Report to Planning and Environment Committee

To: Chair and Members

Planning & Environment Committee

From: Scott Mathers, MPA, P. Eng.,

Deputy City Manager, Planning and Economic Development

Subject: 1413045 Ontario Inc.

761 Fanshawe Park Road West

City File No: Z-9554 Ward 7 Public Participation Meeting

Date: January 30, 2023

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application relating to the property located at 761 Fanshawe Park Road West, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on February 14, 2023 to amend Zoning By-law No. Z.-1, in conformity with The London Plan for the City of London, to change the zoning of the subject property **FROM** a Convenience Commercial Special Provision (CC5(3)) Zone **TO** a Neighbourhood Shopping Area Special Provision (NSA3(_)).

Executive Summary

Summary of Request

The requested amendment would permit a broader range of service/retail commercial and residential uses, while retaining existing land use permissions.

Purpose and Effect of Recommended Action

The purpose and effect of the recommended action is to rezone the subject site to a Neighbourhood Shopping Area Special Provision (NSA3(_)) Zone to permit an increased range of uses such as service/retail, commercial and complimentary residential uses.

The following special provisions are required to retain existing land use permissions; additional permitted uses; commercial recreation establishments, and home furnishing store as well as a reduced lot frontage of 34 metres whereas 40 metres is required and a maximum gross floor area of 500m² for a food store and a maximum 1,000m² gross floor area for all other uses.

Rationale of Recommended Action

- 1. The recommended amendment is consistent with the Provincial Policy Statement, 2020;
- 2. The recommended amendment conforms to the in-force policies of The London Plan, including but not limited to the Shopping Area Place Type;
- 3. The recommended amendment provides additional uses that are appropriate and compatible with the surrounding area and provides an increased opportunity to better utilize the existing building.

Linkage to the Corporate Strategic Plan

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

Climate Emergency

On April 23, 2019, Council declared a Climate Emergency. Through this declaration the City is committed to reducing and mitigating climate change by encouraging intensification and growth at appropriate locations. This includes efficient use of existing urban lands and infrastructure. It also includes aligning land use planning with transportation planning to facilitate transit-supportive developments and encourage active transportation

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

None.

1.2 Planning History

In April 2009, a Zoning Amendment was approved by council to amend Zoning By-law No.Z.-1 to change the zoning of the subject lands from a Holding Convenience Commercial (h-11*CC5) Zone which permits a limited range of small-scale commercial uses to a Holding Convenience Commercial Special Provision (h-22*CC5(_)) Zone to permit a home furnishing store and a medical/ dental office.

In June 2010, Council approved to change the zoning on the subject site from a Holding Commercial Special Provision (h-11*CC5(3)) Zone to a Convenience Special Provision (CC5(3)) Zone to remove the holding provision. The holding provision was set in place to prevent development of the land until such a time as a development agreement is entered into, which ensures the appropriate access arrangements are provide to the satisfaction of Council. The holding provision was removed and facilitated the development of a home furnishing store.

1.3 Property Description

The subject site is located on the north side of Fanshawe Park Road West, approximately 390 metres west of Wonderland Road North in the Fox Hollow Planning District. The site is 2,100 m² in area, has 34 metres of street frontage and a depth of 61 metres. Currently the site contains a two-storey commercial building that contains a home furnishing business. The existing building provides a total gross floor area (GFA) of 952 m².



1.4 **Current Planning Information**

- The London Plan Place Type Shopping Area fronting an Urban Thoroughfare (Fanshawe Park Road West)
- Existing Zoning Convenience Commercial (CC5(3)) Zone

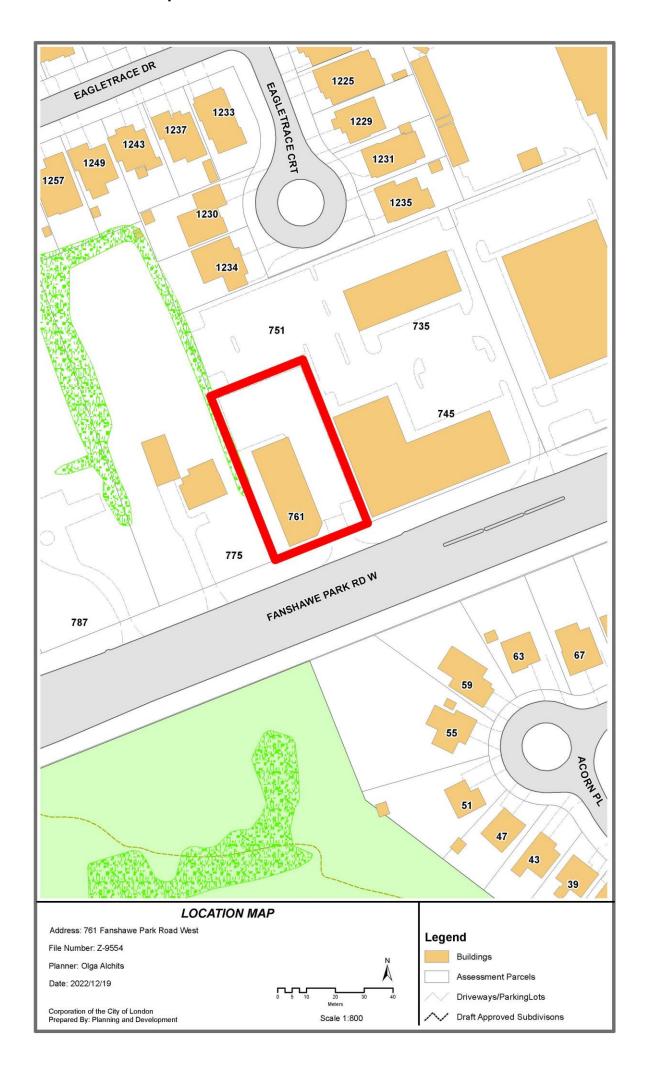
1.5 **Site Characteristics**

- Current Land Use Commercial
- Frontage 34.5 metres
- Depth 61 metres
 Area 2,100 m²
- Shape Rectangular

1.6 **Surrounding Land Uses**

- North Commercial, Low Density Residential
- East Commercial, self-storage facility
- South Low Density Residential
- West Low Density Residential/ Vacant Medium Density Residential Block

1.7 Location Map



2.0 Discussion and Considerations

2.1 Development Proposal

The applicant has requested to rezone the subject site to permit a broader range of commercial uses within the existing two-story commercial building, most notably retail stores as well as complimentary residential permissions in conjunction with other commercial activities on the first and/or second floors. The applicant is further requesting to retain the existing permissions of the Convenience Commercial Special Provision (CC5(3)) Zone, including the use of commercial recreation establishments, home furnishing store, the 500m² maximum gross floor area (GFA) for a food store and the 100 m² maximum GFA permission for all other uses, as well as a reduced frontage of 34 metres whereas 40 metres is required. No alterations to the building design or site layout are planned in conjunction with this proposal.

The existing building is positioned adjacent to Fanshawe Park Road West, with parking areas and sufficient surface parking stalls located within the interior (east) and rear yards. One full movement vehicular access point is provided to Fanshawe Park Road West. A home furnishing business currently operates within the building.



Figure 2: Existing conditions plan

2.2 Requested Amendment

The applicant is requesting a Neighbourhood Shopping Area Special Provision (NSA3(_)) 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, brewing on premises establishment, and an apartment building with any or all of the other permitted uses on the first and/or second floor. Special provisions are being requested for:

- Additional permitted uses; Commercial recreation establishments, home furnishing store;
- Maximum gross floor area for a food store 500m² and maximum gross floor area for all other uses 1,000m²;
- A reduced lot frontage of 34 metres whereas 40 metres is required.

2.3 Community Engagement (see more detail in Appendix B)

Members of the public were given an opportunity to provide comments on this application in response to the notice of application given on October 26, 2022. No comments from members of the public were received.

2.4 Policy Context (see more detail in Appendix C)

The London Plan

The London Plan is the new Official Plan for the City of London and in full force and effect.

The London Plan provides key directions that must be considered to help the City effectively achieve its vision (54). These directions give focus and a clear path that will lead to the transformation of London that has been collectively envisioned for 2035. Under each key direction, a list of planning strategies is presented. These strategies serve as a foundation to the policies of the plan and will guide planning and development over the next 20 years. Relevant key directions are outlined below, as follows:

Key direction #5: Build a mixed-use compact city

- Planning to achieve a compact, contiguous pattern of growth (looking "inward and upward") (54_2);
- Planning for infill and intensification of various types and forms to take advantage of existing services and facilities and to reduce our need to grow outward (54_4).

Key direction #7: Build strong, healthy and attractive neighbourhoods for everyone

 Design complete neighbourhoods by meeting the needs of people of all ages, incomes and abilities, allowing for aging in place and accessibility to amenities, facilities and services (61_2).

The subject site is located in the Shopping Area Place Type, as identified on Map 1 – Place Types. The Shopping Area Place Type permits a wide range of retail, service, office, entertainment, recreational, institutional, and residential uses to service nearby residents (871; 874; 877_1). Within Shopping Areas, the repurposing, reformatting, infill and intensification of existing centres is encouraged to take advantage of existing services, use land more efficiently, and reduce the need for outward expansion (876_4). The Place Type policies direct that these centres be re-formatted over time to become mixed-use areas that are more pedestrian, cycling, and transit-oriented and less autodominated in their design (871).

3.0 Financial Impact/Considerations

There are no direct municipal financial expenditures associated with this application.

4.0 Key Issues and Considerations

4.1 Issue and Consideration #1: Provincial Policy Statement, 2020 (PPS)

Provincial Policy Statement, 2020

The PPS promotes the integration of land use planning, growth management, transitsupportive development, intensification and infrastructure planning to achieve costeffective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs (1.1.1e)).

Settlement areas are directed to be the focus of growth and development. Land use

patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources and are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available (1.1.3.2). Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment (1.1.3.2).

Planning authorities shall promote economic development and competitiveness by providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs (1.3.1). Lastly, the PPS encourages long-term economic prosperity to be supported by promoting opportunities for economic development and community investment-readiness (1.7.1 a)).

Analysis:

The recommended amendment is in keeping with the PPS 2020 as it contributes to an appropriate mix and range of uses by providing a broader range of commercial and retail uses and the opportunity for residential uses through a mixed-use built form. The proposed range of uses would be located within the existing building, making use of existing building stock and efficiently using existing infrastructure and services. The amendment will promote opportunities for economic development and community investment-readiness, helping meet long-term needs. Further, no new roads or infrastructure are required to service the site and will utilize existing services reducing land consumption and servicing costs.

4.2 Issue and Consideration #2: Use

The London Plan

Based on the City of London Mapping system the subject lands appear to be within a Neighbourhoods Place Type. It is important to note that the boundaries between place types as shown on Map 1 – Place Types, are not intended to be rigid, except where they coincide with physical features (such as streets, railways, rivers or streams). (Policy 41_1). As such, Staff believe the subject site is intended to be in the Shopping Area Place Type as it is adjacent to the larger Shopping Area Place Type, has similar characteristics, and has existed as a commercial building for a considerable amount of time. The Shopping Area Place Type is intended to provide for the daily and weekly convenience shopping and service needs of their immediate neighbourhoods and encourage the repurposing, reformatting, infill and intensification of existing centres to take advantage of existing services, use land more efficiently and reuse the need for outward expansion (Policy 874_, 876_). Permitted uses include a broad range of retail, service, office, entertainment, recreational, Educational, institutional, and residential uses. Mixed buildings will be encouraged. (Policy 877_).

Analysis:

The existing 2-story building on site is currently occupied by a commercial home furnishing store. In accordance with The London Plan, the proposed Neighbourhood Shopping Area (NSA3) Zone would provide for a broader range of neighbourhood scale, retail, personal service, food stores, financial and residential uses at this location, bringing the subject site into greater conformity with the Shopping Area Place Type Policy. Additionally, the requested zone is in keeping with the NSA3 zone on the abutting lands to the east which are also located within the Shopping Area Place Type.

4.3 Issue and Consideration #3: Intensity

The London Plan & Analysis

Within The Shopping Area Place Type in The London Plan, the intent is to allow for more intense and efficient use of Shopping Area sites through redevelopment, expansion, and the introduction of residential development (Policy 878_). Policy 878_ further states that buildings within this Place Type shall not exceed four storeys in height, up to six storeys may be permitted if the proposal is in conformity with the Our

Tools polices of the plan. As such, the existing 2-storey building is in conformity of the height permissions of the plan along with the recommended NSA3 zone which permits a maximum height of 8m. Further, the existing built form and size of the lot, will be able to accommodate a more intense range of uses. The subject property is well suited for the proposed service/retail commercial uses and residential uses given its location within an established commercial node, and its proximity to the Fanshawe Park Road West and Wonderland Road North intersection and public transit. The additional uses which are proposed support the diversification and overall vitality of the subject lands.

4.4 Issue and Consideration #4: Form

The London Plan

The London Plan encourages compact forms of development as a means of planning and managing for growth (Policy 7_, 66_). Further, The City Building policies encourage buildings to be sited with minimal setbacks from public streets to create an inviting, active, and comfortable pedestrian environment while maintaining and reinforcing the prevailing street line of existing buildings (Policy 256_,257_). Within the Shopping Area Place Type, smaller-scale commercial uses are constructed at the front of the lot to create, to the greatest extent possible, a pedestrian-oriented street wall, with the front entrances oriented toward the primary street (Policy 879_). Parking facilities are to be strategically located and screened to minimize visual impacts on the public realm (Policy _272).

Analysis:

The existing form on the subject site continues to be an appropriate shape and size to accommodate the existing use, as well as the uses being proposed as part of this zoning application. Staff are satisfied that the existing setbacks and location of the existing building create an inviting, active and comfortable pedestrian environment. Further the parking areas are located within the interior (east) and rear yards screens and minimizes the visual impacts on the public realm. If the site were to redevelop under the recommended NSA3 Zone, it would be required to go through Site Plan approval and would need to meet the regulations of the Zoning By-law and appropriate design policies of The London Plan and standards of the Site Plan Control By-law, which address compatibility and mitigation measures with surrounding land uses. As noted, the height could not exceed 8 metres, which is generally no greater than 2-storeys for a commercial development.

4.6 Issues and Consideration #6: Zoning

The applicant has requested to rezone the site from the existing Convenience Commercial Special Provision (CC5(3)) Zone to a Neighborhood Shopping Area Special Provision (NSA3(_)) Zone, which permits retail and residential uses. Special provisions are being requested to permit additional uses and specific gross floor area regulations. Below is staff's response to each request.

- Additional permitted uses; Commercial recreation establishments, home
 furnishing store; The special provision would permit the continued use of the
 existing established use, comprised of a home furnishing store, that currently
 occupies the building and is recognized specifically in the current zone. Staff
 have no concern with the use being carried forward in the recommended zone as
 it is not anticipated to have any negative impacts on the neighbouring
 commercial sites and residential neighbourhoods. The additional commercial
 recreation establishments use is also supportable as it is an appropriate location
 and contributes the diverse uses within an identified commercial node.
- Maximum gross floor area for a food store of 500m² and maximum gross floor area for all other uses 1,000m²; The applicant is requesting special provisions to permit a reduction in the maximum gross floor area for restaurants from 1500 square metres to 500 square metres and increase the maximum gross floor area

of retail stores to 1000 square metres where 500m square metres is the maximum. Where possible, the Shopping Area Place Type policies encourage the repurposing, reformatting, infill and intensification of existing centres and encourage flexibility in use in order to take advantage of existing services, use land more efficiently, and reduce the need for outward expansion (Policy, 876_3, 876_4). The proposed reduction in the maximum permitted gross floor area for restaurant and increased permissions for all other uses would allow for greater flexibility in the future use and intensification of the subject lands, which serve to meet the evolving needs of the surrounding community and to maintain an appropriate mix and intensity of uses.

• A reduced lot frontage of 34 metres whereas 40 metres is required; The special provision in lot frontage is a result of the proposed new NSA3 Zone regulations. The intent of the 40 metre frontage is to ensure that lots remain consistent and compatible with the general pattern, layout, size, and shape of the surrounding area. Also, the regulation ensures that there is sufficient space for the site to function without adversely impacting abutting properties of the surrounding neighbourhood. This includes having sufficient space to provide parking in the interior side yard or rear yard and landscaped open space. Staff are of the opinion that the existing 34 metre lot frontage is appropriate, is compatible with the general pattern of the surrounding area, and provides sufficient space for the site to accommodate the full range of permitted uses on the subject lands with no additional planning impacts.

Conclusion

The recommended amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the in-force policies of The London Plan, including but not limited to the Shopping Area Place Type. The recommended amendment provides additional uses that are appropriate and compatible with the surrounding area and provides an increased opportunity to better utilize the existing building.

Prepared by: Olga Alchits

Planner I, Planning Implementation

Reviewed by: Mike Corby, MCIP, RPP

Manager, Planning Implementation

Recommended by: Heather McNeely, MCIP, RPP

Director, Planning and Development

Submitted by: Scott Mathers, MPA, P. Eng.

Deputy City Manager, Planning and Economic

Development

Copy: Britt O'Hagan, Manager, Community Planning, Urban Design and Heritage

Michael Pease, Manager, Site Plans

Ismail Abushehada, Manager, Development Engineering

Appendix A

Bill No.(number to be inserted by Clerk's Office) 2023

By-law No. Z.-1-23_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 761 Fanshawe Park Road West.

WHEREAS 1413045 Ontario Inc. has applied to rezone an area of land located at 761 Fanshawe Park Road West, 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:

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 761 Fanshawe Park Road West, as shown on the attached map comprising part of Key Map No. A101, from a Convenience Commercial Special Provision (CC5(3)) Zone to a Neighbourhood Shopping Area Special Provision (NSA3(_)) Zone.
- 2) Section Number 23.4 of the Zone is amended by adding the following Special Provision:
 -) NSA3() 761 Fanshawe Park Road West
 - a) Additional Permitted Uses:
 - i. Commercial recreational establishments;
 - ii. Home Furnishing Store
 - b) Regulations

i) Lot Frontage (Minimum)

34.0 metres (111.5 feet)

ii) Gross floor area, food stores

500m²

(Maximum)

iii) Gross floor area, all other uses (Maximum)

1000m²

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.

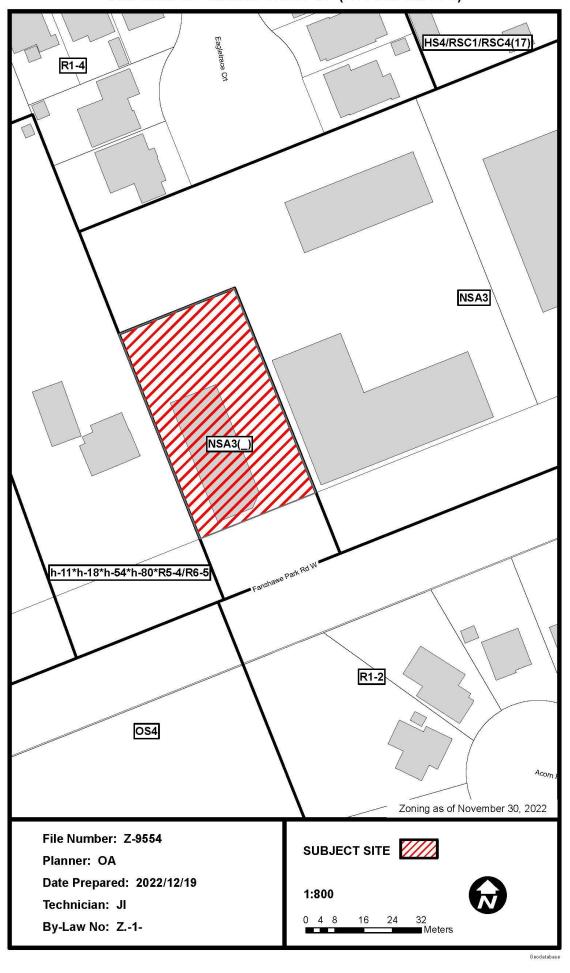
PASSED in Open Council on February 14, 2023.

Josh Morgan Mayor

Michael Schulthess City Clerk

First Reading – February 14, 2023 Second Reading – February 14, 2023 Third Reading – February 14, 2023

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



Appendix B - Public Engagement

Community Engagement

Notice of Application:

Public liaison: On October 26, 2022, Notice of Application was sent to surrounding property owners and tenants in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on October 27, 2022. A "Planning Application" sign was also posted on the site.

No replies were received.

Nature of Liaison:

761 Fanshawe Park Road West - The purpose and effect of this zoning change is to permit additional permitted uses such as a broader range of service/retail commercial uses and complementary residential uses, while retaining existing land use permissions on the subject site. No new buildings or structures are proposed as part of this application. Possible change to Zoning By-law Z.-1 **FROM** a Convenience Commercial Special Provision (CC5(3)) Zone **TO** a Neighbourhood Shopping Area Special Provision (NSA3(_)) Zone, to permit broader range of service/retail commercial uses and complementary residential uses. The following special provisions are being proposed, additional permitted uses, commercial recreation establishments and home furnishing store and maximum gross floor area for a food store is 500m² and the maximum gross floor area for all other uses is 1,000m². The city may consider other special provisions. File Z-9554: Planner O. Alchits

Departmental and Agency Comments

Urban Design

No comments are no external changes to the building are proposed.

Site Plan

Site Plan not required for a change of commercial use.

Parks Planning and Design (November 11, 2022)

No new development, adding use for existing GFA, no Parkland dedication required.

Ecology (November 11, 2022)

Confirmation that there are currently no ecological planning issues related to this property and/or associated study requirements.

Major issues identified

 No Natural Heritage Features on, or adjacent to the site have been identified on Map 5 of the London Plan or based on current aerial photo interpretation.

Notes

None.

Heritage Planning (November 15, 2022)

- Archaeological potential at 761 Fanshawe Park Road W is identified on the City's Archaeological Mapping, however the scope of work is limited to expansion of existing uses and no new construction or paving is currently planned. No new construction is mentioned in the proposal; therefore, no soil disturbance is anticipated.
- It is an offence under Section 48 and 69 of the Ontario Heritage Act for any party other than a consultant archaeologist to make alterations to a known

- archaeological site or to remove any artifact or other physical evidence of past human use or activity from an archaeological site.
- Should previously undocumented (i.e. unknown or deeply buried) archaeological resources be discovered, they may be a new archaeological site and therefore be subject to Section 48(1) of the Ontario Heritage Act. The proponent or person discovering the archaeological resources must cease alteration of the site immediately and engage a consultant archaeologist to carry out archaeological fieldwork, in compliance with Section 48(1) of the Ontario Heritage Act. Archaeological sites recommended for further archaeological fieldwork or protection remain subject to Section 48(1) of the Ontario Heritage Act and may not be altered, or have artifacts removed from them, except by a person holding an archaeological license.
- If human remains/or a grave site is discovered, the proponent or person discovering the human remains and/or grave site must cease alteration of the site immediately. The Funerals, Burials and Cremation Services Act requires that any person discovering human remains must immediately notify the police or coroner and the Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures, Ontario Ministry of Government and Consumer Services.

Engineering (November 13, 2022)

Water Engineering has the following comments for the 761 Fanshawe Park Rd. W, Zoning by-law Amendment:

- The site is currently serviced by a c 50mm COPP water service connected to the municipal 300mm PVC on Fanshawe Park Road West (this is a high level watermain);
- The applicant shall confirm the adequacy of the existing 50 mm copper water service for the proposed zoning changes.
 - *If the applicant determines that increased water supply is needed aft rezoning, this can be reviewed at the building permit stage.

There is no proposed development therefore engineering does not have any further comment.

Landscape Architect (November 15, 2022)

No comments.

<u>Upper Thames River Conservation Authority (November 11, 2022)</u>

The Upper Thames River Conservation Authority (UTRCA) has reviewed this application with regard for the policies within the Environmental Planning Policy Manual for the Upper Thames River Conservation Authority (June 2006), Section 28 of the *Conservation Authorities Act*, the *Planning* Act, the Provincial Policy Statement (2020), and the Upper Thames River Source Protection Area Assessment Report.

CONSERVATION AUTHORITIES ACT

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

DRINKING WATER SOURCE PROTECTION: Clean Water Act

For policies, mapping and further information pertaining to drinking water source protection please refer to the approved Source Protection Plan at: https://www.sourcewaterprotection.on.ca/approved-source-protection-plan/

RECOMMENDATION

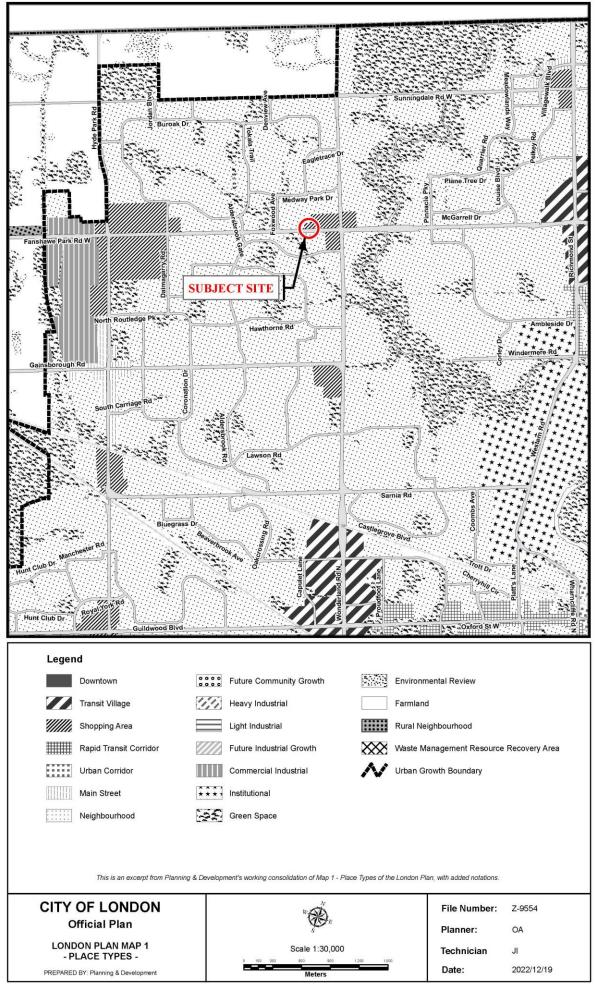
The UTRCA has **no objections** or requirements for this application. Thank you for the opportunity to comment. If you have any questions, please Upper Thames River Conservation.

London Hydro (November 11, 2022):

London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. Any new or relocation of this existing service will be at the expense of the owner.

Appendix C – Relevant Background

The London Plan - Map 1 - Place Types



 $Project Location: \verb|\cline| = \cline{Control of the control of t$

Zoning By-law Z.-1 - Zoning Excerpt

