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**File: OZ-8115**  
**Planner: B. Debbert**

<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING &amp; ENVIRONMENT COMMITTEE</b>
<b>FROM:</b>	<b>JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER</b>
<b>SUBJECT:</b>	<b>APPLICATION BY: CLAYBAR DEVELOPMENTS INC. 2825 TOKALA TRAIL PUBLIC PARTICIPATION MEETING ON FEBRUARY 26, 2013</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of Claybar Developments Inc. relating to the property located at 2825 Tokala Trail:

- (a) An amendment to the Fox Hollow Community Plan be approved at the Municipal Council meeting on March 5, 2013 to change the land use at 2825 Tokala Trail **FROM** Low Density Residential and Medium Density Residential, **TO** High Density Residential and Commercial as illustrated in Appendix "A".
- (b) the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on March 5, 2013 to amend the Official Plan to change the designation of the subject lands **FROM** a Low Density Residential designation and a Multi-family, Medium Density Residential designation **TO** a Multi-family, High Density Residential designation and a Neighbourhood Commercial Node designation and to amend Section 3.5 – Policies for Specific Residential Areas, to permit: on the north part of the lands, low and high-rise apartment buildings, apartment hotels, multiple attached dwellings, emergency care facilities, nursing homes, rest homes, homes for the aged, and rooming and boarding houses as the primary permitted uses, and convenience commercial uses in the ground floor of an apartment building, up to an overall maximum of 1,050 square metres of gross floor area, and oriented either to Dalmagarry Road or to a future or existing commercial development on lands to the immediate south; and to permit on the south part of the lands, small retail stores, food stores, pharmacies, convenience commercial uses, personal services, financial institutions, service-oriented office uses, community facilities, professional and medical/dental offices, small-scale restaurants, commercial recreation establishments, and similar uses that draw customers from a neighbourhood-scale trade area as the main permitted uses.
- (c) the proposed by-law attached hereto as Appendix "C" **BE INTRODUCED** at the Municipal Council meeting on March 5, 2013 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan as amended in part (b) above, to change the zoning of the subject property **FROM** an Urban Reserve (UR3) Zone which permits existing dwellings, agricultural uses, conservation lands, managed woodlots, wayside pits, passive recreation uses, kennels, private outdoor recreation clubs and riding stables, **TO**, on the north part of the property, a Holding Residential R9 Special Provision/Holding Convenience Commercial Special Provision (h-120•R9-7(\*)•H30/CC6(\*\*)) Zone to permit apartment buildings, lodging house class 2, senior citizens apartment buildings, handicapped persons apartment buildings, continuum of care facilities, townhouses and stacked townhouses with a maximum height of 30 metres, densities ranging from 125 to 150 units per hectare, a minimum yard depth abutting the commercial zone to the south of 0.0 metres, a minimum east yard depth of 5.0 metres, and a maximum yard depth abutting Dalmagarry Road and Tokala Trail of 5.0 metres, and convenience commercial uses in the ground floor of an apartment building including convenience service establishments, convenience stores, financial

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institutions, personal service establishments, medical/dental offices, food stores, restaurants, brewing on premises establishments, day care centres, offices, studios, bake shops, commercial schools, florist shops and pharmacies, with a maximum total gross floor area of 1,050 m<sup>2</sup>; and on the south part of the property, a Holding Neighbourhood Shopping Area Special Provision (h-120•NSA5(\*\*\*)) Zone to permit bake shops, catalogue stores, clinics, convenience service establishments, day care centres, duplicating shops, financial institutions, food stores, libraries, medical/dental offices, offices, personal service establishments, restaurants retail stores, service and repair establishments, studios, video rental establishments and brewing on premises establishments with a maximum total gross floor area of 6,000 square metres, a maximum gross floor area for a food store of 3,200 square metres, a maximum gross floor area for one individual use of 1,000 square metres, and lesser maximum gross floor areas for all other uses, a minimum yard depth abutting the residential zone to the north of 7.0 metres, a minimum east yard depth of 5.0 metres, and no parking permitted between any building or structure and any road allowance.

- (d) The Site Plan Approval Authority **BE REQUESTED** to consider the following design issues through the site plan process:
- i) The development be generally in keeping with the plans attached hereto as Appendix “D”;
  - ii) For the residential portion of the site:
    - Ensure active uses such as lobbies, amenity areas, and/or residential units with separate front entrances are located on the ground floor of the proposed apartment buildings, in particular in the portions of the buildings that front onto Dalmagarry Road and Tokala Trail.
    - Ensure the entrance into the lobby of residential building “B”, located at the corner of Dalmagarry and the internal private drive, is designed to serve as the primary entrance into the building, including similar architectural expression shown in the entrance of residential building “A”.
    - Include continuous pedestrian connections from all residential building entrances to the proposed outdoor amenity area.
    - Upon the submission of elevations ensure that the articulation and massing in a coherent architectural manner continue to distinguish the buildings’ base, middle, and top.
  - iii) For the commercial portion of the site:
    - Situate “Proposed Retail A” building so that it fronts onto Dalmagarry Road, in line with the “Proposed Restaurant” and “Proposed Retail B” in order to create a more consistent streetwall plane.
    - Ensure that buildings “Proposed Retail A”, “Proposed Retail B”, “Proposed Sunripe Market” and “Proposed Restaurant” are oriented to the public street and include active building elements such as principal entrances, transparent windows, merchandise display windows, canopies, etc... fronting the street in order to create an active frontage and improve the pedestrian experience.
    - Screen all parking lot frontages along public streets using enhanced landscaping and landscaping walls.
    - Eliminate rows of parking which inhibit providing continuous pedestrian connections through the site, including between the residential and commercial portions. Ensure all buildings have a walkway to the street as well as continuous walkways connecting to other buildings on the site.
    - Ensure all parking islands are appropriately landscaped and are of a sufficient size to allow for the planting of trees.
    - Locate all garbage bins away from street frontages, ensure they are contained within masonry enclosures and appropriately screened with landscaping. Alternatively garbage enclosures could be created as part of or an extension of proposed buildings.

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- (e) pursuant to Section 34(17) of the *Planning Act*, as determined by the Municipal Council, no further notice **BE GIVEN** in respect of the proposed by-law as the revised Notice of Application dated February 1, 2013 clearly contemplated the concept of commercial uses in the main floor of an apartment building, and the application of a range of commercial uses with floor plates ranging up to 3,000 square metres in individual buildings.
  
- (f) the request to amend the Official Plan to change the designation of the south part of the subject lands **FROM** a Multi-family, Medium Density Residential designation which permits multiple-attached dwellings; low rise apartment buildings; rooming and boarding houses; emergency care facilities; converted dwellings; and small-scale nursing homes, rest homes and homes for the aged as the primary permitted uses, **TO** a Neighbourhood Commercial Node designation to permit a neighbourhood scale commercial development, **BE REFUSED** for the following reasons:
  - i) A special policy not requested as part of the application, was required in order to permit convenience commercial uses in the ground floor of an apartment building.
  
- (g) the request to amend Zoning By-law No. Z.-1 to change to the zoning of the north part of the subject property **FROM** an Urban Reserve (UR3) Zone which permits existing dwellings, agricultural uses, conservation lands, managed woodlots, wayside pits, passive recreation uses, kennels, private outdoor recreation clubs and riding stables, **TO**, on the north part of the lands, a Residential R9 Special Provision (R9-7( )•H45 Zone to permit eight storey high rise apartment buildings, and townhouses, at an overall maximum density of 150 units per hectare with a total of approximately 290 units, and convenience commercial uses including convenience service establishments, convenience stores, financial institutions, personal service establishments, medical/dental offices, restaurants, brewing on premises establishments, day care centres, offices, studios, bake shops, commercial schools, florist shops and pharmacies, with special provisions to limit all convenience commercial uses to a maximum gross floor area of 1,050 m<sup>2</sup>, and permit front, exterior side and rear yard setbacks of 0m, and an interior side yard setback of 5.0m, and **TO** an Associated Shopping Area Commercial (ASA1) Zone to permit a range of retail, convenience and personal service uses, **BE REFUSED** for the following reasons:
  - i) A minimum density in addition to a maximum density of residential development is considered appropriate to ensure that a sufficient number of residential units are constructed to support the new Neighbourhood Commercial Node;
  - ii) A maximum height of 30 metres is sufficient to accommodate the requested eight storey apartment buildings. Taller buildings would be less compatible with the surrounding future low density residential development;
  - ii) adjustments to the detailed special provisions for yard setbacks in the Residential R9 (R9-7) Zone were required for technical reasons and to ensure that the buildings and structures are located close to the road allowances in support of urban design objectives;
  - iii) for technical reasons, the application of a CC6( ) Zone to allow convenience commercial uses in the ground floor of an apartment building is preferred instead of a special provision to the Residential R9 (R9-7) zone;
  - iv) The range and scale of uses permitted within a Neighbourhood Shopping Area Zone variation is more appropriate within a Neighbourhood Commercial Node than an Associated Shopping Area Commercial Zone variation;
  - v) adjustments to the detailed special provisions in the Neighbourhood Shopping Area (NSA5) Zone for yard setbacks and parking location were required for technical reasons and to ensure that the buildings and structures are located close to the road allowances in support of urban design objectives;
  - vi) a holding provision is require affecting the entire site, which requires the completion of a Transportation Impact Study prior to site plan approval.

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**PREVIOUS REPORTS PERTINENT TO THIS MATTER**

None

**PURPOSE AND EFFECT OF RECOMMENDED ACTION**

The approval of the recommended Official Plan and Zoning By-law amendments would allow for:

On the north part of the property, the construction of multiple apartment buildings with a maximum height of eight storeys and provision for convenience commercial uses in the ground floor of one of the buildings facing either Dalmagarry Road or an internal service road between the residential development and the proposed commercial development.

On the south part of the property, the construction of one or more low-rise buildings to contain a range of retail, convenience and personal service uses, including a food store with a maximum floor area of 3,200 square metres and one other commercial space (not a restaurant) with a maximum floor area of 1,000 square metres.

In both parts, the placement of buildings and the design and architecture of the buildings themselves frame the public streets to create the entrance to the neighbourhood.

**RATIONALE**

1. The recommended amendments are consistent with the Provincial Policy Statement, because they offer a range and mix of housing types and choice in housing, efficiently utilize land, can be serviced by existing or planned servicing infrastructure, and support alternative modes of transportation.
2. The recommended Official Plan amendments are consistent with the intent of the Official Plan.
3. The change in land use from Low Density and Multi-family, Medium Density Residential designations to a High Density Residential designation with a special policy to allow limited convenience commercial uses within an apartment building is appropriate because, among many reasons, the use, scale and form are compatible with surrounding land uses, it provides for a broader mix of residential choices in the area, is located close to a significant commercial node, has easy access to an arterial road, public transit service and public open space, is of a sufficient size and configuration to accommodate the use, and can be serviced with municipal services.
4. The change in land use from Multi-family, Medium Density Residential to a Neighbourhood Commercial Node is appropriate because, among many reasons, the use, scale and form are complementary to the existing adjacent New Format Regional Commercial Node and can provide a neighbourhood scale service and retail area that is not currently provided in the area, the additional commercial lands remain in a naturally limited nodal form, the development can be easily integrated and co-ordinated with the design, function and road characteristics of the existing commercial area, and can be serviced with municipal services.

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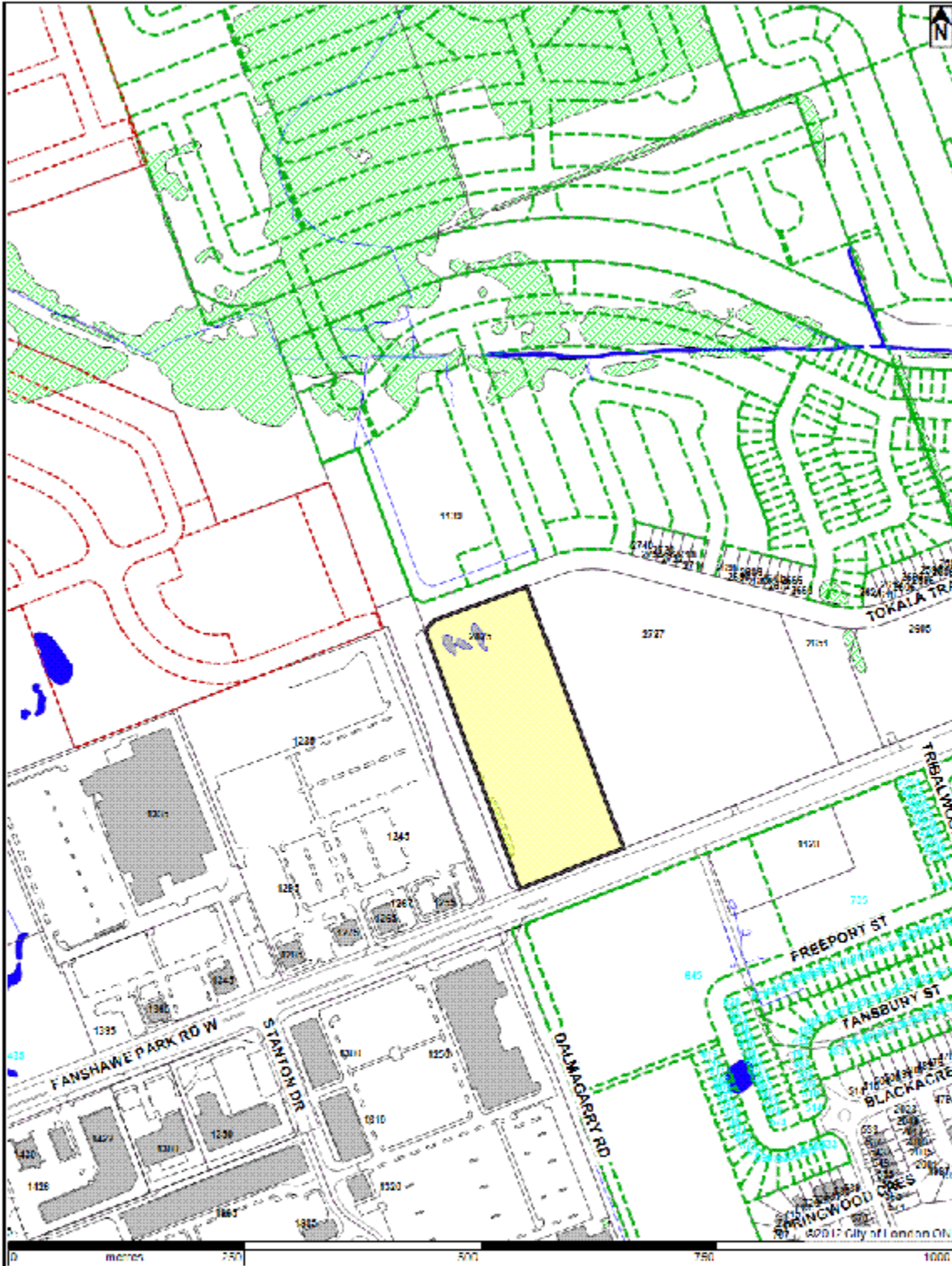
5. The recommended Zoning By-law amendment to change from the Urban Reserve (UR3) Zone to a Residential R9 (R9-7•H30) Zone variation will allow for an appropriate residential land use, intensity and form on the site. Special provisions will ensure the appropriate location of the buildings on the site, and the limitation of the amount and the location of the permitted convenience commercial uses within an apartment building.
6. The recommended Zoning By-law amendment to change from the Urban Reserve (UR3) Zone to a Neighbourhood Shopping Area (NSA5) Zone variation will allow for an appropriate commercial land use, intensity and form on the site. Special provisions will ensure the appropriate location of the buildings and parking on the site.
7. The recommended holding provision will ensure that any required upgrades to the transportation infrastructure are identified prior to development on the site.
















<b>BACKGROUND</b>
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<b>Date Application Accepted:</b> October 12, 2012	<b>Agent:</b> Zelinka Priamo Ltd.
<b>REQUESTED ACTION:</b>	
<p>Change the Official Plan land use designation from "Low Density Residential" and "Multi-family, High Density Residential" to "Multi-family, High Density Residential" and "Neighbourhood Commercial Node".</p> <p>Change Zoning By-law Z.-1 from an Urban Reserve (UR3) Zone which permits existing dwellings, agricultural uses, conservation lands, managed woodlots, wayside pits, passive recreation uses, kennels, private outdoor recreation clubs and riding stables, to a "Residential R9 Special Provision Bonus (R9-7(____)•H45•B-(____)) Zone to permit: an eight storey high rise apartment building with approximately 500 units, with special provisions to recognize a minimum front yard setback of 4.4 metres in place of the required 9.0 metres, a minimum exterior side yard setback of 2.0 metres in place of the required 9.0 metres, a minimum rear yard setback of 0.0 metres in place of the required 9.6 metres, minimum landscaped open space of 24% in place of 30%, a maximum lot coverage of 75% in place of 30%, and reduced parking of 532 spaced in place of 625; and, an Associated Shopping Area Commercial (ASA1) Zone which permits a range of retail, convenience and personal service uses. The residential bonus provision to allow a maximum residential density of 272 units per hectare in place of 150 units per hectare would be in recognition of the provision of underground parking and specific urban design features.</p> <p>This request is a revised submission of applications for Official Plan and Zoning By-law amendments (Files O-7644 and Z-6717) related to Subdivision file 39T-04503, which were deferred by Council in July, 2009 in respect of the subject lands.</p>	
<b>REVISED REQUEST:</b>	
<p>As a result of comments received from the Urban Design Peer Review Panel and Urban Design and Planning staff, the applicant submitted a revised proposal that reduced the requested residential density, included townhouses as a permitted built form, and included a range of convenience commercial uses intended to be located in the main floor of the apartment building(s).</p>	

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<p style="text-align: center;"><b>LOCATION MAP</b></p> <p>Subject Site: 2825 Tokala Trail Applicant: Claybar Developments Inc File Number: OZ-8115 Planner: Barb Debbert Created By: Barb Debbert Date: 2012-10-17 Scale: 1:5000</p> <p style="text-align: right;">Corporation of the City of London Prepared By: Planning and Development</p>	<p style="text-align: center;"><b>LEGEND</b></p> <table border="0"><tr><td></td><td>Subject Site</td></tr><tr><td></td><td>Parks</td></tr><tr><td></td><td>Assessment Parcels</td></tr><tr><td></td><td>Buildings</td></tr><tr><td></td><td>Address Numbers</td></tr></table>		Subject Site		Parks		Assessment Parcels		Buildings		Address Numbers
	Subject Site										
	Parks										
	Assessment Parcels										
	Buildings										
	Address Numbers										

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<p><b>SITE CHARACTERISTICS:</b></p> <ul style="list-style-type: none"> <li>• <b>Current Land Use</b> - vacant</li> <li>• <b>Frontage</b> – 127.3 metres (417.7 feet)</li> <li>• <b>Depth</b> – 297.7 metres (976.7 feet)</li> <li>• <b>Area</b> – 3.82 ha. (9.43 acres)</li> <li>• <b>Shape</b> - rectangular</li> </ul>
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<p><b>SURROUNDING LAND USES:</b></p> <ul style="list-style-type: none"> <li>• <b>North</b> - future low density residential subdivision. Possible future elementary school or low density residential cluster development</li> <li>• <b>South</b> - future low density and low-rise medium density residential subdivision, new format regional commercial development.</li> <li>• <b>East</b> - St. Andrew Bessette Catholic Secondary School – currently under construction.</li> <li>• <b>West</b> - new format regional commercial development.</li> </ul>
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<p><b>OFFICIAL PLAN DESIGNATION:</b> (refer to Official Plan Map)</p> <ul style="list-style-type: none"> <li>• Low Density Residential and Multi-family, Medium Density Residential</li> </ul>
<p><b>EXISTING ZONING:</b> (refer to Zoning Map)</p> <ul style="list-style-type: none"> <li>• Urban Reserve (UR3)</li> </ul>

<b>PLANNING HISTORY</b>
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**Fox Hollow Community Plan**

The subject lands are located within the Foxhollow Community Planning Area. The community Plan and associated Official Plan amendments were adopted by Council in March, 1999. This Plan recommended that a Community Shopping Area designation be applied to 11 hectares of land at the northeast corner of Fanshawe Park Road West and Hyde Park Road to accommodate approximately 27,780 square metres of retail space.

**Hyde Park Community Plan**

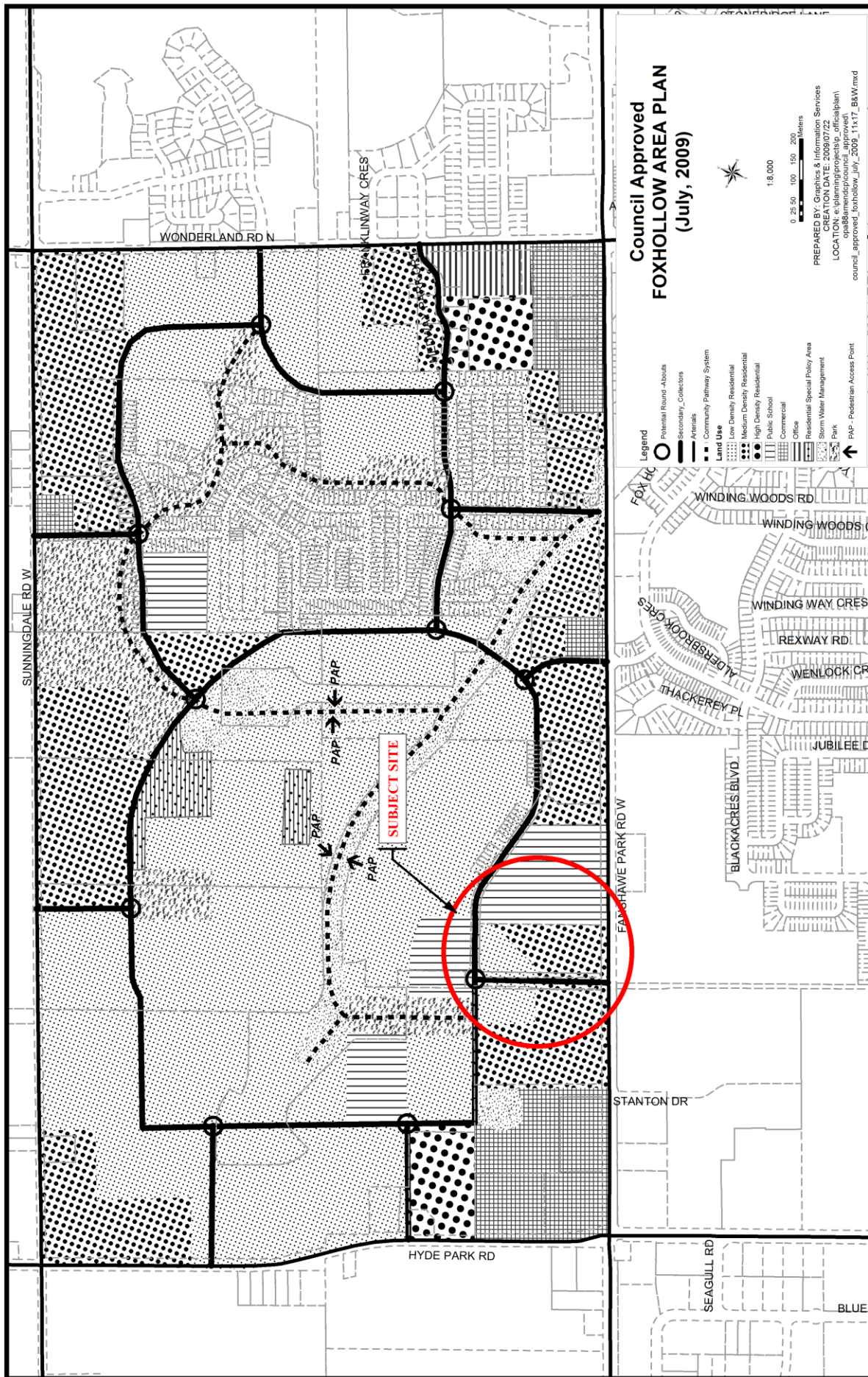
On April 17, 2000, Council adopted Official Plan amendment No. 193 which implemented the Hyde Park Community Plan. The Plan incorporated a commercial/retail “big box” node consisting of a total floor area of 48,773 square metres on approximately 16 hectares of land at the immediate south-east corner of Fanshawe Park Road West and Hyde Park Road. Provision was also made for additional office uses on land to the immediate south of the commercial node, with a maximum area of 6,968 square metres. This centre was to be constructed in conjunction with the retail centre anticipated by the Fox Hollow Community Plan.

**Consolidation of Retail Centre Policies and Expansion of the Commercial Area**

In 2003, First London North Developments Inc. requested amendments to the Official Plan and Zoning By-law (OZ-6611) to increase the permitted commercial floor space on its land at the south-east corner of Fanshawe Park Road and Hyde Park Road, in the magnitude of an additional 14,864 square metres, representing a 25% increase.

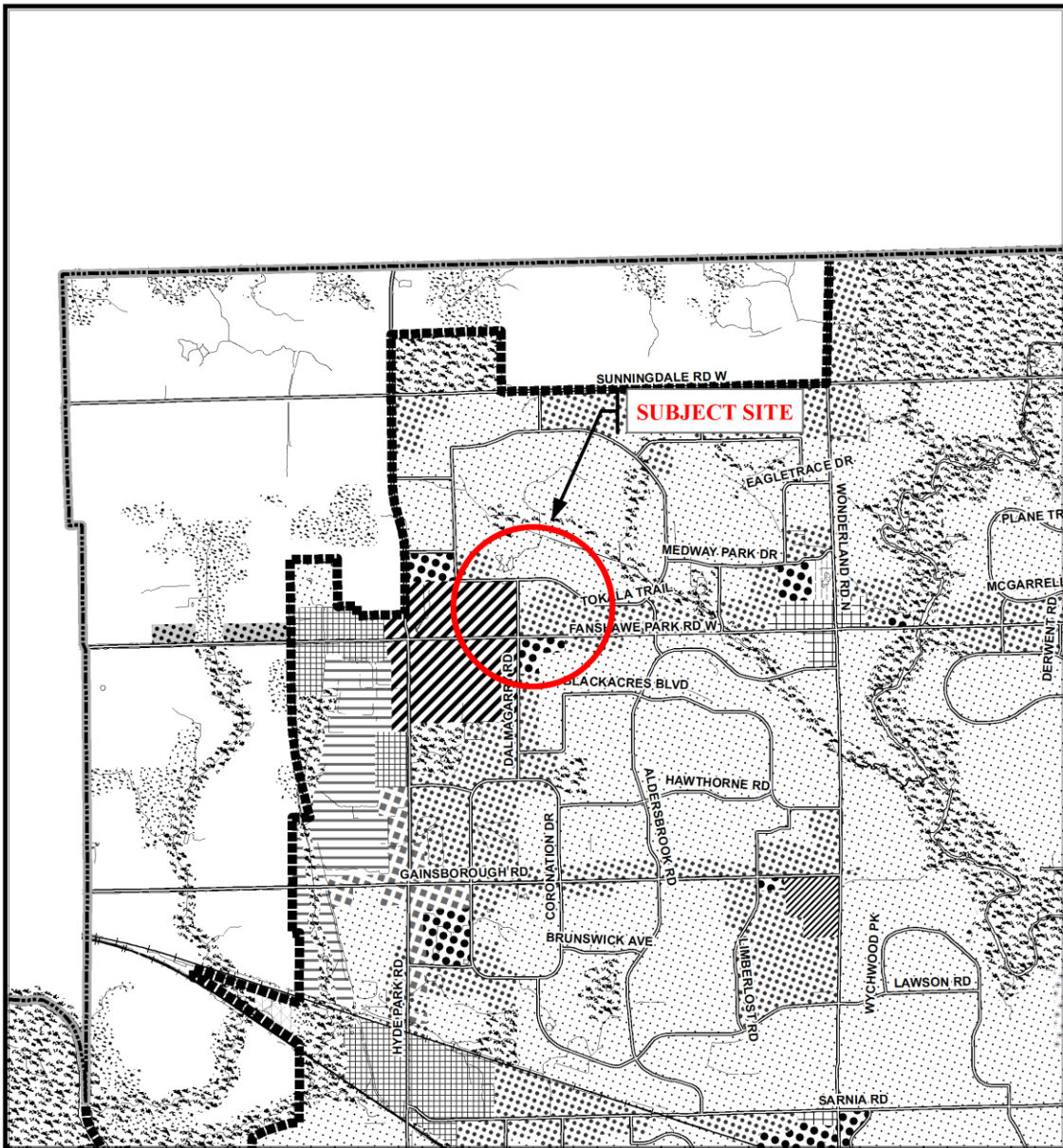


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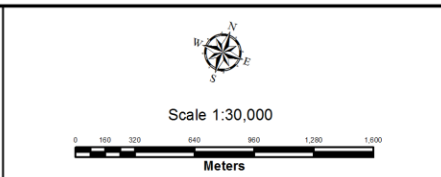


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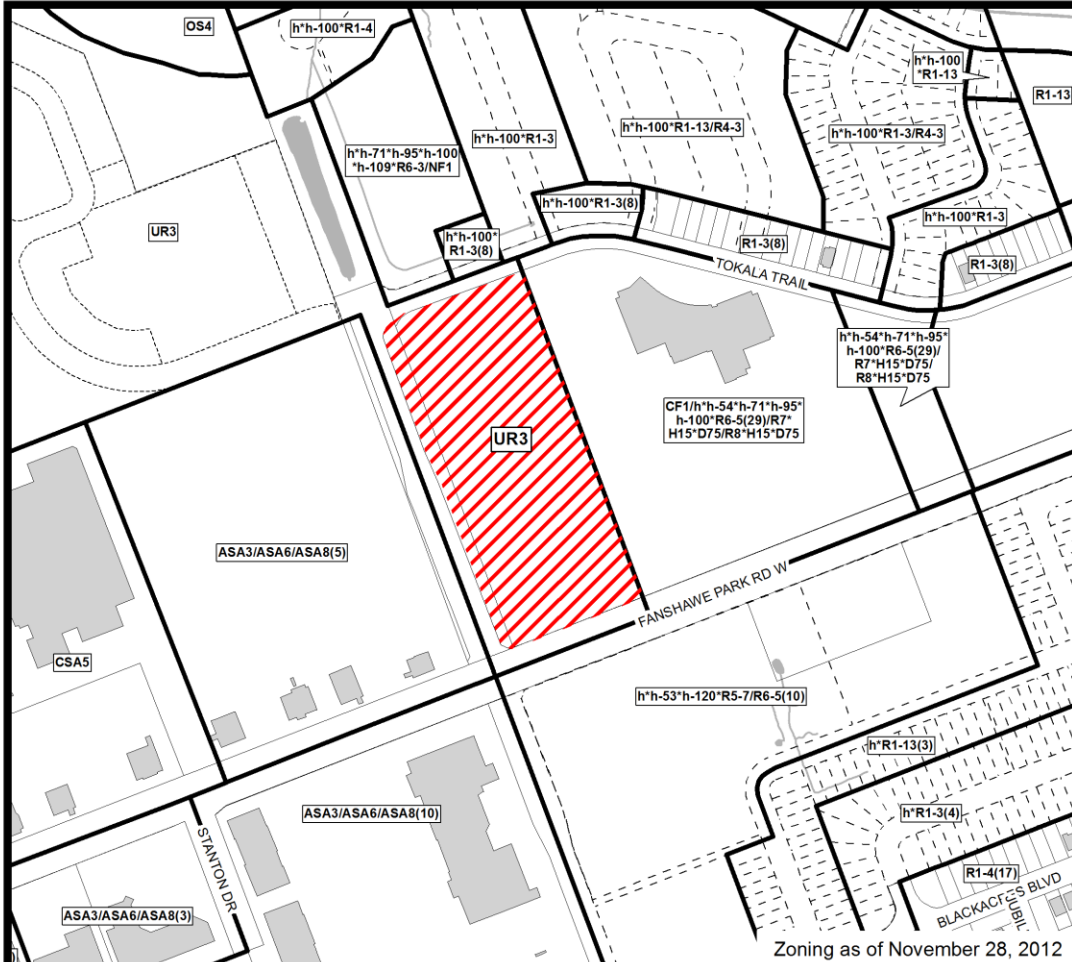
Legend	
	Downtown
	Enclosed Regional Commercial Node
	New Format Regional Commercial Node
	Community Commercial Node
	Neighbourhood Commercial Node
	Main Street Commercial Corridor
	Auto-Oriented Commercial Corridor
	Multi-Family, High Density Residential
	Multi-Family, Medium Density Residential
	Low Density Residential
	Office Area
	Office/Residential
	Office Business Park
	General Industrial
	Light Industrial
	Regional Facility
	Community Facility
	Open Space
	Urban Reserve - Community Growth
	Urban Reserve - Industrial Growth
	Rural Settlement
	Environmental Review
	Agriculture
	Urban Growth Boundary

**CITY OF LONDON**  
Department of  
Planning and Development  
**OFFICIAL PLAN SCHEDULE A**  
- LANDUSE -  
PREPARED BY: Graphics and Information Services



**FILE NUMBER:** OZ-8115  
**PLANNER:** BD  
**TECHNICIAN:** CK  
**DATE:** 2013/02/13

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**COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: UR3**

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**



THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS

FILE NO:  
OZ-8115 BD

MAP PREPARED:  
2013/01/25 CK

1:4,778  
0 20 40 80 120 160  
Meters

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In response to this application, the City initiated a related Official Plan and Zoning review that incorporated additional First London North lands to the south, and the remaining developing properties in the developing commercial node on the south side of Fanshawe Park Road West (1350 – 1422 Fanshawe Park Road West) to ensure the southeast corner of the intersection was comprehensively reviewed with the First London North lands. The commercial lands previously identified on the north side of Fanshawe Park Road were also included in this review (O-6666).

In March, 2004, the City received an application (OZ-6651) to amend the Official Plan and Zoning By-law to expand the “Community Shopping Area” designation identified through the Fox Hollow Community Plan process, onto the adjacent 7.2 hectares now located at the north-west corner of Fanshawe Park Road West and Dalmagarry Road, to the immediate west of the subject site.

In June, 2004, Council adopted Official Plan Amendment No. 332, which consolidated all of the commercial and office designations at the north-east and south-east corner of Hyde Park Road into a single Commercial Policy Area designation. This amendment also expanded the commercial area envisioned in the Fox Hollow Community Plan onto the abutting lands affected by application OZ-6651 described above. The result of this amendment was to permit a total floor area of 113,620 square metres, more specifically allocating 48,580 square metres to the north-east corner of the intersection, 53,890 square metres to the First London North lands at the south-east corner of the intersection, and 11,150 square metres to the smaller existing properties at the immediate south-east corner of Hyde Park Road and Fanshawe Park Road West, and 6,968 square metres of office space.

**Draft Plan of Subdivision and Related Land Use decisions affecting the subject property**

In early 2004, Claybar Developments Inc. submitted an application for draft approval of the plan of subdivision (39T-04503) within which the subject property is located. Following the resolution of several complex issues, the Subdivision Approval Authority granted conditional draft plan approval to the subdivision on October 14, 2009. Approval of the Draft Plan of Subdivision also entailed the following, adopted by Council on July 28, 2009:

- An amendment to the Fox Hollow Community Plan to change land planned for Medium Density Residential development, to allow for a secondary school site to be located immediately to the east of the subject property, and to straighten Dalmagarry Road rather than bending to the east prior to joining Tokala Trail. Resultant adjustments to the Open Space, Low Density and Medium Density land uses were also made.
- An Official Plan amendment to realign Dalmagarry Road and Tokala Trail, and adjust the boundaries of the Open Space, Multi-family, Medium Density Residential and Low Density Residential designations.
- A Zoning By-law amendment to change the zoning within the subdivision from an Urban Reserve (UR3) Zone to the appropriate development zones, with the exception of the subject site.

Claybar Developments Inc. had requested Official Plan amendments as part of the draft plan of subdivision submission, to permit Multi-family, High Density Residential uses to a maximum density of 150 unit per hectare on the northerly one-third of the subject property, and to permit Neighbourhood Shopping Area uses on the southerly two-thirds of the subject property. This request was accompanied by proposed Zoning By-law amendments to apply the Residential R6/R7 and R8 Zone variations to permit a variety of residential housing forms at a maximum height of 30 metres and a maximum density of 150 units per hectare, and Office/Restricted Office/Convenience Commercial/Neighbourhood Shopping Area/and Neighbourhood Facilities (OF1 through 8/RO1/2/3/CC1/2/5/6/8/NSA1/2/5/NF1) Zone variations to permit offices, medical/dental offices, financial institutions, personal service establishments, convenience stores, pharmacies, eat-in restaurants and business service establishments, food stores, day care centres, bake shops, commercial schools, florist shops, libraries, clinics, retail stores, studios, video rental establishments, service and repair establishments, catalogue stores and duplicating shops.

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The 2009 staff report to the Planning Committee initially expressed a lack of support for the requested commercial development of the subject property and at the request of the applicant, the planning analysis related to this matter was deleted from the report and Council deferred this request to a later date. This also had an impact on the high density residential component of the request. As a result, the entirety of these lands remain in the Low Density Residential and Multi-family, Medium Density Residential designations and in the Urban Reserve (UR3) Zone.

Phase I of the plan of subdivision was registered on November 30, 2010, describing the subject property as Block 28, Registered Plan 33M-623.

St. Andrew Bessette Catholic Secondary School is currently under construction on the lands to the immediate east of the subject property.

**Five Year Official Plan review**

Following the City’s five year review of the Official Plan, Council adopted OPA 438 which, among many other matters, replaced all of the commercial designations in Chapter 4 of the Plan. The new designation applied to the “Commercial Policy Area” north and south of Fanshawe Park Road West on the east side of Hyde Park Road and west of Dalmagarry Road, was the “New Format Regional Commercial Node”. The special policy for this area is similar to the previous Commercial Policy Area, permitting a total floor area of 122,000 square metres, more specifically allocating 48,850 square metres to the north-east corner of the intersection, 55,000 square metres to the First London North lands at the south-east corner of the intersection, and 11,150 square metres to the smaller existing properties at the immediate south-east corner of Hyde Park Road and Fanshawe Park Road West, and 7,000 square metres of office space. This Official Plan amendment came into full force and effect on January 7, 2010.

**West Side of Hyde Park Road**

In 2008, as a result of increasing pressures to expand the existing retail node onto the west side of Hyde Park Road, the City initiated a review of the Official Plan designations in this area. As a result, Council adopted an Official Plan amendment (file OZ-7556) which included lands at 1890 – 2090 Hyde Park Road and 1446 – 1471 Fanshawe Park Road West within the Commercial Policy Area. Total gross floor area for these lands west of Hyde Park Road are to be subject to regulations in the Zoning By-law. This amendment was incorporated into the revised Official Plan resulting from the 5 year review.

**Additional Gross Floor Area on SmartCentres Lands**

In 2012, Council adopted an Official Plan amendment (OZ-7401) in response to an application by SmartCentres, to change the Commercial Policy Area to permit a maximum gross floor area for retail commercial uses to 117,336 square metres in the node, and to change the maximum gross floor area for retail commercial uses permitted on the southeast corner to 57,606 square metres.

**SIGNIFICANT DEPARTMENT/AGENCY COMMENTS**

**Engineering**

- *The applicant is advised that there is no sanitary sewer outlet for the subject property as the downstream sewers have not been constructed yet. A holding provision is recommended to address the lack of sanitary servicing. The local sanitary sewer is currently capped at Street “B” and Tokala Trail. Claybar Subdivision Phase 2 is to provide the required sanitary outlet. We recommend this holding provision not be lifted until the outlet sewers are built to the satisfaction of the City Engineer.*
- *The applicant is advised that the hydraulic modelling of the watermains needs to be updated to reflect the proposed intensification. The watermain must be looped for the*

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*proposed apartment building. The onsite water servicing needs to take water quality into account in the design. The City may require premise isolation for the new water service at the street line if water quality on site has a potential to pose a hazard to the municipal water system.*

- *The Transportation Planning & Design Division has concern that the existing lanes on Dalmagarry Road and turn lanes at the intersection of Fanshawe Park Road West and Dalmagarry Road may not be able to accommodate the increase in traffic this site will generate. These lands were originally intended to medium and low density residential development and transportation infrastructure was designed and constructed under the assumption that these lands would not change. Commercial development generates significantly more traffic than residential development. Turn lanes at the intersection of Fanshawe Park Road West and Dalmagarry Road may not be able to accommodate the additional traffic as well as traffic anticipated by development of the commercial lands to the east and within the Fox Hollow area. A transportation impact assessment (TIA) will be required to determine the impact the change in land use will have on area intersections, Dalmagarry Road and specifically the intersection of Fanshawe Park Road West and Dalmagarry Road. Therefore, the Transportation Planning & Design Division is requesting holding provision for the TIA and for the transportation infrastructure. It is recommended these holding provisions not be lifted until the TIA is completed and approved and any improvements to the transportation infrastructure completed, all to the satisfaction of the City Engineer.*
- *SWM Unit has the following comment:*
  - *The City Subwatershed Planning Studies were approved by City Council on September 18, 1995. The Owner shall be required to comply with the SWM targets and criteria identified in the Medway Study, which may include but not be limited to, quantity/quality control, erosion, stream morphology, etc.*
  - *The City Design Requirements for Permanent Private Stormwater Systems were approved by City Council and is effective as of January 01, 2012. The stormwater requirements for PPS for all medium/high density residential, institutional, commercial and industrial development sites are contained in this document, which may include but not be limited to quantity/quality control, erosion, stream morphology, etc.*
  - *The Owner agrees to promote the implementation of SWM soft measure Best Management Practices (BMP's) within the plan, where possible, to the satisfaction of the City Engineer. The acceptance of these measures by the City will be subject to the presence of adequate geological conditions within this plan and the approval of the City Engineer.*
  - *Application is within Claybar Subdivision Phase 1, Plan 33M-623, therefore drainage requirements/ controls, SWM, etc addressed under plan of subdivision.*
  - *The owner is required to provide storm-drainage and stormwater management servicing for the subject lands in accordance with the Fox Hollow Development Area Municipal Class EA Schedule C for storm drainage and stormwater management servicing works report.*
  - *The owner is required to provide storm-drainage and stormwater management servicing for the subject lands in accordance with the Fox Hollow stormwater management system functional design report.*
  - *The owner is required to provide a lot grading plan for stormwater flows and major overland flows on site and ensure that stormwater flows are self-contained on site*

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*and safely conveys up to the 250 year storm event, all to be designed by a Professional Engineer for review.*

- *Due to the nature of the land use the owner may be required to have a consulting Professional Engineer design and install an Oil/Grit Separator(s) to the standards to the Ministry of the Environment and to the satisfaction of the City Engineer.*

### **Transportation Advisory Committee**

- *The TAC indicated that in its opinion it does not support the proposed amendments to the Official Plan and Zoning By-law to permit a neighbourhood commercial and high density residential development of the lands, based on the potential for a higher volume of traffic generated from the proposed uses.*

### **Urban Design Peer Review Panel**

Planner's note: These comments are based on the original proposal submitted with the application in October, 2012. The new proposal, received in January, 2013, addressed key UDPRP and Urban Design staff comments. Minor recommendations from Urban Design staff for adjustments to the revised plan are discussed in the Analysis section of this report. The new proposal has not/will not be reviewed by the UDPRP for the purposes of consideration of this application.

- *The Panel questioned the exact details of the "Urban Design features" proposed to meet the "bonusing" associated with the requested Official Plan and Zoning By-law Amendments. The suggested quality of the building design and the below grade parking have not been shown in enough detail to demonstrate to the Panel that these would satisfy bonusing requirements.*
- *Residential and retail components should be placed at the street edges with parking located behind them.*
- *Consider using the new internal road to organize the pedestrian and vehicular movement through the site, as well as creating an internal "streetscape" with storefronts and visual focus points.*
- *Consider the pedestrian experience through the site and ensure a safe and continuous route is provided to all building entrances and all major nodes around the site.*
- *The type of materials used on the residential building will be very important to the overall quality of the project.*
- *The proportion of the mansard roof should be reviewed in relation to the size of the building and the overall site. It appears to be overscaled as shown.*
- *There is some concern with the overall massing of the site in relation to the use layout of the site. The residential component which is meant to "buffer" to adjacent single family residential neighbourhood is a massive 8 storey building and the commercial units which are meant to be associated with the major artery which is Fanshawe Park Road are single storey brick clad, smaller buildings. From a massing point of view this seems contrary to how the site should be laid out, with the taller elements on Fanshawe Park Road and the smaller elements on Tokala Trail. We understand from a use layout that this may not be the desired configuration. However, we ask that consideration be given to mitigating this issue.*
- *We encourage the inclusion of live-work units and suggest that their location be used to further the definition of a street edge.*



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- Consider adding an outdoor amenity space within the residential courtyard.
- Consider lowering the split-level parking structure, to improve the pedestrian experience around it.
- We agree with and support the comments made by the City's Urban Designer.
- We ask that this project be resubmitted to the Panel at the Site Plan Approval Stage.

**Upper Thames River Conservation Authority (extracts)**

- The subject property is not affected by any regulations (Ontario Regulation 157/06) made pursuant to Section 28 of the Conservation Authorities Act.
- The subject property has been identified as being within a Significant Groundwater Recharge Area that has Highly Vulnerable Aquifers.
- At this time, certain activities on this property may be considered Moderate or Low threats to drinking water. Under the CWA, the Source Protection Committee has the authority to include policies in the Source Protection Plan that may prohibit or restrict activities identified as posing a significant threat to drinking water. Proponents planning to undertake changes in these areas need to be aware of this possibility.
- The UTRCA has no objections to this application. Our comments are provided for the information of the municipality.

**London Hydro**

No objection.

**Bell Canada**

An easement may be required to service the subject property, depending on a review of more detailed applications under the Planning Act.

Please be advised that Bell Canada requests to be circulated on any future draft plan of subdivision, draft plan of condominium, site plan, or any other development application that is proposed to implement the subject Official Plan Amendment and Zoning By-law Amendment application. Through these processes, Bell Canada will provide a more detailed review and comments with respect to any requirements Bell Canada may have to service the subject property.

<b>PUBLIC LIAISON:</b>	<p>On October 19, 2012, Notice of Application was sent to 10 property owners in the surrounding area. Notice of Application was also published in the <i>Public Notices and Bidding Opportunities</i> section of <i>The Londoner</i> on October 25, 2012. A "Possible Land Use Change" sign was also posted on the site.</p> <p>Revised notice of application was mailed on February 1, 2013 and published on February 7, 2013.</p>	One reply was received
<b>Nature of Liaison:</b>		
<p><i>Change the Official Plan land use designation from "Low Density Residential" and "Multi-family, High Density Residential" to "Multi-family, High Density Residential" and "Neighbourhood Commercial Node".</i></p> <p><i>Change Zoning By-law Z.-1 from an Urban Reserve (UR3) Zone which permits existing dwellings, agricultural uses, conservation lands, managed woodlots, wayside pits, passive</i></p>		

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*recreation uses, kennels, private outdoor recreation clubs and riding stables, to a "Residential R9 Special Provision Bonus (R9-7( )•H45•B( )) Zone to permit: an eight storey high rise apartment building with approximately 500 units, with special provisions to recognize a minimum front yard setback of 4.4 metres in place of the required 9.0 metres, a minimum exterior side yard setback of 2.0 metres in place of the required 9.0 metres, a minimum rear yard setback of 0.0 metres in place of the required 9.6 metres, minimum landscaped open space of 24% in place of 30%, a maximum lot coverage of 75% in place of 30%, and reduced parking of 532 spaced in place of 625; and, an Associated Shopping Area Commercial (ASA1) Zone which permits a range of retail, convenience and personal service uses. The residential bonus provision to allow a maximum residential density of 272 units per hectare in place of 150 units per hectare would be in recognition of the provision of underground parking and specific urban design features.*

*This request is a revised submission of applications for Official Plan and Zoning By-law amendments (Files O-7644 and Z-6717) related to Subdivision file 39T-04503, which were deferred by Council in July, 2009 in respect of the subject lands.*

The Notice of Application was revised on February 1, 2013, as follows:

*On the north part of the property, change the Official Plan land use designation from "Low Density Residential" and "Multi-family, Medium Density Residential" to "Multi-family, High Density Residential", and change Zoning By-law Z.-1 from an Urban Reserve (UR3) Zone which permits existing dwellings, agricultural uses, conservation lands, managed woodlots, wayside pits, passive recreation uses, kennels, private outdoor recreation clubs and riding stables, to a Residential R9 Special Provision (R9-7( )•H45) Zone to permit: eight storey high rise apartment buildings, and townhouses, at an overall maximum density of 150 units per hectare with a total of approximately 290 units, and convenience commercial uses including convenience service establishments, convenience stores, financial institutions, personal service establishments, medical/dental offices, restaurants, brewing on premises establishments, day care centres, offices, studios, bake shops, commercial schools, florist shops and pharmacies, with special provisions to limit all convenience commercial uses to a maximum gross floor area of 1,050 m<sup>2</sup>, and permit front, exterior side and rear yard setbacks of 0m, and an interior side yard setback of 5.0m.*

*On the south part of the property, change the Official Plan land use designation from "Low Density Residential" and "Multi-family, Medium Density Residential" to "Neighbourhood Commercial Node", and change Zoning By-law Z.-1 from an Urban Reserve (UR3) Zone to an Associated Shopping Area Commercial (ASA1) Zone which permits a range of retail, convenience and personal service uses.*

*The City may also consider amending the Foxhollow Community Plan by changing the land uses on this property from "Low Density Residential" and "Medium Density Residential" to "High Density Residential" and "Commercial".*

*This request represents a reduction in the residential density circulated in October, 2012 and the addition of main floor commercial uses within the residential apartment building(s) on the north part of the site.*

**Responses:**

One respondent requested notification and copies of relevant materials during processing of this file.

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**ANALYSIS**

**Subject Site:**

The subject lands are located at the north-east corner of Fanshawe Park Road West and Dalmagarry Road, stretching northerly to Tokala Trail as established in Registered Plan 33M-623. The site is immediately opposite the partially completed commercial complex on the west side of Dalmagarry Road, and located diagonally across from the new format retail commercial node which includes such stores as Walmart, Winners, Home Sense and Canadian Tire. The new St. Andrew Bessette Catholic Secondary School is currently under construction on lands to the immediate east. Lands to the north are planned for a primarily single detached residential plan of subdivision. Lands to the south across Fanshawe Park Road West are planned for future low to mid rise medium and high density residential development.

The property is currently vacant and rectangular in shape with an area of 3.82 hectares, a frontage on Fanshawe Park Road West of 127.3 metres and a depth of 297.7 metres. Fanshawe Park Road West is an arterial road with an average daily traffic volumes of 22,000 vehicles per day. Dalmagarry Road and Tokala Trail are secondary collector roads which have not been completed and do not currently experience the future anticipated traffic flows based on future development.

**Nature of the Application:**

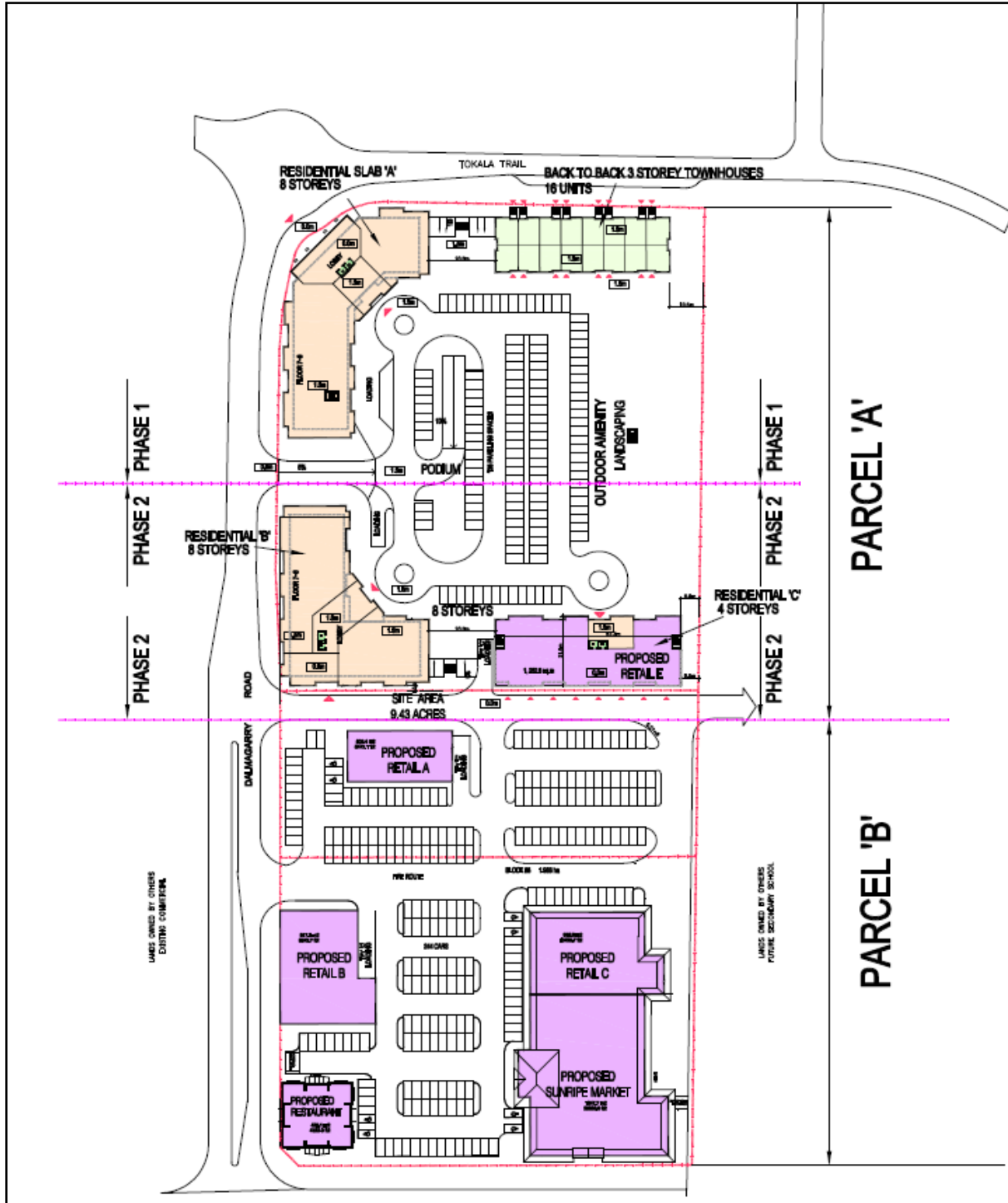
On the north part of the property (approximately half), the applicant proposes a mid- to high-rise multi-family residential development including several apartment buildings and a townhouse block. The buildings are arranged in a U-shape arranged along the frontages of Dalmagarry Road, Tokala Trail and an internal drive aisle between the residential component and the commercial component, ranging in height from three to eight storeys and accommodating approximately 290 dwelling units. Some outdoor surface parking is planned with the remainder located underground.

On the south part of the property, the applicant proposes a neighbourhood commercial development consisting of several free standing commercial buildings ranging from approximately 508 to 3,000 square metres. A portion of the largest building is intended to be occupied by a specialty food store. The total proposed floor area of the commercial development is approximately 5,000 square metres. The buildings are shown arranged along the street and internal drive aisle frontages, with most of the parking located between and behind the buildings.

Three driveway accesses from Dalmagarry Road are proposed. No direct access from Fanshawe Park Road West or Tokala Trail would be provided.

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**Proposed Site Concept**



**Residential Component (North Part of Property):**

**Provincial Policy Statement**

The Provincial Policy Statement, 2005 (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS is more than a set of individual policies. It is intended to be read in its entirety and the relevant policies are to be applied to each situation. As it relates to the residential component of this application, the PPS provides some direction on this matter.

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The PPS promotes and directs efficient land use and development patterns. The proposed development is consistent with Section 1.0 Building Strong Communities, 2.0 Wise Use and Management of Resources, and Section 3.0 Protecting Public Health and Safety as it:

- offers a range and mix of residential and employment opportunities for the area which complement surrounding existing and planned commercial and residential development;
- represents compact urban form resulting in the efficient utilization of land;
- will be serviced by existing or proposed water, sewer and stormwater infrastructure;
- will assist in supporting the adequate provision of alternative modes of transportation, particularly public transportation; and,
- There are no resource or public health and safety issues.

**Fox Hollow Community Plan**

The Fox Hollow Community Plan was adopted by Council pursuant to Section 19.2.1 of the Official Plan as a guideline document for the review of planning and development applications, for the planning of public facilities and services, and as the basis for amendments to the Official Plan and Zoning By-law within the Planning Area. The goals for the Fox Hollow Community Plan, which were adopted by Council in March 1999, are:

- To provide an appropriate mix of housing types and to allow for choice in housing;
- To provide the required community facilities (ie. parks, schools, passive recreational facilities, etc.) for future residents;
- To facilitate the efficient movement of vehicular traffic (including public transit) and pedestrian traffic (ie. trails and walkways) within the community; and,
- To ensure adequate access to and utilization of community-wide public facilities.

The application to permit Multi-family, High Density Residential uses is not consistent with the Fox Hollow Community Plan, which intended the north part of the property to develop for Low and Medium Density Residential uses. As a result the applicant has applied for an amendment to the Official Plan to change the designation of these lands. Any changes to the land use designation will necessitate the need for a corresponding amendment to the Community Plan.

**Official Plan – Apartment and Residential Uses**

**3.2.3 – Residential Intensification**

The Plan states that “Residential Intensification is a means of providing opportunities for the efficient use of land and encouraging compact urban form.

Residential Intensification refers to the development of a property, site or area at a higher density than currently exists on the site through:

- i) redevelopment, including the redevelopment of brownfield sites;
- ii) the development of vacant and/or underutilized lots within previously developed areas;
- iii) infill development, including lot creation;
- iv) the conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and,
- v) the conversion or expansion of existing residential buildings to create new residential units or accommodation.

For the purposes of this Plan, development is only considered infill when it occurs on vacant or underutilized sites within an established residential neighbourhood. Residential development on undeveloped blocks of land in plans of subdivision registered after OPA 88 (July 2, 1996) will not be considered as infill development.

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For the purposes of this Plan, redevelopment means the creation of new units or lots on previously developed land.”

The current proposal does not meet the definition of intensification and therefore is not subject to the intensification policies of the Official Plan

**3.4.1– Permitted Uses in the Multi-family, High Density Residential Designation**

The applicant has requested that the land use designation at the southeast corner of Tokala Trail and Dalmagarry Road be changed from Low Density Residential and Multi-family, Medium Density Residential to Multi-family, High Density Residential to allow for the development of multi-family residential uses including mid-to high-rise apartment buildings and townhouses. The proposed multi-family/townhouse complex would result in a total density for the site of 150 units per hectare, in excess of the 75 units per hectare permitted within the Low Density and Multi-family, Medium Density Residential designations.

The Official Plan states that “the primary permitted uses in the Multi-Family, High Density Residential designation shall include low-rise and high-rise apartment buildings; apartment hotels; multiple-attached dwellings; emergency care facilities; nursing home; rest homes; homes for the aged; and rooming and boarding houses.”

The north part of the subject property is located directly across Dalmagarry Road from existing and planned commercial uses to the west, future low density residential housing to the north across Tokala Trail, across from future school uses to the north and east, and proposed commercial (part of this application) and future multi-family uses to the south of Fanshawe Park Road West. The proposed use would be compatible with the surrounding land uses, particularly if lower-rise multi-family housing forms are located in the north-east portion of the site to provide a transition between lower and higher intensity residential uses, as shown on the concept plan submitted with the application.

**3.4.2 – Location for Multi-family, High Density Residential Designation**

The policies for the Multi-family, High Density Residential designation state that “the preferred locations for these uses include areas near the periphery of the Downtown that are appropriate for redevelopment; lands in close proximity to Enclosed Regional Commercial Nodes or New Format Regional Commercial Nodes or Community Commercial Nodes, Regional Facilities or designated Open Space areas; and, lands abutting of having easy access to an arterial or primary collector road. Other locations which have highly desirable site features and where surrounding land uses are not adversely affected may also be considered for high density residential development. Criteria to be considered in designating lands for Multi-family, High Density Residential use include:

- Compatibility, taking into account surrounding land uses in terms of height, scale and setback and the potential adverse impact on the amenities and character of the surrounding area;
- Adequate municipal services can be provided to meet the needs of potential development;
- Traffic to and from the location should not have a significant impact on stable low density residential areas;
- The site or area is of suitable shape and size to accommodate high density housing and provide for adequate buffering measures to protect any adjacent low density residential uses; and,
- Public transit service, convenience shopping facilities and public open space should be available within a convenient walking distance.”

Section 3.7.2 – Planning Impact Analysis, sets out similar and additional criteria which may be considered where an Official Plan amendment and/or zone change application is being considered. Additional relevant criteria for this proposal include the proximity to public open space and recreational facilities, community facilities and transit services, exterior design in



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terms of bulk, scale and layout of buildings, and impacts of the proposed change on the transportation system, including transit.

The subject site is located in close proximity to a New Format Regional Commercial Node, located to the immediate west and around the intersection of Hyde Park Road and Fanshawe Park Road West. Services are available or are to be provided to the site through the registration and construction of Phases 2 and 3 of the draft plan of the subdivision affecting lands to the north and north-east of the subject property. The applicant is in various stages of undertaking the necessary steps to registered these two subdivision phases. As the planned low density residential areas are to be developed in the future, there will be no significant impact on stable low density residential areas. As discussed in more detail later in this report, a Traffic Impact Study will be required at the site plan stage to ensure that road infrastructure can accommodate the full build-out of the area. The site would be readily served by existing transit service providing connections to a route on Hyde Park Road, the transfer station at Masonville Place, and neighbourhoods in between. Additional residential density at this location may also contribute to increased transit ridership, solidifying the demand for transit service in this area and potentially leading to increased service in this area. Shopping and service facilities are nearby, and access to open space corridors leading to other surrounding open space areas is available.

There is very little land within the immediate vicinity designated or zoned for high density residential uses. There is a parcel which is designated and zoned for High Density Residential use on the east side of Hyde Park Road north of Fanshawe Park Road. The next nearest locations which are designated for high density residential development are located near the intersections of Hyde Park Road and Gainsborough Road, and Wonderland Road North and Fanshawe Park Road West. Providing for high density residential uses will allow for more choice in housing within the Fox Hollow Community.

Based on the above, the subject property would be an appropriate location for high density residential development.

**3.4.3 – Scale of Development for Multi-family, High Density Residential Designation**

“Within the areas outside of Central London, net residential densities will normally be less than 150 units per hectare, excluding provisions for bonusing. The applicant has not requested bonus provision for this proposal, however, it is noted that substantial underground parking is proposed.”

“The determination of appropriate height and density limitations for areas designated Multi-Family, High Density Residential, may be based on a secondary plan, in accordance with Section 19.2 of the Plan. Alternatively, for individual sites the determination of appropriate height and density limitations may be based on a concept plan showing how the area will be developed and integrated with surrounding uses.”

The applicant is requesting a maximum density of 150 units per hectare which is consistent with the Official Plan policies and demonstrably an appropriate density for the site. In fact, given the role this development could play in supporting existing and proposed commercial development in the area, staff are also recommending that a minimum density of 125 units per hectare be applied to ensure that a substantial development occurs on this property. The site concept submitted with the application demonstrates that a development with buildings ranging up to eight storeys in height would be appropriate and compatible with surrounding existing and future land uses.

**11.1 – Urban Design**

The Urban Design policies apply to all development proposals, and relate to the visual character, aesthetics, and compatibility of land use, and to the qualitative aspects of development. Design principles relate to a variety of subjects. Those which are particular to this development include high design standards along major neighbourhood entryways, a

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coordinated approach to the planning and design of streetscapes in commercial areas, the inclusion of street oriented features that provide for the enhancement of the pedestrian environment in pedestrian traffic areas, access to sunlight, landscaping, building positioning, enhanced accessibility standards, parking and loading, and recreational facilities.

The applicant submitted an Urban Design Brief (*Urban Design Brief – 2825 Tokala Trail – Northwest Corner of Fanshawe Park Road West and Dalmagarry Road, Zelinka Priamo Ltd., August 16, 2012*) with the application which provides a response to the applicable urban design policies of the Official Plan. Following the receipt of input from City Urban Design staff and the Urban Design Peer Review Panel, the applicant submitted a modified site plan and renderings of the proposed development which, with respect to the residential components, were intended to address the articulated urban design objectives and concerns about the ability to support bonusing for the features shown in the original proposal:

- reversed the U-shaped building so that the buildings are located along the Dalmagarry Road frontage to create an improved interface with the pedestrian environment;
- located the parking structure underground;
- provided individual front entrances into each townhouse unit facing Tokala Trail;
- provided main entrances into the buildings from both the public streets and the internal parking court;
- provided additional green space/amenity area within the apartment court yard;
- incorporated convenience commercial uses into the design of the main floor of the residential building fronting the internal drive aisle between the residential and commercial uses, to further the definition of a street edge;
- reduced the scale of the development from 272 units per hectare to 150 units per hectare;
- redesigned the exterior building elevations to address roof massing issues and distinguish between the base, middle and top of the building; and,
- provided three-storey townhouse units along Tokala Trail to reduce the massing across from the adjacent low density residential uses to the north.

Urban Design staff reviewed the revised proposal and recognized the major improvements in the application of the City’s urban design principles achieved by the new design, which is represented in the site concept shown on a previous page, and in the renderings shown below and in Appendix “D” of this report. Staff suggested further refinements that could be addressed at the site plan stage of development approvals, addressing such items as the provision of internal design elements in the ground floor of the buildings to ensure pedestrian activity at street level, highlighting main entrances to the buildings, pedestrian connections within the site, and ensuring that the design continues to distinguish the buildings base, middle and top. These matters are detailed in recommendation clause (d) of this report.

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### Proposed Building Renderings

#### View from Dalmagarry Road and Tokala Trail



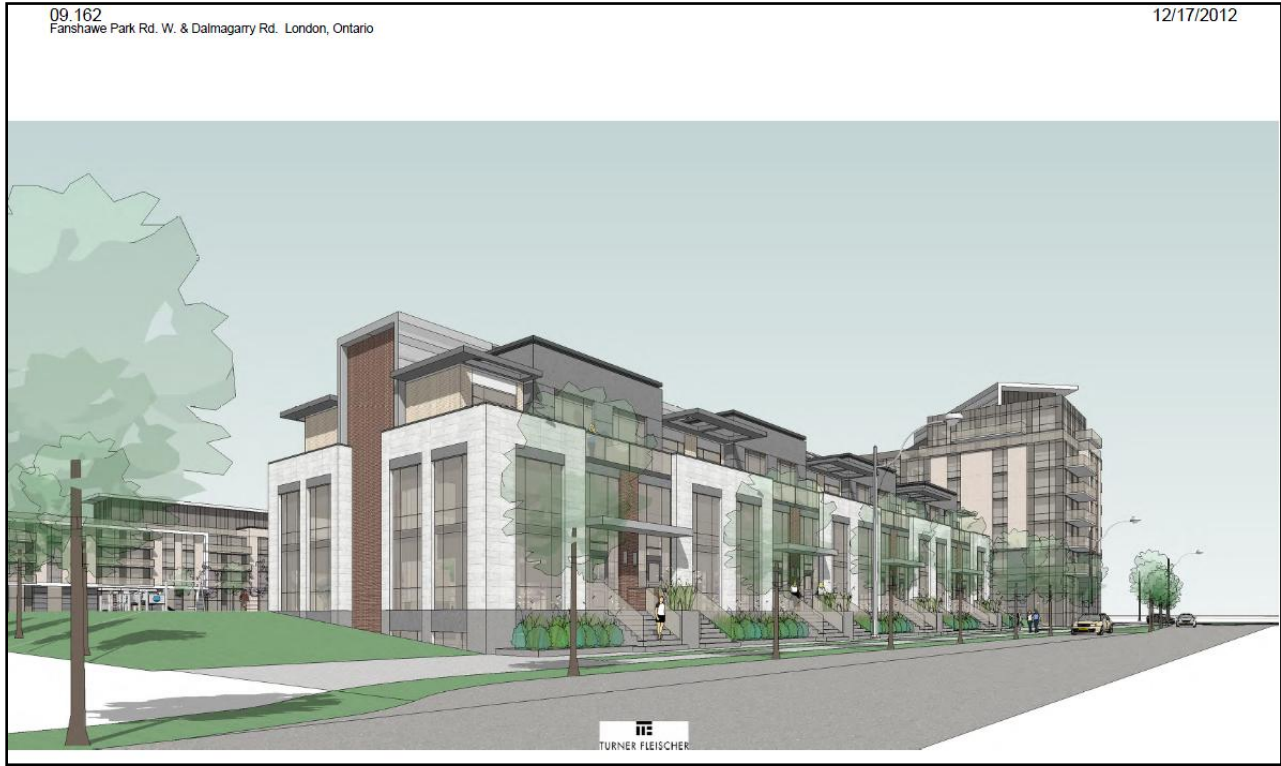
#### View from Dalmagarry Road



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View from Tokala Trail



**Official Plan - Convenience Commercial Use within Apartment Building**

The applicant has also requested the ability to locate a broad range of convenience commercial uses on the ground floor of apartment buildings to a maximum of 1,050 square metres of total floor area.

**Permitted Uses – Convenience Commercial**

Section 3.4.1 of the Official Plan states that “New convenience commercial and service station uses are encouraged to locate in the Commercial designations. However, they are also permitted in the Multi-family, High Density Residential designation by Official Plan amendment and zone change, subject to the criteria in policy 3.6.5.”

In the Residential designations of the Official Plan, convenience commercial uses that may be permitted include variety stores, video rental outlets, film processing depots, financial institutions, medical/dental offices, small take-out restaurants, and small food stores. For convenience commercial sites with a gross floor area in excess of 500m<sup>2</sup>, additional uses including offices, studios, commercial schools, day care centres, bake and florist shops, pharmacies, restaurants eat-in and convenience business service establishments may be permitted. A variety store, or personal service establishment located on the ground floor of an apartment building may be permitted provided it is oriented towards serving the needs of the residents of the building and the immediate surrounding area. The exact range of permitted uses will be specified in the Zoning By-law.

The applicant has requested the full range of uses listed as permitted Convenience Commercial uses in Residential designations, with the exception of small food stores. The key element for this request is that located in the base of an apartment building near a significant regionally based shopping centre, the uses are likely to be oriented to the residents of the building and surrounding nearby neighbourhood and provide a very different type of service than the surrounding commercial area. Based on a small-scale format, the requested range of uses is considered to be appropriate. As a result, a special policy is recommended in the Official Plan

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to permit convenience commercial uses in the ground floor of an apartment building at this location.

***Location – Convenience Commercial***

Section 3.6.5 iii) of the Official Plan states that “Convenience commercial uses and service stations will be located on arterial or primary collector roads where it can be demonstrated that such uses are compatible with surrounding land uses and will not have a serious adverse impact on the traffic-carrying capacity of roads in the area. The preferred locations for convenience commercial uses and service stations are at the intersections of major roads.”

The locational criteria for convenience commercial uses tend to address standalone locations rather than those located in apartment buildings. Convenience commercial uses located within a significant apartment complex is intended to serve primarily the residents of the complex, would be compatible with the use, and would not have a serious adverse impact on the traffic-carrying capacity of the roads in the area.

***Scale of Development – Convenience Commercial***

The Official Plan provides for the size of individual convenience commercial uses to be specified in the Zoning By-law, at a scale which is compatible with surrounding land uses. Convenience commercial centres should not exceed 1,000 square metres of gross leasable area.

The applicant has requested a maximum of 1,050 square metres of gross leasable area. The requested increase above this limit by 50 square metres is negligible in its impact of the intent of the Official Plan to limit the extent of these centres, and should be incorporated in the recommended special Official Plan policy noted above.

***Zoning By-law – Residential and Convenience Commercial***

The Zoning By-law is a comprehensive document used to implement the policies of the Official Plan by regulating the use of land, the intensity of the permitted use, and the built form. This is achieved by applying various zones to all lands within the City of London which identify a list of permitted uses and regulations that frame the context within which development can occur. Collectively, the permitted uses and regulations assess the ability of a site to accommodate a development proposal. It is important to note that all three criteria of use, intensity and form must be considered and deemed to be appropriate prior to the approval of any development proposal.

The applicant has requested a Residential Special Provision (R9-7( )•H45) Zone which would permit apartment buildings, Lodging House Class 2, senior citizens apartment buildings, handicapped persons apartment buildings and continuum-of-care facilities at a maximum density of 150 units per hectare and an approximate maximum height of 12 storeys, with special provisions to include townhouses, and a broad range of convenience commercial uses with a total maximum floor area of 1,050 square metres.

Based on staff’s review of the relevant Official Plan policies and of the submitted site concept, the general premise of this request is recommended with substantially technical adjustments to improve the readability of the by-law and address the site details. These adjustments include the following:

- The maximum height is recommended to be 30 metres to accommodate the proposed 8 storey building heights;
- A minimum density is introduced in addition to the maximum density, to ensure a substantial residential development occurs on the site;
- Special provisions for setbacks are established that ensure the buildings will be massed close to Dalmagarry Road and Tokala Trail, and to permit the buildings to be constructed closer to the adjacent school site than would normally be permitted;
- A Convenience Commercial Special Provision CC6( ) Zone is introduced instead of permitting convenience commercial uses as a special provision of the Residential

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R9 (R9-7) Zone;

- The Special Provision to the CC6 Zone permitted a maximum total gross floor area for convenience commercial uses of 1,050 square metres, limits the location of the convenience commercial uses to the ground floor of an apartment building but not facing Tokala Trail, and clarifies the maximum gross floor areas for individual uses. These are generally a maximum of 400 square metres with few exceptions.

**Commercial Component (South Part of Property):**

**Provincial Policy Statement**

The *Provincial Policy Statement, 2005* (PPS) promotes the provision of an appropriate range and mix of employment opportunities, housing and other land uses to meet long term needs, with a land use pattern, density and mix of uses that minimize the length and number of vehicle trips. Specific policies pertaining to these matters include the following:

- 1.1.1 *Healthy, liveable and safe communities are sustained by:*
  - a) *promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;...*
  
- 1.3.1 *Planning authorities shall promote economic development and competitiveness by:*
  - a) *providing for an appropriate mix and range of employment (including industrial, commercial and institutional uses) to meet long-term needs;...*
  
- 1.6.5.4 *A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips...*
  
- 1.8.1 *Planning authorities shall support energy efficiency and improved air quality through land use and development patterns which:*
  - d) *improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion;...*

Although there is significant commercial gross floor area in the immediate area at the Hyde Park/Fanshawe Park Road West commercial node, it is largely comprised of “big-‘box” uses and the site is designed for vehicular travel – even between uses within the node. The Hyde Park/Fanshawe Park Road West commercial node attracts a regional clientele and is not conducive to accommodating the types of uses that are anticipated by the Neighbourhood Commercial Node designation.

**Fox Hollow Community Plan**

The application to permit commercial uses is not consistent with the Fox Hollow Community Plan, which intended the south part of the property to develop for Medium Density Residential uses. As a result the applicant has applied for an amendment to the Official Plan to change the designation of these lands. Any changes to the land use designation will necessitate the need for a corresponding amendment to the Community Plan. Changes to the Community Plan within the last four years, including the establishment of a secondary school site to the immediate east of the subject property, as well as the consideration of high density residential uses on the land as part of this application, have an impact on consideration of this site as being an appropriate location for neighbourhood based commercial uses.



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**Official Plan – Commercial Uses**

**4.2.1 and 4.3.1 – Commercial Land use Designations – Planning Objectives for all Commercial Land Use Designations**

The Official Plan sets out the following relevant planning objectives for all commercial land use designations:

- Promote the orderly distribution and development of commercial uses to satisfy the shopping and service needs of residents and shoppers;
- Minimize the impact of commercial development on adjacent land uses and on the traffic-carrying capacity of adjacent roads;
- Provide sufficient land at appropriate locations to meet the need for new commercial development;
- Encourage the grouping of retail and service commercial uses into nodal areas that serve multi-purpose shopping trips;
- Promote the development of these areas into a nodal configuration rather than strip configuration so that their impact on traffic and adjacent land uses is minimized; and,
- Support the distribution of retail and service commercial uses in each nodal classification based on location, size, function, scale and form criteria to meet the shopping needs of residents.

**4.3.6 New Format Regional Commercial Node (NFRCN) and 4.3.6.6 2) – Specific Policies for Commercial Areas – Fanshawe Park Road West/Hyde Park Boundaries**

The applicant has requested the south part of the subject property be redesignated from Multi-family, Medium Density Residential to Neighbourhood Commercial Node to permit a neighbourhood-based commercial development on the site.

The site is located diagonally and across the intersection of Fanshawe Park Road West and Dalmagarry Road from the existing regional commercial area which is organized around the intersection of Hyde Park Road and Fanshawe Park Road West. These adjacent lands are designated New Format Regional Commercial Node and are also subject to a special policy intended to consolidate policies for the various components and lands included in the node and provide clarity around the total amount and distribution of gross floor area within the node. New Format Regional Commercial Nodes serve a similar function as Enclosed Regional Commercial Nodes but can have a different form and may be larger in size. They are intended to provide for a wide range of commercial uses which meet specialized service and comparison shopping needs. These nodes are regarded as major activity centres by reason of their size and range of uses, and may have trade areas that also extend beyond the municipal boundary. Specifically the Fanshawe/Hyde Park NFRCN is located at a major gateway into the City from the west and northwest. As a result of this gateway function, it is expected that large-scale retail uses will be attracted to this area.

As consideration of the relationship between the existing regional node and the requested Neighbourhood Shopping Area is necessary, the key policies for this area are summarized below.

***Permitted Uses in the New Format Regional Commercial Node (NFRCN)***

Permitted uses include a broad range of retail, service, community facility and office uses. Generally these may include all types of large and small-scale retail outlets; including supermarkets and food stores; department stores; retail warehouses, building supply, and home improvement and furnishings stores; convenience commercial uses; personal services; restaurants; commercial recreation establishments; financial institutions and services; a limited range of automotive services; service-oriented office uses; community facilities, such as

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libraries; and professional and medical/dental offices. Office uses and places of entertainment are permitted in limited amounts. Transit facilities and commuter parking lots are also encouraged in this designation. Hotels may also be permitted through a zoning by-law amendment, and zoning on individual sites may be for less than the full range of permitted uses.

The special policies for this area do not describe a specific range of uses, other than the general categories of retail, service, community facility and office uses,, encompassing virtually the entire spectrum of possible uses in a regionally based commercial centre. The policies do limit the scale and location of office uses within this node.

### ***Built Form in the NFRCN***

New Format Regional Commercial Nodes typically have a “big-box” or “new-format” form of development and fewer small-scale uses than the Enclosed Regional Commercial designation. There may or may not be public common areas. Free-standing structures along the street frontage should be developed to improve the design of the street edge, provide access to transit stops, encourage pedestrian connectivity with adjacent uses and reduce the visual impact of large open parking lots.

New Format Regional Commercial Node designations should comprise lands that are in a nodal configuration, including lands on other quadrants of major road intersections.

### ***Scale within the NFRCN***

Commercial development within a New Format Regional Commercial Node designation shall normally range in size from 35,000 square metres to 130,000 square metres gross floor area. Zoning of individual New Format Regional Commercial Nodes will normally be restricted to the existing zoned gross floor area and any expansions to these centres will be subject to a zoning by-law amendment application and to Section 4.3.10 and Section 4.5. of this Plan.

Policies specific to the NFRCN at Fanshawe Park Road West and Hyde Park Road allow a total gross floor area of 122,000m<sup>2</sup> including 115,000m<sup>2</sup> of retail commercial uses and 7000m<sup>2</sup> of office commercial uses for the east side of Hyde Park Road. The total retail gross floor area in the node will be comprised of 48,850m<sup>2</sup> on the northeast corner, 11,150m<sup>2</sup> on the immediate southeast corner on the existing properties and the remaining of 55,000m<sup>2</sup> on the balance of lands at the south-east corner of the First London North/Smart Centre lands designated for commercial uses.

### **4.3.8 – Neighbourhood Commercial Node (NCN)**

The applicant has requested that the Neighbourhood Commercial Node designation be applied to the south part of the subject lands. Neighbourhood Commercial Nodes are intended to provide for the daily or weekly convenience shopping and service needs of nearby residents and, to a lesser extent, passing motorists. They should contain uses that are convenience-oriented and unlikely to draw customers from beyond the local area.

### ***Location of Neighbourhood Commercial Nodes***

The Official Plan policies state that Neighbourhood Commercial Nodes should be located;

- at the intersections of arterial roads, primary collector roads and secondary collector roads;
- on sites close to pedestrian and bicycle pathways and transit services;
- on a site(s) large enough to accommodate all buildings plus parking, loading facilities and measures to provide adequate buffering and setbacks from adjacent residential uses; and,
- on sites with good pedestrian access to the neighbourhood.

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The subject property is located at the intersection of Fanshawe Park Road West, an arterial road, and Dalmagarry Road, a secondary collector road. The site is directly adjacent to Fanshawe Park Road West, which provides pedestrian sidewalks, bicycle lanes where possible, and transit routes which run on Hyde Park Road, Fanshawe Park Road West, into key neighbourhoods between Hyde Park Road and Fanshawe Park Road West, and link to the transit hub at Masonville Place at the intersection of Fanshawe Park Road West with Richmond Street. The site is large enough to accommodate one larger or several smaller commercial buildings, parking, loading facilities and buffering measures. Plan details will be subject to site plan approval. The site is located at the entrance to a future large subdivision which incorporates access to this site via the street and walkway network. In addition, the design of the proposed apartment complex to the north incorporates direct access through the site from the residential component to the commercial development.

***Permitted Uses in the NCN***

Permitted uses include small retail stores; food stores; pharmacies; convenience commercial uses; personal services; financial institutions; service-oriented office uses such as real estate, insurance and travel agencies; community facilities such as libraries or day care centres; professional and medical/dental offices; small-scale restaurants; commercial recreation establishments; and similar uses that draw customers from a neighbourhood-scale trade area.

In comparison to the New Format Regional Commercial Node designation, the permitted uses are the same in some instances, but trend toward convenience and service oriented uses that would draw customers from a more local, smaller trade area.

***Built Form in the NCN***

Neighbourhood Commercial Nodes generally have a strip plaza focus with a combination of small free-standing uses or small uses in a plaza format but can be applied to a collection of small stores intended to serve the surrounding neighbourhood. Free-standing structures along the street frontage should be developed to improve the design of the street edge, provide access to transit stops and reduce the visual impact of large open parking lots. The design, appearance and scale shall be in harmony with the surrounding residential area with adequate screening and buffering between uses. Parking areas should be carefully designed and shared parking areas should be accommodated where possible. Neighbourhood Commercial Node designations should comprise lands that are in a nodal configuration.

The proposed development would take the form of a combination of free standing structures along the street frontages and one or more building pads that could accommodate one or more small scale commercial uses.

***Scale in the NCN***

The Official Plan policies state that commercial development within a Neighbourhood Commercial Node shall normally range in size from 1,000 square metres to 13,000 square metres gross floor area.

The submitted site concept illustrates a total gross floor area (GFA) of just under 5,000 square metres, within the lower range of the permitted gross floor area. It is notable that in comparison to the permitted total GFA of 122,000 square metres for the neighbouring New Format Regional Commercial Node, the requested GFA represents only 4.1 percent of additional potential commercial development, and therefore has little potential to diminish the dominance of the regional commercial facility.

***4.3.10 – Applications to Add, Expand or Upgrade Commercial Nodes and 4.5 Planning Impact Analysis***

The Official Plan contains policies which are to be addressed when considering proposals to add or expand a Commercial Node, regardless of the exact nature and classification of the existing adjacent node. Additional criteria apply for the expansion of a commercial node across

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an intersection. The review of relevant criteria under the Planning Impact Analysis section is also required.

Staff consider the requested application of the Neighbourhood Commercial Node to be a major expansion because it involves the expansion of a commercial node across an intersection which previously defined the limit of commercial development. The policies state that Council shall encourage infilling and the consolidation of existing commercial nodes and limit the extension or introduction of new nodes. Where new nodes and expansions are proposed, amendments to permit such expansions or new nodes shall be evaluated on the basis of a number of criteria that are discussed below:

Size, Function and Form

The proposal is considered an extension of a commercial node as it directly abuts an existing New Format Regional Commercial Node designation. However, the proposed commercial development is intended to perform a different function by meeting the convenience shopping and service needs of nearby residents that are not necessarily provided in a regional commercial centre. The proposal complies with the size, function and form criteria for a Neighbourhood Commercial Node designation, that will complement and augment the types and scales of uses typical of a more regional commercial development.

Traffic Impacts

Fanshawe Park Road West is an arterial road designed to carry significant volumes of traffic. Dalmagarry Road and Tokala Trail, once completed as part of the draft approved subdivision to the north, are secondary collector roads intended to carry traffic flows from Fanshawe Park Road West to the adjacent development areas. As noted later in this report, a holding provision is recommended to require the preparation of a Transportation Impact Study that will confirm whether there is a need to upgrade the road infrastructure in the vicinity of the proposed development to accommodate any additional traffic flows resulting from the change from a residential to a commercial designation.

Noise Impacts

Noise impacts are not of concern for the proposed development.

Commercial Justification

The applicant submitted a commercial justification report (*Neighbourhood Commercial Node Retail Market Justification Study – Fanshawe Park Road West and Dalmagarry Road*, urbanMetrics inc., October 17, 2012). This report includes: a comparison of the intended functions and scales of existing regional, community and neighbourhood commercial centres; an evaluation of the retail and service vacancy rates for the New Format Regional Commercial Node and three other nearby community and neighbourhood commercial nodes; and the identification of market area and the existing and anticipated population in these market areas to support the need for additional commercial space. The authors noted that there are currently 32,515 square metres of commercial space remaining to be developed within the existing New Format Regional Commercial Node. Staff would also note that there is an opportunity for new commercial uses within existing buildings or through redevelopment along the west side of Hyde Park Road which was recently added to the New Format Regional Commercial Node. In addition, there is currently an application under appeal to the Ontario Municipal Board at 1761 Wonderland Road North (OZ-7825) to change the designation of the land from Office Area to Neighbourhood Commercial Node with a Special Area Policy to allow a total GFA of 23,000 square metres for the node, facilitating the construction of a supermarket with a maximum GFA of 3,600 square metres.

The authors suggested that based on existing low vacancy rates in all four of these nodes, there is already an unmet demand for commercial facilities in the area, and expected that as additional residential development occurs in the general area, a resultant growth in the local population would lead to an increased demand for commercial space, including neighbourhood and regional facilities.

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They concluded that "...there is a need for neighbourhood commercial facilities to serve the rapidly growing population..." and "Although significant commercial space exists in the vicinity of the site, and more space is planned for the future, this space consists of regional scale retail facilities intended to meet the specialized service and comparison shopping needs of customers from a wide area. In contrast there are no neighbourhood scale facilities in this area at present, which would serve the daily or weekly convenience shopping and service needs of local residents in the immediate area, and no other such facilities are currently planned...". They further opined that "...the proposed development is necessary to meet the needs of local residents..." and "...new commercial facilities at the site would not negatively affect the existing or planned commercial space in this area, since there would be a very clear differentiation between the type of facilities at this site as compared to elsewhere."

Staff would note that the proposed higher density residential development to the north will provide a higher than previously planned concentration of local demand for neighbourhood scale commercial uses.

Site Concept and Urban Design

A site concept, renderings and an Urban Design Brief were submitted in support of this application. A revised concept and renderings were submitted based on comments received from the Urban Design staff and the Urban Design Peer Review Panel. A more detailed discussion of urban design is provided later in this report. There is no opportunity for joint access between existing and future commercial developments as this site is separated from other commercial properties by Dalmagarry Road. Joint access is, however, proposed between the requested residential and commercial uses, and this access has been proposed to align with the existing access north of the traffic control island on Dalmagarry Road.

Physical Relationship to the Existing Node and Integration of Design, Function and Road Characteristics

The subject property is the last remaining development parcel located between existing and future commercial development on the west side of Dalmagarry Road and the Secondary School under construction on lands to the immediate east. The existence of the school site is a natural limit to any further expansion eastward of the commercial node. The layout and orientation of the existing commercial buildings on the west side of Dalmagarry Road is conducive to a co-ordinated and contiguous commercial area on the east side of Dalmagarry Road. Any further commercial proposals to the east of the school could not be considered as the appropriate expansion of a commercial node. They would be considered linear in nature and contrary to the stated planning objectives for all commercial areas.

Similarly, consideration of commercial development on lands to the immediate south, east of the SmartCentres site, would be inappropriate because it would encourage linear commercial development as there is no natural limit to such an expansion, and the existing layout and orientation of the buildings on the SmartCentres site is not conducive to co-ordinated and contiguous commercial development.

The submitted site concept illustrates the ability to locate and orient the proposed commercial buildings to Dalmagarry Road, encouraging the integration of the design and physical functionality of the site with existing development. Site details such as buffering, signage and lighting will be addressed at the site plan stage of development approvals.

Municipal Services

Municipal services are either available or planned to be made available to the site through the registration and construction of future subdivision phases to the north.

Summary

The requested Neighbourhood Commercial Node designation would represent an extension of the existing commercial node, but would have a negligible impact on the dominance of the existing New Format Regional Commercial Node because the intended function of the requested designation is to serve the daily and weekly shopping and service needs of nearby

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residents, whereas the regional commercial area has a wider market draw and tends to be characterized by larger-scale new format uses and be less service oriented. The site's physical location between existing commercial development and a new secondary school creates a natural limit to any further expansion of the commercial node to the east, which would be contrary to policies intended to maintain the commercial uses at this location in a nodal configuration. The proposal is consistent with the planning objectives for all commercial areas, the intended function, form and scale criteria of the Official Plan, and the criteria for the expansion of commercial nodes, including expansion across intersections and considerations under the Planning Impact Analysis. As such, the requested Neighbourhood Commercial Node on the south part of the property is appropriate and represents good planning.

**4.2.2, 4.3.2 and 11.1 – Urban Design**

Further to the discussion of urban design related to the residential component of this proposal, the modifications to the proposed site concept and renderings of the proposed development also addressed the staff and UDPRP comments on the commercial component, as follows:

- The proposed retail buildings were brought closer to Dalmagarry Road with parking located to the rear;
- Retail units were oriented along both the north and south sides of the internal drive aisle adjacent to the proposed residential development to create an internal streetscape; and,
- Improved pedestrian connections were provided through the site.;

Staff suggested further refinements that could be addressed at the site plan stage of development approvals, addressing such items as relocating and re-orienting the Proposed Retail "A" building to better address Dalmagarry Road, ensuring that all the buildings are oriented to the street and include active building elements fronting the street to create an active frontage and improve the pedestrian experience; providing enhanced landscaping along street frontages to screen all exposed parking lots from the street; eliminating some parking to facilitate continuous pedestrian connections through the entire site and to facilitate enhanced landscaping along Fanshawe Park Road West; ensuring parking islands are appropriately landscaped and sized to accommodate trees; and relocating and/or appropriately screening garbage bins. These matters are detailed in recommendation clause (d) of this report.

Section 11.1 of the Official Plan sets out general urban design principles and policies for all land uses. Section 4.2.2. contains urban design objectives for all commercial designations, and Section 4.3.2 contains urban design objectives for commercial nodal areas. Many of these objectives have been touched on in the foregoing land use and urban design analysis. These objectives will be applied in more detail at the site plan stage.



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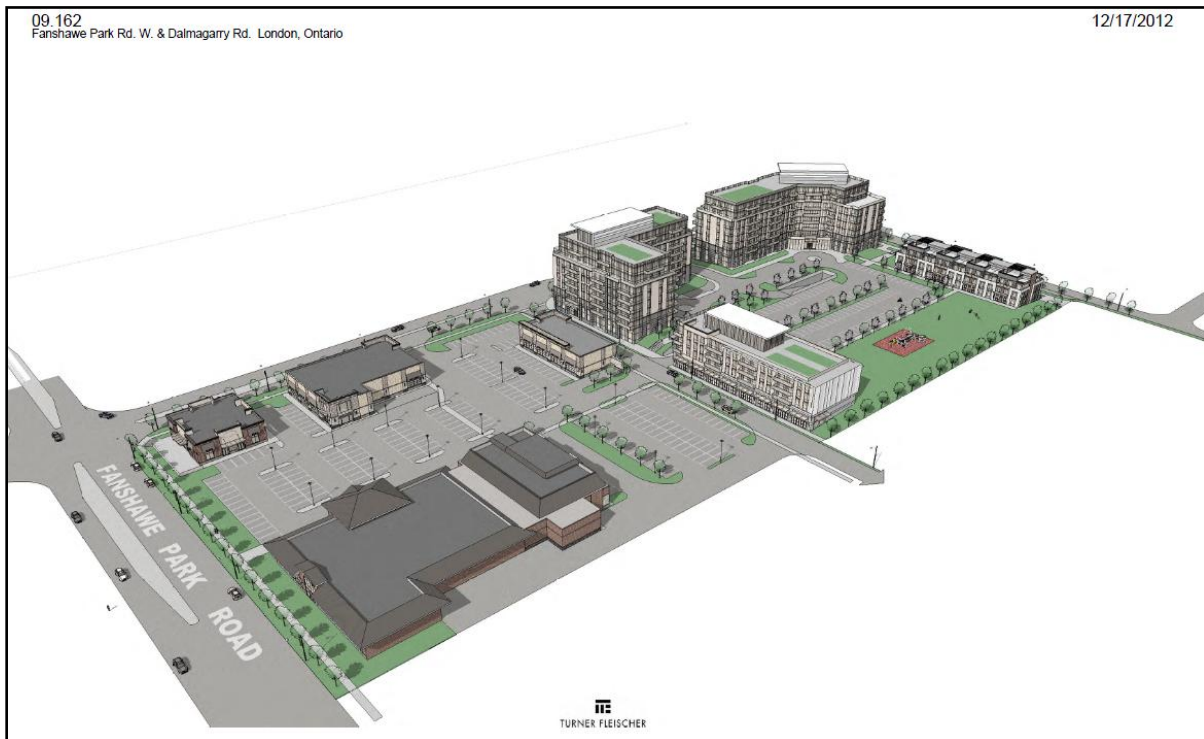
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View from Fanshawe Park Road West



Oblique View along Fanshawe Park Road West



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**Zoning By-law**

The applicant has requested the Associated Shopping Area (ASA1) Zone variation. This zone allows for a limited range of service, office and retail uses which are intended to complement the function of the regional and community shopping areas.

The Associated Shopping Area (ASA1) Zone variation may not be the most appropriate zone to implement the intent of the Neighbourhood Commercial Node. Several ASA Zone variations already apply within the adjacent New Format Regional Shopping Node in addition to Community Shopping Area zones. In order to complement the established regional shopping node, a zone applied to the requested Neighbourhood Commercial Node designation on the subject property should provide for a somewhat different range of uses that provide more emphasis on the provision of services and community facilities in addition to retail uses. Furthermore, while the NSA1 Zone variation imposes maximum gross floor areas for individual uses such as dry cleaning and laundry plants, financial institutions, restaurants and video rental establishments, most uses, including convenience stores, retail stores and pharmacies are not restricted in the same way.

Instead of the ASA1 Zone variation, staff recommends a Neighbourhood Shopping Area (NSA5) Zone variation. This zone permits a variety of uses that are also included in the requested Associated Shopping Area zone, including convenience service establishments and stores, duplicating shops, financial institutions, food stores, restaurants, retail stores, personal service establishments, and video rental establishments. The key difference for these uses is that all of these uses, other than food stores, are limited to a maximum gross floor area of 500 square metres, a scale more likely to be found in a neighbourhood oriented commercial centre. Food stores are permitted with a maximum gross floor area of 3200 square metres. Additional uses that would be permitted which are not specifically listed in the requested ASA Zone include bake shops, catalogue stores, clinics, day care centres, libraries, medical/dental offices, offices, service and repair establishments, studios, commercial schools, and convenience business service establishments. These uses are more service oriented and are also limited in scale to a maximum of 500 square metres. At the applicant's request, staff have also considered and recommended that a maximum of one individual use be permitted to have a maximum gross floor area of 1,000 square metres, in order to provide more flexibility of tenancy.

The total maximum gross floor area for the entire area located within the NSA Zone variations is 6,000 square metres. This is sufficient to accommodate the proposed development, which has a GFA of just under 5,000 square metres.

The recommended Neighbourhood Shopping Area (NSA5) Zone also permits the development to be in the form of one or more standalone buildings, in keeping with the Neighbourhood Commercial Node policies and the submitted site concept.

A special provision prohibits the location of parking spaces between buildings or structures and the public streets, in order to encourage buildings to be located close to the street while allowing the flexibility to accommodate outdoor patios or enhanced landscaping. A special provision is also recommended to permit the commercial buildings to be constructed closer to the adjacent school site than would normally be permitted.

**Servicing and Transportation:**

Engineering has requested a holding provision to address the lack of sanitary servicing to the site. The requirements of the conditions of draft approval for the subdivision require that all of the lands be serviced. Servicing will be provided through the approval of engineering drawings, registration of Phases 2 and 3 of the subdivision, and the construction of these facilities as required. The development of the subject property will also be subject to a site plan approval process. Through the Site Plan approval process, a Development Agreement will be netered into and registered on title to ensure the site is appropriately developed. Enough other processes are in place, that a holding provision is not necessary to ensure that the site is properly serviced.

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The Transportation Division has requested a holding provision for the completion of a transportation impact assessment (TIA) to determine the impact the change in land use will have on area intersections, Dalmagarry Road and specifically the intersection of Fanshawe Park Road West and Dalmagarry Road and for the completion of any required transportation infrastructure. A holding provision is recommended for the completion of the requested TIA.

<b>CONCLUSION</b>
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The subject lands are considered to be an appropriate location for high density residential development with convenience commercial uses in the ground floor of an apartment building on the north part, and neighbourhood based commercial development on the south part. The proposal is consistent with the Provincial Policy Statement. With the recommended redesignation of these lands to a Multi-family, High Density Residential designation with a special policy for convenience commercial uses, and a Neighbourhood Commercial Node designation, the proposed development is consistent with the City of London Official Plan policies.

The application of appropriate zones to these lands, with special provisions, will enable development to occur that implements appropriate uses, residential heights, densities and massing, and commercial scale and form as generally illustrated on the revised site concept and renderings provided by the applicant, and in accordance with urban design objectives. Some urban design matters for consideration at the site plan stage are articulated in the recommendation clauses. A holding provision will require a transportation impact study to be completed.

<b>PREPARED BY:</b>	<b>SUBMITTED BY:</b>
<b>BARB DEBBERT SENIOR PLANNER COMMUNITY PLANNING AND DESIGN</b>	<b>JIM YANCHULA, MCIP, RPP MANAGER, COMMUNITY PLANNING AND DESIGN</b>
<b>RECOMMENDED BY:</b>	
<b>JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER</b>	

February 13, 2013  
 MT/BD/  
 "Attach"

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Planner: B. Debbert

**Responses to Public Liaison Letter and Publication in “Living in the City”**

<u>Telephone</u>	<u>Written</u>
	Wood Bull Barristers & Solicitors 65 Queen Street West Suite 1400 Toronto ON M5H 2M5  Attention: Valeria Maurizio

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File: OZ-8115  
Planner: B. Debbert



MUNICIPAL, PLANNING & DEVELOPMENT LAW

7 December 2012

Sent via E-mail

Cathy Saunders, City Clerk  
City of London  
300 Dufferin Avenue  
P.O. Box 5035  
London, ON N6B 1Z2

City Planning Department  
City of London  
300 Dufferin Avenue  
P.O. Box 5035  
London, ON N6B 1Z2

Attention: City Clerk  
[csaunder@london.ca](mailto:csaunder@london.ca)

Attention: Barb Debbert ([bdebbert@london.ca](mailto:bdebbert@london.ca))

Dear Sir/Madam:

**Re: Official Plan and Zoning By-law Amendments - File OZ-8115  
Claybar Developments Inc.  
2825 Tokala Trail**

We are the solicitors for SmartCentres ("SmartCentres"), agents for Calloway REIT (London N) Inc., and First London North Developments Inc., owners of the properties located at the southeast and northeast intersections of Hyde Park Road and Fanshawe Park Road West in the City of London.

On behalf of our client, we respectfully request that we be provided with notification of the following regarding the approvals process for the Official Plan and Zoning By-law Amendments on an ongoing basis as it becomes available:

- Notification of any statutory public meeting or information session;
- Notification of any other meetings of Council or any Committee of Council;
- Agenda and Minutes of Council or Committee of Council;
- Copies of any Staff Reports;
- Correspondence with commenting agencies;
- Public comments, including any correspondence with residents or other persons; and
- Notification of the decision(s) when issued.

The above-requested information may be sent to our office at the following address:

Valeria Maurizio Direct: (416) 203-3623 [vmaurizio@woodbull.ca](mailto:vmaurizio@woodbull.ca)

65 Queen Street West Suite 1400 Toronto Ontario M5H 2M5 T (416) 203-7160 F (416) 203-8324 [www.woodbull.ca](http://www.woodbull.ca)

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File: OZ-8115  
Planner: B. Debbert



7 December 2012

**Wood Bull LLP**  
65 Queen Street West, Suite 1400  
Toronto, Ontario, M5H 2M5

Fax: 416-203-8324  
Attn: Valeria Maurizio  
[vmaurizio@woodbull.ca](mailto:vmaurizio@woodbull.ca)

Thank you in advance for your attention to this request. Should you have any questions regarding the above, please do not hesitate to contact me.

Yours very truly,

**Wood Bull LLP**

A handwritten signature in black ink, appearing to read "Valeria Maurizio".

Valeria Maurizio

VM/sj

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File: OZ-8115  
Planner: B. Debbert

**Bibliography of Information and Materials  
OZ-8115**

**Request for Approval:**

City of London Official Plan and Zoning By-law Amendment Application Form, completed by Zelinka Priamo Ltd., August 28, 2012.

Doornbosch M. on behalf of Zelinka Priamo. Letters and e-mails to B. Debbert dated August 28, 2012, October 18, 2012, December 20, 2012, January 28, 2013 and February 7, 2013.

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Turner Fleischer Architects Inc. *Site Concept and Renderings*, August 14, 2012.

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Zelinka Priamo Ltd. *Urban Design Brief - 2825 Tokala Trail – Northwest Corner of Fanshawe Park Road West and Dalmagarry Road*, August 16, 2012.

Zelinka Priamo Ltd. *Planning Justification Report – 2825 Tokala Trail – Northwest Corner of Fanshawe Park Road West and Dalmagarry Road*, August 16, 2012.

urbanMetrics inc. *Neighbourhood Commercial Node Retail Market Justification Study – Fanshawe Park Road West and Dalmagarry Road*, October 17, 2012.

**Correspondence: (all located in City of London File No. OZ-8115. unless otherwise stated)**

**City of London -**

City of London Transportation Advisory Committee. Memo from B. Mercier to B. Debbert, December 12, 2012.

City of London Development Services. Memo from I. Abushehada to B. Debbert, January 14, 2013

City of London Stormwater Management Unit. E-mail from P. Titus to B. Debbert, February 7, 2013.

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City of London Transportation Division. E-mail from A. Couvillon to B. Debbert, February 7, 2013.

Agenda Item # Page #

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**File: OZ-8115  
Planner: B. Debbert**

Smolarek J. City of London Urban Design Unit. Memos dated November 20, 2012 and February 11, 2013.

**Agencies -**

Urban Design Peer Review Panel. Memo to M. Doornbosch and S. Stapleton, November 20, 2012.

Creighton C., UTRCA. Letter to B. Debbert, November 6, 2012 and E-mail February 2, 2013.

Raffoul L., Bell Canada. Letters to B. Debbert, October 26 and October 29, 2012.

Dalrymple D. London Hydro. Letter to B. Debbert, October 19, 2012.

**Public –**

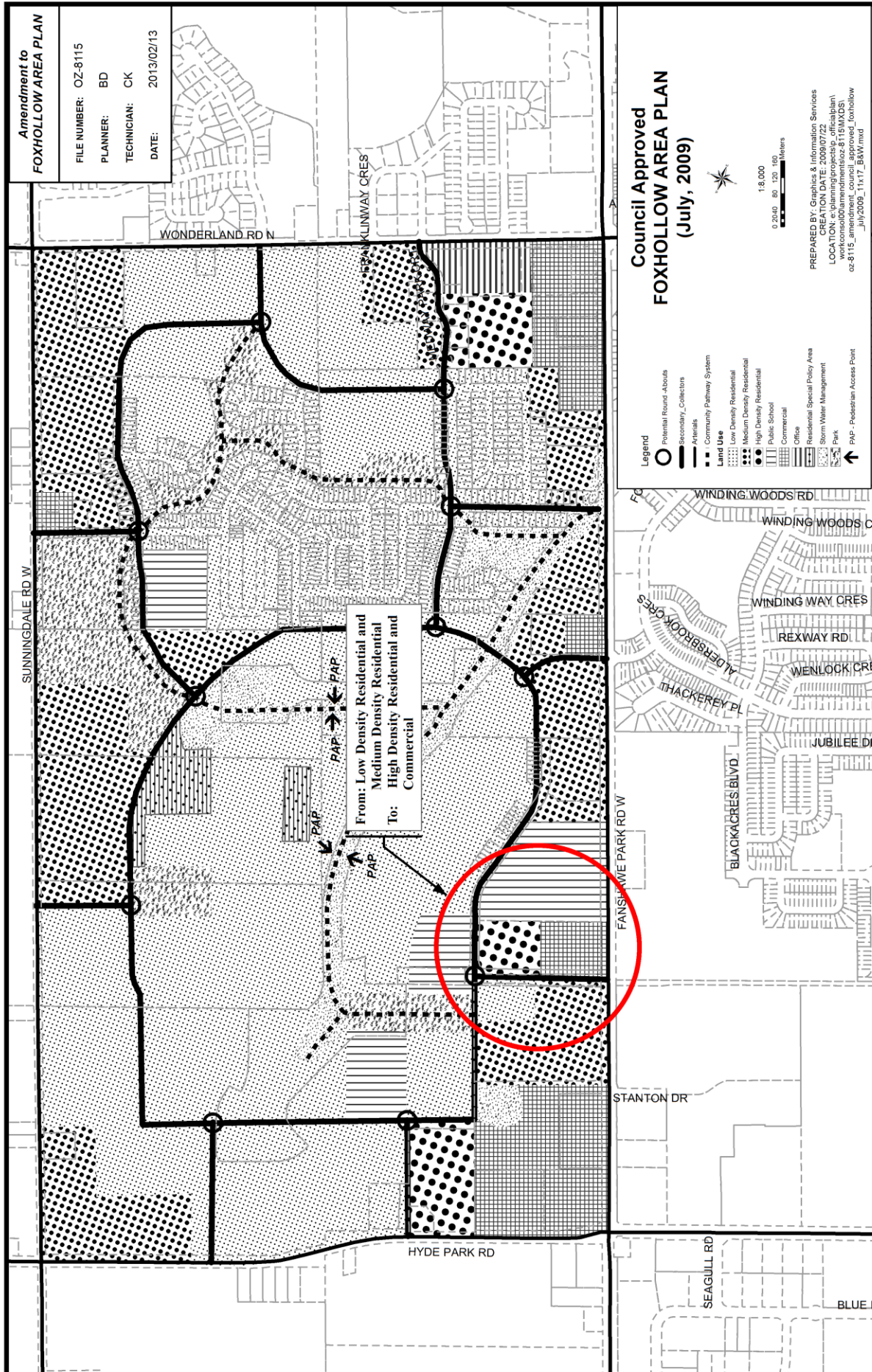
As cited in written correspondence.



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File: OZ-8115  
 Planner: B. Debbert

Appendix "A" – Amendment to Foxhollow Area Plan



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**File: OZ-8115**  
**Planner: B. Debbert**

**Appendix "B"**

Bill No. (number to be inserted by Clerk's Office)  
2013

By-law No. C.P.-1284-\_\_\_\_\_

A by-law to amend the Official Plan for the City of London, 1989 relating to 2825 Tokala Trail.

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

1. Amendment No. (to be inserted by Clerk's Office) to the Official Plan for the City of London Planning Area – 1989, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. This by-law shall come into effect in accordance with subsection 17(38) of the *Planning Act, R.S.O. 1990, c.P.13.*

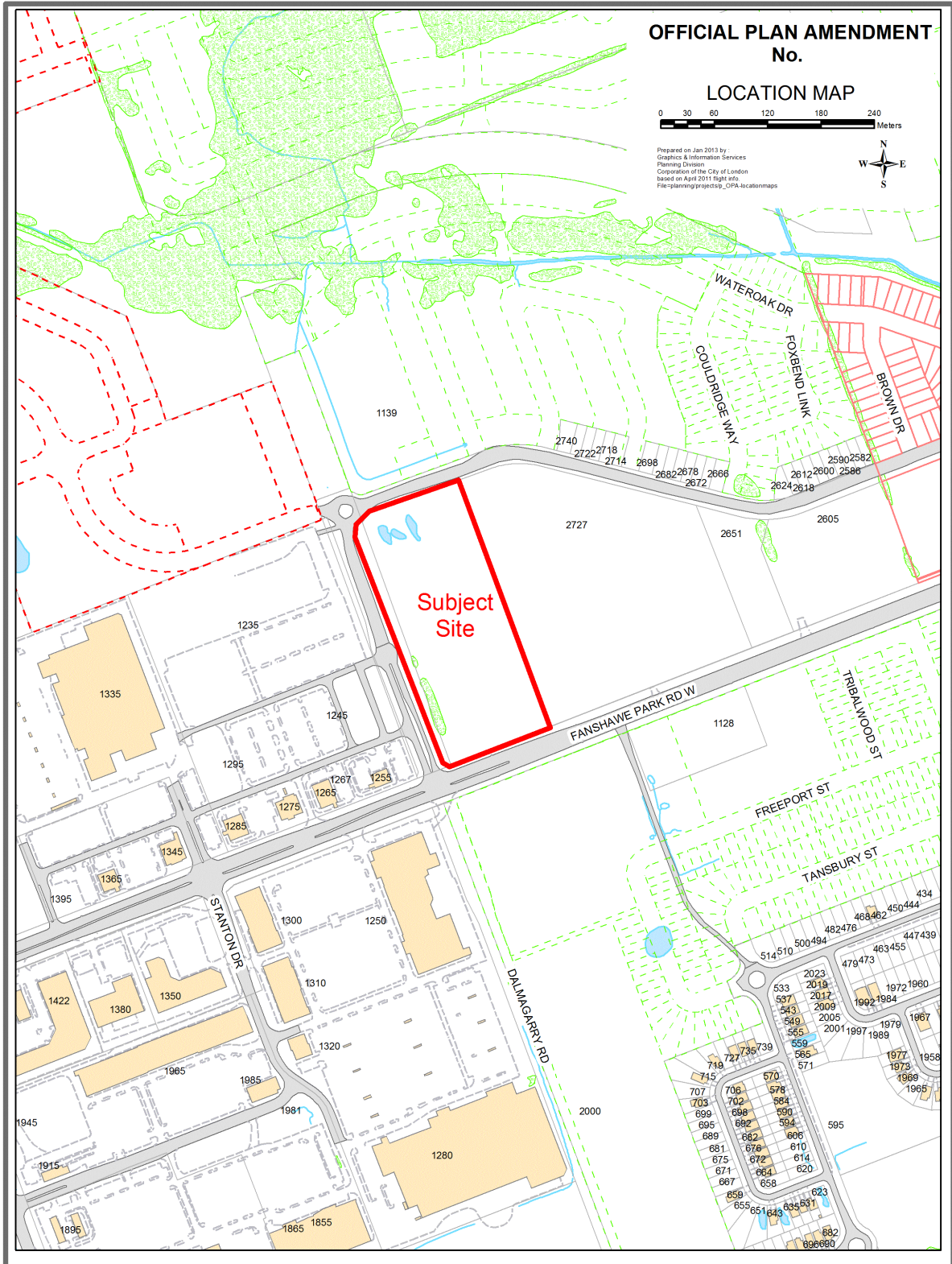
PASSED in Open Council on March 5, 2013.

Joe Fontana  
Mayor

Catharine Saunders  
City Clerk

First Reading – March 5, 2013  
Second Reading – March 5, 2013  
Third Reading – March 5, 2013

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**File: OZ-8115  
Planner: B. Debbert**

**AMENDMENT NO.**

**to the**

**OFFICIAL PLAN FOR THE CITY OF LONDON**

**A. PURPOSE OF THIS AMENDMENT**

The purpose of this Amendment is:

1. To change the designation of certain lands described herein from Low Density Residential and Multi-family, Medium Density Residential to Multi-family, High Density Residential and Neighbourhood Commercial Node on Schedule "A", Land Use, to the Official Plan for the City of London.
2. To establish a policy in Section 3.5 – Policies for Specific Residential Areas, of the Official Plan for the City of London to permit a maximum of 1,050 square metres of convenience commercial uses, restricted to a location in the ground floor of an apartment building, oriented to a future or existing commercial development on lands to the immediate south.

**B. LOCATION OF THIS AMENDMENT**

1. This Amendment applies to lands located at 2825 Tokala Trail in the City of London.

**C. BASIS OF THE AMENDMENT**

This amendment permits, on the north part of the property, the construction of multiple apartment buildings and townhouses with a maximum height of eight storeys and provision for convenience commercial uses in the ground floor of one of the buildings facing an internal service road between the residential development and the proposed commercial development; and on the south part of the property, the construction of one or more low-rise buildings to contain a range of retail, convenience and personal service uses.

The proposal is consistent with the Provincial Policy Statement because it offers a range and mix of residential and employment opportunities for the area which complement surrounding existing and planned commercial and residential development; represents compact urban form resulting in the efficient utilization of land; will be serviced by existing or proposed water, sewer and stormwater infrastructure; will assist in supporting the adequate provision of alternative modes of transportation, particularly public transportation; and, is does not impact on any resource or public health and safety issues.

The subject property is near/adjacent to regionally based commercial uses, future elementary and secondary schools, and open space corridors. The proposal has been evaluated taking into account existing and future surrounding land uses in terms of height, scale and setback, its compatibility with existing and future development in the area and other matters and demonstrated that appropriate development can be achieved. The development of commercial uses within a Neighbourhood Commercial Node will provide for a range and scale of uses that are complementary to the nearby new format commercial developments.

The designation of the north part of the property as Multi-family, High Density Residential with a specific area policy to permit convenience commercial uses in the ground floor of an apartment building, and of the south part of the property as Neighbourhood Commercial Node, is appropriate and represents good planning.

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**File: OZ-8115**  
**Planner: B. Debbert**

D. THE AMENDMENT

The Official Plan for the City of London is hereby amended as follows:

1. Schedule "A", Land Use, to the Official Plan for the City of London Planning Area is amended by designating those lands located at 2825 Tokala Trail in the City of London, as indicated on "Schedule 1" attached hereto, on the north part of the property from Low Density Residential and Multi-family, Medium Density Residential to Multi-family, High Density Residential, and on the south part of the property from Multi-family, Medium Density Residential to Neighbourhood Commercial Node.
2. Section 3.5 – Policies for Specific Residential Areas of the Official Plan for the City of London is amended by adding the following:

3.5.\* Tokala Trail and Dalmagarry Road, South East of Intersection

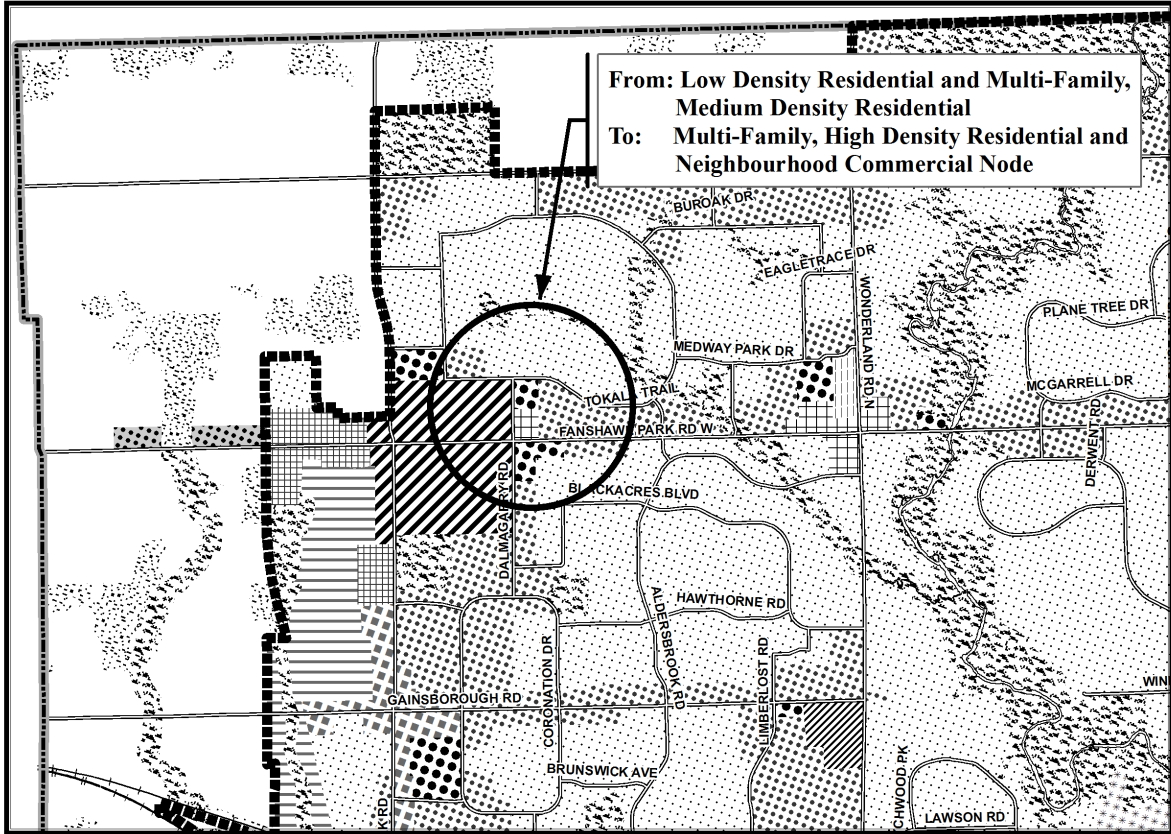
In the Multi-family, High Density Residential designation at 2825 Tokala Trail, in addition to uses permitted in the Multi-family, High Density Residential designation, convenience commercial uses may also be permitted in the ground floor of an apartment building, up to an overall maximum of 1,050 square metres of gross floor area, and oriented to a future or existing commercial development on lands to the immediate south.



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File: OZ-8115  
Planner: B. Debbert

AMENDMENT NO:



**Legend**

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|--|--|
| <ul style="list-style-type: none"> <li> Downtown</li> <li> Enclosed Regional Commercial Node</li> <li> New Format Regional Commercial Node</li> <li> Community Commercial Node</li> <li> Neighbourhood Commercial Node</li> <li> Main Street Commercial Corridor</li> <li> Auto-Oriented Commercial Corridor</li> <li> Multi-Family, High Density Residential</li> <li> Multi-Family, Medium Density Residential</li> <li> Low Density Residential</li> <li> Office Area</li> <li> Office/Residential</li> </ul> | <ul style="list-style-type: none"> <li> Office Business Park</li> <li> General Industrial</li> <li> Light Industrial</li> <li> Regional Facility</li> <li> Community Facility</li> <li> Open Space</li> <li> Urban Reserve - Community Growth</li> <li> Urban Reserve - Industrial Growth</li> <li> Rural Settlement</li> <li> Environmental Review</li> <li> Agriculture</li> <li> Urban Growth Boundary</li> </ul> |
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This is an excerpt from the Planning Division's working consolidation of Schedule A to the City of London Official Plan, with added notations.

**SCHEDULE 1  
TO  
OFFICIAL PLAN**

AMENDMENT NO. \_\_\_\_\_

PREPARED BY: Graphics and Information Services



Scale 1:30,000



FILE NUMBER: OZ-8115

PLANNER: BD

TECHNICIAN: CK

DATE: 2013/02/13

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**File: OZ-8115  
Planner: B. Debbert**

**Appendix "C"**

Bill No. (number to be inserted by Clerk's Office)  
2013

By-law No. Z.-1-13\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 2825 Tokala Trail.

WHEREAS Claybar Developments Inc. has applied to rezone an area of land located at 2825 Tokala Trail, as shown on the map attached to this by-law, as set out below;

AND WHEREAS upon approval of Official Plan Amendment Number (number to be inserted by Clerk's Office) this rezoning will conform to the Official Plan;

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

Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 2825 Tokala Trail, as shown on the attached map comprising part of Key Map No. 2, on the north part of the property from an Urban Reserve (UR3) Zone to a Holding Residential R9 Special Provision/Holding Convenience Commercial Special Provision (h-120•R9-7(\*)•H30/CC6(\*\*) Zone, and on the south part of the property from an Urban Reserve (UR3) Zone to a Holding Neighbourhood Shopping Area Special Provision (h-120•NSA5(\*\*\*)) Zone.

1) Section Number 13.4 of the Residential R9 (R9-7) Zone is amended by adding the following Special Provision:

- ) R9-7(\*)
  - a) Additional Permitted Uses
    - i) Townhouse or Stacked Townhouse
  - b) Regulations
    - i) Density (minimum) 125uph  
(50.59 units/acre)
    - ii) Density (maximum) 150 uph  
(60.73 units/acre)
    - iii) Yard Depth Abutting the Commercial Zone to the South (min) 0.0 m
    - iv) Yard Depth Abutting Dalmagarry Road and Tokala Trail (max) 5.0 m (16.4 ft.)
    - v) East Yard Depth (min) 5.0 m (16.4 ft.)

2) Section Number 29.4 g) of the Convenience Commercial (CC6) Zone is amended by adding the following Special Provision:

- ) CC6(\*\*)
  - a) Regulations
    - i) Convenience Commercial uses are restricted to a location in the ground floor of an apartment building, oriented to a future or existing commercial development on lands to the immediate south.
    - ii) the regulations of the R9-7(\*) Zone, and of Section 29.3 2) shall apply
    - iii) Total Gross Floor Area (max) 1,050 m<sup>2</sup>  
(11,302.48 sq. ft.)

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**File: OZ-8115  
Planner: B. Debbert**

3) Section Number 23.4 of the Neighbourhood Shopping Area (NSA5) Zone is amended by adding the following Special Provision:

- ) NSA5(\*\*\*)
  - a) Regulations
    - i) Yard Depth Abutting the Residential Zone 7.0 m (22.97 feet)
    - ii) East Yard Depth (min) 5.0 m (16.4 feet)
    - iii) Gross Floor Area (max) for a maximum of one individual use other than food stores or restaurants 1,000 m<sup>2</sup> (10,763.92 sq.ft.)
    - iv) Gross Floor Area (max) 6,000 m<sup>2</sup> (64,585.58 sq. ft.)
    - v) Parking shall not be permitted between any building or structure and any road allowance

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on March 5, 2013.

Joe Fontana  
Mayor

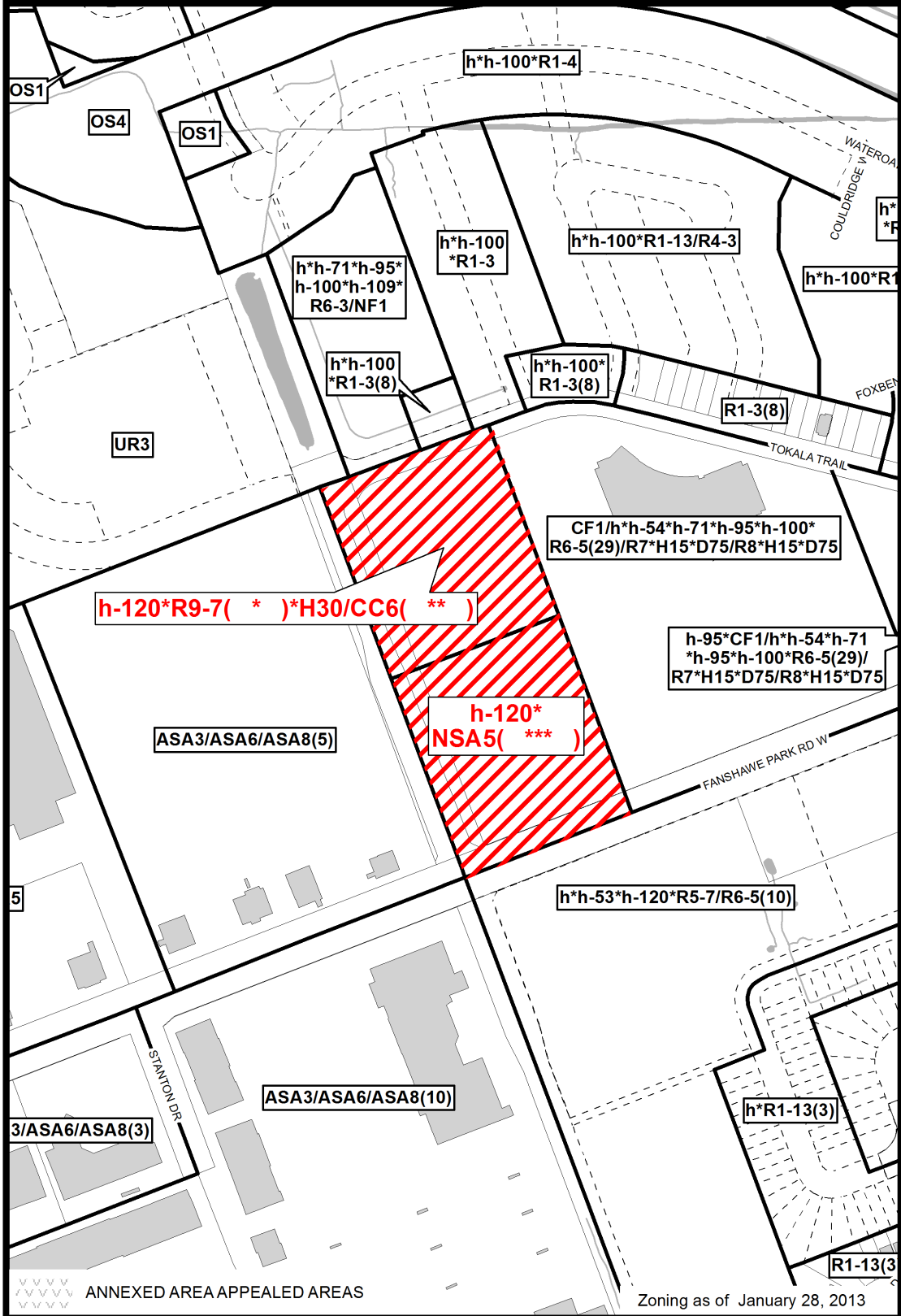
Catharine Saunders  
City Clerk



First Reading - March 5, 2013  
Second Reading – March 5, 2013  
Third Reading - March 5, 2013



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

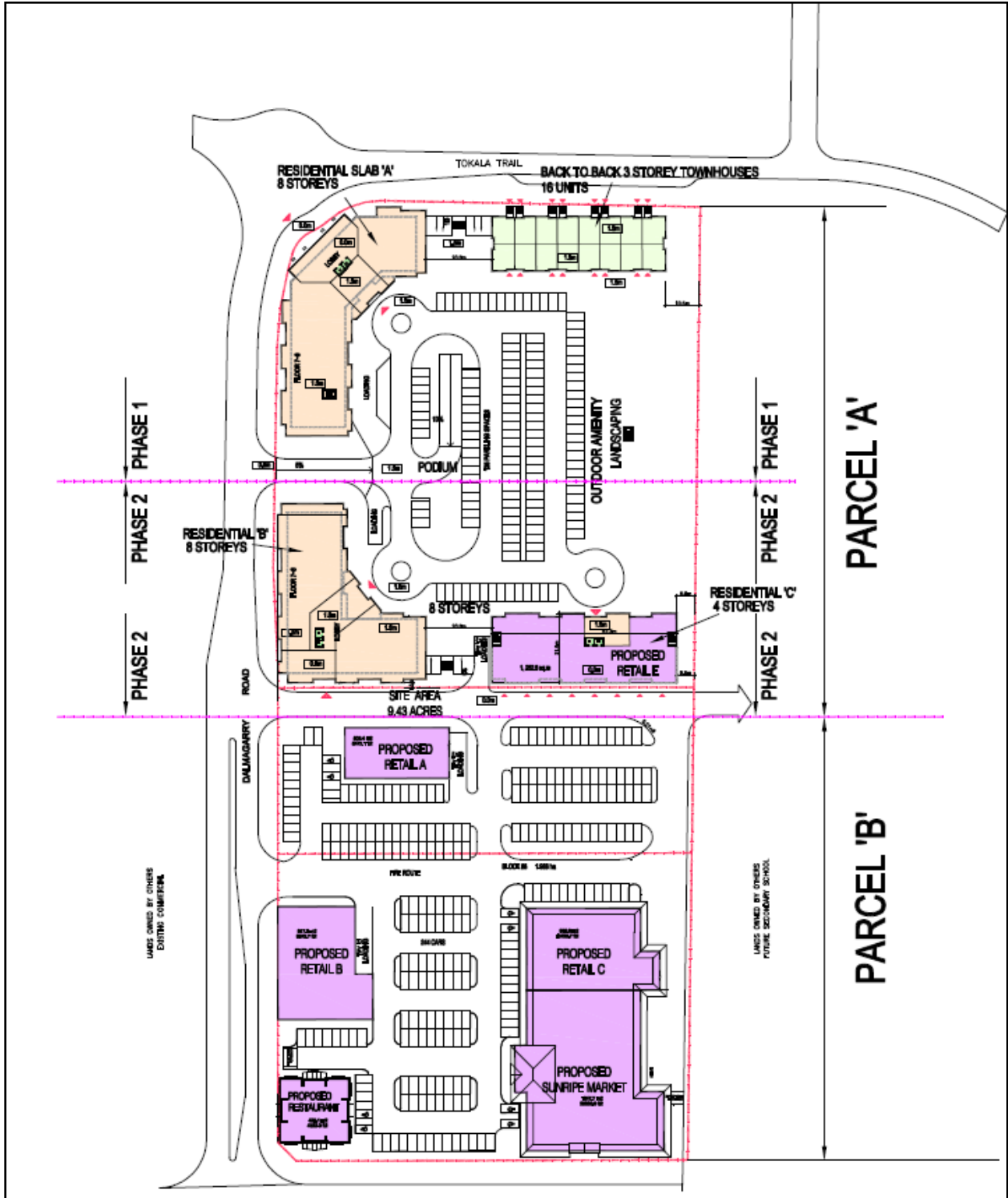


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Geodatabase

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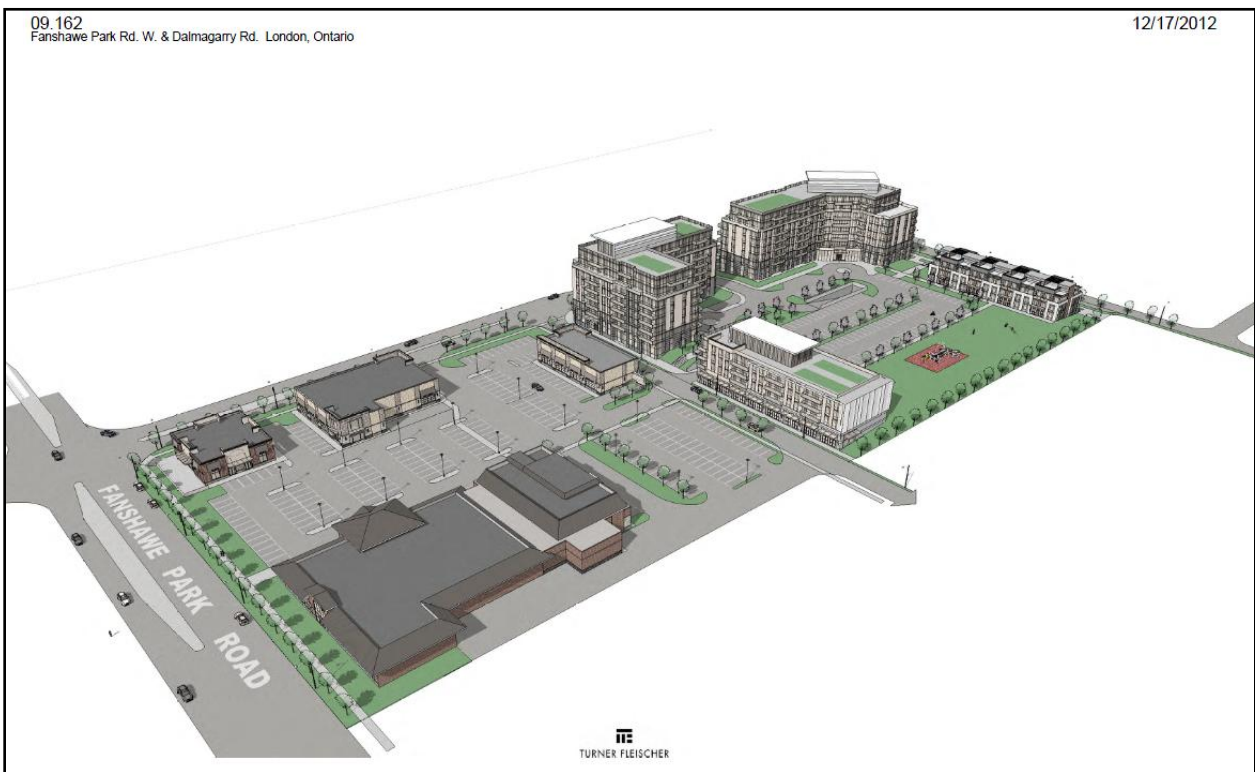
Appendix "D" – Site Concept and Renderings



Turner Fleischman

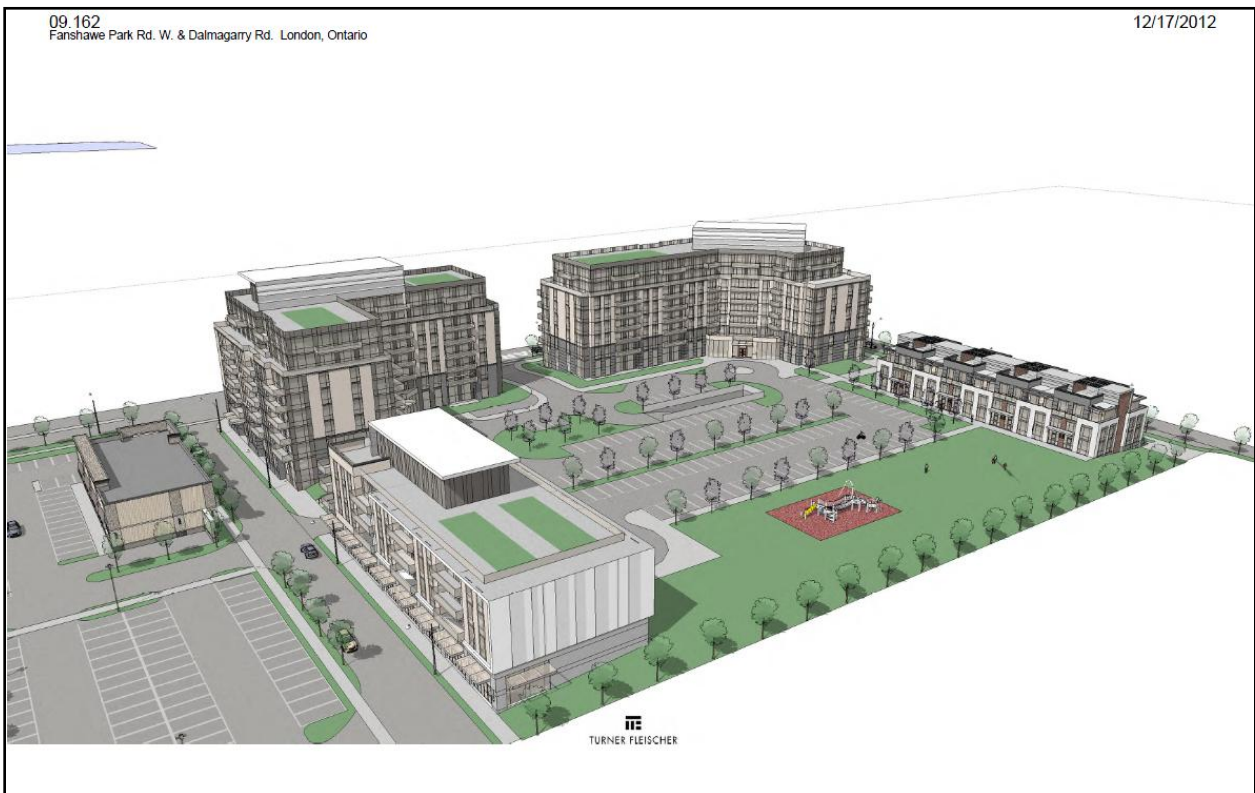
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Planner: B. Debbert



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Planner: B. Debbert





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Planner: B. Debbert



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Planner: B. Debbert

09.162  
Fanshawe Park Rd. W. & Dalmagarry Rd. London, Ontario

12/17/2012



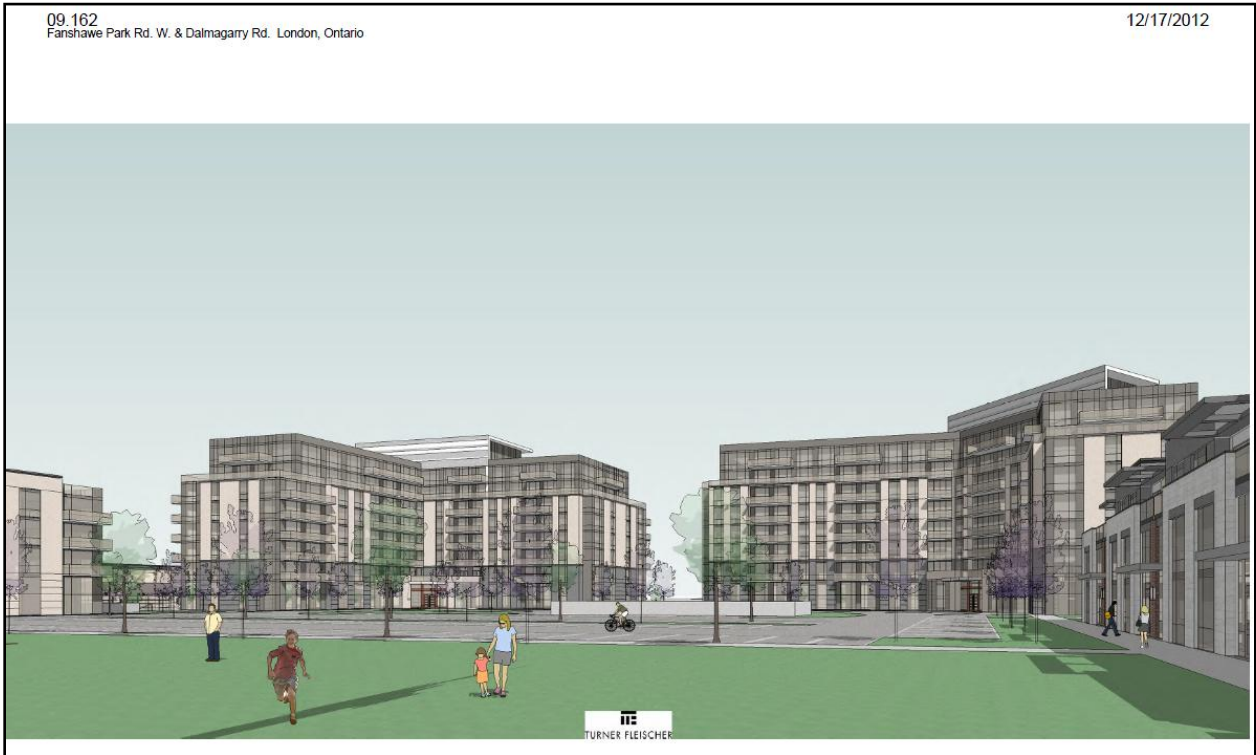
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Fanshawe Park Rd. W. & Dalmagarry Rd. London, Ontario

12/17/2012



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File: OZ-8115  
Planner: B. Debbert





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**File: OZ-8115**  
**Planner: B. Debbert**

