

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: George Kotsifas P. Eng.,
Deputy City Manager, Planning and Economic Development
Subject: Application By: Stackhouse Developments (London) Inc.
1150 Fanshawe Park Road East
Meeting on: January 10, 2022

Recommendation

That on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of Stackhouse Developments (London) Inc. relating to the property located at 1150 Fanshawe Park Road East, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on January 25, 2022 to amend Zoning By-law Z.-1, in conformity with the Official Plan, to change the zoning of the lands **FROM** a Holding Restricted Office/Convenience Commercial/Residential R8 Special Provision (h-5/h-18/RO2/CC5(1)/R8-4(60)/B-70) Zone **TO** a Restricted Office/Convenience Commercial/Residential R8 Special Provision RO2/CC5(1)/R8-4(60)/B-70) Zone to remove the h-5 and h-18 holding provisions.

Executive Summary

Summary of Request

The development for consideration is for the development of apartment building and a stacked townhouse on the west side of Stackhouse Avenue, north of Fanshawe Park Road East. The site is to be developed with vehicular access from Stackhouse Avenue. The request is to remove the holding provisions from the residential zone on 1150 Fanshawe Park Road East.

Purpose and the Effect of Recommended Action

The purpose and effect are to remove the holding ("h-5" and "h-18") symbols from the zoning to permit construction of a six (6) storey, 81-unit residential apartment building a three (3) storey stacked townhouse with 6-units.

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 September 20th, 2021. 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.
3. An archaeological assessment and the necessary sign off has been provided.

It is appropriate to remove the holding provisions as they are 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 10, 1999 – Report to Planning Committee to change the zoning of the subject site to a Holding Convenience Commercial Special Provision/Restricted Office (h-27*CC5(1)/RO2) Zone. File Z-5705.

November 2, 2020 – Report to Planning Committee to change the Official Plan by adding a specific policy to Chapter 10 to permit an increased density of 133 units per hectare and Zoning of the subject site to a Holding Restricted Office/Convenience Commercial/Residential R8 Special Provision (h-5/h-18/RO2/CC5(1)/R8-4(60)/B0-70) Zone. File OZ-9215.

September 21, 2021 - Planning and Environment Committee - Stackhouse Developments (London) Inc. regarding the property located at 1150 Fanshawe Park Road East – public meeting with for Site Plan Approval - File SPA21-050.

1.2 Planning History

The lands were in the former Township of London and were annexed into the City of London on January 1, 1993. The single detached dwelling on site was constructed circa 1920.

The subject site is within the Stoney Creek Community Plan which was prepared by area landowners to provide more detailed guidance for future development and serve as a basis for Official Plan designations. In 1998, Council adopted the Multi-Family, Medium Density Residential Designation for the lands. A specific policy to allow for Convenience Commercial uses on the subject site was added in 1999 to section 3.6.5.vii) of the 1989 Official Plan. The existing zoning was also applied in 1999 through application Z-5705.

In 2003 the corner property at 1152 Fanshawe Park Road East was severed from the retained subject lands through consent application B.024/03. A minor variance application A.042/03 was also submitted to facilitate the requested severance to allow for a reduced lot frontage. The corner property at 1152 Fanshawe Park Road East continues to be used as a small retail clothing store.

The application for Site Plan Approval was accepted on June 25, 2021 for the construction of a six (6) storey, 81-unit residential apartment building and a three (3) storey stacked townhouse with 6-units. A public meeting was held at the Planning and Environment Committee (PEC) on September 20th, 2021.

1.3 Property Description

The subject site is located on the northwest corner of Fanshawe Park Road East and Stackhouse Avenue. Stackhouse Avenue is a neighbourhood connector road. The lands to the west and east of the site consist primarily of one to two (1-2) storey single family dwellings. The lands to the south comprise of a one storey commercial use, and lands to the north are currently vacant.

1.4 Current Planning Information (see more detail in Appendix D)

- Official Plan Designation – Multi-Family, Medium Density Residential
- The London Plan Place Type – Neighbourhoods
- Existing Zoning – Holding Restricted Office/Convenience Commercial/Residential R8 Special Provision (h-5/h-18/RO2/CC5(1)/R8-4(60)/B0-70) Zone

1.5 Site Characteristics

- Current Land Use –single detached dwelling
- Frontage –30.4m (99.7 feet) along Fanshawe Park Road East
- Depth – 131.8m (432 feet) along Stackhouse Avenue
- Area – 0.68 ha
- Shape – ‘L’ shaped

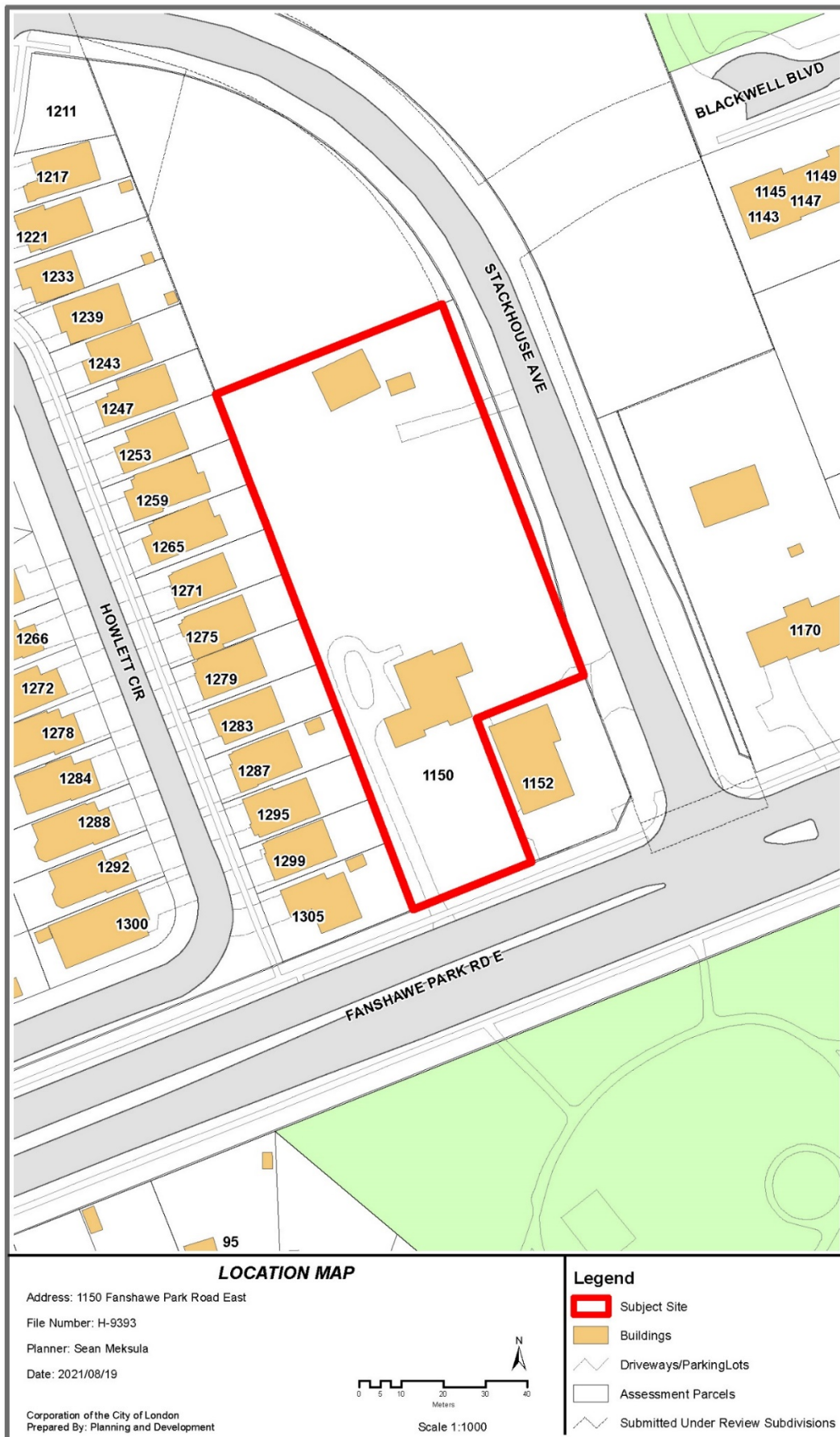
1.6 Surrounding Land Uses

- North – low density residential
- East – existing and future residential
- South – park
- West – existing residential

1.7 Intensification (identify proposed number of units)

- 87 residential units are inside of the 2016 built-area boundary and inside of the Primary Transit Area

1.8 Location Map

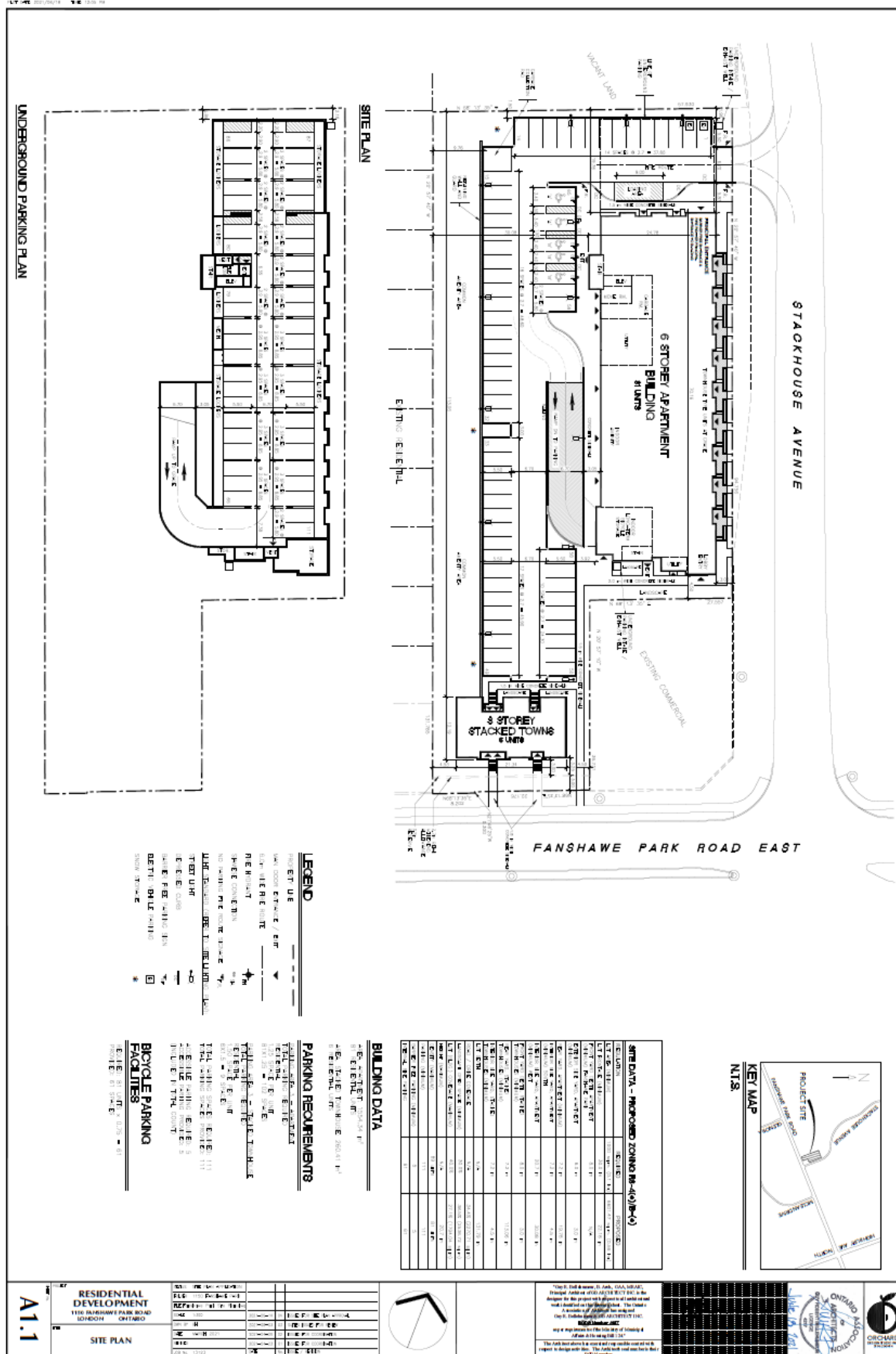


2.0 Discussion and Considerations

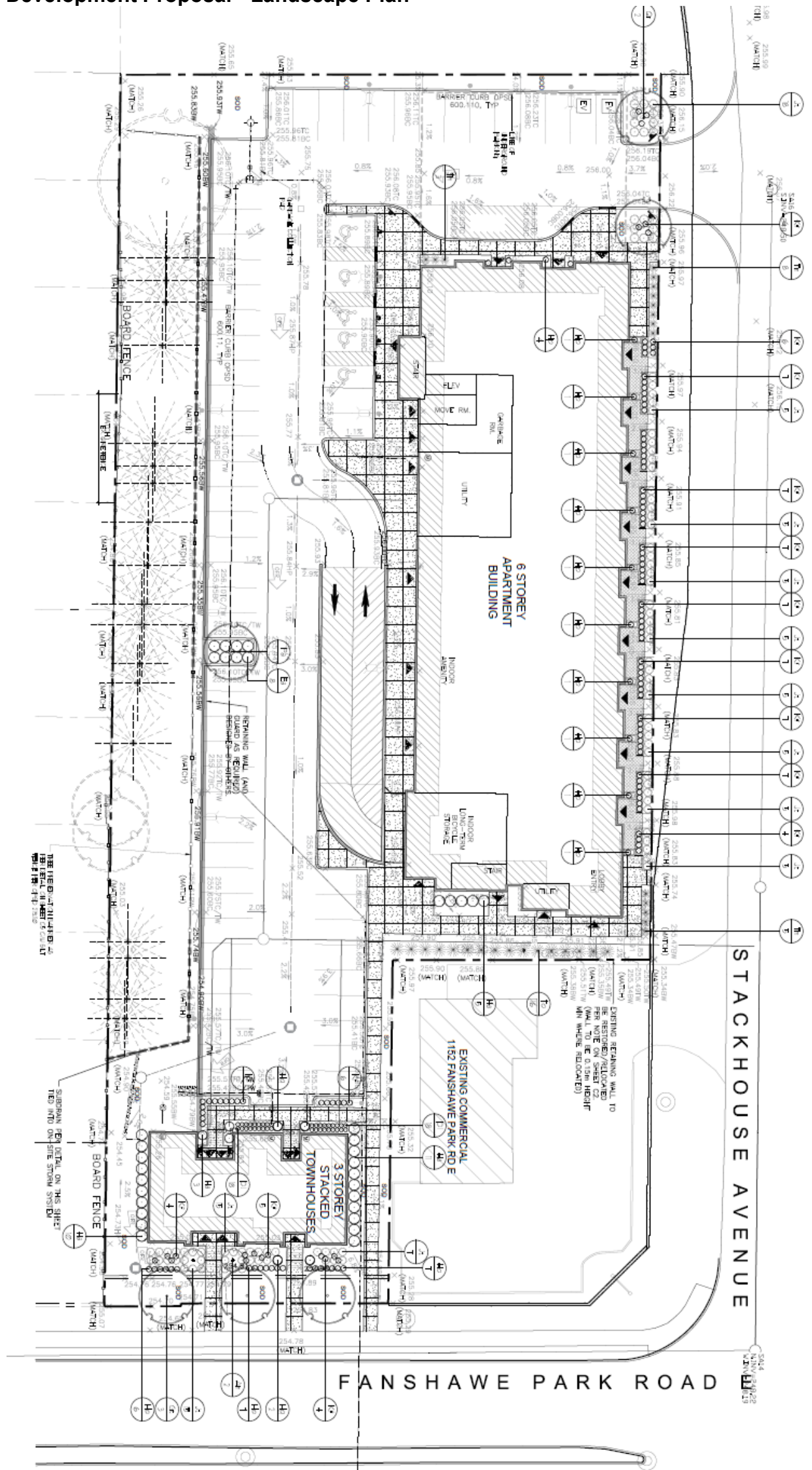
The Site Plan shows a six (6) storey, 81-unit residential apartment building and a three (3) storey stacked townhouse with 6-units. The parking area is located to the west and north of the buildings which contains a total one hundred and eleven (111) vehicular

spaces. With sixty-five (65) surface parking space and forty-six (46) underground parking spaces. One (1) vehicular access is located from Stackhouse Avenue. Pedestrian access to the building is provided from Stackhouse Avenue and Fanshawe Park Road East. Long term bicycle parking and garbage storage are located internal to the building. Privacy fencing (1.8 metre board on board) is proposed along the west property line. Existing mature trees along the north and west property lines are to be preserved and additional tree and plant material are proposed. The proposed development is located in close proximity to public transit.

Conceptual Site Plan - 1550 Fanshawe Park Road East



Development Proposal - Landscape Plan



2.1 Requested Amendment

The Applicant is requesting the removal of the h-5, and h-18 holding provisions on the site.

2.2 Community Engagement (see more detail in Appendix B)

On June 17, 2021 a notice of the application was published in the Public Notices and Bidding Opportunities section of The Londoner. No comments were received in response to the Notice of Application.

2.3 Policy Context (see more detail in Appendix C)

The Planning Act permits the use of holding provisions to restrict future uses until conditions for removing the holding provision are met. To use this tool, a municipality must have approved Official Plan policies related to its use, a municipal council must pass a zoning by-law with holding provisions, an application must be made to council for an amendment to the by-law to remove the holding symbol, and council must make a decision on the application within 150 days to remove the holding provision(s).

The City's Official Plan and the new London Plan also contain policies with respect to holding provisions, the process, and notification and removal procedures.

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

What is the purpose of the “h” holding provision and is it appropriate to consider its removal?

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 at the Planning and Environment Committee (PEC) on September 20, 2021.

Several issues were raised at this meeting, including concerns around drainage, grading, noise, traffic, and no provision for drop-off area for visitors/residents, and privacy.

Site Plan staff have completed their review and ensured that these and other issues have been addressed in the approved plans. Engineering plans have been accepted that ensure drainage and grading will not negatively impact surrounding properties. Noise studies have been accepted by the City and recommendations from the study have been incorporated into the approved design details. Access and parking layout has been accepted, including a new provision for drop-off area in proximity to the main entrance. Privacy fencing and enhanced landscaped buffering has been included in the accepted plan.

The above public issues that were raised at public meeting have been addressed by staff and are incorporated in the recommended site plan.

h-18 Holding Provision

The “h-18” holding provision states that:

“To ensure that lands are assessed for the presence of archaeological resources prior to development. The proponent shall carry out an archaeological resource assessment of the entire subject property or identified part thereof and mitigate, through avoidance or documentation, adverse impacts to any significant archaeological resources found, to the satisfaction of the Ministry of Citizenship, Culture and Recreation, and the City of London. No grading or other soil disturbance shall take place on the subject property prior to the issuance of a letter of clearance by the City of London Planning Division. The property will be assessed by a consultant archaeologist, licensed by the Ministry of Citizenship, Culture and Recreation under the provisions of the Ontario Heritage Act (R.S.O. 1990); and any significant sites found will be properly mitigated (avoided, excavated or the resource protected), prior to the initiation of construction, servicing, landscaping or other land disturbances. The condition will also be applied where a previous assessment indicates the presence of significant archaeological resources but mitigation has not been carried out.”

A Stage 1 and 2 Archaeological Assessment was submitted as part of the site plan application. The assessment found no archaeological resources and recommended no further study on the subject site. A letter from the Ministry of Tourism, Culture and Sport was provided. This satisfies the removal of the “h-18” holding provision.

Conclusion

The applicant has satisfied the requirements to remove the “h-5”, and “h-18” holding provisions. As noted above, the applicant has entered into a development agreement for this site, a public meeting was held before Planning and Environment Committee, and an archaeological assessment with the Ministry of Tourism, Culture and Sport sign-off was submitted. Therefore, the removal of the holding provisions are recommended to Council for approval.

Prepared by: Sean Meksula, MCIP, RPP
Senior Planner, Subdivision Planning

Reviewed by: Bruce Page
Manager, Subdivision Planning

Recommended by: Gregg Barrett, AICP
Director, Planning and Development

Submitted by: George Kotsifas, P. Eng.
Deputy City Manager,
Planning and Economic Development

cc: Matt Feldberg, Manager, Subdivisions and Development Inspections
cc: Bruce Page, Manager, Subdivision Planning
cc: Peter Kavcic, Manager, Subdivision Engineering
cc: Michael Pease, Manager, Site Plan

Bill No. (number to be inserted by Clerk's Office)
2022

By-law No. Z.-1-22_____

A by-law to amend By-law No. Z.-1 to remove the holding provision from the zoning of lands located at 1150 Fanshawe Park Road East .

WHEREAS Stackhouse Developments (London) Inc. has applied to remove the holding provisions from the zoning for lands located at 1150 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 provisions 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 1150 Fanshawe Park Road East, as shown on the attached map, comprising part of Key Map No. 103 to remove the holding provisions so that the zoning of the lands as a Restricted Office/Convenience Commercial/Residential R8 Special Provision (RO2/CC5(1)/R8-4(60)/B-70).
2. This by-law shall come into force and effect on the day it is passed.

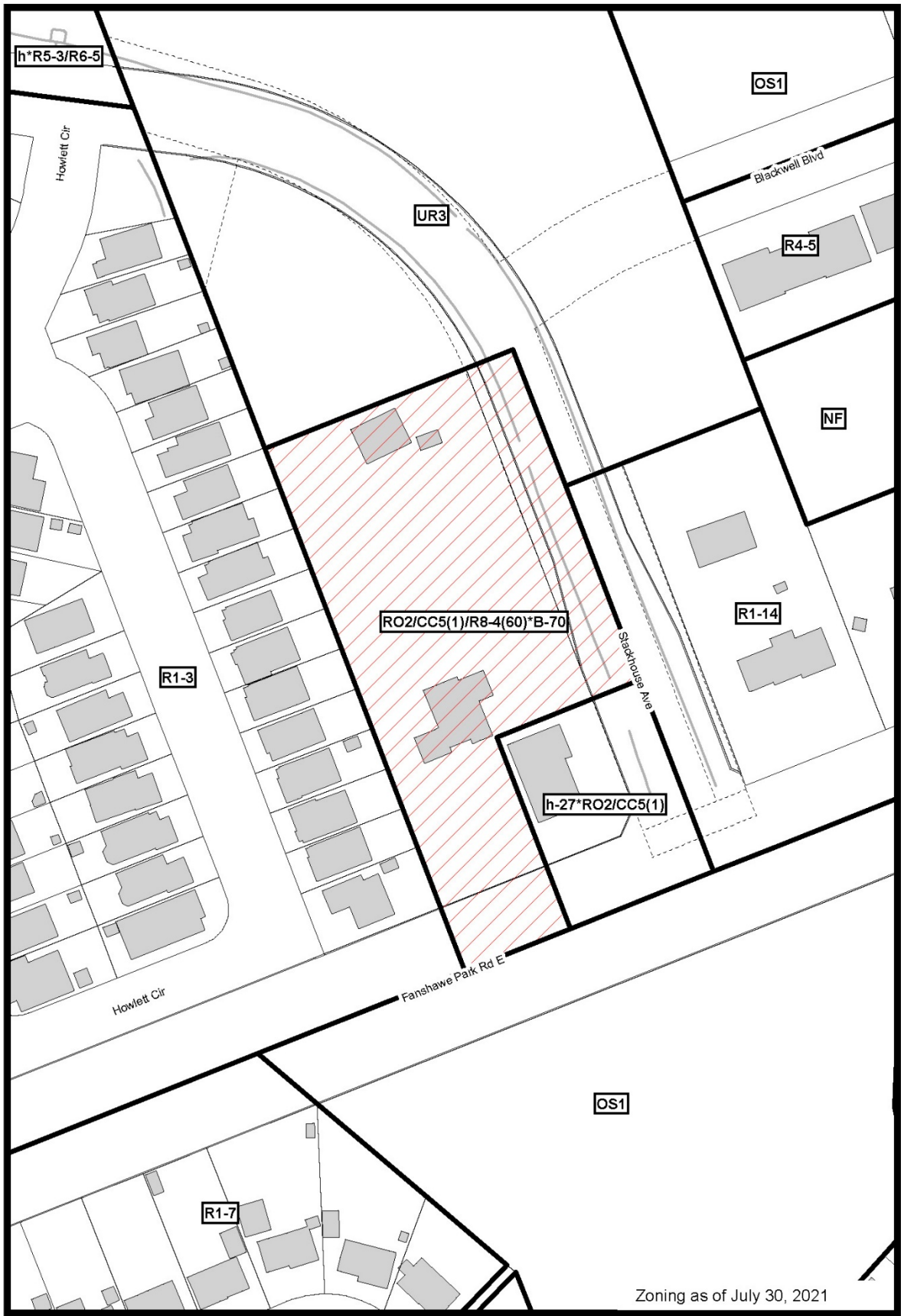
PASSED in Open Council on January 25, 2022

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – January 25, 2022
Second Reading – January 25, 2022
Third Reading – January 25, 2022

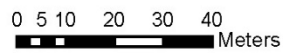
AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



File Number: H-9393
Planner: SM
Date Prepared: 2021/08/13
Technician: rc
By-Law No: Z.-1-

SUBJECT SITE 

1:1,250



Geodatabase

Appendix B – Public Engagement

Community Engagement

Public liaison: Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on August 26, 2021.

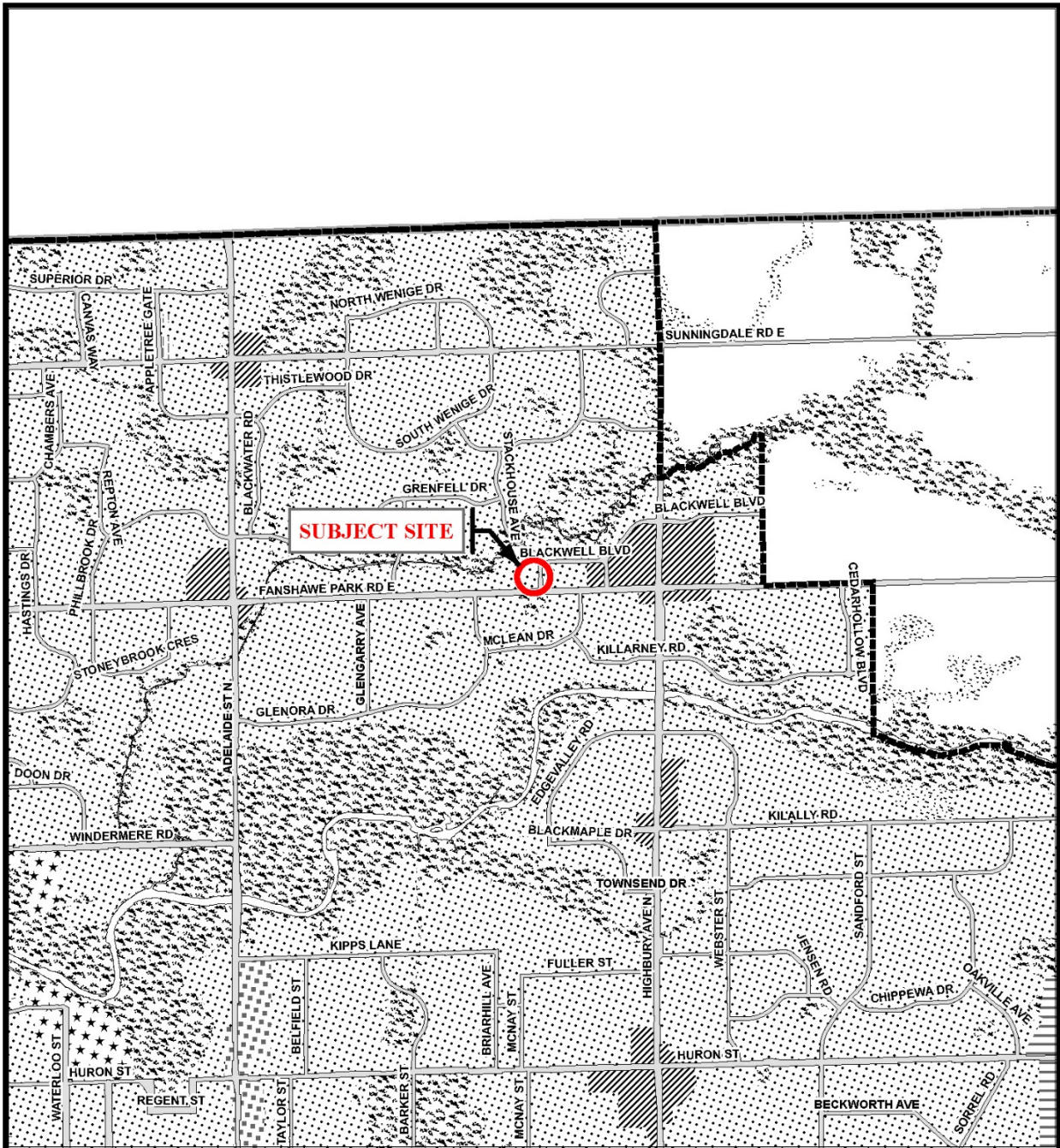
Nature of Liaison: City Council intends to consider removing the Holding (“h”, “H-5” and “h-18”) Provisions from the Holding Restricted Office/Convenience Commercial/Residential R8 Special Provision (h-5/h-18/RO2/CC5(1)/R8-4(60)/B0-70) Zone. The “h-5” provision is applied to ensure that that development takes a form compatible with adjacent land uses and requires a public site plan review. The “h-18” is to ensure that the lands are assessed for the presence of archaeological resources prior to development. Council will consider removing the holding provisions as it applies to these lands no earlier than October 12, 2021.

Agency/Departmental Comments

None.

Appendix C – Relevant Background

London Plan Place Types 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	

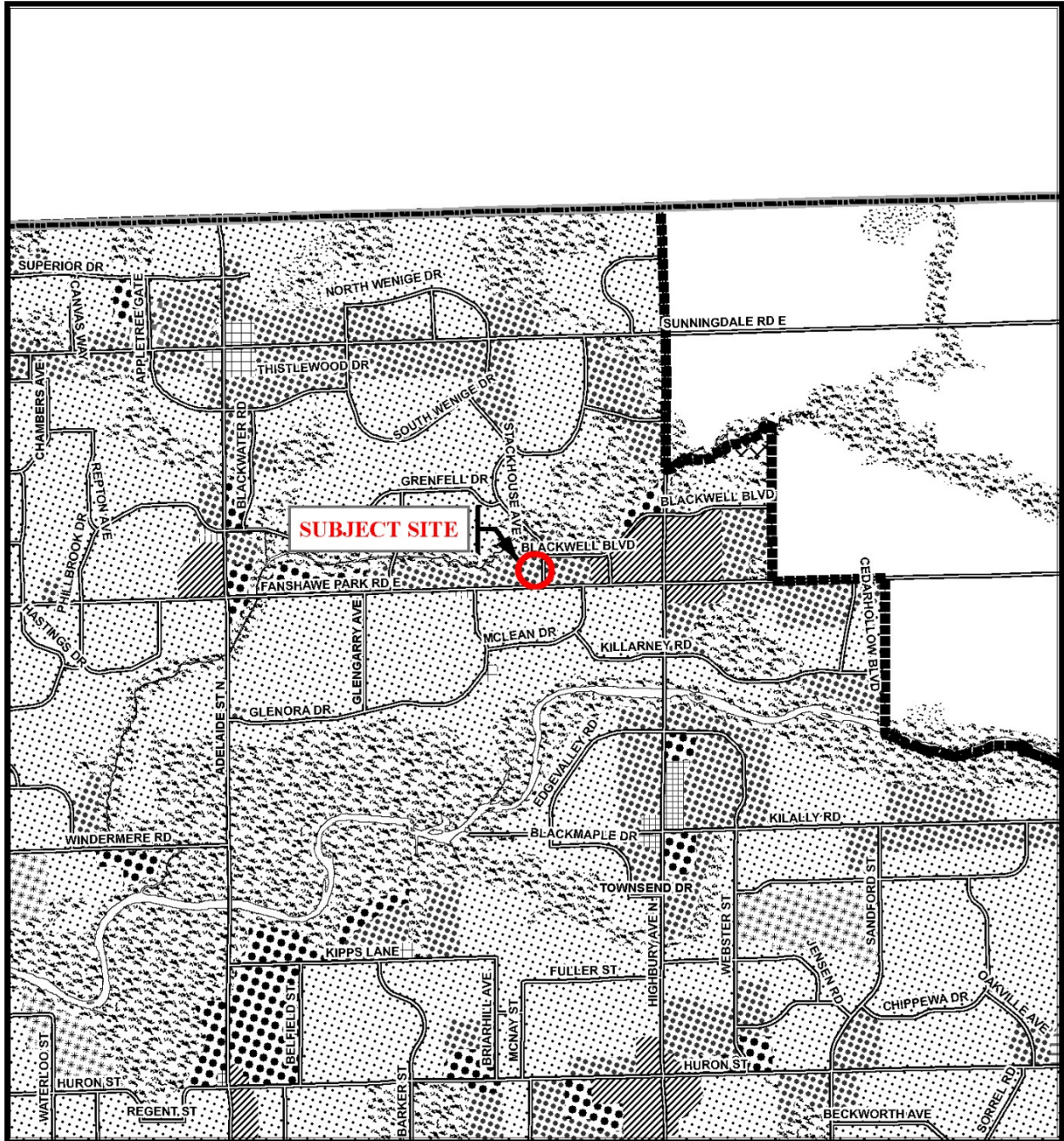
This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.

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.

<p>CITY OF LONDON Planning Services / Development Services</p> <p>LONDON PLAN MAP 1 - PLACE TYPES -</p> <p>PREPARED BY: Planning Services</p>	<p>Scale 1:30,000</p> <p>0 150 300 600 900 1,200 1,500 Meters</p>	<p>File Number: H-9393</p> <p>Planner: SM</p> <p>Technician: RC</p> <p>Date: August 19, 2021</p>
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Official Plan Schedule "A" Excerpt

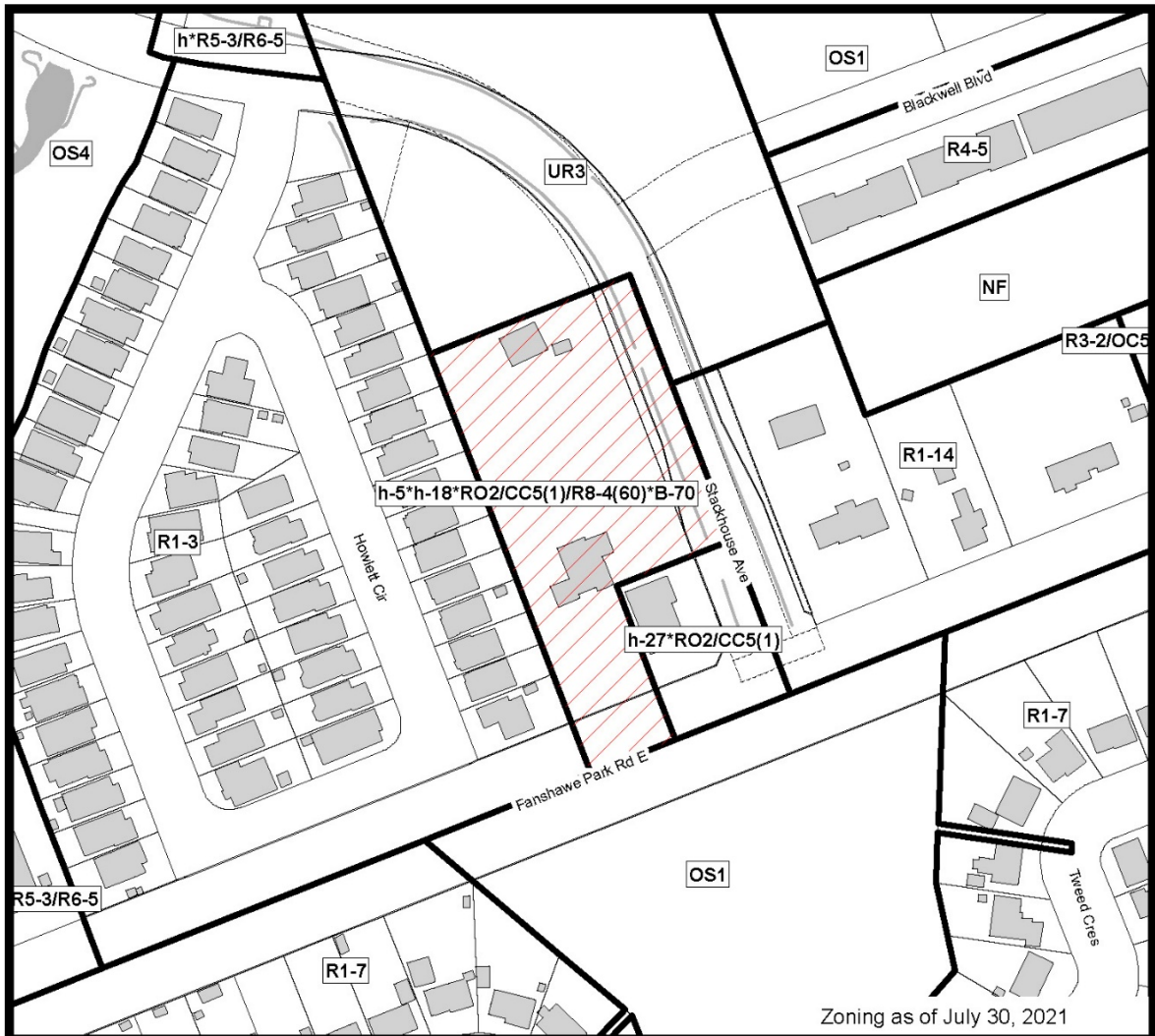


Legend		
Downtown	Multi-Family, Medium Density Residential	Office Business Park
Wonderland Road Community Enterprise Corridor	Low Density Residential	General Industrial
Enclosed Regional Commercial Node	Office Area	Light Industrial
New Format Regional Commercial Node	Office/Residential	Commercial Industrial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

<p>CITY OF LONDON</p> <p>Planning Services / Development Services</p> <p>OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p>PREPARED BY: Graphics and Information Services</p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: H-9393</p> <p>PLANNER: SM</p> <p>TECHNICIAN: RC</p> <p>DATE: 2021/08/19</p>
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Zoning by-law Map Excerpt



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE

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

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT 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:

H-9393

SM

MAP PREPARED:

2021/08/19

RC

1:2,000

0 10 20 40 60 80 Meters