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File: O-8077/Z-8157

<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: CITY OF LONDON AND FANSHAWE MOTORS LTD 1351 &amp; 1357, AND 1369 HYDE PARK ROAD PUBLIC PARTICIPATION MEETING ON MONDAY, JUNE 18, 2013</b>

<b>RECOMMENDATION</b>
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Further to the direction of Council on November 20, 2012, the Managing Director, Planning and City Planner, **SUBMITTING** the following related to the properties located at 1351, 1357 and 1369 Hyde Park Road:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on June 25, 2013 to amend the Official Plan to permit main street commercial uses on 1369 Hyde Park Road by changing the Official Plan land use designation **FROM** "Multi-Family, Medium Density Residential" **TO** "Main Street Commercial Corridor";
- (b) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on June 25, 2013 to amend the Official Plan to permit main street commercial uses on the west part of 1351 and 1357 Hyde Park Road, with a special provision to permit an automobile repair garage. Change the Official Plan land use designation **FROM** "Multi-Family, Medium Density Residential" **TO** "Main Street Commercial Corridor" and to add a Special Policy to Chapter 10 to permit an automobile repair garage, and;
- (c) the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on June 25, 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 on the west part of 1351 and 1357 Hyde Park Road **FROM** an Urban Reserve (UR3) Zone which permits: existing dwellings, agricultural uses, conservation lands, managed woodlot, wayside pit, passive recreation use, kennels, private outdoor recreation clubs and riding stables **TO** a Holding Business District Commercial Special Provision (h\*BDC2( )) Zone to permit animal hospitals; apartment buildings, with any or all of the other permitted uses on the first floor; bake shops; clinics; commercial recreation establishments; commercial parking structures and/or lots; converted dwellings; day care centres; dry cleaning and laundry plants; duplicating shops; emergency care establishments; existing dwellings; financial institutions; grocery stores; laboratories; laundromats; libraries; medical/dental offices; offices; personal service establishments; private clubs; restaurants, without a drive-through facility; retail stores; service and repair establishments; studios; video rental establishments; lodging house class 2; cinemas; and brewing on premises establishment, food store, animal clinic, convenience store, post office, convenience service establishments, dwelling units, bed and breakfast establishments, antique store, assembly halls, churches, community centres, funeral homes, institutions, schools, and fire halls and to add a special provision to permit an automobile repair garage with a reduced front yard setback **AND** change the zoning on the east part of 1351 and 1357 Hyde Park Road **FROM** an Urban Reserve (UR3) Zone which permits: existing dwellings, agricultural uses, conservation lands, managed woodlot, wayside pit, passive recreation use, kennels, private outdoor recreation clubs and riding stables **TO** a Holding Residential R1 Special Provision (h\*h-100\* R1-13(6)) Zone on the east portion of 1351 and 1357 Hyde Park Road to permit one single detached dwelling per lot with a minimum lot frontage of 9 metres and a minimum lot

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area of 270 m<sup>2</sup> with special provisions for reduced front and exterior sideyards subject to holding provisions are being applied to ensure the orderly development of lands and the adequate provision of municipal services and appropriate access.

**PREVIOUS REPORTS PERTINENT TO THIS MATTER**

April 17, 2000	Hyde Park Community Plan and Hyde Park Urban Design Guidelines approved by Council
March 26, 2012	Report to Planning and Environment Committee (PEC) on Possible Official Plan and Zoning By-law Amendments for 1331-1369 and 1364-1420 Hyde Park Road
May 28, 2012	Subsequent Report to Planning and Environment Committee (PEC) on above amendments
November 5, 2012	Subsequent Report to Planning and Environment Committee (PEC) on 1351-1369 Hyde Park Road

**PURPOSE AND EFFECT OF RECOMMENDED ACTION**

The attached Official Plan Amendment would allow, on the front portion of 1351, 1357 and 1369 Hyde Park Road properties, street/pedestrian-orientated commercial uses with rear yard parking, and would recognize the existing auto repair garage use on 1351 and 1357 Hyde Park Road. Also following approval of the zoning by-law amendment, single detached dwellings would be permitted in the rear portion of 1351 and 1357 Hyde Park Road in conformity with the existing Low Density Residential designation.

**RATIONALE**

1. Council has directed that the Official Plan designation on the properties be changed.
2. The recommended Official Plan designation is compatible with the existing and proposed uses in the area.
3. The recommend Special Policy will recognize a long-standing use at this location.
4. The zoning by-law amendment will allow for commercial development in conformity with the City of London Official Plan
5. The recommended amendments are consistent with the policies of the Provincial Policy Statement (2005) PPS which states that land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources. The PPS also requires planning authorities to provide opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities.

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### Aerial Photo Location Map

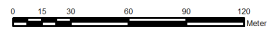
File No.: O-8077/Z-8157

CP/SM

Date Prepared: 2012/11/07

CK

SCALE: 1:3,000



Prepared by : Graphics & Information Services, Planning Division, Corporation of the City of London  
Photography based on April 2010 flight info.

Note: Parcel linework, when shown, is not for official or legal use.

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<b>BACKGROUND</b>
<p><b>Official Plan Review:</b> Council direction given June 12, 2012 and November 20, 2012</p>
<p><b>REQUESTED ACTION:</b></p> <p><b><u>June 12, 2012</u></b></p> <p>25. <i>That, notwithstanding the recommendation of the Director, Land Use Planning and City Planner, the Civic Administration <b>BE DIRECTED</b> to initiate an Official Plan Amendment to apply a commercial land use designation on the lands located at 1351, 1357 and 1369 Hyde Park Road;.....</i></p> <p><b><u>November 20, 2012</u></b></p> <p>13. <i>That, further to the direction provided by the Municipal Council at its meeting held on June 12, 2012 and based on the Official Plan Amendment relating to the west side of the property located at 1351 Hyde Park Road and the property located at 1369 Hyde Park Road, the following actions be taken:</i></p> <p>a) <i>the Civic Administration <b>BE DIRECTED</b> to recirculate the revised application to include a Chapter 10 Special Provision to allow automotive repair on the west portion of 1351 Hyde Park Road and to change the designation of the properties located at 1351 and 1357 Hyde Park Road FROM a Multi-Family, Medium Density Residential designation, which permits residential uses up to a maximum density of 75 units per hectare TO a Main Street Commercial Corridor designation, to permit a wide range of pedestrian-orientated retail, office and personal service commercial uses; and,</i></p> <p>b) <i>the Civic Administration <b>BE ASKED</b> to report back to a future public participation meeting of the Planning and Environment Committee;</i></p> <p>it being noted that the Planning and Environment Committee reviewed and received the following communications with respect to this matter:</p> <ul style="list-style-type: none"> <li>• a communication, dated October 22, 2012, from N. Buteau, 2012 President, Hyde Park Business Association; and,</li> <li>• a communication, dated October 31, 2012, from R. Knutson, Knutson Development Consultants Inc.;</li> </ul> <p>it being pointed out that at the public participation meeting associated with this matter, the following individual made an oral submission in connection therewith:</p> <ul style="list-style-type: none"> <li>• R. Knutson, Knutson Development Consultants Inc., on behalf of Fanshawe Motors – indicating that he has previously spoken to the Civic Administration with respect to this matter; advising that his client would like to add a new structure to the front of the existing building; indicating that this process has been frustrating because automotive use is not listed as a permitted use in the Official Plan designation for this site; indicating that the owners intent has always been the same; indicating that he does not believe that the application would need to be liaised again to permit the automotive use; advising that the properties located at 1351 and 1357 Fanshawe Park Road have twice the depth as the property to the north; and indicating that he is talking about the west half of the property located at 1351 Fanshawe Park Road; noting that the intention for the east half of the property was always to be turned into residential properties. (2012-D18-00)</li> </ul> <p>As part of Councils direction to proceed with the Official Plan amendment for lands located at 1351 and 1357 Fanshawe Park Road to redesignate the lands from Medium Density Residential to Main Street Commercial Corridor. As part of this Council direction, it was also deemed to be appropriate to initiate a concurrent rezoning process for 1351 and 1357 Fanshawe Park Road.</p>

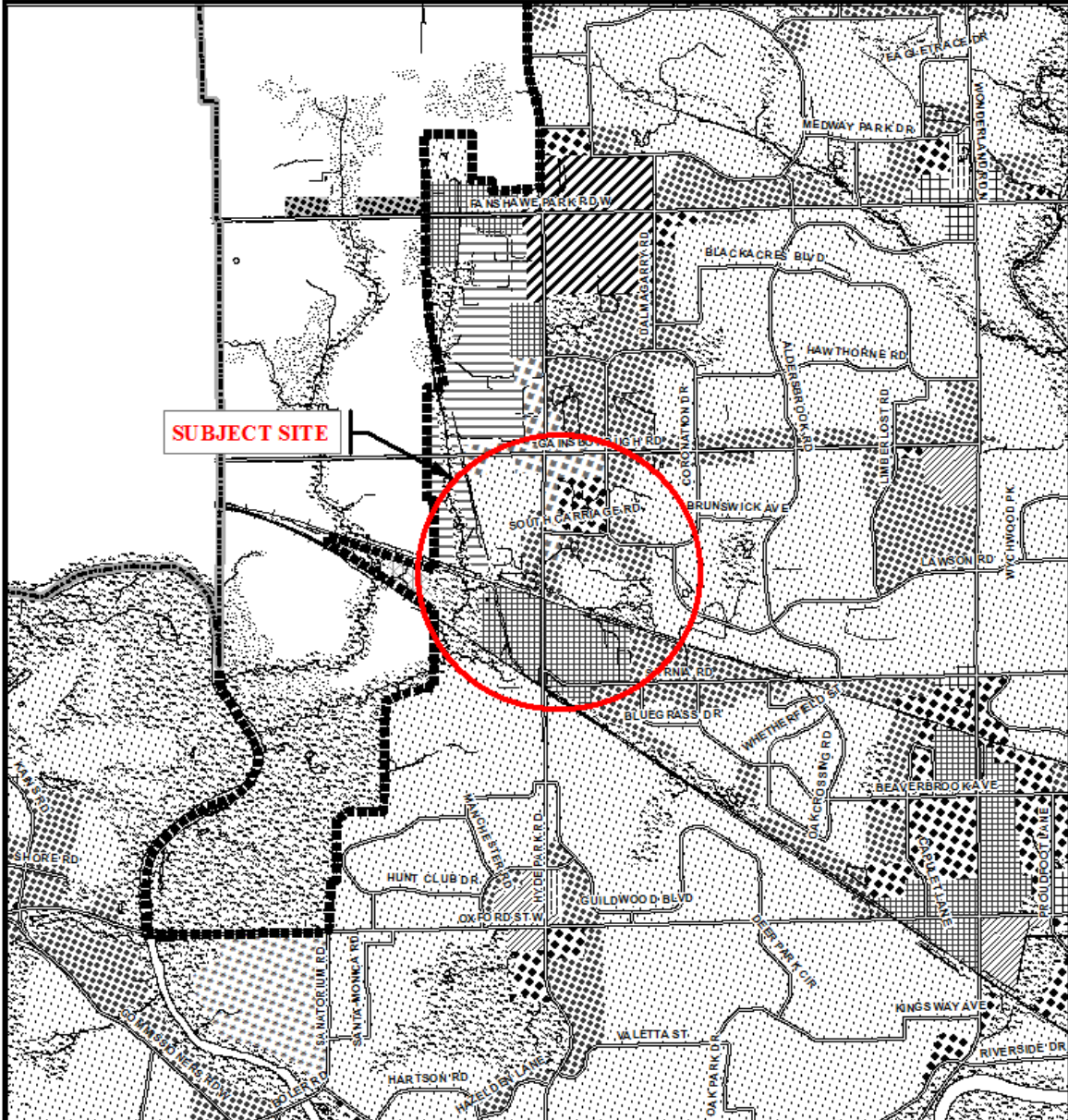
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SITE CHARACTERISTICS:					
Hyde Park Address	Owner	Existing Use	Size LA - Lot Area F- Frontage D - Depth	Current OP/Zoning MDR - Medium Density Residential UR - Urban Reserve T - Temporary	Previous OP/Zoning (London Twp.) In force until 1996 (OP)/2005 (Zoning)
1351-1357 (East side)	Plante	Auto sales/repair - since 1992 Single family residential - built 1959/Industrial building- built 1966	LA - .89 ha F - 51 m D - 175 m	MDR (front) LDR (rear) /UR3	Agricultural - changed to Highway Commercial (OPA #17) AC-1 - Special Auto Commercial - only permitted motor vehicle service

SURROUNDING LAND USES:
<ul style="list-style-type: none"> <li>• <b>North</b> - Vacant lands designated and zoned since 2000 for similar Main Street Commercial uses</li> <li>• <b>South</b> - Vacant lands (formerly Hyde Park Garden Centre) designated and zoned since August 2012 for similar Main Street Commercial uses</li> <li>• <b>East</b> - Recently approved single family residential subdivision</li> <li>• <b>West</b> - Stormwater management pond, vacant lands designated Multi-Family, Medium Density Residential</li> </ul>

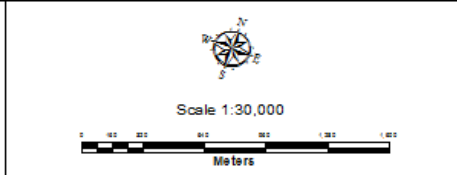
OFFICIAL PLAN DESIGNATION: (refer to Official Plan Map)
<ul style="list-style-type: none"> <li>• <b>MULTI-FAMILY, MEDIUM DENSITY RESIDENTIAL</b> designation permits multiple-attached dwellings, such as row houses or cluster houses; low-rise apartment buildings up to a maximum density of 75 units per hectare and height of 4 storeys; rooming and boarding houses; emergency care facilities; converted dwellings; and small-scale nursing homes, rest homes and homes for the aged. These areas may also be developed for single-detached, semi-detached and duplex dwellings. Zoning on individual sites would not normally allow for the full range of permitted uses.</li> <li>• <b>MAIN STREET COMMERCIAL CORRIDOR (PENDING)</b> permits a wide range of retail, restaurants, financial institutions, office, personal service and neighbourhood facility (eg. Libraries) uses in a pedestrian-orientated building format, buildings close to the street with rear yard parking.</li> </ul>
EXISTING ZONING: (refer to Zoning Map)
<ul style="list-style-type: none"> <li>• <b>URBAN RESERVE (UR3) ZONE</b> permits existing <a href="#">dwellings</a>; <a href="#">Agricultural uses</a> except for mushroom farms, commercial greenhouses livestock facilities and manure storage facilities; <a href="#">Conservation lands</a>; <a href="#">Managed woodlot</a>; <a href="#">Wayside pit</a>; <a href="#">Passive recreation use Kennels</a>; <a href="#">Private outdoor recreation clubs</a>; and, <a href="#">Riding stables</a>. The UR1, UR2 and UR3 Zone variation are intended to be applied to undeveloped areas within the former City boundaries and to areas which have been reviewed through the Community Plan Process but no rezoning has been applied.</li> </ul>

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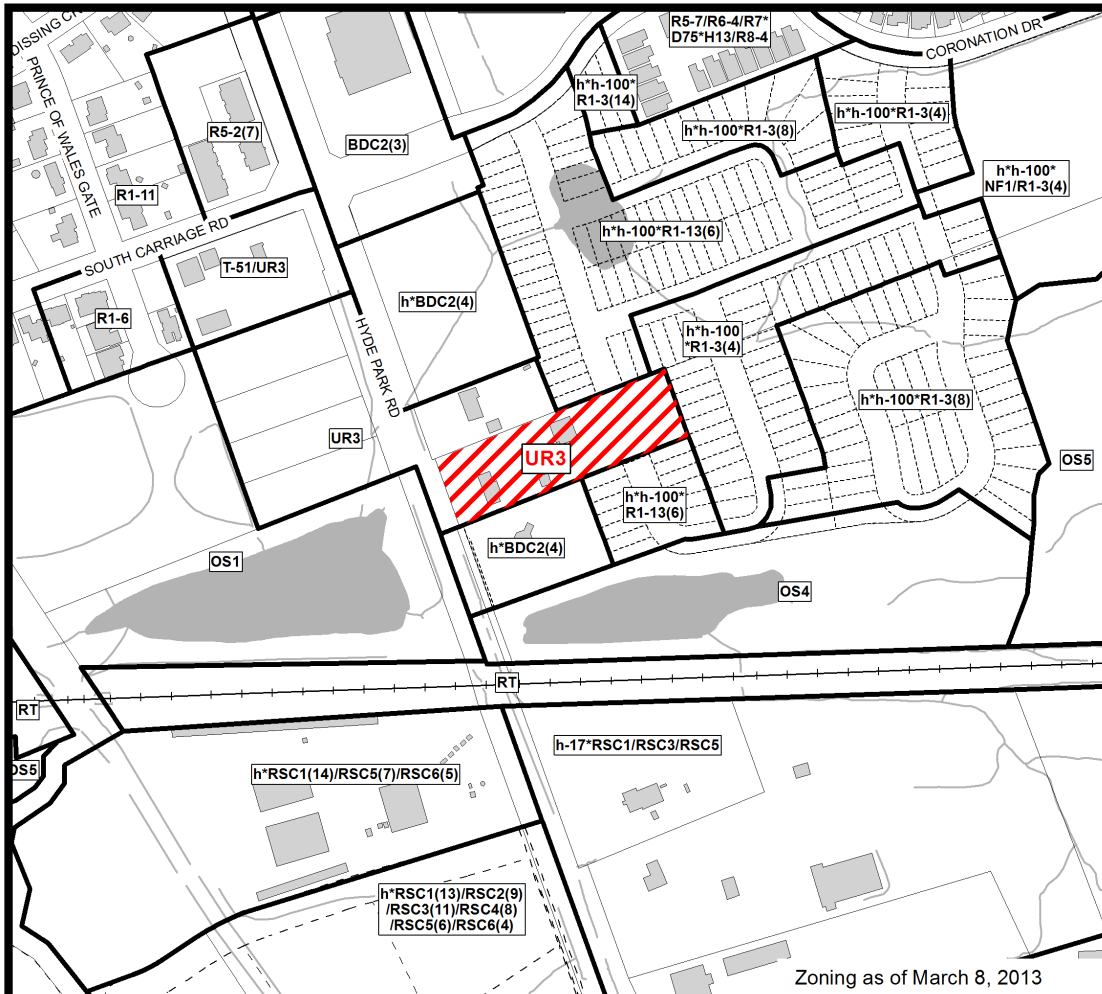
Legend	
	Downtown Area
	Enclosed Regional Commercial Node
	New Format Regional Commercial Node
	Community Commercial Node
	Neighbourhood Commercial Node
	Main Street Commercial Corridor
	Auto-Oriented Commercial Corridor
	Multi-Family, High Density Residential
	Multi-Family, Medium Density Residential
	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**  
 - LAND USE -  
 PREPARED BY: Graphics and Information Services



FILE NUMBER: O-8077  
 PLANNER: CP  
 TECHNICIAN: CK  
 DATE: 2012/07/25

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Zoning as of March 8, 2013



**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

2) ANNEXED AREA

- "h" - HOLDING SYMBOL
- "d" - DENSITY SYMBOL
- "H" - HEIGHT SYMBOL
- "B" - BONUS SYMBOL
- "T" - TEMPORARY USE SYMBOL

**CITY OF LONDON**  
 PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES

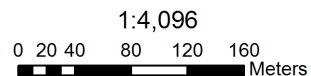
**ZONING  
 BY-LAW NO. Z.-1  
 SCHEDULE A**



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

FILE NO:  
**Z-8157** **SM**

MAP PREPARED:  
**2013/03/02** **CK**



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**SIGNIFICANT DEPARTMENT/AGENCY COMMENTS**

The **Upper Thames River Conservation Authority (UTRCA)** has reviewed this Official Plan review with regard for the policies in the Environmental Planning Policy Manual for the Upper Thames River Conservation Authority (June 2006). These policies include regulations made pursuant to Section 28 of the Conservation Authorities Act, and are consistent with the natural hazard and natural heritage policies contained in the Provincial Policy Statement (2005). The Upper Thames River Source Protection Area Assessment Report has also been reviewed in order to confirm whether the subject property is located within a vulnerable area. The Drinking Water Source Protection information is being disclosed to the Municipality to assist them in fulfilling their decision making responsibilities under the Planning Act.

**CONSERVATION AUTHORITIES ACT**

As shown on the enclosed mapping, the property which is known municipally as 1369 Hyde Park Road is regulated by the UTRCA in accordance with Ontario Regulation 157/06, made pursuant to Section 28 of the Conservation Authorities Act. The regulation limit is comprised of a riverine flooding hazard associated with the Van Horik Drain. The UTRCA has jurisdiction over lands within the regulated area and requires that landowners obtain written approval from the Authority prior to undertaking any site alteration or development within this area including filling, grading, construction, alteration to a watercourse and/or interference with a wetland.

**UTRCA ENVIRONMENTAL PLANNING POLICY MANUAL**

Policy which is applicable to the subject property includes:

**3.2.2 General Natural Hazard Policies** These policies direct new development and site alteration away from hazard lands. No new hazards are to be created and existing hazards should not be aggravated. UTRCA Comments **3.2.3 Riverine Flooding Hazard Policies**

These policies address matters such as the provision of detailed floodplain mapping, floodplain planning approach (one zone vs. two zones), and uses that may be allowed in the floodplain subject to satisfying UTRCA permit requirements.

**DRINKING WATER SOURCE PROTECTION**

The Clean Water Act (CWA), 2006 is intended to protect existing and future sources of drinking water. The Act is part of the Ontario government's commitment to implement the recommendations of the Walkerton Inquiry and protecting and enhancing human health and the environment. The CWA sets out a framework for source protection planning on a watershed basis with Source Protection Areas established based on the watershed boundaries of Ontario's 36 Conservation Authorities. The Upper Thames River, Lower Thames Valley and St. Clair Region Conservation Authorities have entered into a partnership for The Thames-Sydenham Source Protection Region. Drinking Water Source Protection represents the first barrier for protecting drinking water including surface and ground water from becoming contaminated or overused thereby ensuring a sufficient, clean, safe supply now and for the future.

**Assessment Reports:**

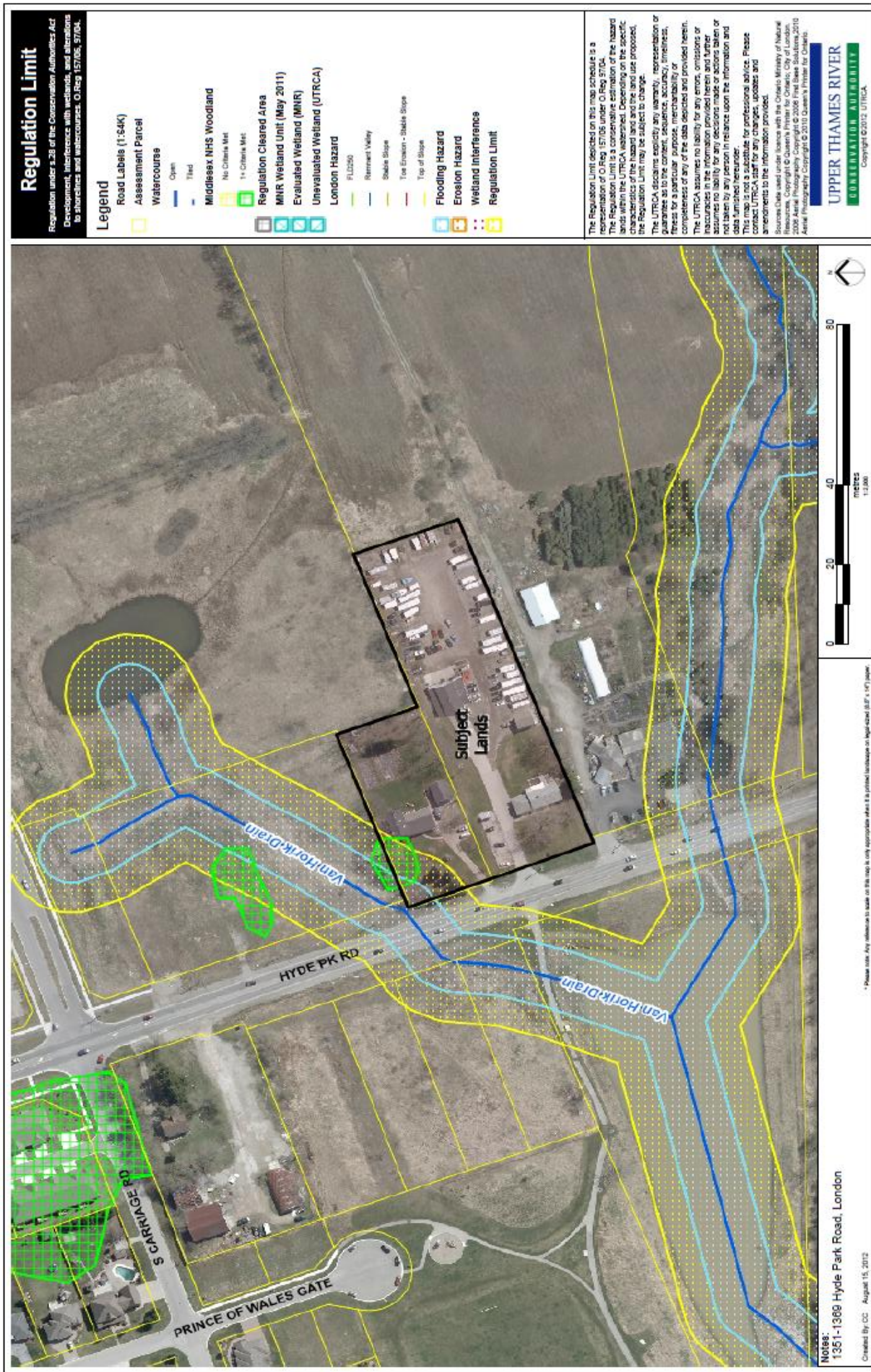
The Thames-Sydenham Source Protection Region has prepared Assessment Reports which contain detailed scientific information that: identifies vulnerable areas associated with drinking water systems; assesses the level of vulnerability in these areas; and identifies activities within those vulnerable areas which pose threats to the drinking water systems, and assess the risk due to those threats. We wish to advise that there are no vulnerable areas associated with the subject property.

**RECOMMENDATION**

**The UTRCA has no objections to this application. Prior to any development or site alteration occurring within the regulated area, the necessary approvals must be obtained from the Authority. We recommend that Mr. Mark Snowsell Land Use Regulations Officer be contacted regarding the UTRCA's Section 28 permit requirements.**



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The **City of London's Environmental and Engineering Services Department** offers the following comments with respect to the aforementioned Official Plan Amendment:

- *The applicant is advised that the road pattern in the draft plan of subdivision, 39T-08502, has been designed to accommodate the extension of a public street through the rear portion of 1351-1357 Hyde Park Road with single family homes abutting both sides of the proposed right-of-way. Changes to the Official Plan to designate the rear portion of these lands as commercial should be excluded to ensure the subdivision is completed as planned.*
- *The road pattern in the Kenmore draft plan of subdivision (39T-080502) has been designed to accommodate the extension of a public street through the rear portion of 1351/1357 Hyde Park Rd with single family homes abutting the right-of-way. Changes to the Official Plan and Zoning By-law to designate the rear portion of these lands as commercial should be excluded to ensure the subdivision is completed as planned. Otherwise the proposed street will become a dead end with no permanent cul-de-sac and not be completed as planned. This will impact lot sizes, lot patterns, road maintenance (snow clearing) and garbage collection among others.*
- *The Hyde Park Rd Environment assessment indicates that access to these properties may be restricted to right in in right out only through the construction of a centre median island. We also will be requesting internal driveway connections or joint access to properties to the north and south.*
- *Depending upon the size and type of development we may also request a transportation impact assessment be undertaken through the site plan review process. We therefore request a holding provision for access and a second holding provision for the development of the residential lands on the easterly portion of the site for the Kenmore Subdivision.*
- *The applicant is advised that the subject lands, 1351,1357 and 1369, are presently serviced by the low level 900 mm diameter concrete water main on Hyde Park Road. The future development is to be serviced from the future high level water main, proposed in 2014, to be constructed on Hyde Park Road. Servicing reports are to be submitted if the future consistent with the requirements for the development application.*
- *The applicant is advised that the municipal sanitary outlet for the subject lands is the 450 mm diameter sanitary sewer on Hyde Park Road. Currently, according to as built plan #19218, these properties are not connected to this sewer. A new appropriately sized sanitary private drain connection is to be constructed to service this property, all to the satisfaction of the City of London. It is to be noted that the owners of the lands to the east of this plan, 1331 Hyde Park Road (Block 203) of Draft Plan of Subdivision 39T-08502, are obligated to construct an extension of the existing sanitary sewer on Hyde Park Road to service this block. It is also noted that Hyde Park Road at this location is to be reconstructed in 2015. The applicant may wish to coordinate the servicing of this property with these future road works.*

**SWM Unit has the following comments:**

- *Should be in compliance with 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 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 Stanton Drain Subwatershed Planning Study, which may include but not be limited to, quantity/quality control, erosion, stream morphology, etc.*
- *Consistent with the Hyde Park SWMF 181 Functional Design Report (March 2010, AECOM);*

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- *Consistent with the Hyde Park Community Storm Drainage and SWM Servicing Municipal Class EA Report (2002, AECOM)*
- *The owner and its Engineer to prepare a servicing report for minor, major flows, SWM measure (which are to address water quality), and identify outlet system in accordance with City of London standards and MOE standards/guidelines.*
- *The owner shall be required to comply with all City's By-Laws and acts;*
- *The subject lands or adjacent lands are to ensure that stormwater run-off from these lands will not cause any adverse effects to these lands and/or adjacent lands; and*
- *The owner must allow for conveyance of overland flows from external drainage areas that naturally drain by topography through the subject lands.*

Conditions for Re-Zoning

- *The owner's Professional Engineer shall prepare a servicing report to address minor, major flows, SWM measures (including water quality), and identify outlet systems (major and minor) for the re-zoned single family rear portion of this parcel, in accordance with City of London Design Specifications requirements and MOE's requirements.*

Upon development of the proposed single family rear portion of this parcel, the following conditions will apply:

- *The subject site is located in the Stanton Drain Subwatershed. 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 Stanton Drain Subwatershed Planning Study, which may include but not be limited to, quantity/quality control, erosion, stream morphology, etc.*
- *The storm drainage and SWM servicing works are required to be consistent with the Hyde Park SWMF 1B1 Functional Design Report (March 2010, AECOM), the Hyde Park SWMF 1 Functional Design Report (March 2006, Earth Tech Canada Inc.) and the Hyde Park Community Storm Drainage and SWM Servicing Municipal Class EA Report (2002, AECOM);*
- *The owner's Professional Engineer shall prepare a servicing report to address minor, major flows, SWM measures (including water quality), and identify outlet systems (major and minor) in accordance with City of London Design Specifications requirements and MOE's requirements.*
- *The Owner is required to provide a lot grading and drainage plan that includes, but it is not limited to, minor, major storm/drainage flows that are mostly contained within the subject site boundaries and safely conveys all minor and major flows up to the 250 year storm event that is stamped by a Professional Engineer, all to the satisfaction of the City Engineer.*
- *The owner shall be required to comply with the City's Drainage By-Law WM-4, to ensure that the post-development storm/drainage discharges from the subject lands will not cause any adverse effects to adjacent lands, , all to the satisfaction of the City Engineer.*

**London Hydro**

No objection

**Bell Canada**

No objection

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The above comments, among other engineering and transportation issues, will be addressed in greater detail when/if these lands come in for site plan approval.

<b>PUBLIC LIAISON:</b>	<p>On July 27, 2012, Notice of Official Plan Review was sent to 8 property owners in the surrounding area as well as the Hyde Park Business Association. Notice of Official Plan Review was also published in the Living in the City Section of the London Free Press on July 30, 2012. Notice of Public Meeting was sent October 19, 2012 and Living in the City notice provided October 25, 2012.</p> <p>A further notice will be sent prior to the public meeting identifying the possible addition of a Chapter 10 Special Provision to permit the existing auto repair use.</p> <p>On March 21, 2013, Notice of Application was sent to 11 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 April 11, 2013.</p>	Two letters
<p><b>Nature of Liaison:</b> Change the Official Plan land use designation from "Multi-Family, Medium Density Residential" which permits medium density/ scale residential dwellings up to a maximum density of 75 units per hectare to "Main Street Commercial Corridor" or other commercial designation which permits a broad range of street-orientated, pedestrian-oriented retail, personal service and office commercial uses.</p> <p><b>Nature of Liaison:</b> The purpose and effect of the requested Zoning By-law amendment is to permit the auto repair garage to remain on the front portion of the parcel and to allow the rear portion of the parcel to be developed for single detached residential.</p>		
<p><b>Responses:</b> Two letters were received from the Hyde Park Business Association (HPBA), one dated October 22, 2012 and the other dated February 12, 2013. The first objected to the change to a commercial designation because it would be <i>"detrimental to the character of the village, will create more traffic, lead to vacancies in strip malls, unsightly strip malls, invite vandalism and create a hostile environment in the community."</i></p> <p>The second letter supports the recognition of the existing auto repair business through the application of an Official Plan Chapter 10 Special Provision.</p>		

<b>ANALYSIS</b>
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**Subject Site**

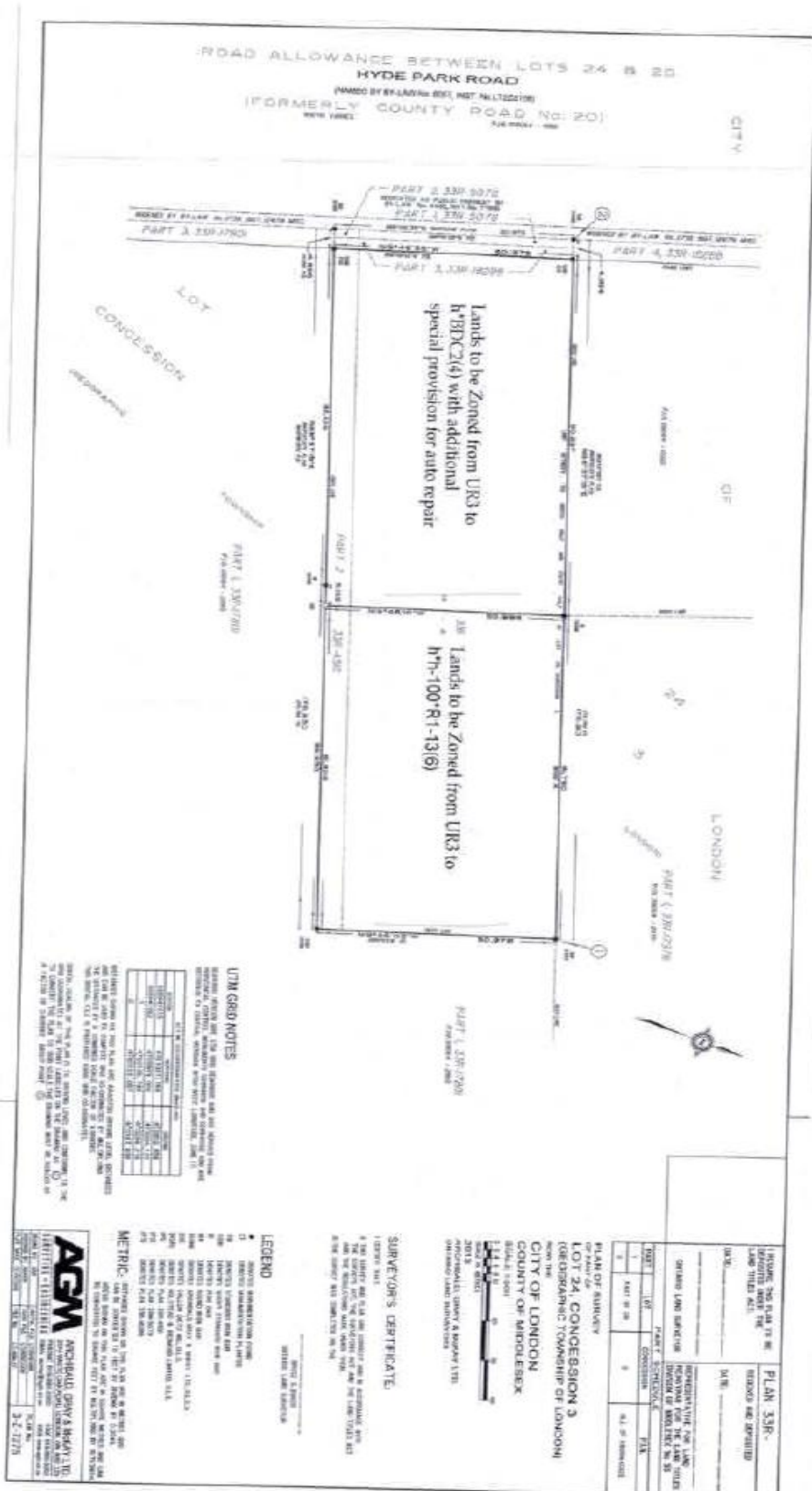
The site located at 1351 and 1357 Hyde Park Road is 0.9023 ha in size and is located on the east side of Hyde Park Road south of South Carriage Way. Currently a single detached dwelling exists on the front portion of the site and an auto repair at the rear. The site is located in the Hyde Park Community Plan Area. The front 0.4340 ha portion of the property which fronts onto Hyde Park Road is designated Multi-Family Medium Density Residential. The rear 0.4683 ha portion of the property is designated Low Density Residential.

Further to Municipal Council Direction, this application also recommends that the property located at 1369 Hyde Park Road be designated from "Multi-Family, Medium Density Residential" to "Main Street Commercial Corridor" in the Official Plan. It is not recommended that these lands be rezoned at this time.

**Nature of Application**



The applicant is proposing to construct an auto repair garage on the front portion of the property which recognizes the existing auto repair garage use currently on rear portion of the lot and to allow the rear portion of the property to be developed for single detached residential. This will ensure the subdivision is completed as planned on the rear portion of the property allowing for the lot sizes, lot pattern and cul-de-sac to be completed as planned.



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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.

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 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.

### **Hyde Park Community Area Plan**

- The Hyde Park Community Plan was adopted by Municipal Council in 2000. One of the Plan's development principles was to *"Plan and design the various components of the communities to create a vibrant, high quality pedestrian-orientated living and working environment. To this end the Plan includes a road network which supports alternative development forms; includes a Business District designation which accommodates pedestrian activity; provides higher density housing close to community focal points such as commercial uses, parks and community facilities; and trail system connections to encourage pedestrian traffic"*.

### **Official Plan Review File History**

The original Hyde Park Commercial Review was initiated in response to a Council resolution of September 19, 2011:

1. *That the Civic Administration be directed to undertake the following actions with respect to the application submitted by Kenmore Homes (London) Inc., as amended by staff for an Official Plan Amendment, Zoning By-law Amendment and draft plan of subdivision for the lands located at 255 South Carriage Road and 1331 Hyde Park Road:*

- (a) *the Director of Land Use Planning and City Planner **BE ASKED** to undertake a review of the land use designations on the east and west corridors of Hyde Park Road, south of Carriage Road to the Canadian Pacific Railway Line with the potential for commercial zones;*

In response, planning staff prepared a report which was considered, along with letters from the Hyde Park Business Association and Mr. Knutson on behalf of the landowners, by Planning and Environment Committee on March 26, 2012 and May 28, 2012 and Council subsequently resolved;

25. *That, notwithstanding the recommendation of the Director, Land Use Planning and City Planner, the Civic Administration **BE DIRECTED** to initiate an Official Plan Amendment to apply a commercial land use designation on the lands located at 1351, 1357 and 1369 Hyde Park Road;.....*

Planning staff opened an Official Plan amendment file, liaised it to agencies, other City Departments and the public and prepared a report as directed. Comments were received from UTRCA and the City's SWM Unit but no further comments were received from the public. A

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File: O-8077/Z-8157

public meeting was held at Planning and Environment Committee (PEC) on November 5, 2012 and Council subsequently resolved on November 20, 2012;

13. That, further to the direction provided by the Municipal Council at its meeting held on June 12, 2012 and based on the Official Plan Amendment relating to the west side of the property located at 1351 Hyde Park Road and the property located at 1369 Hyde Park Road, the following actions be taken:

- a) the Civic Administration **BE DIRECTED** to recirculate the revised application to include a Chapter 10 Special Provision to allow automotive repair on the west portion of 1351 Hyde Park Road and to change the designation of the properties located at 1351 and 1361 Hyde Park Road FROM a Multi-Family, Medium Density Residential designation, which permits residential uses up to a maximum density of 75 units per hectare TO a Main Street Commercial Corridor designation, to permit a wide range of pedestrian-orientated retail, office and personal service commercial uses; and,
- b) the Civic Administration **BE ASKED** to report back to a future public participation meeting of the Planning and Environment Committee;

The attached revised Official Plan amendment would implement Council's direction.

**Urban Design**

This site is located within the boundaries of the Hyde Park Community plan. This plan includes Community and Urban Design Guidelines that specifically address the Hyde Park Hamlet (the Mainstreet Commercial Corridor) in section 6.0 of the document. Urban design staff are supportive of the proposed plan to create residential lots on the east portion of the property as it will complete the existing residential subdivision. The western half of the property is proposed to be designated Mainstreet Commercial Corridor, continuing the designation from the property to the north. The design and the siting of the proposed building(s) should generally be in keeping with the character of the area as well as with the policies outlined in sections 4.2.2 and 4.4.1.2 of the Official Plan.

The Site Plan Approval Authority is directed to consider the following design issues, in accordance with the Hyde Park Community & Urban Design Guidelines and the Official Plan, during the site plan process:

- Ensure that the proposed building(s) are sited in close proximity to and oriented towards the street in order to help create an active street edge, enclose the street as well as contribute to the urban orientation of the hamlet.
- Include convenient, safe, direct and pedestrian connections from the public side walk to building entrances, through the site as well as between buildings in order to facilitate pedestrian movement to and through the site.
- Ensure parking is located in the side or rear yard of the proposed building(s). Any parking visible from the street should be screened with enhanced landscaping such as shrubs and/or low landscape walls.
- Ensure that the design of the building(s) is consistent with the Hyde Park Community & Urban Design Guidelines in particular section 6.3 pertaining to Building Design Guidelines.

**Zoning By-law**

The subject lands at 1351 and 1357 Hyde Park Road are currently Urban Reserve (UR3) which permits existing dwellings; agricultural uses except for mushroom farms, commercial greenhouses livestock facilities and manure storage facilities; conservation lands; managed

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**File: O-8077/Z-8157**

woodlot; wayside pit; passive recreation use; kennels; private outdoor recreation clubs; and riding stables

The applicant has requested the Holding Business District Commercial Special Provision (h\*BDC2 ( )) Zone variation on the front portion of the parcel, to permit a wide range of commercial retail, office and residential uses, including automobile repair garage, and notwithstanding the regulations of Section 25.3 of this By-law to the contrary, the maximum front yard depth requirement shall not apply within this zone. The holding provision is being applied to ensure the orderly development of lands and the adequate provision of municipal services; the "h" symbol shall not be deleted until a subdivision agreement or development agreement is entered into for the lands in question with the City of London.

The applicant has also requested the Holding Residential R1 Special Provision (h\*h-100\* R1-13(6)) Zone on the rear portion of the parcel which permits one single detached dwelling per lot with a minimum lot frontage of 9 metres and a minimum lot area of 270 m<sup>2</sup> with special provisions for reduced front and exterior sideyards subject to holding provisions are being applied to ensure the orderly development of lands and the adequate provision of municipal services and appropriate access. Staff support the proposed zone which will ensure the subdivision is completed as planned.

Automobile repair garages are identified in the Official Plan as uses that are potentially disruptive to adjacent residential areas and should only be allowed through a site-specific rezoning (based on planning impact analysis, which provides for an evaluation of specific site and locational requirements). The recommended BDC2 ( ) Zone would permit automobile repair garages, which are considered suitable for the pedestrian-oriented context of the Business District designation. The special provision is also recommended to permit the automobile repair garage to be constructed closer to Hyde Park Road than would normally be permitted. The intent of the Official Plan and Hyde Park Community Plan is to promote pedestrian-oriented commercial uses within the Business District area and avoid the form of strip development that is typical along arterial roads in suburban areas.

Staff acknowledges that Fanshawe Motors Ltd. has existed at this location for a number of years. As directed by Municipal Council this change to the zoning by-law would allow for an expanded range of commercial uses on this parcel to recognize the existing use. Therefore, it is recommended that the Holding Business District Commercial Special Provision (h\*BDC2 ( )) Zone variation on the front portion of the parcel to include a special provision to recognize the automobile repair garage on the date of the passing of this by-law and the Holding Residential R1 Special Provision (h\*h-100\* R1-13(6)) Zone on the rear portion of the parcel be applied to these lands.

**CONCLUSION**

This application to amend the Urban Reserve (UR3) Zone to a a Holding Business District Commercial Special Provision (h\*BDC2 ( )) Zone and a Holding Residential R1 Special Provision (h\*h-100\* R1-13(6)) Zone is in accordance with the policies of the Main Street Commercial Corridor and Low Density Residential designations in the City of London Official Plan and the Hyde Park Community Plan. Holding Provisions will ensure that the site develops with adequate municipal services. As summarized in the above analysis, the proposal has been reviewed in accordance with the Planning Impact Analysis policies of the City of London Official Plan. The recommended Official Plan and Zoning By-law amendment is appropriate, subject to further design review that will occur at the site plan stage.



Agenda Item #    Page #

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File: O-8077/Z-8157

<b>SUBMITTED BY:</b>	<b>SUBMITTED BY:</b>
<b>GREGG BARRETT, AICP MANAGER – CITY PLANNING AND RESEARCH SECTION</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>	

May 14, 2013

cp/sm

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File: O-8077/Z-8157

**Appendix "A"**

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 properties at 1351 and 1369 Hyde Park Road.

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 June 25, 2013.

Joe Fontana  
Mayor

Catharine Saunders  
City Clerk

First Reading – June 25, 2013  
Second Reading – June 25, 2013  
Third Reading – June 25, 2013

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File: O-8077/Z-8157

**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 the west portion of 1351-1357 and 1369 Hyde Park Road from Multi-Family, Medium Density Residential to Main Street Commercial Corridor on Schedule "A", Land Use, to the Official Plan for the City of London.
2. To apply a Chapter 10 Special Policy to the west portion of 1351 and 1357 Hyde Park Road to permit the existing auto repair garage use.

**B. LOCATION OF THIS AMENDMENT**

1. This Amendment applies to west portion of lands located at 1351 and 1357 Hyde Park Road and 1369 Hyde Park Road in the City of London.

**C. BASIS OF THE AMENDMENT**

The original Hyde Park Commercial Review was initiated in response to a Council resolution of September 19, 2011:

1. *That the Civic Administration be directed to undertake the following actions with respect to the application submitted by Kenmore Homes (London) Inc., as amended by staff for an Official Plan Amendment, Zoning By-law Amendment and draft plan of subdivision for the lands located at 255 South Carriage Road and 1331 Hyde Park Road:*

- (a) *the Director of Land Use Planning and City Planner **BE ASKED** to undertake a review of the land use designations on the east and west corridors of Hyde Park Road, south of Carriage Road to the Canadian Pacific Railway Line with the potential for commercial zones;*

In response, planning staff prepared a report which was considered, along with letters from the Hyde Park Business Association and Mr. Knutson on behalf of the landowners, by Planning and Environment Committee on March 26, 2012. Council thereafter felt that a commercial designation was appropriate.

Planning staff opened an Official Plan amendment file, liaised it to agencies, other City Departments and the public and prepared a report as directed. Comments were received from UTRCA and the City's SWM Unit but no further comments were received from the public.

A public meeting was held at Planning and Environment Committee (PEC) on November 5, 2012 and Council subsequently resolved on November 20, 2012;

13. *That, further to the direction provided by the Municipal Council at its meeting held on June 12, 2012 and based on the Official Plan Amendment relating to the west side of the property located at 1351 Hyde Park Road and the property located at 1369 Hyde Park Road, the following actions be taken:*

- a) *the Civic Administration **BE DIRECTED** to recirculate the revised application to include a Chapter 10 Special Provision to allow automotive repair on the west portion of 1351 Hyde Park Road and to change the designation of the properties located at 1351 and 1369 Hyde Park Road FROM a Multi-Family, Medium Density Residential designation, which permits residential uses up to a maximum density of 75 units per hectare TO a Main Street Commercial Corridor*

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**File: O-8077/Z-8157**

*designation, to permit a wide range of pedestrian-orientated retail, office and personal service commercial uses; and,*

*b) the Civic Administration **BE ASKED** to report back to a future public participation meeting of the Planning and Environment Committee;*

D. THE AMENDMENT

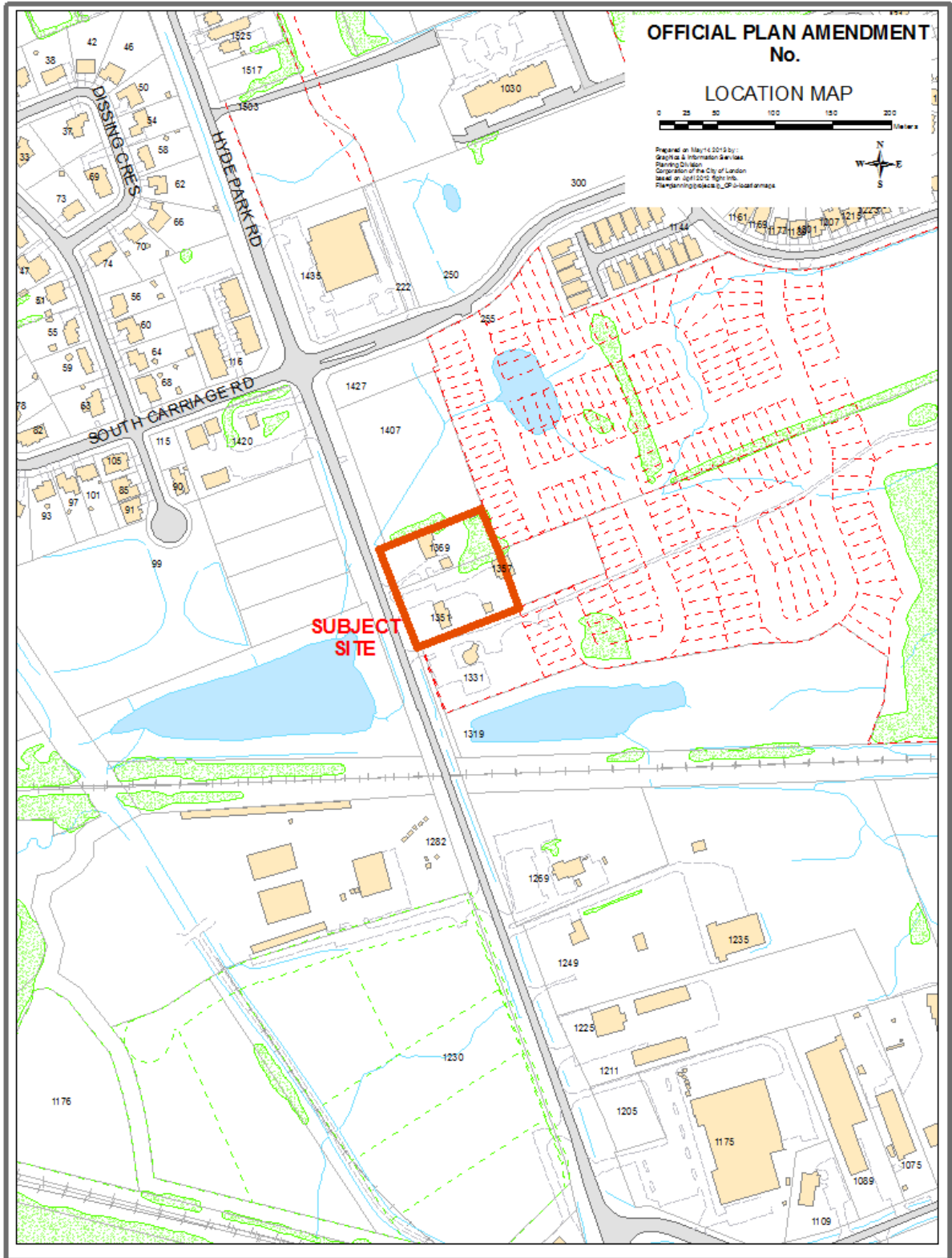
The Official Plan for the City of London is hereby amended as follows:

1. Schedule "A", Land Use, to the Official Plan for the City of London Planning Area is amended by designating the west portion of 1351-1357 Hyde Park Road in the City of London and 1369 Hyde Park Road in the City of London, as indicated on "Schedule 1" attached hereto from Multi-Family, Medium Density Residential to Main Street Commercial Corridor.

2. Section 10.1.3 (Policies for Specific Areas) is amended by adding the following special policy;

1351 and 1357 Hyde Park Road \_) In the Main Street Commercial Corridor designation applied to the west portion of 1351 and 1357 Hyde Park Road an automobile repair garage may also be permitted.

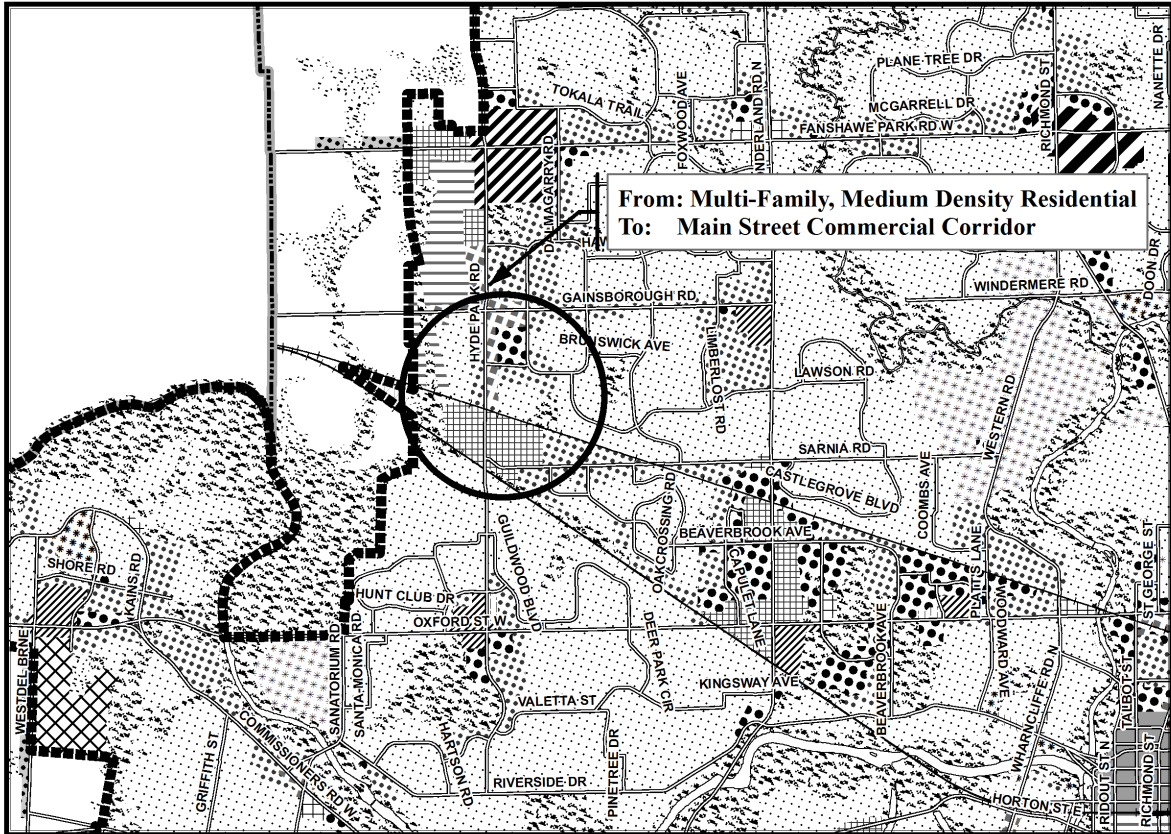
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File: O-8077/Z-8157

AMENDMENT NO:



**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             |

This is an excerpt from the Planning Division's working consolidation of Schedule A to the City of London Official Plan, with added notations.

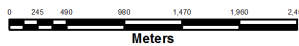
**SCHEDULE 1  
TO  
OFFICIAL PLAN**

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

PREPARED BY: Graphics and Information Services



Scale 1:30,000



FILE NUMBER: O-8077

PLANNER: CP

TECHNICIAN: CK

DATE: 2012/10/9

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File: O-8077/Z-8157

**Appendix "B"**

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 1351 and 1357 Hyde Park Road.

WHEREAS Fanshawe Motors Ltd. has applied to rezone an area of land located at 1351 and 1357 Hyde Park Road, 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:

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 1351 and 1357 Hyde Park Road, as shown on the attached map comprising part of Key Map No. A101, from an Urban Reserve (UR3) Zone to a Holding Business District Commercial Special Provision (h\*BDC2(\_)) Zone on the west portion of the lot and a Holding Residential R1 Special Provision (h\*h-100\* R1-13(6)) Zone on the east portion of the lot.
- 2) Section Number 25.3 of the Business District Commercial (BDC) Zone is amended by adding the following Special Provision:
  - 3) BDC2(\_) 1351and 1357 Hyde Park Road
    - a) Permitted Use:
      - i) Any use permitted in the [BDC](#) Zone variation;
      - ii) [Assembly halls](#);
      - iii) [Churches](#);
      - iv) [Community centres](#);
      - v) [Funeral homes](#);
      - vi) [Institutions](#);
      - vii) [Schools](#);
      - viii) Fire halls;
      - ix) Automobile repair garage
    - b) Regulations:
      - i) Notwithstanding the regulations of [Section 25.3](#) of this By-law to the contrary, the maximum front yard depth requirement shall not apply within this zone.

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.

Agenda Item # Page #

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**File: O-8077/Z-8157**

PASSED in Open Council on June 25, 2013.

Joe Fontana  
Mayor

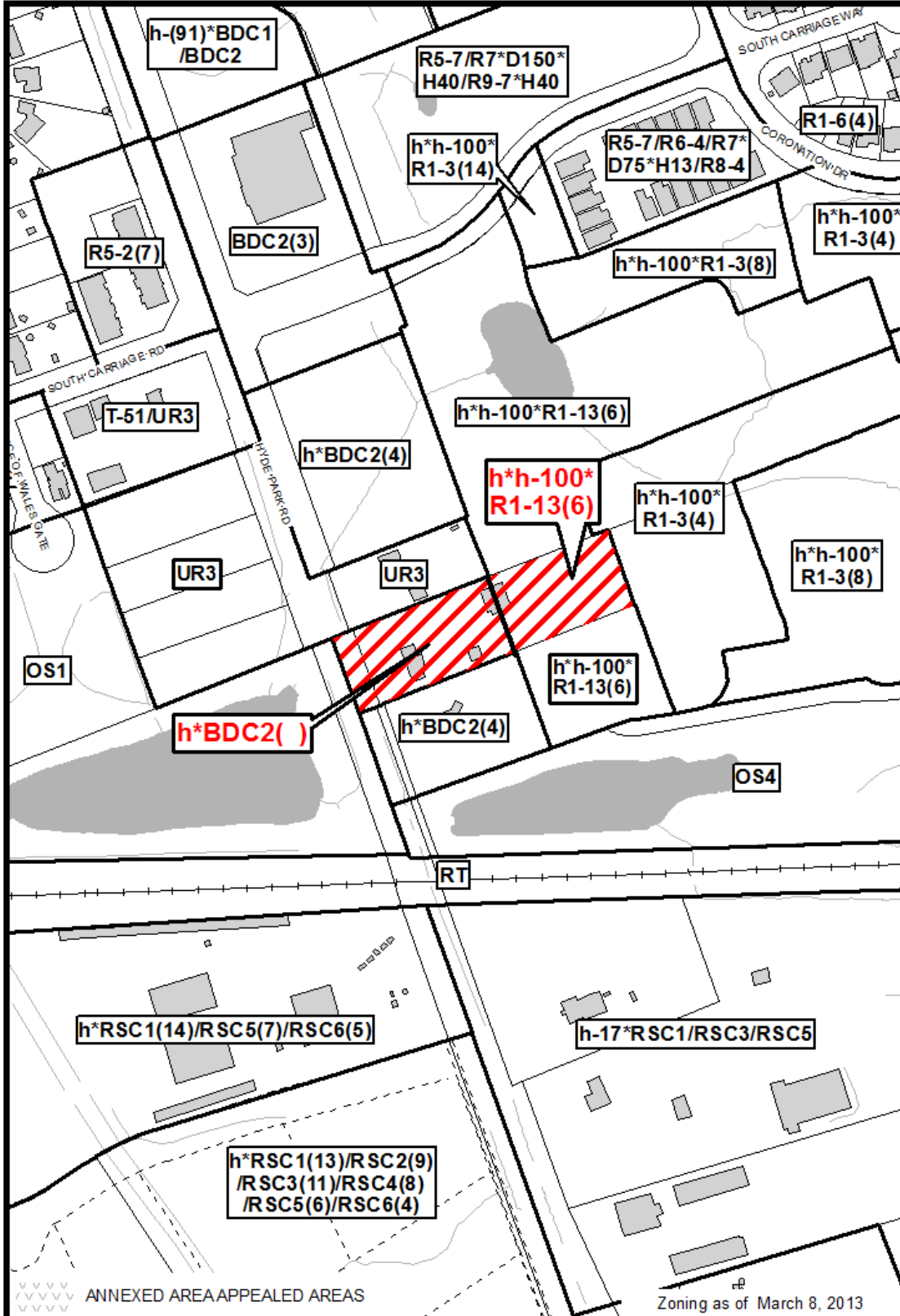
Catharine Saunders  
City Clerk

First Reading - June 25, 2013  
Second Reading - June 25, 2013  
Third Reading - June 25, 2013



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



<p>File Number: Z-8157  Planner: SM  Date Prepared: 2013/04/02  Technician: CK  By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:3,000</p> <p>0 15 30 60 90 120 Meters</p>
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