

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: G. Kotsifas P. Eng.,
Managing Director, Development & Compliance Services and
Chief Building Official

Subject: Application by: 2431602 Ontario Limited (Westdell
Development Corporation)
420 Fanshawe Park Road East

Meeting on: April 26, 2021

Recommendation

That, on the recommendation of the Director, Development Services, the following action be taken with respect to the application of 2431602 Ontario Limited relating to the property located at 420 Fanshawe Park Road East, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on May 4, 2021 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the lands **FROM** a holding Residential R1 Bonus (h-5*R1-7*B42) Zone **TO** Residential R1 Bonus (R1-7*B42) Zone to remove the "h-5" holding provision.

Executive Summary

Summary of Request

The request is to remove holding provisions from the residential zone on 420 Fanshawe Park Road East.

Purpose and the Effect of Recommended Action

The purpose and effect of this zoning amendment is to remove the holding "h-5" symbol to permit the construction of a four (4) storey, 142-unit residential apartment building.

Rationale of Recommended Action

The requirements for removing the holding provision have been met.

1. A public site plan meeting was held before the Planning and Environment Committee on June 18th, 2018. Since that time, staff have worked with applicant to ensure that matters raised through the meeting have been considered.
2. A Development Agreement has been executed and security has been posted for this development.

It is appropriate to remove the holding provision as it is no longer required.

Linkage to the Corporate Strategic Plan

Building a Sustainable City - London's growth and development is well planned and sustainable over the long term.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

May 23, 2017 - Planning and Environment Committee – Westdell Development Corporation regarding the property located at 420 Fanshawe Park Road East – Application for an Official Plan Plan and Zoning By-law Amendment (OZ-8624).

June 18, 2018 - Planning and Environment Committee - Westdell Development Corporation regarding the property located at 420 Fanshawe Park Road East – public meeting with for Site Plan Approval.

1.2 Planning History

On May 23rd, 2017, the Planning and Environment Committee (PEC) considered an amendment to the Official Plan to change the designation of the subject lands from a Low-Density Residential designation to a Multi-family, Medium Density Residential designation, and an amendment to the Z.-1 Zoning By-law from a Residential R1 (R1-7) Zone to a holding Residential R1 Bonus (h-5*R1-7*B-42) (OZ-8624). The requested amendment sought to permit a 4 storey apartment building with a height of 14.6 metres (48 feet) and a density of up to 100 units per hectare. On May 30, 2017, Municipal Council approved the amendments and resolved (among others):

“The Site Plan Approval Authority BE REQUESTED to consider the following design issues through the site plan process:

- i. The provision of privacy fencing along the east and west property lines;*
- ii. The provision of enhanced landscaping along the east and west property boundaries for screening; and,*
- iii. Restrict any fencing proposed for the north boundary to wrought iron or similar visually permeable fencing material.*

It being noted that the applicant has provided for the provision of privacy fencing and enhanced landscaping along the east and west property lines, and landscaping in-lieu of wrought fencing along the north property line.”

On March 15, 2018, city staff received a Site Plan Control application for a low-rise apartment building of 4-storeys (14.6m) with 142 residential units. The ‘U’-shaped building with orientation towards Fanshawe Park Road East proposed vehicular access from Fanshawe Park Road East.

On April 26th, 2018, Councillor Maureen Cassidy held a ward meeting to discuss the proposed site plan with approximately 100 members of the public. At the ward meeting city staff presented the details of the Site Plan application.

On June 18th, 2018, a public site plan meeting was held before PEC to consider the application for Site Plan Approval. On June 26, 2018, Municipal Council informed the Approval Authority that several issues were raised by the public with regarded to the proposed development (see Appendix B) and that Council conditionally supported the application.

1.3 Property Description

The subject lands are located on the south side of Fanshawe Park Road East, east of and Hastings Drive. Fanshawe Park Road East is classified as an Urban Thoroughfare in The London Plan and an Arterial Road in the 1989 Official Plan. The City issued demolition permits on January 4, 2019 to remove the single detached dwelling and the accessory (barn) structure. The site is currently vacant.

1.4 Current Planning Information

- Official Plan Designation – Multi-family, Medium Density Residential
- The London Plan Place Type – Neighbourhoods
- Existing Zoning – Residential R1 Bonus (R1-7*B42) Zone which permits apartment buildings.

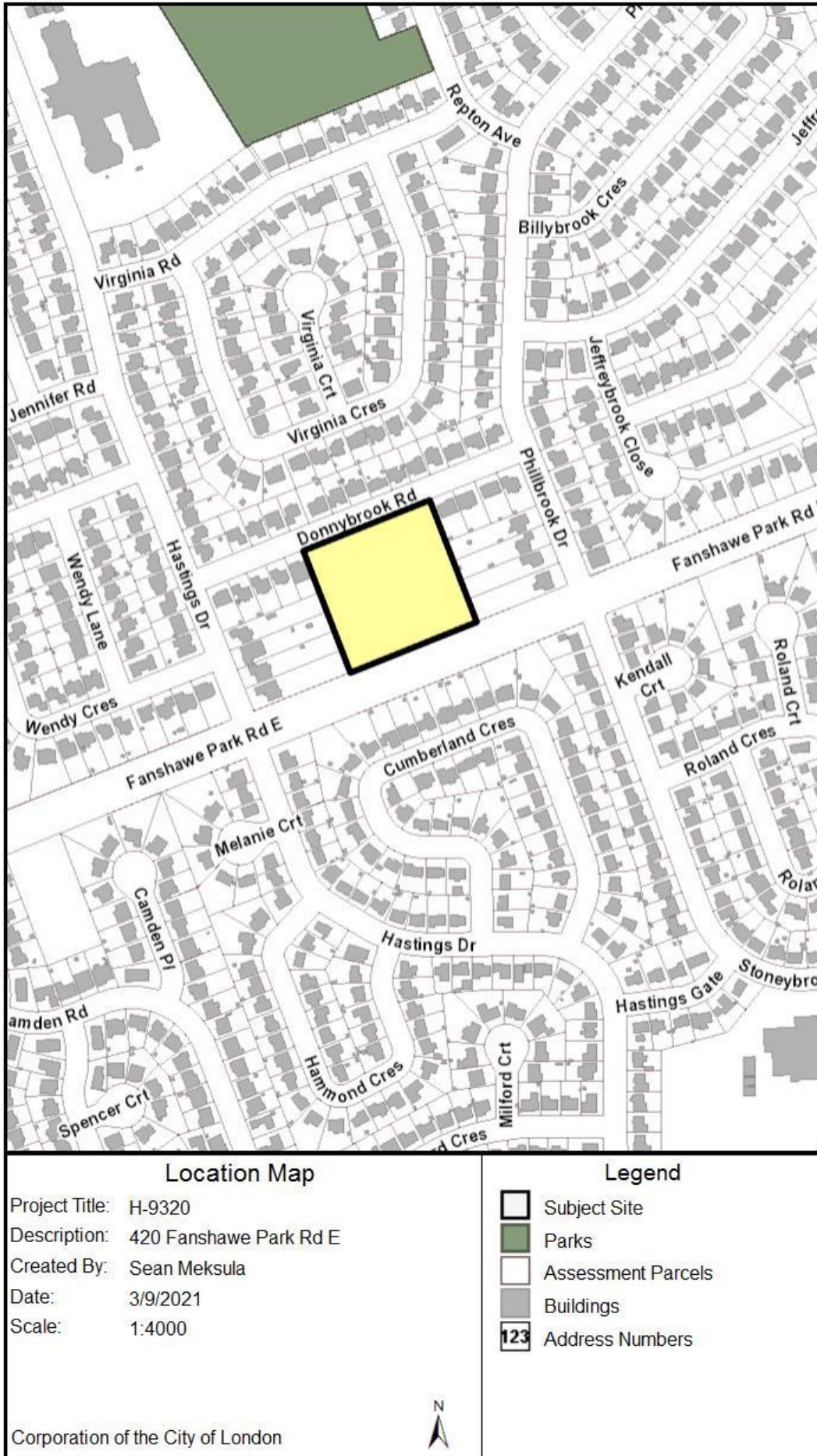
1.5 Site Characteristics

- Current Land Use – Vacant
- Frontage – 121.8m
- Depth – 116.9m
- Area – 14,232 m²
- Shape – Square

1.6 Surrounding Land Uses

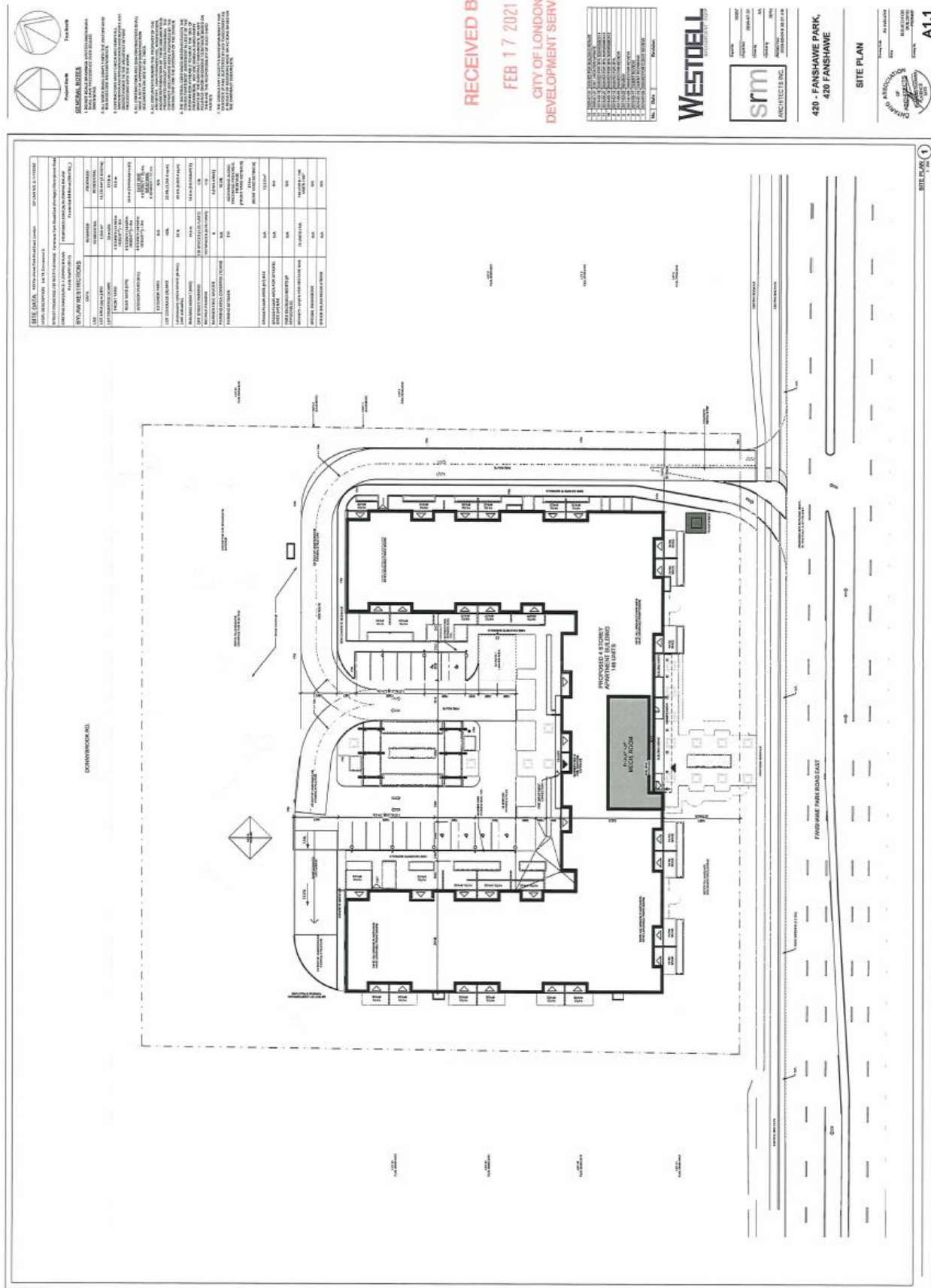
- North – Low Density Residential
- East – Low Density Residential
- South – Low Density Residential
- West – Low Density Residential

1.7 Location Map



2.0 Discussion and Considerations

The proposed application is to remove the h-5 holding provision from the subject lands. The holding provision was included in the zone to ensure that development takes a form compatible with adjacent land uses and that the site plan be brought back to PEC for public review and comment. The proposed development consists of a four (4) storey apartment building with a total of one hundred and forty-two (142) residential units fronting Fanshawe Park Road. Issues raised through the public meeting have been addressed in the proposal.



2.1 Community Engagement (see detail in Appendix B)

A total of seventeen (17) comments were received as part of the circulation for this application. Most comments expressed concerns over the impacts for the use, a few comments requested additional information on the holding removal process and why it has taken so long for this development to proceed to being built.

A summary of the comments received is as follows:

Concerns

- Expressed concern that the holding provision was being removed;
- Why has it taken so long for the holding provision to be removed:
- The air quality with diesel fumes, dust, exhausts, offensive product odours etc. will not help out with the added Covid fear:
- Review final Site Plan and Development Agreement:
- No guarantee that any or all of the \$90,000 contribution regarding tree planting will be spent in the neighbourhood:
- Various questions and clarification requested regarding the process and timing to remove the holding provisions:
- High water table level along this street and is it possible to build an apartment on the lands:
- Lack of necessary infrastructure:
- Impact of overland flow on abutting properties:
- No building this large is necessary:
- Traffic flow/volume, congestion and accidents:
- The number of parking spaces is inadequate for a 142-unit complex:
- Overflow parking will go out onto Donnybrook. This will be a problem in the summer and compounded in the winter when plows can't get down the street because of cars from:
- Concern about the veracity of estimated enrolment at Jack Chambers school over the next five years:
- Concern with the negative impact of the use on community, loss of privacy and impact on property values, and;
- Request the site comply with engineering requirements:

3.0 Financial Impact/Considerations

Through the completion of the works associated with this application fees, development charges and taxes will be collected. There are no direct financial expenditures associated with this application.

4.0 Key Issues and Considerations

Why is it Appropriate to remove this Holding Provision?

h-5 Holding Provision

The "h-5" holding provision states:

"To ensure that development takes a form compatible with adjacent land uses, agreements shall be entered into following public site plan review specifying the issues allowed for under Section 41 of the Planning Act, R.S.O. 1990, c. P.13, prior to the removal of the "h-5" symbol.

The required public participation meeting was held on June 18th, 2018. The meeting provided the public an opportunity to review and comment on the proposed site plan. A summarized list of those comments is included in Appendix B of this report. Municipal Council conditionally supported the proposed developments noting the following conditions be considered by the applicant and City staff in their revision of the site plan:

- a quiet operator and a quiet door;
- tree compensation plan;
- construction traffic management plan;
- parking garage sound mitigation measures;
- pre-consultation placement of fencing; and
- pre and post construction consideration of traffic calming.

Staff and the applicant have worked to resolve the concerns of the public and have addressed the conditions identified by Council. Specifically:

- a quiet operator and a quiet door; and parking garage sound mitigation measures;

At the time of approval of the site plan, a model and unit number for the underground parking garage door was not chosen. It is advised that details such as this are often determined by the developer further along in the construction process. Given this, staff have inserted a clause in the Development Agreement to ensure that noise mitigation measures including but not limited to mounting the operating system within the underground parking and using an overhead door with enhanced STC values are maintained. Should volumes exceed 60 dBA, a noise study will be required to determine the necessary noise control measures.

- tree compensation plan;

Compensation to account for the loss of trees through this development is being addressed by a payment of \$89,280.00 by the developer to the City for future plantings within the City of London. This is provided as per direction received by City Council as a result of the public site plan meeting.

- construction traffic management plan;

Two relevant clauses have been inserted into the Development Agreement. Firstly, the Owner acknowledges that all construction activities will be staged on site. Secondly, with the exception of a connection to municipal services, Donnybrook Road shall not be used by construction vehicles during the construction of 420 Fanshawe Park Road East.

- pre-consultation placement of fencing; and

A clause has been inserted in the Development Agreement which requires that the applicant meets with the adjacent landowners to the east and west and agree to an individual solution for each property on whether to maintain an existing cedar hedgerow, or install a new 1.8m board on board fence and cedar hedgerow. Staff can advise that the applicant and City have been engaged with residents regarding this matter.

Staff feel the attached site plan, coupled with the associated engineering drawings and executed development agreement meet the direction of Council and satisfy the requirement of the holding provision.

Conclusion

The requirements for the holding provision on the subject lands has been addressed through the site plan approval process. Removal of the holding provision will allow the development of the proposed four (4) storey apartment building with a total of one hundred and forty-two (142) residential units. In the opinion of Staff, the holding zone requirements have been satisfied and it is appropriate to proceed to lift the holding symbol from the zoning map.

Prepared by: Sean Meksula, MCIP, RPP
Senior Planner, Development Services

Submitted by: Paul Yeoman, RPP, PLE
Director, Development Services

Recommended by: George Kotsifas, P. Eng.
Managing Director, Development and Compliance
Services and Chief Building Official

cc: Matt Feldberg, Manager, Development Services (Subdivisions)
cc: Bruce Page, Manager, Development Services (Subdivisions)
cc: Peter Kavcic, Manager, Development Services (Subdivisions)
cc: Michael Pease, Manager, Development Services (Site Plan)

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Appendix A

Bill No. (number to be inserted by Clerk's Office)
2021

By-law No. Z.-1-21 _____

A by-law to amend By-law No. Z.-1 to remove holding provision from the zoning for lands located at 420 Fanshawe Park Road East.

WHEREAS 2431602 Ontario Limited (Westdell Development Corporation) has applied to remove the holding provision from the zoning for the lands located at 420 Fanshawe Park Road East, as shown on the map attached to this by-law, as set out below;

AND WHEREAS it is deemed appropriate to remove the holding provision from the zoning of the said lands;

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

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 420 Fanshawe Park Road East, as shown on the the attached map comprising part of Key Map No. 102, to remove h-5 holding provisions so that the zoning of the lands as a Residential R1 Bonus (R1-7*B42) Zone comes into effect.
2. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on May 4, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – May 4, 2021
Second Reading – May 4, 2021
Third Reading – May 4, 2021

Appendix B – Public Engagement

Community Engagement

Public liaison: Notice of the application was published in the Londoner on March 18th, 2021.

17 replies were received.

Nature of Liaison: City Council intends to consider removing the Holding (h-5) Provision from the zoning of the subject lands to allow the development of a 142-unit four (4) storey apartment building permitted under the Residential R1 Bonus (R1-7*B42) Zone. The purpose of the “h-5” provision is to ensure that development takes a form compatible with adjacent land uses, agreements shall be entered into following public site plan review specifying the issues allowed for under Section 41 of the Planning Act, R.S.O. 1990, c. P.13, prior to the removal of the "h-5" symbol. Council will consider removing the holding provisions as it applies to these lands no earlier than April 26, 2021.

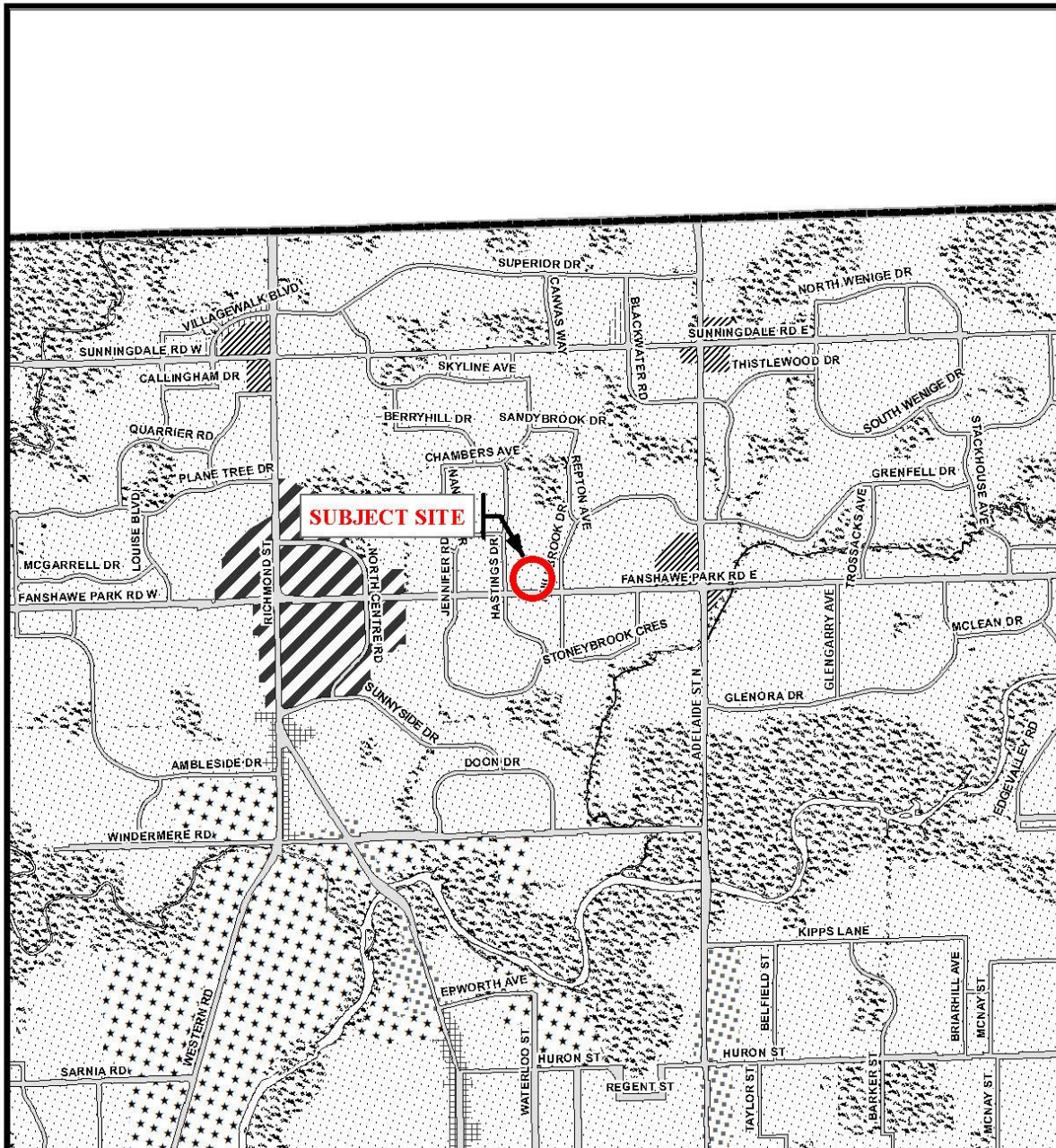
June 18, 2018 Public Site Plan Meeting

The following is a list of issues raised at the PEC public site plan meeting on June 18, 2018:

- the extent of the tree removal on the property;
- request for an increased amount of screening on the hedgerow on Donnybrook;
- landscaping concerns;
- requesting that trees not able to be planted on the subject property be planted in Virginia Park;
- significant groundwater levels;
- subsurface water movement on the site and surrounding properties causing basement flooding;
- an increase of traffic and parking along adjacent streets;
- traffic being allowed to turn onto the site from Fanshawe Park Road;
- timing of the bore hole drilling as it was done in January 2018;
- construction access to the subject site not be granted from Donnybrook Road and surrounding streets;
- construction vehicles be retained on the subject site;
- concerns with the loss of the vegetation existing on the site currently;
- geotechnical report concerns as there is a significant number of flooding basements on Donnybrook Road;
- clarification of one level or two levels of underground parking;
- concern with right in and right out only access causing more traffic along Donnybrook Road, which is a narrow road;
- fence height and material; not reasonable for the east and west sides of the properties; and
- west side will have a garage door close to the neighbouring property.

Appendix C– Relevant Background

London Plan Excerpt



Legend

- | | | |
|------------------------|--------------------------|---|
| Downtown | Future Community Growth | Environmental Review |
| Transit Village | Heavy Industrial | Farmland |
| Shopping Area | Light Industrial | Rural Neighbourhood |
| Rapid Transit Corridor | Future Industrial Growth | Waste Management Resource Recovery Area |
| Urban Corridor | Commercial Industrial | Urban Growth Boundary |
| Main Street | Institutional | |
| Neighbourhood | Green Space | |

This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.

At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.

CITY OF LONDON

Planning Services /
Development Services

**LONDON PLAN MAP 1
- PLACE TYPES -**

PREPARED BY: Planning Services



Scale 1:30,000



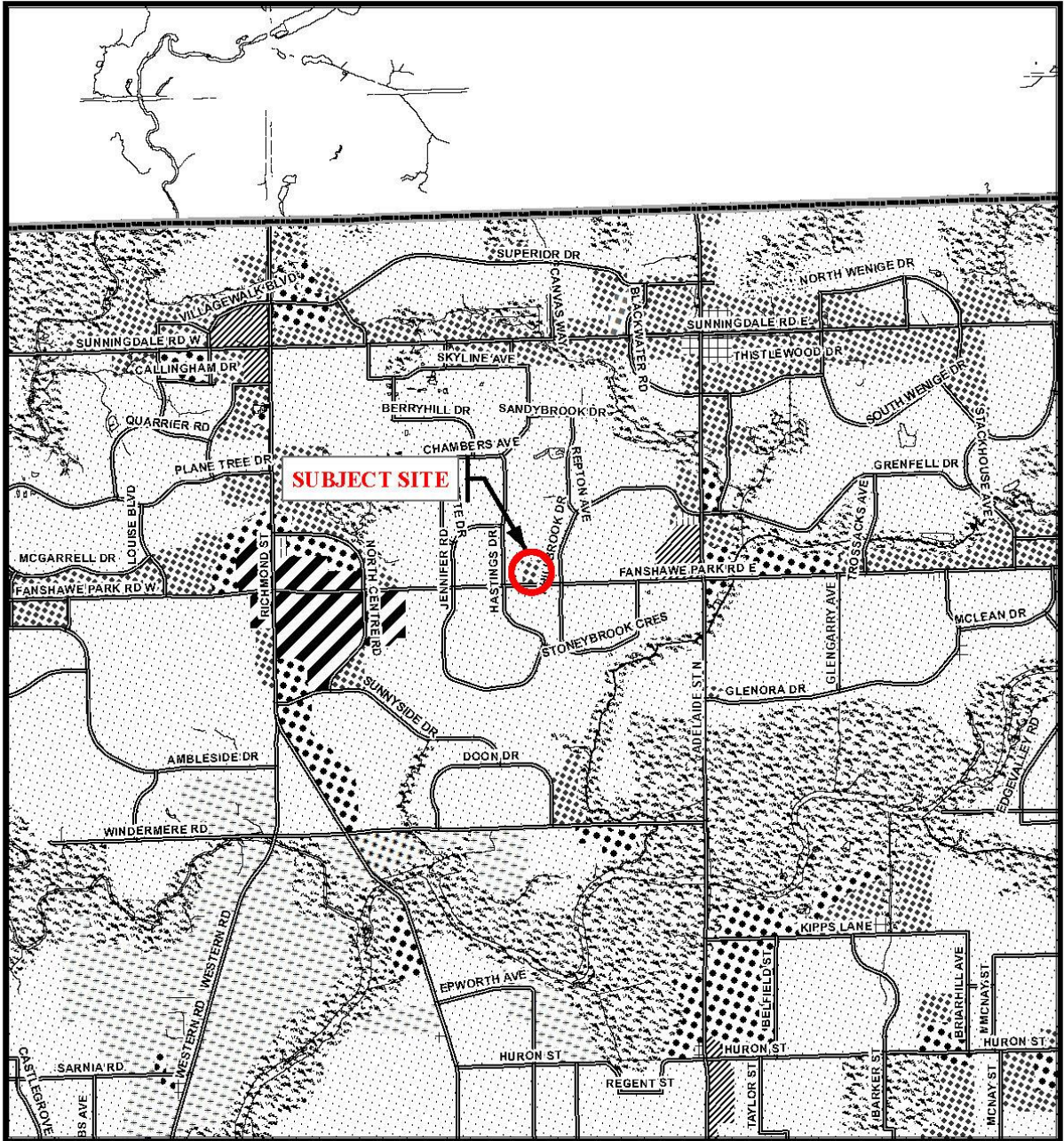
File Number: H-9320

Planner: SM

Technician: RC

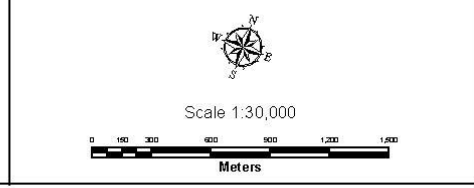
Date: March 11, 2021

1989 Official Plan Excerpt



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

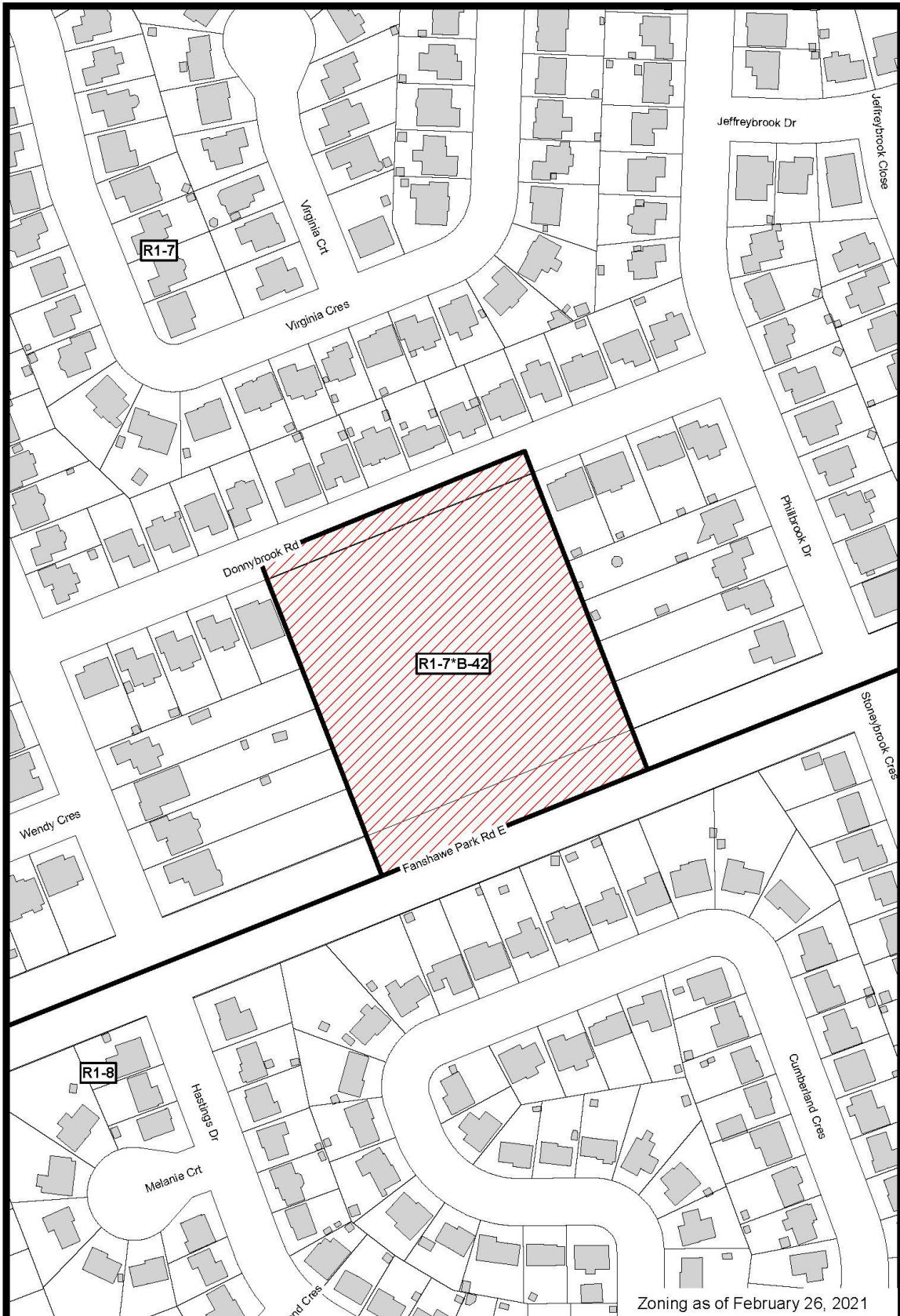
CITY OF LONDON
 Department of
 Planning and Development
 OFFICIAL PLAN SCHEDULE A
 - LANDUSE -
 PREPARED BY: Graphics and Information Services



FILE NUMBER: H-9320
 PLANNER: SM
 TECHNICIAN: RC
 DATE: 2021/03/11

Zoning Excerpt

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



File Number: H-9320
Planner: SM
Date Prepared: 2021/03/11
Technician: RC
By-Law No: Z-1-

SUBJECT SITE 

1:2,000

