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Z-7953
B. Debbert

TO:	CHAIR AND MEMBERS BUILT AND NATURAL ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING DIRECTOR OF LAND USE PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: SIFTON PROPERTIES LIMITED 2140 KAINS ROAD PUBLIC PARTICIPATION MEETING ON MONDAY, NOVEMBER 28, 2011 @ 4:35 P.M.

RECOMMENDATION

That, on the recommendation of the Director of Land Use Planning and City Planner, the following actions be taken with respect to the application of Sifton Properties Limited relating to the property located at 2140 Kains Road:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on December 6, 2011 to amend Zoning By-law No. Z.-1 (in conformity with the Official Plan, to change the zoning of the subject property **FROM** a Neighbourhood Shopping Area (NSA1) Zone which permits bake shops, catalogue stores, clinics, convenience service establishments, day care centres, duplicating shops, financial institutions, food stores, libraries, medical/dental offices, offices, personal service establishments, restaurants, retail stores, service and repair establishments, studios, video rental establishments, and brewing on premises establishments, within a shopping centre format, **TO** a Neighbourhood Shopping Area Special Provision (NSA5()) Zone to permit the above listed range of uses in a shopping centre format or in standalone buildings that do not form part of a shopping centre, with special provisions to establish a maximum building setback of 4.5 metres for a minimum of 35 metres of the built form along Kains Road, and a maximum interior side yard setback adjacent to Somerville Drive (private) of 10.0 metres; to allow for a maximum total gross floor area within the zone, of 3,000 square metres; a maximum total gross floor area for office use as a proportion of the maximum total gross floor area of 57%; a maximum gross floor area for restaurants of 700 square metres; a maximum gross floor area of 1700 square metres for offices, including medical/dental offices; and to apply the shopping centre parking rate of 1 space per every 20 square metres of gross leasable floor area;
- (b) the Site Plan Approval Authority **BE REQUESTED** to address the following design issues through the site plan process:
- the provision of a height element incorporated in the building at the southeast corner of the property to denote this significant streetscape;
 - street oriented built form with building elevations that support pedestrian activity along Somerville Drive (private) and along Kains Road;
 - a combination of built form, enhanced landscaping and pedestrian spaces that visually and functionally integrates with the Thames Valley Parkway along Kains Road;
 - a parking lot design that provides pedestrian amenity as a public space;
 - creation of a clearly defined, pleasant and direct connection between the site and the nearest transit stop;
- (c) the request to amend Zoning By-law No. Z.-1 to change the zoning of the subject property **FROM** a Neighbourhood Shopping Area (NSA1) Zone which permits bake shops, catalogue stores, clinics, convenience service establishments, day care centres, duplicating shops, financial institutions, food stores, libraries, medical/dental offices,

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offices, personal service establishments, restaurants, retail stores, service and repair establishments, studios, video rental establishments, and brewing on premises establishments, within a shopping centre format, **TO** a Neighbourhood Shopping Area Special Provision (NSA5()) Zone to permit the above listed range of uses in standalone buildings that do not form part of a shopping centre, with special provisions to allow for a maximum total gross floor area within the zone, of 3,000 square metres; a maximum gross floor area for restaurants of 700 square metres; a maximum gross floor area of 1700 square metres for offices, including medical/dental offices; and the shopping centre parking rate of 1 space per every 20 square metres of gross floor area, **BE REFUSED** for the following reasons:

- i) The staff recommendation clarifies that either a shopping centre or standalone format may be permitted;
- ii) An additional special provision is required to allow for a total gross floor area for office use as a proportion of the maximum total gross floor area of 57%; and;
- iii) The staff recommendation includes additional special provisions to ensure that a minimum length of the built form is located close to Kains Road and Somerville Drive (private) to create a pedestrian oriented environment; and,

(d) pursuant to Section 34(17) of the *Planning Act*, as determined by the Municipal Council, no further notice **BE GIVEN** in respect of the proposed by-law as the proposed changes are minor in nature and reflective of the site concept that was submitted with the application.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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None.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

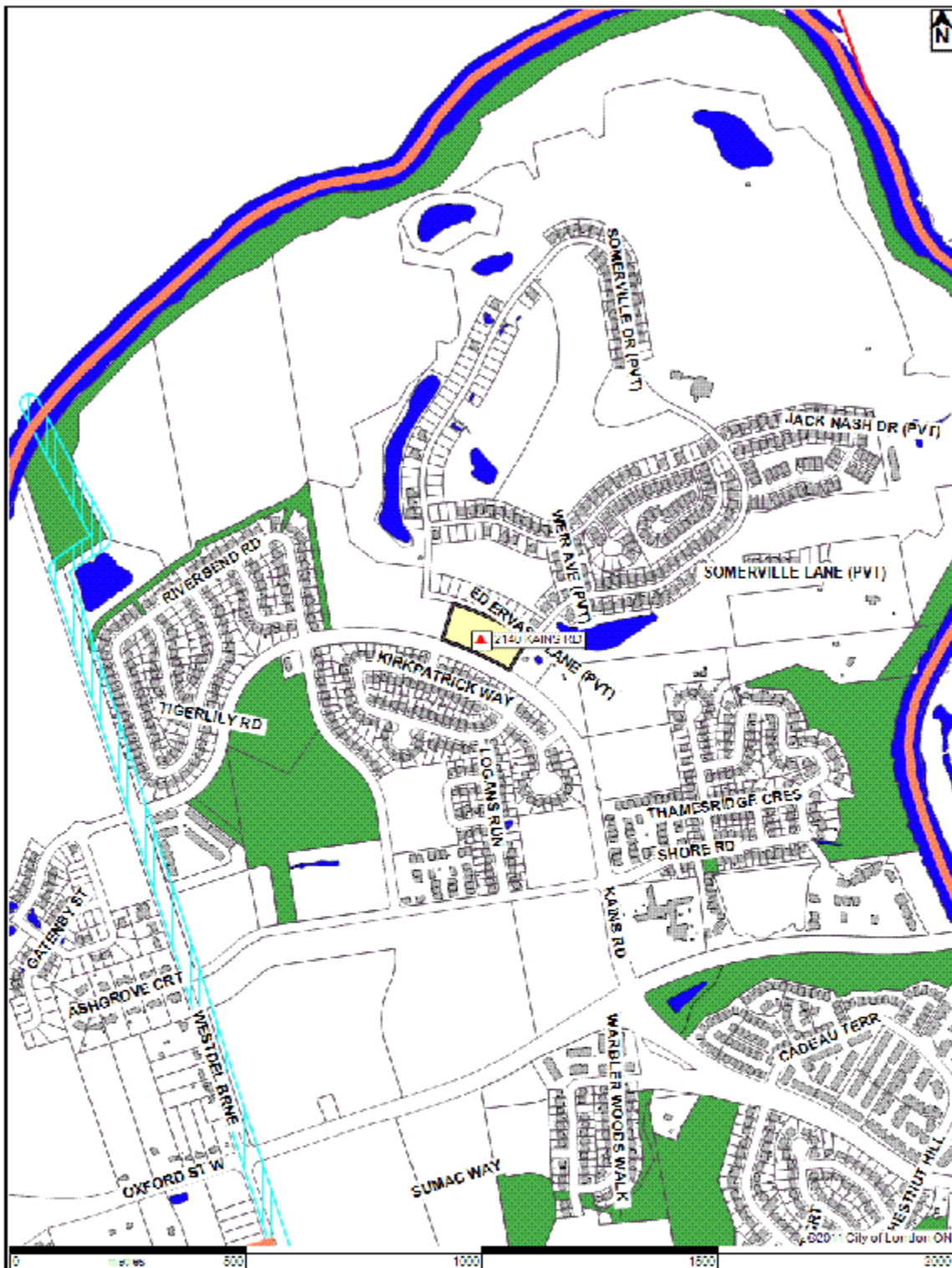
The purpose and effect of this zoning change is to permit the development of neighbourhood oriented retail, commercial and office uses in either a shopping centre or a stand-alone building format. The maximum floor area at this location is increased from 2,000 square metres to 3,000 square metres to allow for an appropriate amount of development on the site. The maximum gross floor area for medical/dental offices and restaurants is increased beyond what is currently permitted by the Zoning By-law. A general shopping centre parking rate of 1 space per 20 square metres of gross floor area is applied instead of individual parking rates that would normally be applied on a use-by-use basis. Maximum building setbacks are established to help ensure that the built form is pedestrian oriented.

RATIONALE

1. The recommended Zoning By-law amendment is consistent with the Provincial Policy Statement;
2. The recommended Zoning By-law amendment conforms to the general intent and purpose of the City of London Official Plan with respect to the use, intensity and form of development;
3. The recommended Zoning By-law amendment is consistent with the River Bend Community Plan as the intent was to accommodate small scale commercial uses at this location;








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LOCATION MAP

Subject Site: 2140 Kains Rd
File Number: Z-7953
Planner: Barb Debbert
Created By: Mark Hefferton
Date: 2011-08-22
Scale: 1:10100

LEGEND

-  Subject Site
-  Parks
-  Assessment Parcels
-  Buildings
-  Address Numbers

Corporation of the City of London
Prepared By: Planning



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4. The recommended special provisions to the recommended NSA5 Zone provide for a reasonable total gross floor area related to the size of the property; gross floor areas for restaurant and office uses including medical/dental office uses that will provide an appropriate level of service to the community, and a parking rate that is sufficient for the mixed use nature of the site. They also ensure that a minimum amount of the built form will be located close to the street in order to help create a pedestrian oriented environment.

5. At the site plan approval stage, site plan staff are requested to consider design provisions that address the creation of a height element and significant streetscape as one approaches the property on Kains Road from the south; street oriented built form with building elevations that promote an active frontage along Kains Road and pedestrian activity within the neighbourhood; integration of the design with the function of the Thames Valley Parkway along Kains Road; creation of a parking lot that provides pedestrian amenity as a public space, and a clearly defined, pleasant and direct connection between the site and the nearest transit stop.

BACKGROUND

Date Application Accepted: July 29, 2011	Agent: Sifton Properties Limited (Maureen Zunti)
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REQUESTED ACTION:

Zoning By-law amendment to change from a Neighbourhood Shopping Area (NSA1) Zone which provides for a range of neighbourhood scale commercial retail, service and office uses, to a Neighbourhood Shopping Area Special Provision (NSA5(_)) Zone to permit the same range of uses in standalone buildings rather than a shopping plaza format. Proposed special provisions to increase the maximum gross floor area for the zone to 3,000 square metres (square feet), increase the maximum gross floor area for offices to 1,700 square metres (square feet), increase the maximum gross floor area for restaurants to 700 square metres (square feet), and establish a standard "shopping centre" parking rate of 1 space per 20 square metres of gross floor area for the site.

SITE CHARACTERISTICS:

- **Current Land Use** – vacant block in Registered Plan of Subdivision
- **Frontage** -154.45 metres (506.72 feet)
- **Depth** -80.8 metres (265.1 feet)
- **Area** – 1.31 ha (3.23 square feet)
- **Shape** - rectangular

SURROUNDING LAND USES:

- **North** – existing/future low density cluster residential
- **South** – single detached residential
- **East** – security gate and entrance features to RiverBend Golf Community
- **West** – future low density cluster residential

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OFFICIAL PLAN DESIGNATION: (refer to Official Plan map)
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- | |
|---|
| <ul style="list-style-type: none"> • Neighbourhood Commercial Node |
|---|

EXISTING ZONING: (refer to Zoning By-law map)
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- | |
|--|
| <ul style="list-style-type: none"> • Neighbourhood Shopping Area (NSA1) |
|--|

PLANNING HISTORY

The River Bend Community Plan was initiated in 1996, resulting in the adoption of Official Plan Amendment No. 121 and a number of companion Official Plan amendments on June 22, 1998. OPA No. 121 was subsequently appealed to the Ontario Municipal Board on a variety of issues. On December 7, 1998, Municipal Council adopted the completed Community Plan for the River Bend Area, providing additional background information and strategies concerning transit routing, design guidelines, development phasing and servicing thresholds, school sites, park facilities and trail development.

Before the OMB hearing commenced, Sifton Properties Limited, the major landholder in the area, proposed significant modifications to Phase 1 of the Plan that would allow its development as an adult lifestyle golf course community based on a maximum density of 30 units per hectare (12 units per acre) and a land lease or condominium ownership model. Phase 1 included the commercial block under consideration for the current application. Through further reporting and decisions taken by City Council on the proposed Official Plan Amendment to allow the land lease proposal, and subsequent decisions of the OMB related to Phase 1 and deferred matters between May 1, 2000 and May 5, 2003, the location and area of the commercial block was confirmed as providing for an appropriate amount of neighbourhood based commercial development to serve the surrounding community. The River Bend Community Plan was updated to reflect the Board's various Decisions and adopted by Council on April 20, 2004.

On January 7, 2010, Official Plan Amendment 438, the five year review, came into force and effect. Through the preparation of the revised Official Plan, the subject property was redesignated from "Neighbourhood Shopping Area", to "Neighbourhood Commercial Node".

The current Neighbourhood Shopping Area (NSA1 Zone) was established on the commercial block on October 16, 2000, concurrent with consideration by Council of the revised draft plan of subdivision within the Phase I lands.

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

Environmental and Engineering Services

No concerns.

Transportation Advisory Committee

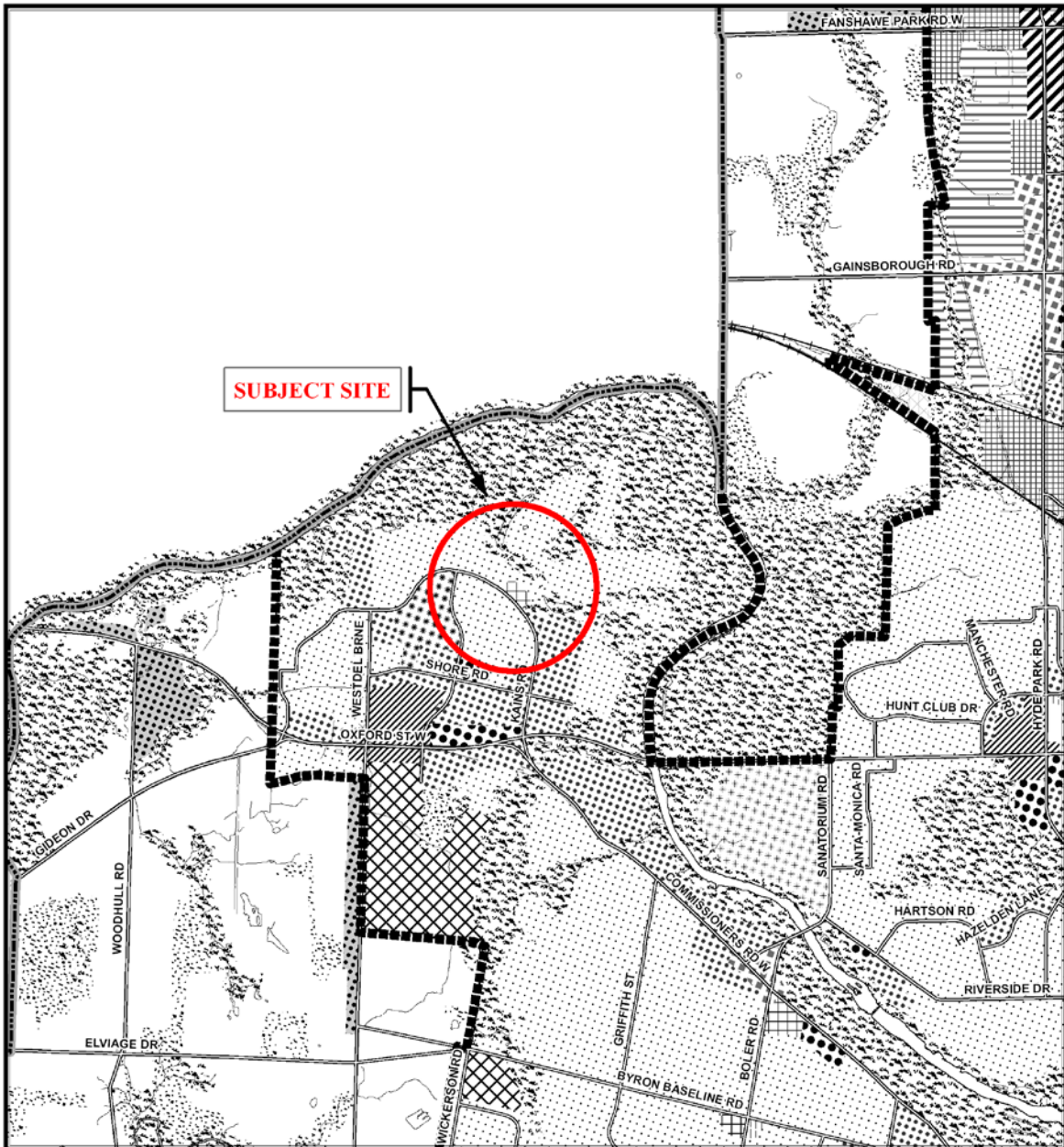
There should be pedestrian connections to the site, and bicycle and accessible parking should be included as part of the site plan development.

Upper Thames River Conservation Authority (extracts)

Conservation Authorities Act

The subject property is not affected by any regulations (Ontario Regulation 157/06) made pursuant to Section 28 of the *Conservation Authorities Act*.

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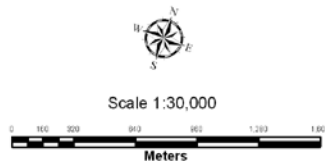


Legend

- | | |
|--|-----------------------------------|
| Downtown Area | 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 |

CITY OF LONDON
Department of
Planning and Development
OFFICIAL PLAN SCHEDULE A
- LANDUSE -

PREPARED BY: Graphics and Information Services



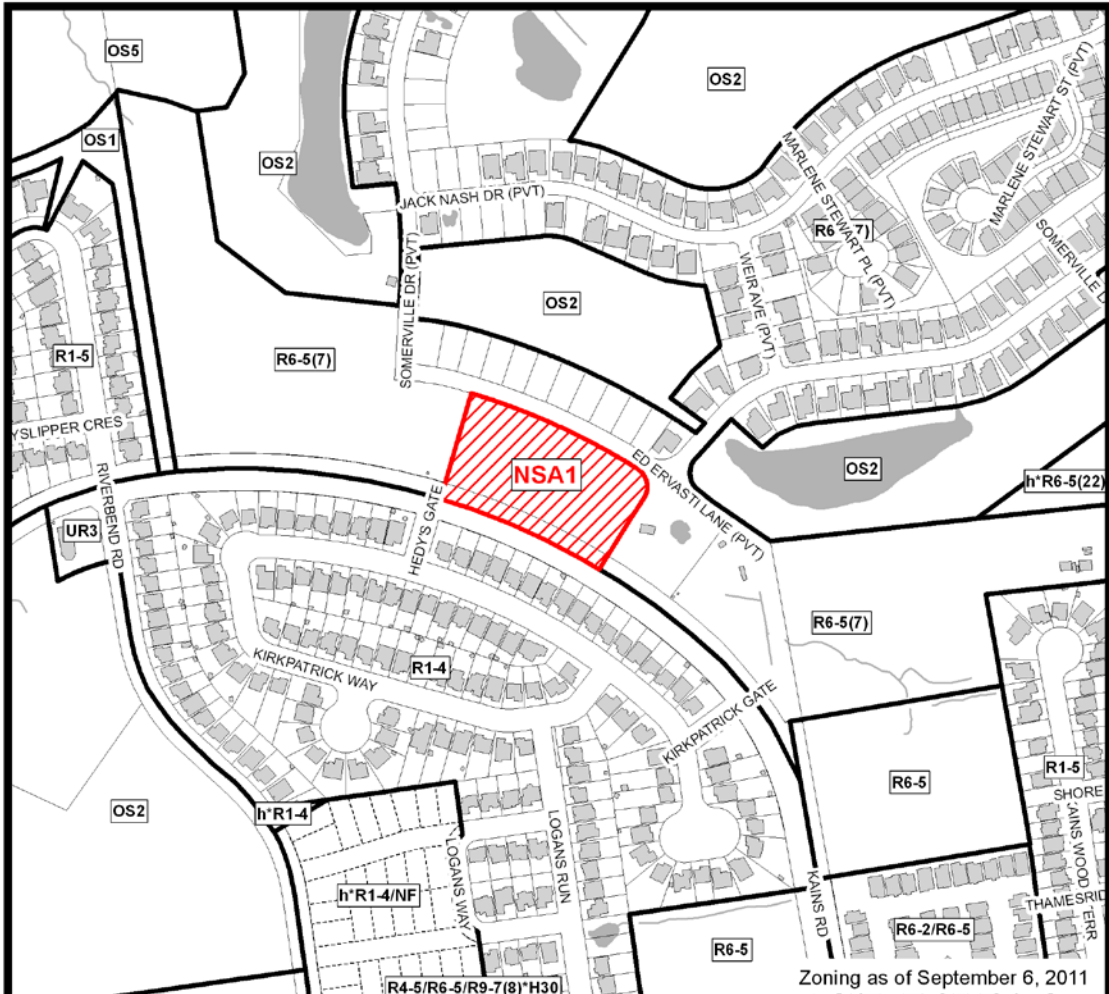
FILE NUMBER: Z-7953

PLANNER: BD

TECHNICIAN: MB

DATE: 2011/11/01

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COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: NSA1

1) **LEGEND FOR ZONING BY-LAW Z-1**

- R1 - SINGLE DETACHED DWELLINGS
- R2 - SINGLE AND TWO UNIT DWELLINGS
- R3 - SINGLE TO FOUR UNIT DWELLINGS
- R4 - STREET TOWNHOUSE
- R5 - CLUSTER TOWNHOUSE
- R6 - CLUSTER HOUSING ALL FORMS
- R7 - SENIOR'S HOUSING
- R8 - MEDIUM DENSITY/LOW RISE APTS.
- R9 - MEDIUM TO HIGH DENSITY APTS.
- R10 - HIGH DENSITY APARTMENTS
- R11 - LODGING HOUSE

- DA - DOWNTOWN AREA
- RSA - REGIONAL SHOPPING AREA
- CSA - COMMUNITY SHOPPING AREA
- NSA - NEIGHBOURHOOD SHOPPING AREA
- BDC - BUSINESS DISTRICT COMMERCIAL
- AC - ARTERIAL COMMERCIAL
- HS - HIGHWAY SERVICE COMMERCIAL
- RSC - RESTRICTED SERVICE COMMERCIAL
- CC - CONVENIENCE COMMERCIAL
- SS - AUTOMOBILE SERVICE STATION
- ASA - ASSOCIATED SHOPPING AREA COMMERCIAL

- OR - OFFICE/RESIDENTIAL
- OC - OFFICE CONVERSION
- RO - RESTRICTED OFFICE
- OF - OFFICE

- RF - REGIONAL FACILITY
- CF - COMMUNITY FACILITY
- NF - NEIGHBOURHOOD FACILITY
- HER - HERITAGE
- DC - DAY CARE

- OS - OPEN SPACE
- CR - COMMERCIAL RECREATION
- ER - ENVIRONMENTAL REVIEW

- OB - OFFICE BUSINESS PARK
- LI - LIGHT INDUSTRIAL
- GI - GENERAL INDUSTRIAL
- HI - HEAVY INDUSTRIAL
- EX - RESOURCE EXTRACTIVE
- UR - URBAN RESERVE

- AG - AGRICULTURAL
- AGC - AGRICULTURAL COMMERCIAL
- RRC - RURAL SETTLEMENT COMMERCIAL
- TGS - TEMPORARY GARDEN SUITE
- RT - RAIL TRANSPORTATION

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

2) ANNEXED AREA APPEALED AREAS

CITY OF LONDON
PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES

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

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

FILE NO: Z-7953		BD
MAP PREPARED: 2011/11/01		MB
1:5,000		
0 25 50 100 150 200 Meters		

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Drinking Water Source Protection

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*.

The subject properties have been identified as being located within an area with Highly Vulnerable Aquifers as well as Significant Groundwater Recharge potential. At this time, certain activities on this property may be considered moderate or low threats to drinking water. The *Source Protection Plan* is currently being developed and as such, the UTRCA cannot speculate what the *Plan* might dictate for such areas. Under the *Clean Water Act*, the Source Protection Committee has the authority to include policies in the *Source Protection Plan* that may prohibit or restrict activities identified as posing a *significant threat* to drinking water. Municipalities may also have or be developing policies that apply to vulnerable areas when reviewing development applications. Proponents considering land use changes, site alteration or construction in these areas need to be aware of this possibility.

London Hydro

No objections

PUBLIC LIAISON:	On August 22, 2011, Notice of Application was mailed to 52 landowners surrounding the subject property. Notice of Application was published in the Living in the City section of the London Free Press on August 27, 2011. A "Possible Land Use Change" sign was also posted on the property.	6 replies were received.
Nature of Liaison:		
<p>The purpose and effect of this zoning change is to permit the development of neighbourhood retail uses in a stand-alone building format.</p> <p>Change Zoning By-law No. Z.-1 from a Neighbourhood Shopping Area (NSA1) which provides for a range of neighbourhood scale commercial retail, service and office uses to a Zoning changed to a Neighbourhood Shopping Area Special Provision (NSA5()) Zone which permits the development of stand-alone format retail and associated uses including office and personal service uses, with a maximum Gross Floor Area of 3,000 m² whereas 500 m² is the maximum permitted for all properties within the zone and reduced number of parking spaces 134 whereas 164 spaces is required.</p>		
Responses:		
<p>3 of the responses were requests for clarification or additional information and were not followed by written or telephone comments on the application.</p> <p>3 of the responses came from homeowners who live relatively close to the subject site. Their concerns can be characterized as follows. Their full comments are attached at the end of this report.</p> <ul style="list-style-type: none"> - Inappropriate location for commercial use. - The increased density of development should be denied as it represents an overuse of the land and is inconsistent with the area. It implies the intent is to draw on neighbouring communities to support these businesses. - Traffic increase and change in daily traffic patterns on Kains Road. - Commercial retail uses such as snack bars and variety stores are undesirable due to the type of activity they generate. - Day time office uses are preferred if commercial uses are to be approved. - Big box stores undesirable. 		

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ANALYSIS

Subject Site

The subject site is a generally flat 1.3 ha (3.2 acre) parcel fronting Kains Road and having private road exposure on the east and north sides to the RiverBend Golf community, which is a private gated community characterized by low rise single and semi-detached dwellings for empty nesters and retirees. The fronts of the homes on the private Somerville Drive face the rear of the subject property. The homes on Kains Road have frontage on Kirkpatrick Way and present their rear yards, defined by wrought iron and brick pillar fencing, to the front of the subject site.

View of Site, Thames Valley Parkway and Rear Yards Facing Kains Road



View of Kains Road, Site and Front Yards Facing Back of Site



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Nature of the Request

The primary intent of the application is to allow the flexibility for the owner to construct both standalone and plaza-type buildings on the property. The applicant has also requested that the maximum gross floor area (GFA) be increased to 3,000 square metres, the maximum area for offices, including medical-dental offices be increased to 1,700 square metres, the maximum area for restaurants be increased to 700 square metres, and that the commercial plaza parking rate of 1 space for every 20 square metres of GFA be applied. During the review of the application, staff also identified that as a direct result of the requested increase in office area, an increase in office space as a proportion of the total GFA was also required.

Provincial Policy Statement (PPS)

The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development. In exercising its authority respecting planning matters, Council “shall be consistent with” policy statements issued under the Act.

Building Strong Communities

The recommended zoning by-law amendment supports building strong communities by promoting efficient development and expanding the range of commercial uses and employment opportunities in an area that is already serviced with municipal services and multi-modal transportation opportunities, and will provide neighbourhood scale services in a manner that is compatible with the surrounding residential neighbourhood.

Wise Use and Management of Resources

As noted by the Upper Thames River Conservation Authority, Sections 2.2.1 and 2.2.2 of the PPS address the obligation to protect, improve or restore the quality and quantity of water by implementing necessary restrictions on development and site alteration to protect all municipal drinking water supplies and designated vulnerable areas, and protect, improve or restore vulnerable surface and groundwater features and their hydrological functions. Through the ongoing preparation of the *Source Protection Plan*, the subject property has been identified as being located within an area with Highly Vulnerable Aquifers as well as Significant Groundwater Recharge potential, and at this time, certain activities on this property may be considered moderate or low threats to drinking water. Through the approval of the Plan of Subdivision and the Subdivision Agreement for the Phase I development within which this property is located, the appropriate hydro geological investigations were carried out to determine the effects of construction on the existing ground water elevations and domestic or farm wells within the area, as well as to address any contamination impacts that might be experienced as a result of construction. Prior to registration of the Phase I plan of subdivision, the required study was carried out and approved by the City Engineer. The proposed zoning by-law amendment to permit development on lands that have already been subdivided through a controlled municipal process and which are already zoned for commercial development, is consistent with the Provincial Policy Statement.

Protecting Public Health and Safety

There are no public health and safety concerns on these lands.

River Bend Community Plan

The River Bend Community Plan, as revised by Council in October, 2000, identified the subject site as one of the preferred locations for commercial opportunities within the Plan on the basis that it is located where it can provide for a wide range of goods and services which are needed on a regular basis; can provide for the daily or weekly convenience shopping and service needs of nearby residents and to a lesser extent passing motorists; is accessible to a sufficient number of people to promote economic viability; is easily accessed by both vehicular and non-vehicular modes of transportation preferably along arterial and primary collector roads; is compatible with surrounding lands uses; and minimizes land use conflicts. The intended location was identified as having an approximate future area of 1ha. comprising approximately 6% of the commercial land provided within the planning area.

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The Plan also identifies a multi-use pathway, which has been constructed in front of the subject property within the Kains Road road allowance. This pathway is part of the Thames Valley Trail Network and is intended to facilitate a continuous City-wide recreational pathway system. The existence of this significant trail network has an impact on the design implications for the development of the subject property.

Official Plan

The subject property is designated Neighbourhood Commercial Node as set out in Section 4.3.8 of the City of London Official Plan. Functionally, Neighbourhood Commercial Nodes are intended to provide for the daily or weekly convenience shopping needs of nearby residents and to a lesser extent passing motorists, and are unlikely to draw customers from beyond the local area.

Usually located at the intersections of arterial, primary and secondary collector roads, Neighbourhood Commercial Nodes should be close to pedestrian and bicycle pathways and transit services, on sites large enough to accommodate the buildings, parking, loading facilities and buffering and setbacks from adjacent residential land uses, and on sites with good pedestrian access to the neighbourhood.

Permitted uses include a range of small retail, convenience and service uses including offices and medical dental offices, and similar uses that draw customers from a neighbourhood-scale trade area. Commercial development shall normally range in size from 1,000 square metres to 13,000 square metres of gross floor area. The Official Plan defines small-scale office uses as having a maximum gross floor area of less than 2,000 square metres.

The form of development generally has a strip plaza focus with a combination of free-standing uses or small uses in a plaza format, but can be applied to a collection of small stores intended to serve the surrounding neighbourhood.

From a design perspective, free-standing structures along the street frontage in Neighbourhood Commercial Nodes should be developed to improve the design of the street edge, provide access to transit stops and reduce the visual impact of large open parking lots. The design, appearance and scale shall be in harmony with the surrounding residential area with adequate screening and buffering between uses. Parking areas should be carefully designed.

In addition to specific design policies for the Neighbourhood Commercial Node, Section 4.2.2 sets out Urban Design objectives for all commercial land use designations. Those applicable to this proposal are: promote an aesthetically pleasing form of commercial development that conforms to the City's Commercial Urban Design Guidelines; discourage large, front yard surface parking areas and encourage street-oriented development; introduce a higher standard of landscaping; and incorporate accessible pedestrian connections to transit facilities and adjacent neighbouring residential areas. General Urban Design policies are found in Chapter 11 of the Official Plan, to address such matters as the treatment of pedestrian traffic areas, access to sunlight, landscaping, building positioning, privacy, and gateways.

Zoning By-law

The land is currently zoned NSA1 permitting a range of commercial uses including bake shops, catalogue stores, clinics, convenience service establishments, day care centres, duplicating shops, financial institutions, food stores, libraries, medical/dental offices, offices, personal service establishments, restaurants, retail stores, service and repair establishments, studios, video rental establishments, and brewing on premises establishments, within a shopping centre format.

The Neighbourhood Shopping Area NSA5 Zone permits the same range of land uses as the NSA1 Zone, but the uses may be in a standalone building which does not form part of a shopping centre. The NSA5 Zone allows a significantly larger GFA for food stores, and a slightly larger GFA for restaurants and all other uses. The requested special provision would

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allow higher than usual GFA's for offices, including medical/dental offices, and restaurants. The differences in allowable GFA between the base NSA1 and NSA5, and the recommended NSA5() special provision Zone are illustrated in Table 1 below:

Table 1 - Maximum GFA for the Zone and for Specific Land Uses

Land Use	Maximum GFA (square metres)		
	Standard NSA1	Standard NSA5	NSA5()
Total Gross Floor Area for all uses in the Zone	2,000	500	3,000
Food Stores	500	3,200	3,200
Offices including Medical/Dental	300	500	1,700
Restaurants	150	500	700
All other uses	300	500	500

The Zoning by-law sets out specific parking rates for the various land uses permitted on this site, ranging from the less intense requirement of 1 space per 40 square metres of GFA for such uses as offices and brewing on premises establishments, to the more intense requirement of 1 space per 10 square metres of GFA for such uses as personal service establishments and restaurants.

A standard parking rate of 1 space per 20 square metres gross leasable floor area applies to "Shopping Centre " uses, defined as "a group of commercial establishments, containing at least four individual business establishments, planned, developed, owned and managed as a unit providing common open spaces, on-site parking areas, loading areas, driveways and other shared facilities, and which may be held in single ownership or by participants in a condominium corporation or commercial cooperative and where the predominant use is retail stores." The proposed development may, or may not, be defined as a Shopping Centre for parking requirement purposes, depending on whether the land is all retained in one ownership, and whether the predominant use is retail stores.

Are the Proposed Uses Appropriate at this Location?

The types of uses to be permitted at this location were established through the completion of the River Bend Community Plan and related Official Plan amendments in the late 1980's and early 1990's., and confirmed by the Official Plan amendments associated with the Five Year Review (OPA 438) in 2010. The NSA1 Zone was established on the property in conjunction with the review and approval of the Phase 1 Subdivision which includes the subject property. The permitted uses listed in the recommended NSA5 Special Provision Zone are the same as those in the existing NSA1 Zone.

Some area landowners have expressed concerns regarding garbage, lighting and privacy issues associated with commercial development. These matters will be dealt with at the site plan stage through the application of standard requirements for privacy fencing, non-intrusive lighting and the provision of appropriate waste receptacles. Specific concerns were raised regarding variety stores and snack bars due to the types of activity they sometimes generate, and a preference for offices that would operate during daylight hours was expressed. Snack bars and variety stores are intended to serve the daily needs of neighbourhood residents, and are appropriate uses in residential areas. It is anticipated that the development of a variety of uses, in combination with the recommended scale and intensity of development and careful attention to design, can create a comfortable pedestrian environment which will encourage "eyes on the street" and will be used by many people at different times of the day.

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Concerns were also raised regarding the anticipated increase in traffic volumes throughout the day, and particularly during evening hours. While the commercial block is intended primarily to serve neighbourhood needs, traffic increases and a change in time-of-day traffic patterns may result. Riverbend Road is classified as a Primary Collector road and is intended to accommodate up to 15,000 vehicles per day. Riverbend Road currently experiences a volume of approximately 3,000 vehicles per day. The Transportation Division expressed no concerns regarding the use of these lands for commercial purposes.

The proposed uses are in keeping with the intent of the Official Plan and the River Bend Community Plan, and are appropriate for this location.

Is the Proposed Intensity Appropriate?

The development of this block is intended to be complementary to the planned main commercial node for the community southwest of Riverbend and Shore Roads.

Preliminary conceptual site layouts for this property shown to City staff illustrated that the current zoning on the site, permitting a maximum of 2,000 square metres of GFA, does not allow for a sufficient intensity of use and would lead to underdevelopment. The proposed rezoning allows an overall increase in gross floor area to 3,000 square metres. Some neighbourhood concerns were raised that the requested increase represents an overintensification of the site. However, site concepts prepared for a development of 2,500 square metres illustrate a reasonable and comfortable layout and appearance for the property. Furthermore, the recommended maximum GFA is in keeping with the Official Plan policies respecting the scale of Neighbourhood Commercial Nodes, and considered suitable for the site.

The applicants also propose that close to 60% of the floor area be permitted to be in the form of offices, including medical/dental offices. The recommended maximum office floor area of 1,700 square metres is small scale in accordance with the Office Area policies of the Official Plan. The stated intent of the increase in permitted restaurant area, from 300 square metres in the NSA1 Zone to 700 square metres in the NSA5 Special Provision Zone, is to allow space for more than one restaurant to be established on the subject site to provide variety to the surrounding population. Given the demographic makeup of the area, particularly in the RiverBend Golf community, the increase in office and restaurant space is considered appropriate to serve the community.

Concerns were expressed about the possibility of big box stores being established on the site. The recommended zoning would allow a food store with a maximum floor area of 3200 square metres. It does not appear to be the owner's intent to develop a single use structure on this site. For comparison purposes, if such a use were proposed, the floorplate would be approximately equivalent to the Angelo's Bakery at 755 Wonderland Road North, or the Food Basics at Bradley and Ernest Avenues. These structures are not consistent with a big box scale.

Concerns have also been expressed about the proposed overall parking rate reduction. Depending on the mix and proportion of various uses, the development may well fit the definition of a "Shopping Centre" and the 1 space per 20 square metres would apply. The application seeks clarification that regardless of the mix and proportion of uses, this same rate will still apply. The standard rate assumes that in a development with multiple uses of different types, the overall parking demand is lower as people may have multiple destinations within the same development, and peak parking demands for different uses vary by time of day. The site is also located in close proximity to transit services, and there is an expectation that some on-street parking on Kains Road may be provided by the City in the future to support a more pedestrian oriented environment.

The proposed intensity of the development is in keeping with the intent of the Official Plan and

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appropriate for the neighbourhood and the site.

How will Design Parameters Influence the development of this site?

As shown in the oblique view of the proposed development and the proposed concept plan on this and the following page, the plan consists of three commercial buildings, two of which are located close to Kains Road with no parking in front, and one which is set back to accommodate a small amount of parking in front of the building. While having all of the buildings close to Kains Road would be preferred, the unique attributes of the site and its surroundings were taken into account in evaluating this design. While Kains Road is the primary frontage of the property, the site is flanked on the southeast side and to the rear by private roads associated with the RiverBend Golf community. The homes opposite this site on Kains Road are rear-lotted, while the lots on Somerville Drive to the rear of the subject site, face Somerville Drive. Therefore, a more balanced approach to the distribution of the buildings on the site is appropriate. The design has the result of breaking up the parking areas to diminish their dominance of the site as a whole.

Site Concepts



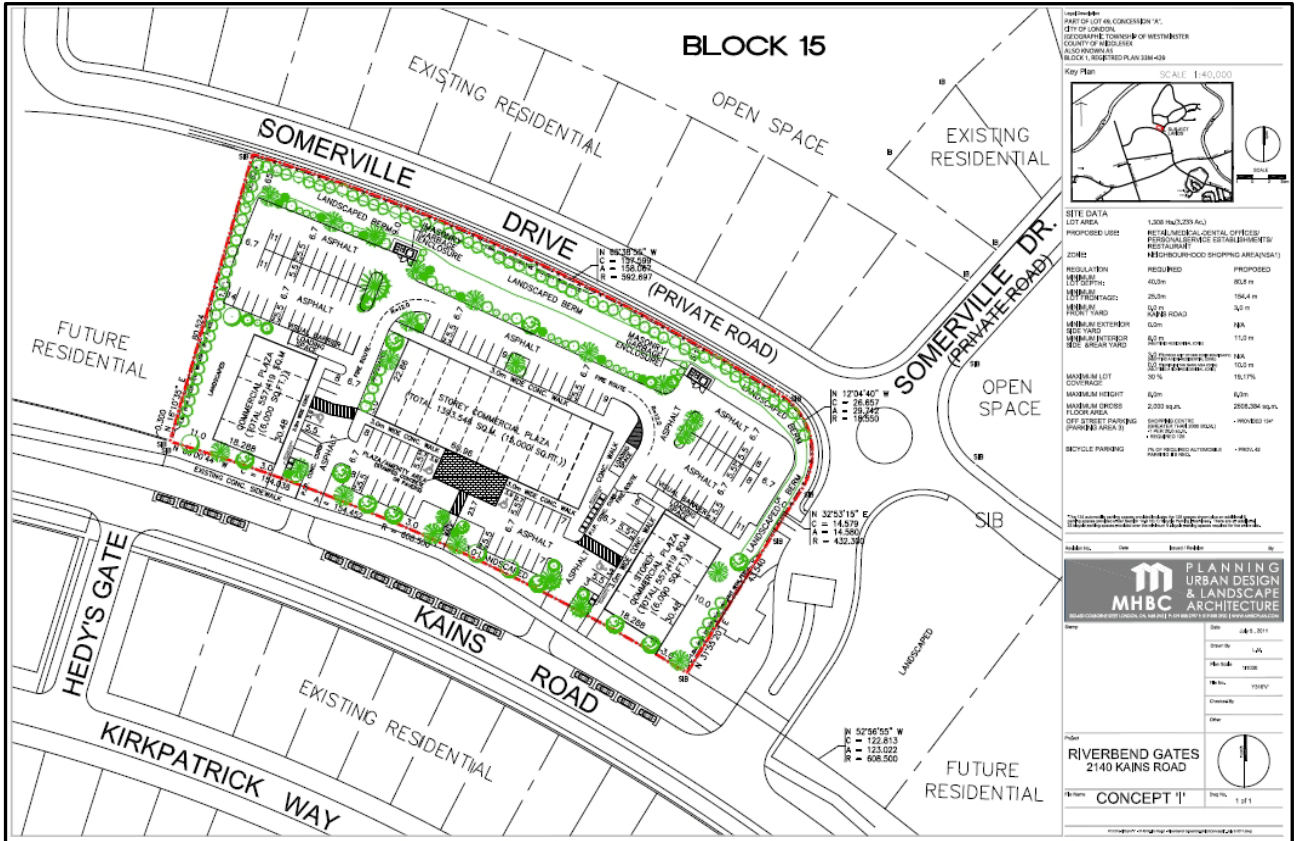
2140 KAINS - SITE PLAN CONCEPTUAL RENDERING



NICHOLLS & ASSOCIATES LIMITED

DESIGN & PLANNING CONSULTANTS
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- ALL DRAWINGS ARE AN ARTISTIC REPRESENTATION ONLY -





The owners have chosen a single-storey design that is more residential in nature to blend with the existing homes surrounding the site. The existence of the Thames Valley Parkway along Kains Road and the view of the south east corner of the site as one approaches from the south demands some special treatment in terms of creating a sense of place and a comfortable pedestrian environment. A view of the site from the south east is included below.

View of Approach From South on Kains Road



Therefore, the recommendations include a request that the Site Plan Approval Authority be

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requested to address the creation of a height element and significant streetscape as one approaches the property on Kains Road from the south; street oriented built form with building elevations that promote an active frontage along Kains Road and pedestrian activity within the neighbourhood; integration of the design with the function of the Thames Valley Parkway along Kains Road; creation of a parking lot that provides pedestrian amenity as a public space, and creates a clearly defined, pleasant and direct connection between the site and the nearest transit stop, at the site plan approval stage.

CONCLUSION

The recommended Zoning By-law Amendment to change the zone from a Neighbourhood Shopping Area (NSA1) Zone to a Neighbourhood Shopping Area Special Provision (NSA5()) Zone is consistent with the Provincial Policy Statement and in keeping with the intent of the River Bend Community Plan and the Official Plan. The recommended uses, intensity and form of the proposed development are intended to serve the surrounding community and are appropriate for the neighbourhood. Specific site design elements should be addressed at the site plan approval stage to provide an appropriate street edge that screens parking but incorporates and complements the Thames Valley Parkway and provides a pedestrian oriented environment.

PREPARED BY:	SUBMITTED BY:
BARB DEBBERT SENIOR PLANNER COMMUNITY PLANNING AND URBAN DESIGN SECTION	JIM YANCHULA, MCIP, RPP MANAGER OF COMMUNITY PLANNING AND URBAN DESIGN SECTION
RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP DIRECTOR, LAND USE PLANNING AND CITY PLANNER	

November 16, 2011
BD/
Attach.

Y:\shared\implemen\Development applications\2011 applications\7953Z-2140 Kains Road\Z-7953 report to BNEC

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B. Debbert**

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

Telephone

Written

Andy Shanks
1761 Tigerlily Road
London ON N6K 0A2

Alex & Emma Dobronyi
1508 Kirkpatrick Way
London ON N6K 5A4

Sebastian Szabo
1497 Kirkpatrick Way
London ON N6K 5A4

Brian & Jil Thorne
1514 Kirkpatrick Way
London ON N6K 5A3

Robert and Janet Chartrand
2285 Jack Nash
London ON N6K 5R3

Bob Furlonger
1556 Kirkpatrick Way
London ON N6K 5A3

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B. Debbert

From: Alex Dobronyi
Sent: Tuesday, August 30, 2011 11:06 AM
To: Hefferton, Mark
Subject: Site Plan for 3 commercial buildings at 2140 Kains Road

Mr. Hefferton,

File Z-7953

Thanks for your prompt email reply to our phone call.

Emma and I do have some comments on the application to amend the said zoning by-law.

1). Given the amount of residential development that is already built around the site, this type of development seems to be an inappropriate location to be set in a well established residential area -- ie it will stick out like a "sore thumb" within the houses immediately bordering it and those in the River Bend golf community.

To us it makes more sense to have this development built at the corner of Kains Road and Oxford. The block of land across from the McCormick Home would be a good choice.

2). However, if it were to proceed:

a). We believe the amendment request to increase the density of the development should be denied on the basis that it represents an over use of the lands in question, and is highly inconsistent with the surrounding area, as stated above. Further, it will no doubt increase the traffic on Kains Road, which is already very busy.

b). We oppose the commercial retail use of the site, especially such uses as variety and other snack bar type stores, as they will attract disturbing night time traffic and most likely become a hangout for teens and others.

c). It makes far more sense to limit the uses to day time offices, not stores & shops. In other words put the focus on light commercial/office businesses and thereby limiting the vehicular traffic to 9 to 5 on weekdays.

This would make the development less intrusive to the general area.

d). In summary, should the Committee approve the project, we urge it and Council to do what it can to limit the development to light commercial such as medical/general offices etc.

After we recieved the notice from you, Emma and I stopped by the sign board erected at the proposed site, which shows the entire River Bend golf community layout plan. The block in question is innocuously shown, simply as Block G, leading one to believe that Block G would be developed in keeping with the golf facility and fronting onto Somerville Drive.

So the proposal comes as a bit of a surprise to us and I'm sure to other residents living in the area.

These are our comments on the appropriateness of this proposal and ask that you formally include them as part of the public record with your submission to the Committee dealing with this matter.

Would you be kind enough to let us know when construction of the development might begin, and if all of the three buildings will be constructed at one time.

Alex & Emma Dobronyi
1508 Kirkpatrick Way
London ON N6K5A4

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From: Brian Thorne
Sent: Thursday, September 01, 2011 11:32 AM
To: Hefferton, Mark
Cc: Brian Thorne
Subject: FW: File Z - 7953: Site Plan 3 Commercial Buildings @ 2140 Kains Rd

Mr. Hefferton,

Z – 7953

My wife and I have reviewed the “Notice of Application To Amend the Zoning By-Law” regarding 2140 Kains Road and would like to raise our concerns for the record:

1. We are not supportive of changing the Zoning from Commercial retail, service and office to a Neighbourhood Shopping Area Special Provision
 - a. We feel that this would dramatically change the current traffic flows on Kains road beyond normal working hours
 - b. We feel that this would create and encourage “hang-out” destinations for youth
2. We are not supportive of three Commercial Buildings
 - a. Total square footage on ground level only would close in on 30,000
 - b. We feel this is over kill for our community and would further justify speculation that the intent is to draw on neighbouring communities to support these businesses further exacerbating traffic flows
 - c. It is noted that these buildings would require 164 parking spaces reflecting a noted increase in traffic

We were deeply disappointed when we reviewed these plan changes. This is our second new home where we have seen significant adjustments to the proposed plans for community amenities. Of course we recognize that the best laid plans change. I cannot help but wonder why we would not look to set these potential business owners up for success by considering a location like the corner of Oxford and Kains. This would solve for much of our community’s concerns for increased traffic flow. These businesses would be highly accessible not only by the communities of Riverbend but our neighbouring communities as well. This would prevent a significant increase in road traffic and maintain the architectural integrity of our community.

Thank you in advance for your consideration.

Brian & Jil Thorne
1514 Kirkpatrick Way
London, Ont
N6K 5A3

“Have a remarkable day!”



Brian Thorne, PFP, MBA
Vice President Member Solutions

United Communities Credit Union

Unique needs, Unique solutions

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Essex, Ontario N8M 2C7

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Bibliography of Information and Materials
Z-7953

Request for Approval:

City of London Zoning By-law Amendment Application Form, completed by Maureen Zunti, July 27, 2011

Reference Documents:

Ontario. Ministry of Municipal Affairs and Housing. *Planning Act, R.S.O. 1990, CHAPTER P.13*, as amended.

Ontario. Ministry of Municipal Affairs and Housing. *Provincial Policy Statement*, March 1, 2005.

City of London. *Official Plan*, June 19, 1989, as amended.

City of London. *Zoning By-law No. Z.-1*, May 21, 1991, as amended.

Sifton Properties Limited in association with MHBC Planning and MCI Design-Build. ZBA Planing Rationale Report, *2140 Kains Road*, July 20, 2011.

Sifton Properties Limited in association with MHBC Planning and MCI Design-Build. *Urban Design Brief, 2140 Kains Road*, July 20, 2011.

Ontario Municipal Board. Decision/Order No. 0852. June 7, 2000.

Ontario Municipal Board. Decision/Order No. 1686. December 10, 2002.

Ontario Municipal Board. Decision/Order No. 0576. May 5, 2003.

City of London. River Bend Community Plan, April 22, 1998, as amended.

Correspondence: (all located in City of London File No. Insert File No. Z-7953 unless otherwise stated)

Galloway, S., City of London Planning Division. Memo to B. Debbert. December 13, 2010.

Dalrymple, D., London Hydro. Memo to M. Hefferton. August 26, 2011.

Creighton, C. Upper Thames River Conservation Authority. Letter to M. Hefferton. September 7, 2011.

Mercier, B., Transportation Advisory Committee. Letter to B. Debbert. October 4, 2011.

Abushehada, I. City of London Engineering Review Division. Memo to B. Debbert. October 26, 2011.

Galloway, S., City of London Planning Division. Notes to B. Debbert, November 8, 2011.

Public Responses -

Written and telephone responses as set out in the City staff report to the Built and Natural Environment Committee, November 28, 2011.

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Appendix "A"

Bill No. (number to be inserted by Clerk's Office)
 2011

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 2140 Kains Road.

WHEREAS Sifton Properties Limited has applied to rezone an area of land located at 2140 Kains Road, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

Schedule "A" to By-law No. Z-1 is amended by changing the zoning applicable to lands located at 2140 Kains Road, as shown on the attached map comprising part of Key Map No. 43, from a Neighbourhood Shopping Area (NSA1) Zone to a Neighbourhood Shopping Area Special Provision (NSA5()) Zone.

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

) NSA5 ()

a) Regulations

- | | | |
|------|--|---|
| i) | Yard Depth from Kains Road Maximum | 4.5 metres (14.76 feet) for a minimum total of 35 metres (114.8 feet) of built form |
| ii) | Yard Depth from Somerville Drive (private) Maximum | 10.0 metres (32.8 feet) |
| iii) | Gross Floor Area Maximum | 3 000 square metres (32,292.8 square feet) |
| iv) | Total Gross Floor Area For Office Use Including Medical/Dental Offices As a Proportion of Gross Floor Area Maximum | 57% |
| v) | Gross Floor Area for Offices including Medical/ Dental Offices Maximum | 1 700 square metres (18,299.2 square feet) |
| vi) | Gross Floor Area for Restaurants Maximum | 700 square metres (7,535.0 square feet) |
| vii) | Parking Rate Minimum | 1 space per every 20 square metres of gross leasable floor area |

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

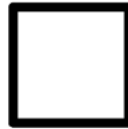
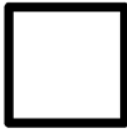
This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on December 6, 2011.

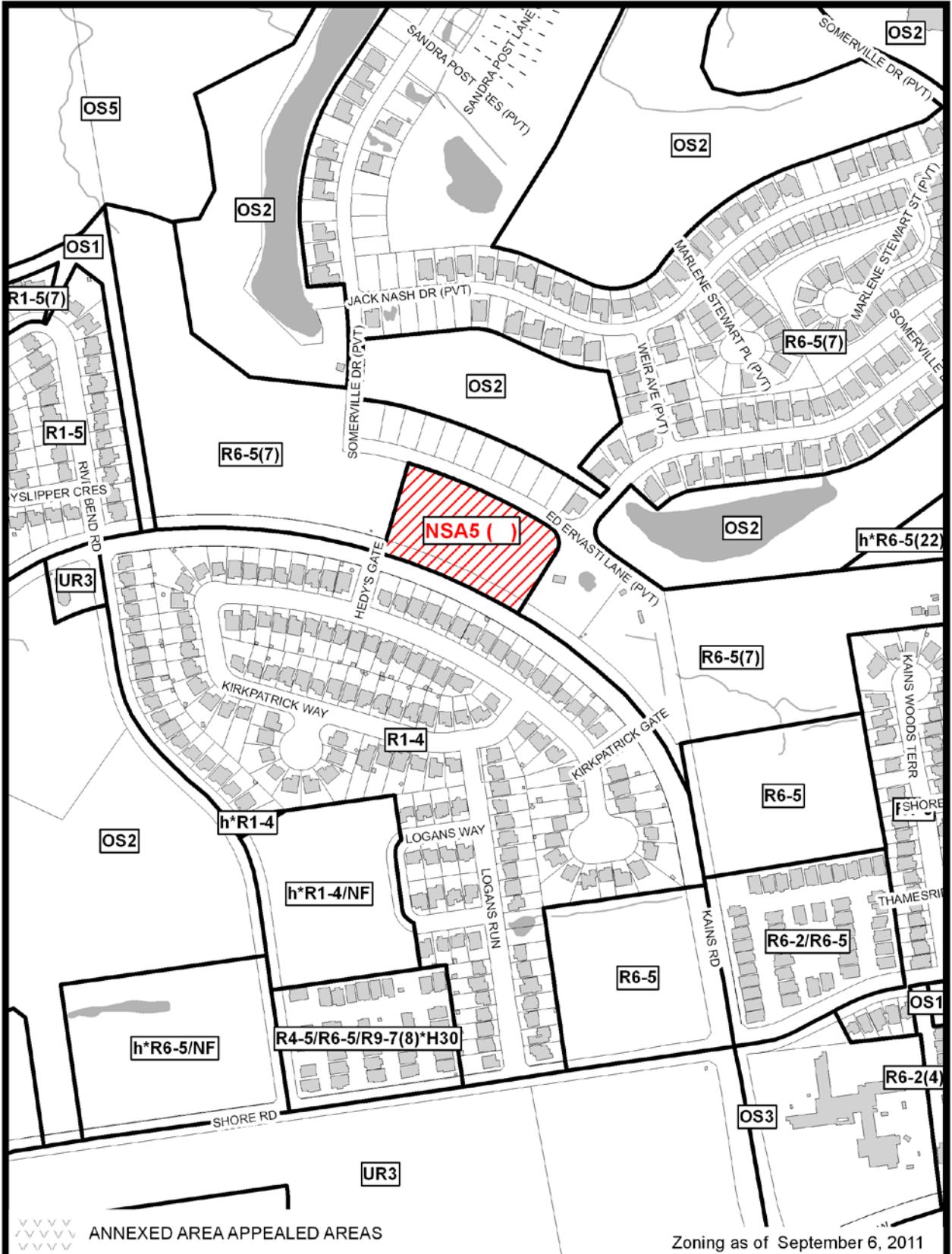
Joe Fontana
Mayor

Catharine Saunders
City Clerk


First Reading - December 6, 2011
Second Reading – December 6, 2011
Third Reading - December 6, 2011



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



File Number: Z-7953
 Planner: BD
 Date Prepared: 2011/11/01
 Technician: MB
 By-Law No: Z.-1-

SUBJECT SITE 

1:5,000

0 25 50 100 150 200 Meters

