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April 19, 2012

**W.J. Charles Parker**  
Senior Planner ~ City Planning and Research  
City of London  
206 Dundas Street  
London, ON N6A 4L9  
Email: [cparker@london.ca](mailto:cparker@london.ca)

Dear Mr. Parker:

**Subject: Hyde Park Road Commercial Review, Official Plan and Zoning Review,  
1331-1369 and 1364-1420 Hyde Park Road**

On behalf of the Hyde Park Business Association, I thank you for attending our meeting on April 18, 2012 and providing information and answering questions regarding the zoning of the subject properties.

The Hyde Park Business Association supports the following 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.”

We support the existing designation in the Official Plan of Multi-Family, Medium Density Residential.

Sincerely,

Nicole Buteau, 2012 President  
Cc: Matt Brown, Ward 7 Councillor  
Paul Hubert, Ward 8 Councillor

**KNUTSON DEVELOPMENT  
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April 24, 2012

Project No: KEN-10  
Bierens / Perparos

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

Attention: Bud Polhill, Chairman Planning and Environment Committee

**Re: Response to Hyde Park Rd. Commercial Review  
VIA EMAIL TO REBECCA RUDDY**

Dear Mr. Polhill;

Subsequent to the Planning and Environment Committee meeting of March 26, 2012 where the city Planning staff presented their report on the above captioned, the following is my response on behalf of Kenmore Homes (London) Ltd.

**BACKGROUND**

As you'll recall the Built and Natural Environment Committee last August/September Council directed staff to review the 3 properties on the east side of Hyde Park Rd. with a view to them being commercial. Kenmore's interest is with 1331 Hyde Park Road; there are two other properties to the north of my client's lands at 1331. An additional part of that review was to include all vacant parcels along Hyde Park from the intersection of Gainsborough Road through to the CPR tracks.

The issue from my client's perspective is related to the current Multifamily Medium Density Residential designation and the staff proposal to remove four (4) lots from the proposed draft plan to allow properties of others to ultimately access into the subdivision. These lots are proposed to be conveyed to the city who would then hold them in trust to sell them to others for their driveways onto the internal road system and close off their frontage onto Hyde Park Road

The 3 properties on the east side of Hyde Park Rd. total slightly in excess of 1.5 hectares. The lands controlled by my client at the site of the former Hyde Park Gardens are .69 ha (the staff reports this as 14.4 ha.). On a significant portion of the lands previously occupied by Hyde Park Gardens, the city has constructed a storm water management facility (1B1). As a result of a loss of significant land base for the pond, the commercial garden center has closed. The draft plan of subdivision application also includes an application to amend the Official Plan for this parcel to be commercial. Admittedly that application has had a number of changes and revisions to it in part related to the 2008

comprehensive Official Plan review process which concluded after the draft plan application was submitted. The most appropriate designation would be a continuation of the "Mainstreet Commercial" with a special provision for auto repair for Fanshawe Motors.

The property immediately to the north is currently occupied by Fanshawe Motors. The owner of those lands has participated in the process and has identified his future intent to redevelop the property for commercial purposes including vehicle repair. The current zoning would not allow any expansion and any proposed redevelopment for commercial purposes would not conform to the existing Official Plan. His use is, however, protected as a legal nonconforming use pursuant to section 34 (9) of the Planning Act. That provision permits the continuation of the business in the state and location it currently is. Typically a nonconforming use signifies Council's ultimate intent that the use ceases to exist in the long-term.

The next property to the North is currently in residential use. We understand that the owner of those lands is sympathetic and supportive of them coming into a commercial designation.

Lands immediately north of these 3 parcels have been designated as Mainstreet Commercial in the new Official Plan. The northerly limit of this extends beyond Gainsborough Road.

On the west side of Hyde Park Rd. are 3 other parcels that are currently vacant and for completeness were included in the analysis. We note from the staff report that these four vacant parcels have been identified as subject to city tax sale. We understand that these are now in the City's ownership

The next section of this report will comment on the individual and subheadings within the staff report. My response is primarily directed at the conclusions as summarized in the section "**Is a Change to Commercial Appropriate**":

#### **Historic Use.**

The staff report characterizes these parcels as being remnant rural parcels. Agricultural use of the rear of the Bierens property (the subject lands) ceased approximately 5 years ago. Prior to that the land was leased and cash crop. The front portion, also leased, has been in use as Hyde Park Gardens for many years. As noted previously one of the consequences of pond 1B1 was to severely limit the land area associated with former Hyde Park Gardens. While Hyde Park Gardens may have started as an accessory agricultural use its function was urban and commercial since annexation.

Fanshawe motors has also been in existence for a number of years.

The character of the frontage of the lands between the existing commercial designation and part 1 B1 is not rural. The historic use of the lands being commercial ought to be recognized formally for a number of reasons not the least of which is their history.

#### **The change for lands just north of 1369 Hyde Park Rd. leaving 3 properties not commercial**

The Hyde Park community plan was prepared in 2000 and it proposed to terminate the

commercial designation at S. Carriage Way. Subsequent to that, and for whatever reasons, the Perparos lands were designated commercial. The result of that was to leave 3 orphan properties in question.

Of note throughout the city Multifamily Medium Density Residential designations are located adjacent to arterial roads as a buffer for the lower intensity low-density residential behind. What is normally the case in those situations is that the multifamily medium density plans have direct access onto a secondary collector so they are not routed through the low-density lands. In this case the Secondary Collector access has been eliminated

The re-designation of the Perparos lands illuminated this important connection from multifamily medium density lands to the secondary collector. We are not aware of other circumstances in London where medium density uses are routed through low-density subdivisions.

The 3 parcels in question are proposed to be routed through the low-density lands. This is quite contrary to normal practice and presents a land-use conflict all on its own. Each of the 3 parcels in question currently have frontage on Hyde Park Rd. Should they ever developed for residential purposes accesses could be combined thereby minimizing traffic conflict with the adjacent subdivision.

#### **Limited capability of these lands for residential uses a custom size and shape**

Staff, on page 7 of their report, has concluded that a development form similar to what has already occurred in the area could be accomplished if these 3 properties were combined. My reference to these 3 properties is related to the East side of Hyde Park Rd. The development form overlain on these 3 properties has failed in each location within the Hyde Park planning area.

1630-1672 Bayswater Crescent; this project commenced in May of 2004 has yet to be completed.

1571 Coronation Dr.; this project of 39 units was commenced in July of 2005, 24 units have yet to be completed.

116 South Carriage Rd.; this project commenced in May of 2005 there are currently many vacancies and this project has been in receivership at least once during the past 7 years.

Since being back in London since 1984 the author has been directly involved in hundreds of development properties. My involvement has included not only the planning and also the execution of many of these projects. One aspect prior to commencing any project is to review its feasibility. I can assure you that the assembly of the 3 parcels on the east side of Hyde Park Rd. (3+ / minus acres) would not be considered economically viable. Also the location of this small parcel adjacent to an arterial road and a mainline railway does nothing to enhance its value for the development form proposed.

#### **Widening of Hyde Park Rd. in 2014**

The previous report, September 2011, identified the proposed widening in 2015 as a contributing factor. High-density uses are often times located adjacent to high-traffic generators such as arterial roads. That type of building itself mitigates the negative impacts of noise associated with arterials and even railways.

#### **Similar parcels north of S. Carriage Way have been unsuccessful as residential**

Staff speculated in their March 2012 report that servicing issues were the delay in these failed projects. Neither subdivision nor site plan approval would be granted without a commitment for servicing. Many projects in Hyde Park were delayed and site plans and subdivisions not processed until servicing issues have been rectified. In the case of the Bierens subdivision for example pond 1B1 is necessary for storm water management. There were other lands within the same catchment area that had projects delayed until the pond was built (Gainsborough Properties Inc.). Also there was a temporary freeze on development related to the expansion of the Oxford Street pollution control plant. That plant was significantly expanded a number of years ago.

The project at Hyde Park and South Carriage Way has had a number of owners and receivers over the years. The projected 1571 coronation (Coronation and Gainsborough) had financial difficulties and ultimately ended up in receivership. The project on Bayswater Crescent is still not complete although it started about 7 years ago. For any developer these 3 projects would be sufficient evidence to not propose this form of development.

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

We have repeatedly asked for the authority by which the city believes they can take lots from Kenmore and sell them for private purposes. The response has been "because we've done it before". We are not aware of any authority such as the Expropriation Act, the Planning Act, or the Municipal Act that would give the city the right it is proposing to take in this instance.

These four lots had a retail value to Kenmore of approximately \$280,000. Moreover, if these lots were held by the city until residential development was proposed it is not unreasonable to assume that a decade or more could pass. Since major builders such as Kenmore rely heavily on marketing and building in specific areas their activities in the subdivision would have ceased years ago. Setting aside the inadvisability of the Hyde Park frontage becoming residential, if the city continues to believe in those merits, as opposed to commercial, then they can make an offer to purchase these four lots at the above-mentioned figure. As you can tell by the values this is a very serious issue in Kenmore's eyes.

#### **SUMMARY**

The total area on the east side of Hyde Park Rd. under debate is approximately 3 acres in total size. Each individual parcel has virtually no capability to develop for the use intended currently in the Official Plan. Even if assembled these 3 parcels although

physically possible of being developed for residential uses, would never be able to be economically feasible with property acquisition and the value of existing buildings that would require demolition.

The Multifamily Medium Density Residential designation in the Official Plan also permits a variety of non-residential uses such as small-scale offices, convenience commercial, nursing homes, rest homes, emergency care facilities etc. These types of uses have more feasibility on these lots but have absolutely no need for any access directly to the subdivision relying instead on their arterial road access.

The norm for Multifamily Medium Density Residential adjacent to arterial road is for them to have direct access to a secondary collector road. In this case staff are proposing that the more intense land-use go all away through the less intense land-use. This is a land-use conflict, and does not represent good land use planning.

The development concept relied upon by staff to justify the feasibility of developing these 3 lots for residential purposes has failed on 3 different sites all within the Hyde Park neighbourhood.

The city lacks the authority to take lots, hold them in trust to sell to other private interests all the while proposing to close off the access these private lands have onto and existing municipal street. If the City is truly truly serious about the acquisition of these four lots Kenmore would be pleased to receive an offer to purchase them from the city.

Staff in their review of the Hyde Park Design Guidelines identified the pedestrian linkages that are important to the evolution of the community. The pond immediately south of the three subject parcels has a pedestrian linkage through to the woodlot and then out to Coronation Drive at the City Park. With the development of these lands and lands to the north a continuous sidewalk would ultimately exist.

This project has languished now for number of years initially related to a number of designs of the storm water management ponds, and now related to the commercial use issue. The initial acquisition and commencement of processes at the city started in 2005. 7 years later there is a storm water management pond, there is agreement on a road pattern and lot layout, but there is no agreement about the Hyde Park frontage. Kenmore has an outstanding application to amend the Official Plan along the Hyde Park frontage to a commercial designation. This application, with direction from Council, can be expanded to include 2 properties to the north and recirculated. We are seeking to have Council finally grant the draft approval and direct that Official Plan amendment with respect to the commercial.

We look forward to appearing before you at the next available committee meeting to finalize this.

Yours very truly,  
**Knutson Development Consultants Inc.**



Ric Knutson

Cemail: client  
Phil Morrissey  
DABU: Allister MacLean  
City Planning: John Fleming, Charles Parker

