commercial and residential uses associated with the development of the hamlet of Hyde Park.

To the west and on the west side of Hyde Park Road from south to north is SWM facility 1, 4 vacant lots totaling 1.39 ha. having frontage and depth characteristics similar to the current site and the 2 properties north of there. North from there, is a residential site with a number of outbuildings (1420 Hyde Park) with an area of .7 ha., and frontage of 65 m with a similar depth to the previously mentioned parcels along Hyde Park Road.

North from South Carriage Road, is a partially constructed townhouse development that was initially built about 10 years ago and has never been fully occupied. At present there are 10 units constructed most of which remain vacant.

Current Official Plan

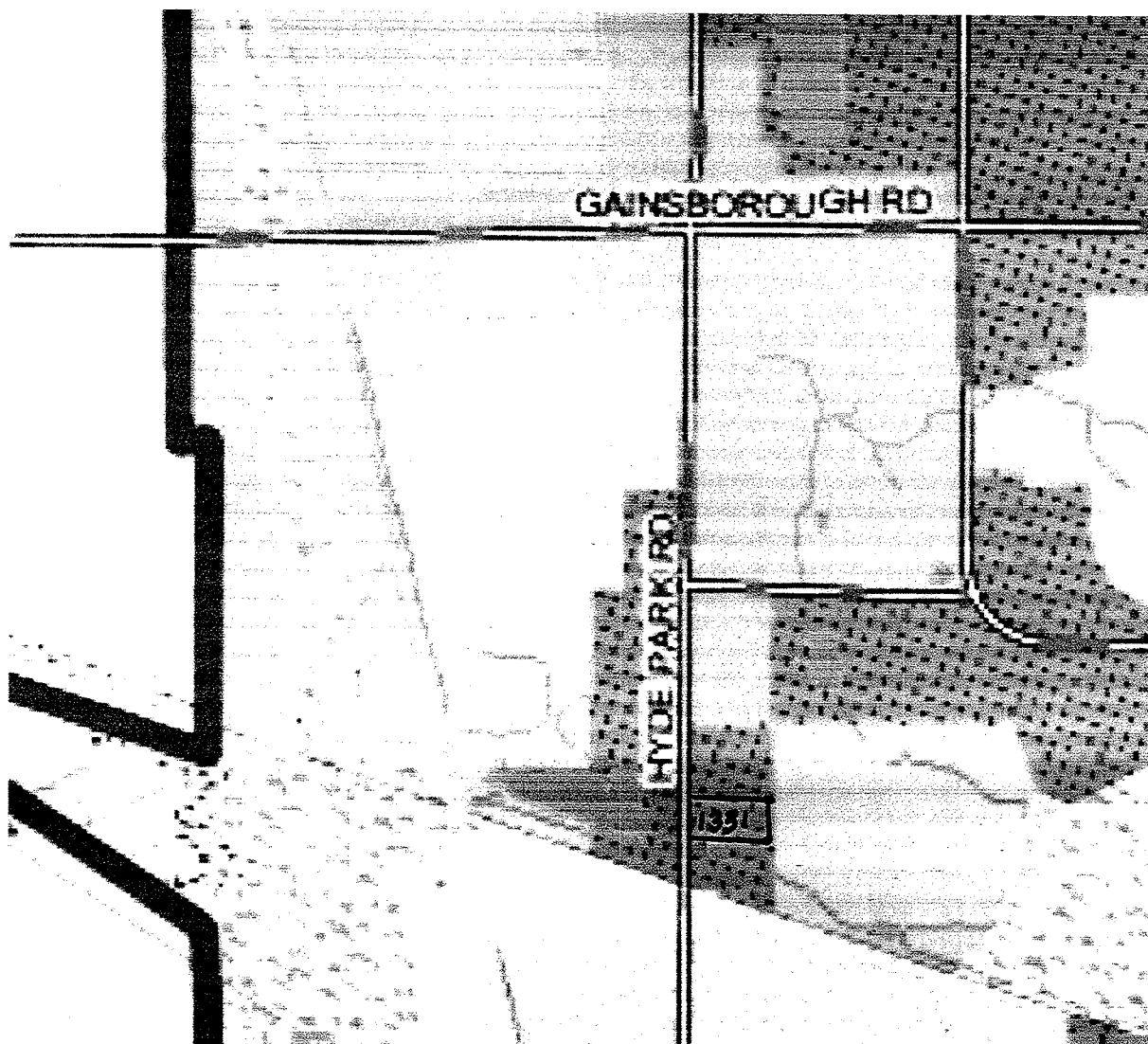
An excerpt from the Official Plan is attached with the subject lands identified as 1331. The current designation is Multi-family Medium Density Residential (MFMD) as are lands to the south and north as well as opposite on Hyde Park Road.

Approximately a decade ago, the Hyde Park Community or Area Plan was completed resulting in the Official Plan designations that are currently there. The initial proposed land use also included the lands at 1407 and 1427 Hyde Park Road as (MFMD). When the Official Plan was enacted, however, these lands were changed to Business District (now Main Street Commercial). That along with the lands required for SWM facility 1B1 significantly reduced the area for future MFMD residential. At the time of the designation it should be noted that both 1331 and 1357 were active commercial uses. The use at 1331 continued until this spring when it was abandoned due to inadequate size for the nursery use that had been present.

The current designation that would apply to both a garden centre and Fanshawe Motors would be Auto Oriented Commercial. That has been the basis of the current request to amend the Official Plan. It must be stated that the current application to amend the Official Plan was in 2006.

The Official Plan contains policies that prefer that Auto oriented Commercial uses be consolidated and not as independent stand-alone uses. The Main Street

Official Plan Excerpt



designation which is likely more appropriate for the future integration of these lands into the pedestrian oriented nature of the future of Hyde Park does not permit the historic use, nor does it permit the existing use to the north.

A special policy would allow the current and historic uses as well as better provide for the redevelopment of the lands consistent with lands immediately north of 1369 Hyde Park Road.

Historic Elements

The site in question has been in a successful commercial use long before the lands were annexed into London in 1993. It is unknown how far back in time they have existed and understand that it is greater than 50 years.

The Official Plan had obviously anticipated that there would be a residential corridor leading to the hamlet centre. That may have been achievable, however, the size and shape of the remaining parcels, their current use, other locational aspects such as arterial road and railway main line render them difficult, at best, to be used for their planned for purpose (MFMD).

Future Elements

According to the GMIS update for the City of London, Hyde Park Road in this location will be rebuilt in 2015 (GMIS project 3.4 (ii)). The previous year (2014) the rebuilding will be done immediately south of Sarnia Road (GMIS project 3.4 (i)). Typically with these arterial road reconstruction projects road capacity is added and likely this road will be widened to achieve a 5 lane cross section. This will have a significant impact on the ability of the subject site even in consideration with adjacent sites to the north to achieve the planned for purpose of MFMD.

Commercial Needs

In 2007 as part of the 5 year Official Plan review process, a comprehensive review was completed of the entire city. That summary map prepared by Meridian Consultants is attached.

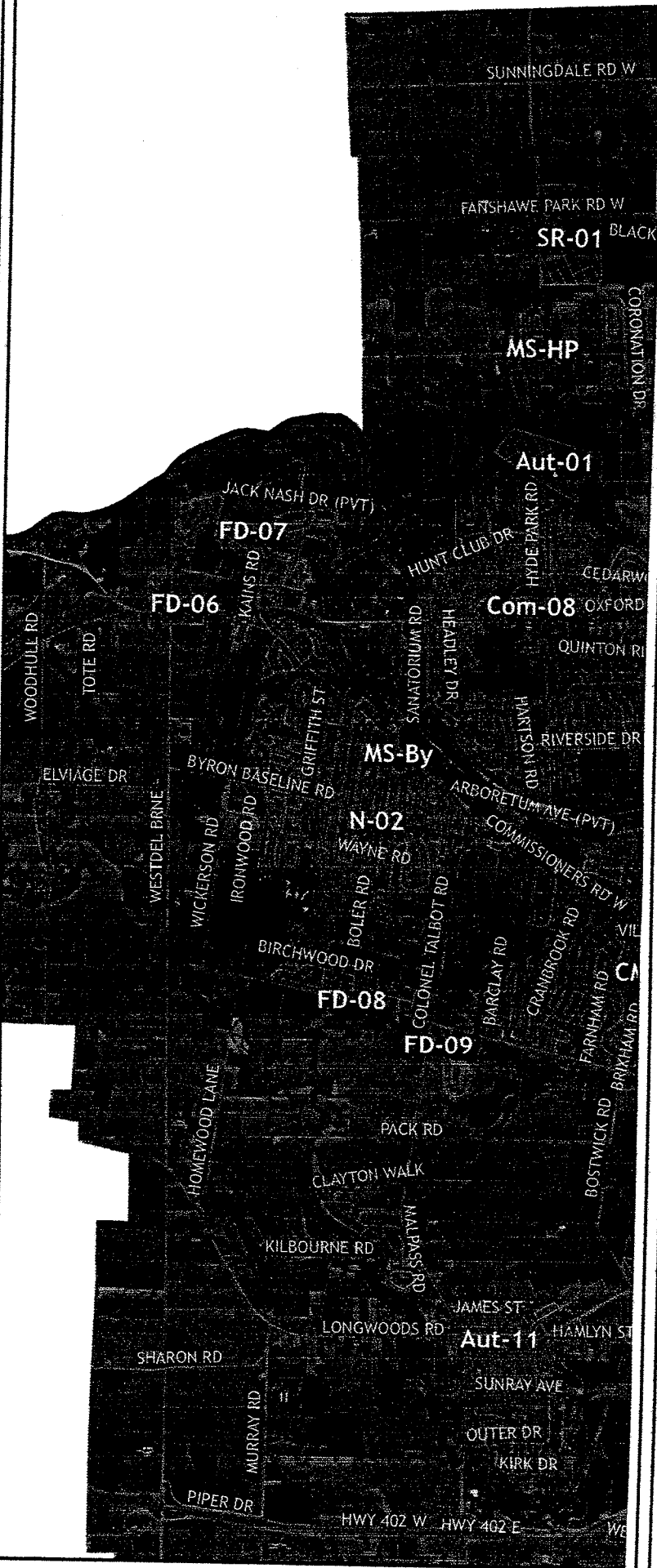
There are 3 principal areas of commercial activity associated with Hyde Park.

City of London COMMERCIAL POLICY REVIEW

Map 1: Identified Commercial Areas

LEGEND

- R Regional
- SR Sub-regional
- CMU Community Mixed Use
- Com Community
- N Neighbourhood
- MS Main Street
- Aut Corridor - Automobile Oriented
- FD Future Development
- O Other



MERIDIAN
PLANNING CONSULTANTS INC.

July 3, 2007
3259

The Sub region of SR-01 at Fanshawe Park Road is a large format retail area that currently has 2 vacant properties being 6 ha. and 2.4 ha. The type of commercial anticipated by the large format policies is distinctly different that that in either the Main Street or Auto Oriented Commercial designations that are street and pedestrian focused smaller scale with more immediate commercial uses provided.

The Hamlet or Village core (MS-HP) along both Hyde Park Road and Gainsborough have evolved over many years as typical strip commercial with residual residential and converted residential buildings. The types of uses that are present are typical of the previous Arterial Commercial forms of development. The Commercial Policy review map identifies 2 small vacant parcels.

In terms of vacant and redevelopment parcels, the lands north of the subject site (1407 and 1425) are vacant. At a normal development rate of 20% coverage, this would result in approximately 2,800 Sq. M. of new commercial space. There is also a block at the front of the Northcliffe high-rise condominium development. It is unknown if there are any commercial plans for this as the Main Street Designation also allows for residential forms of development.

The subject site if redeveloped for new commercial use, would contribute approximately 1,300 sq. M. of commercial space at the same 20% coverage rate above.

Constraints

The size, shape, location all provide significant constraints to the development of the subject site for its planned for purpose. Value while not being a dominant consideration for planning purposes must also be taken into account.

At maximum MFMD density, there is a theoretical yield from the subject site of 51 units (75 u/ha. X .69 ha.) Due to its small size, parking requirements etc., that yield would be reduced significantly and would be in the form of a low rise apartment building. If the site were to develop for more traditional townhouse forms of development, the Theoretical yield would be approximately 20 units. A review of the shape and dimensions of the parcel would also reduce this number.

As to success in this location, we need only look slightly north and west to the 10 unit town house development at 116 South Carriage Road. It is apparent that

there is infrastructure for additional townhouse units. A review of city records identified that the development agreement was initially registered March 6, 2001 with a revised development agreement registered October 18, 2005. Initial building permits were applied for, cancelled and reapplied for and issued in 2005 and 2006. Those permits are shown as still being under inspection. As of the writing of this report, three of ten units appear to have been occupied. It is unknown as to what circumstances have resulted in the lack of performance of this site.

Similarly is an under performing townhouse site located at 1571 Coronation Drive (at Gainsborough). 39 units were approved, 13 constructed, and 10 now occupied. Three of the units have been partially constructed for a number of years. Again it is unknown as to the set of circumstances that lead to the lack of success. There are a number of other medium density developments constructed over the past ten years that have been successful in this area.

Summary and Conclusions

The lands at 1331 Hyde Park Road have been in commercial use for more than 50 years. They have recently been vacated as a product of the site loss to the construction of the city's SWM facility 1B1. They were included in an Official Plan amendment application that was accepted in 2006 requesting that the official Plan be amended from Multi-family Medium Density residential to a restricted Service Commercial category reflecting the use of the day and allowing for other similar future uses. In 2008 an Official Plan review was completed and the lands were not reviewed in context of the outstanding application, nor was any notice received by the owners. In 2008, many land use designations were changed at least in name. The closest designation to the historic use as well as the land use of the neighbouring property to the north is Auto Oriented Commercial. The main Street designation is more helpful in integrating these lands into the fabric of the hamlet of Hyde Park as intended by the Design Guidelines. In that regard, a major pedestrian linkage is proposed through SWM 1B1, connecting into the woodlot and further to the park located on Coronation Drive.

There is a practical aspect of the current land use designation that renders it unlikely to ever be achieved. There are constraints of the rebuilding of Hyde Park Road, the CPR railway tracks, the small size of the parcel at 1331 Hyde

Park. Also just north on a similarly small property adjacent to Hyde Park Road has been a troubled MFMD development that has struggled for years.

While not represented by the author, the lands at 1351, 1357, and 1369 are similarly small parcels that are also unlikely to be able to achieve the city's currently stated policy objectives of MFMD Residential. They are not part of the recommended Official Plan amendment but rather should be viewed during the next 5-year Official Plan review (2011).

Recommendation

Given the language of the Official plan related to Auto oriented Commercial uses and designations, and the more appropriate designation as Main Street Commercial, it is recommended that a Special Policy approach be used to permit the historic use, but to allow future uses to be developed in accordance with the Main Street Commercial designation. To ensure consistent language in any Official Plan amendments, they should more properly be done by the city.

All of which is respectfully submitted.

Knutson Development Consultants Inc.

September 2011

