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TO:	CHAIR AND MEMBERS -PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING DIRECTOR, LAND USE PLANNING AND CITY PLANNER
SUBJECT:	HYDE PARK COMMERCIAL AREA OFFICIAL PLAN AND ZONING REVIEW 1331-1369 and 1364-1420 Hyde Park Road MEETING ON Monday, May 28, 2012

RECOMMENDATION

That, on the recommendation of the Director of Land Use Planning and City Planner, the following report **BE RECEIVED** for information, and that **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, noting that Staff met with the Hyde Park Business Association and the Applicant's agent on April 25, 2012 as directed by Council on April 10, 2012.

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

March 26, 2012 Hyde Park Commercial Review Report to PEC

BACKGROUND

On April 10, 2012 Council resolved;

4. *That, notwithstanding the recommendation of the Director of Land Use Planning and City Planner, the request to amend the Official Plan land use designation and Zoning By-law for lands located at 1331-1369 and 1364-1420 Hyde Park Road **BE REFERRED** to the April 16, 2012 Planning and Environment Committee (PEC) meeting to permit an opportunity for the Hyde Park Community Association, the Civic Administration and the applicant to further discuss the proposal and report back to the PEC with the results of the discussion. (2012-D11-04/D26-03) (4/8/PEC)*

Meeting with Hyde Park Business Association

Prior to the meeting with both the Applicant's agent and the Hyde Park Business Association, staff were asked by the Business Association, through their President, Nicole Buteau, to attend their next scheduled monthly meeting on April 18, 2012. Approximately 10-12 business owners were in attendance. It should be noted that this meeting was at the Association's request, not staff's, so the Applicant's agent was not present at this meeting.

Staff provided an overview of the issue, discussed the previous Planning Staff report (attached) and answered any questions they had. On April 19, 2012 the Association forwarded a letter (attached), supporting the previous staff recommendation to maintain the Multi-Family, Medium Density Residential designation on the subject properties.

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Meeting with Hyde Park Business Association and Applicant’s Agent

On April 25, 2012, Allister Maclean (Senior Planner assigned to Kenmore file) and Chuck Parker met with Mr. Knutson and Mr. Morrissey (Kenmore Homes) and Nicole Buteau of the Hyde Park Business Association to discuss the outstanding issues. Mr. Knutson submitted a letter dated April 24, 2012 in response to the staff report (attached). With regards to the request for a commercial land use designation on these lands, there appear to be three issues:

1. the ability of Mr. Plante (owner of 1351-1357 Hyde Park Road) to rebuild his auto repair/sales business on the property under the Legal Non-Conforming regulations of Zoning By-law No. Z-1;
2. the suitability and economics of the sites for townhouses; and,
3. access to Hyde Park Road for any future residential development.

Mr. Plante would like to rebuild his auto repair/sales business at the front of the property at some time in the future, and has asked whether the Legal Non-Conforming regulations in Sections 1.3 and 4.16 of Zoning By-law Z-1 would allow him to do that; and if not, what process he would have to go through to do that. Zoning staff do not provide opinions on these matters in advance of any application, as the opinion would be dependent on the actual situation and request made, however, provisions of the Zoning By-law and the *Planning Act* do provide opportunities to recognize non-conforming uses.

Should Council wish to specifically recognize the existing auto repair/sales establishment at 1351-1357 Hyde Park Road and allow for the redevelopment of this site to permit the same use, this could be accomplished through the application of a Special Policy in the Official Plan and an associated site-specific zoning by-law amendment for this property.

The second issue is whether these sites are suitable for future residential development. Planning staff addressed this issue in the March 26, 2012 report, and Mr. Knutson has provided his opinion in two separate letters. The matter was discussed further, with no resolution. Planning staff are still of the opinion that the sites are appropriate for residential uses. Mr. Knutson feels they are more appropriate for commercial development. It should be noted that the lands to the north were designated commercial through a resolution of an appeal to the Hyde Park Community Plan in 2000. These lands have yet to develop for commercial uses.

The last issue discussed was access. The current redline revision to the subdivision application identifies a block to be provided for a future access from the currently designated Medium Density block to the internal street system. Kenmore Homes believes that any medium density residential development would have to access through the internal street system. Staff indicated that this is not always the case, and is often dependent on the form and density of the future development along the arterial road, in this case, Hyde Park Road. In some instances, combined driveway access from the adjacent residential blocks to the arterial, rather than through the internal street system, is permitted. The final access points would be determined based on discussions with Traffic once a design for the properties is finalized. Similar access issues would need to be addressed at the time of an application for the residentially designated lands on the west side of Hyde Park Road.

Summary

After meeting with the Applicant’s agent and Business Association, and reviewing the additional correspondence provided, Planning staff are still of the opinion that the current Medium Density Residential land uses designation is appropriate for these lands, and that an extension of the commercial designation to these lands is not warranted. The Hyde Park Business Association is in agreement with this position.

It should be noted that there have been no concerns raised with the Medium Density Residential land uses designation on the west side of Hyde Park Road (1364-1420 Hyde Park Road). The

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Medium Density Residential designation on the lands on the east side of Hyde Park Road (1331-1369 Hyde Park Road) is consistent with the direction of the Hyde Park Community Plan. Issues of access to the internal street system from these lands would be confirmed at the time of an actual application for the lands fronting on Hyde Park Road. The existing non-residential uses that have legal non-conforming status may continue. The future use of these lands would be evaluated at the time of any future application.

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

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