

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: G. Kotsifas, P. Eng.,
Deputy City Manager, Planning and Economic Development

Subject: Tyler Peers on behalf of Calloway REIT (Fox Hollow) Inc.
1235 Fanshawe Park Road West
Public Participation Meeting

Date: September 27, 2021

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of Tyler Peers on behalf of Calloway REIT (Fox Hollow) Inc. relating to the property located at 1235 Fanshawe Park Road West:

- (a) the Planning and Environment Committee **ADVISE** the Approval Authority the issues, if any, raised at the public meeting with respect to the application for Draft Plan of Vacant Land Condominium relating to the property located at 1235 Fanshawe Park Road West; and,
- (b) the Planning and Environment Committee **ADVISE** the Approval Authority the issues, if any, raised at the public meeting with respect to the Site Plan Approval application relating to the property located at 1235 Fanshawe Park Road West.

Executive Summary

Summary of Request

This is a request by Tyler Peers on behalf of Calloway REIT (Fox Hollow) Inc. to consider a proposed Draft Plan of Vacant Land Condominium. The proposed Plan of Condominium is being reviewed concurrently with an application for Site Plan Approval. The plan consists of 148 multiple-attached townhouse dwelling units with access from Tokala Trail. The applicant's intent is to register the development as one Condominium Corporation.

Purpose and the Effect of Recommended Action

The purpose and effect is to report to the Approval Authority any issues or concerns raised at the public meeting with respect to the application for Draft Plan of Vacant Land Condominium and application for Site Plan Approval.

Linkage to the Corporate Strategic Plan

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

1.0 Site at a Glance

1.1 Property Description

The proposed vacant land condominium will occupy the northerly portion of the property at 1235 Fanshawe Park Road which is comprised of relatively flat, vacant land formerly in agricultural use. While there are no identified natural heritage features present, the interior of the site over time has become overgrown with vegetation consisting mostly of scattered pockets of young poplar trees. An arbourist report and tree inventory were prepared and submitted as part of the application for site plan approval. The interior trees are recommended for removal; however, a row of Colorado Spruce trees planted along the westerly edge of the site adjacent Lowes Home Improvement store will be retained and protected with tree protection fencing. Development is fully serviced with frontage and access on public roads.

1.2 Current Planning Information (see more detail in Appendix B)

- The London Plan Place Type – Shopping Area
- (1989) Official Plan Designation – New Format Regional Commercial Node together with site-specific policy under Section 10.1.3 – Policies for Specific Areas
- Zoning – Holding Residential R8 Special Provision (h-147•R8-4(39) and Holding Residential R8 Special Provision/Associated Shopping Area Commercial Special Provision (h-147•R8-4(40)/ASA3(10)/ASA6(4)/ASA8(5))

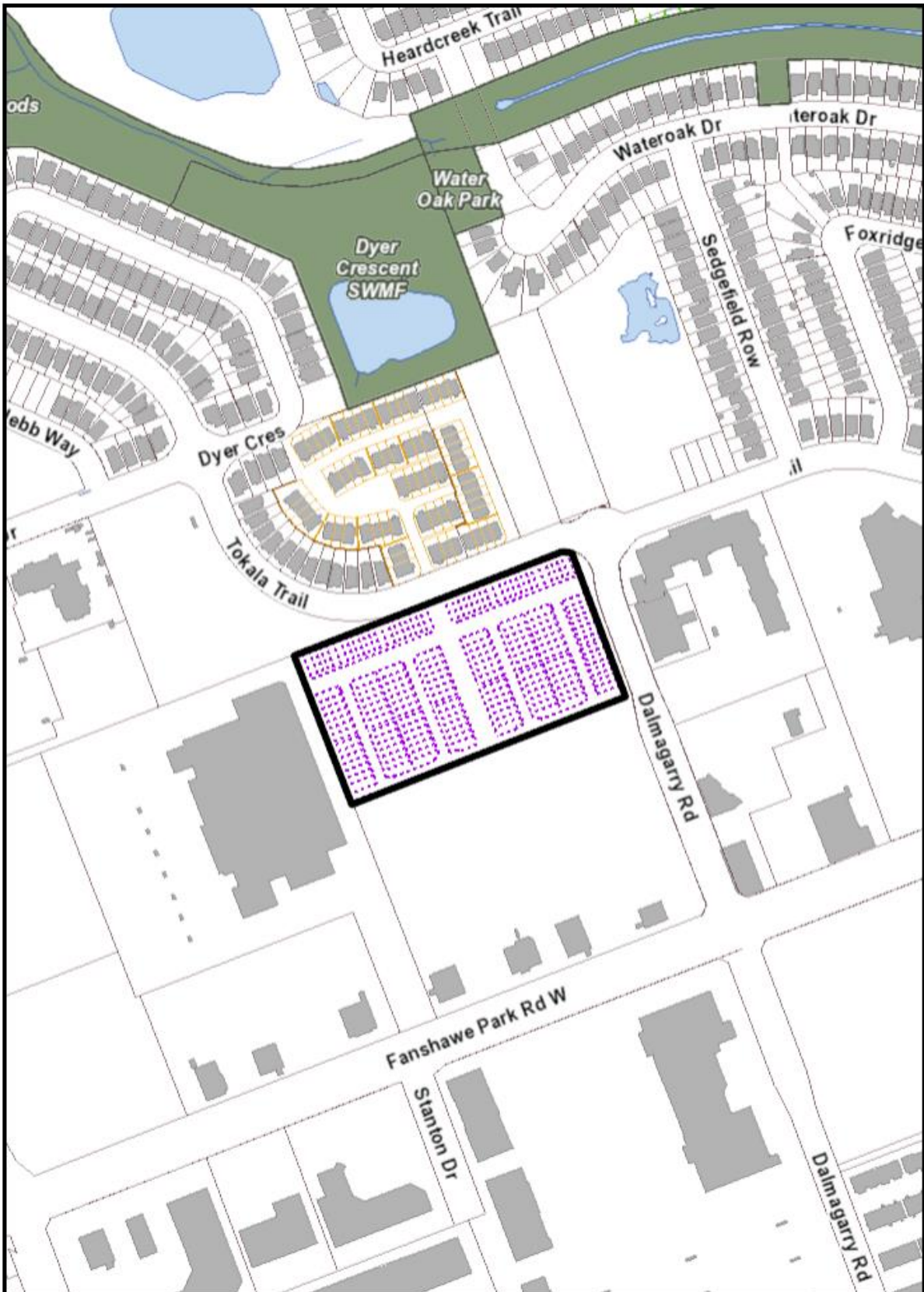
1.3 Site Characteristics

- Current Land Use – vacant
- Frontage – approx. 118 metres (on Dalmagarry Rd)
- Depth – approx. 237 metres
- Area – 2.78 hectares
- Shape – regular

1.4 Surrounding Land Uses

- North – single detached and multi-family, townhouse dwellings
- East – seniors citizens residence
- South – vacant lands for future residential/commercial mixed-use development
- West – commercial

1.5 Location Map



Location Map

Subject Property: Plan of Condominium
 Applicant: Calloway REIT (LONDON NW) Inc.
 File Number: 39CD-21510
 Created By: Larry Mottram
 Date: 7/13/2021
 Scale: 1:4000

Legend

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



2.4 Building Elevations – Block 6 Units 38-42



2.5 Building Elevations – Block 16 Units 102-107



3.0 Revelant Background

3.1 Planning History

On December 12, 2017, Municipal Council considered an application by SmartREIT relating to the properties located at 1235 – 1295 Fanshawe Park Road West. The application was for a zoning amendment to maintain the existing Associated Shopping Area Commercial zoning and add a mix of residential and institutional uses, including apartment buildings, townhouses, stacked townhouses, nursing homes, retirement lodges, and continuum-of-care facilities. The applicant's proposal depicted a future development consisting of apartment buildings and townhouses located north of four existing commercial pads fronting the north side of Fanshawe Park Road West. A preliminary site concept plan was submitted along with the application to demonstrate how the site could be developed showing four, four storey apartment buildings with 552 residential units in the central portion of the site, supported by both underground and surface parking facilities. It also showed 130 townhouse units in the northerly portion of the site with garages and parking spaces associated with each individual unit, and visitor parking.

Design considerations included ensuring building location and orientation in relation to public streets; provision of a central outdoor amenity areas for both apartment and townhouse phases; driveway access aligned with a planned entrance to a seniors apartment/retirement residence east of Dalmagarry Road, and the entrance to a townhouse complex on the north side of Tokala Trail; and buildings and central outdoor amenity areas organized within a modified grid created by the internal drive aisles and pedestrian corridors.

Council approved the zoning amendment based on the staff recommendation to change the zoning from an Associated Shopping Area Commercial Special Provision (ASA3/ASA6/ASA8(5)) Zone to a Holding Residential R8 Special Provision (h-147-R8-4(39)) Zone and a Holding Residential R8 Special Provision/ Associated Shopping Area Commercial Special Provision (h-147-R8-4(40)/ASA3(10)/ASA6(4)/ASA8(5)) Zone.

Council also adopted a city-initiated Official Plan amendment to Chapter 10 – Policies for Specific Areas of the 1989 Official Plan to permit a range of residential and institutional land uses within the New Format Regional Commercial Node designation to align with the policies of The London Plan. Adding residential and specialized residential facilities as site-specific uses to the 1989 Official Plan was consistent with Council's vision as articulated in the Shopping Area Place Type and would help facilitate and encourage the development of the subject property into a mixed-use format.

This current development proposal is the subject of an application for Site Plan Approval by SmartCentres c/o Tyler Peers (File No. SPA20-110).

3.2 Community Engagement (see more detail in Appendix A)

There were no comments/concerns received from the community.

3.3 Policy Context (See more detail in Appendix B)

Provincial Policy Statement, 2020

The proposal must be consistent with the Provincial Policy Statement (PPS) and land use planning policies and must consider:

1. Building Strong Healthy Communities;
2. Wise Use and Management of Resources; and
3. Protecting Public Health and Safety.

The London Plan

The site is located within the Shopping Area Place Type in The London Plan. The northerly portion of the site proposed for vacant land condominium development has frontage on two streets classified in The London Plan as Neighbourhood Connectors. The policies of this Place Type, as well as the Our Strategy, City Building and Design, and Our Tools policies, have been applied in the review of this application.

1989 Official Plan

The site is designated New Format Regional Commercial Node on Land Use Schedule A of the Official Plan. A site-specific policy under Section 10.1.3 – Policies for Specific Areas allows multiple-unit residential developments having a low-rise profile, and certain specialized residential facilities such as small-scale nursing homes, retirement lodges, emergency care establishments and continuum-of-care facilities, in addition to the uses permitted by existing policies.

As further described in Appendix B – Policy Context, Staff are of the opinion that the condominium draft plan is generally consistent with the PPS, The London Plan and 1989 Official Plan.

Z.-1 Zoning By-law

The zoning on the northerly portion of the site is Holding Residential R8 Special Provision (h-147•R8-4(39) which permits such uses as apartment buildings, nursing homes, retirement lodges and townhouse dwellings; together with a special provision dealing with minimum and maximum yard depth regulations from adjacent public streets, various minimum interior yard depth requirements, a maximum overall density for all lands at 1235 – 1295 Fanshawe Park Road West of 97 units per hectare, and parking and drive aisle restrictions between buildings and public streets.

The southerly portion of the site is zoned Holding Residential R8 Special Provision/ Associated Shopping Area Commercial Special Provision (h-147•R8-4(40)/ASA3(10)/ASA6(4)/ASA8(5)) which permits a broad range of residential and commercial uses; together with special provisions to provide for mixed-use residential/commercial buildings, minimum and maximum yard depths from adjacent public streets, various minimum interior yard depth requirements, and a maximum density of 114 units per hectare.

4.0 Key Issues and Considerations

4.1 Issue and Consideration # 1 – Site design issues to be considered at the Site Plan Approval stage.

The following is an excerpt from and responses to Clause (c) of the December 12, 2017 Municipal Council resolution granting approval of Official Plan and Zoning By-law Amendments relating to an application by SmartREIT for lands located at 1235 – 1295 Fanshawe Park Road West:

- c) *the Site Plan Approval Authority BE REQUESTED to consider the following design and engineering issues through the site plan approval process:*
 - i) *creation of a grid or modified grid internal drive-aisle hierarchy including primary internal drive aisles aligning with the driveways for 2900 Tokala Trail and 2825 Dalmagarry Drive, to provide for short and direct connections through and within the site for vehicles, pedestrians and other active mobility modes;*

The site development plan is configured on a modified grid of buildings, drive aisles and landscaped walkways. Vehicular access is from Tokala Trail with drive aisles branching east-west and north-south from the main entrance. Alignment with the access driveway to the existing townhouses at 2900 Tokala Trail is slightly off-set; however, there were no concerns from a transportation perspective with respect to sight lines and turning movements. The alignment of a future access driveway connection to Dalmagarry Drive will be part of the next phase of development. The site plan also incorporates a 1.8 metre pedestrian walkway connection running east-west at mid-block from Dalmagarry Road, continuing through the central outdoor amenity area to the westerly limit of the site. There are planned pedestrian sidewalk connections to the future development lands to the south.

- ii) *designing of primary drive aisles and driveways as local streets including parallel on-street parking where appropriate, sidewalks, pedestrian-scale lighting, and boulevard trees;*

The design for primary drive aisles is part of the future Phase 2 development plans to the south and is not part of this phase. The internal driveway circulation in this phase is intended to provide access for the condominium townhouses with its main vehicular ingress and egress from Tokala Trail.

- iii) *ensuring that the east-west primary internal drive aisle extends to the west property line to provide for a possible future vehicular connection through the Lowe's site to the public street network;*

This possible vehicular connection to the public street network will be part of Phase 2 to the south and is not applicable to this phase.

- iv) *encouraging underground parking for commercial and mixed-use development; it being noted that where underground parking is not provided, direct large surface parking areas to the side and rear of buildings and the primary internal streets and strategically screen them from view with a combination of low landscape walls and planting;*

Two parking spaces per dwelling unit are provided consisting of private garage and driveway for individual units in the townhouse condominium development which is well above the minimum requirements of the zoning by-law, plus an additional 15 visitor parking spaces. It is expected that underground parking will be required for the future phase apartment buildings to the south.

- v) *encouraging the siting of common amenity space(s) in centrally located areas that are highly visible and easily accessible from the primary internal drive aisles and form an integral part of the pedestrian mobility network on the site;*

An elongated landscaped amenity area is centrally located within the common element and forms an integral part of the pedestrian mobility network. A 1.8 metre wide walkway connection running east-west from Dalmagarry Road will connect through the central outdoor amenity area at mid-block and continue on to the westerly limit of the site. There will also be two parallel pedestrian sidewalk connections running north-south through the common amenity area and are planned to connect with the future development phase to the south.

- vi) *encouraging more intensive building forms/heights to be directed to the south part of the site, providing for a transition in height and intensity toward the low density residential neighbourhood to the north;*

The building elevations indicate all townhouse buildings will be three (3) storeys in height with a pitched roof. This will provide a transition in height and density between the future four (4) storey apartment buildings and existing commercial uses to the south and the low density residential neighbourhood to the north.

- vii) *contributing to the character of the neighbourhood by establishing active frontages, creating a sense of enclosure and providing a comfortable, high quality pedestrian environment, place design emphasis for all development forms on the relationship of the buildings and landscape treatments to the public streets, prominent intersections, the primary internal drive aisles and the common amenity space(s), considering such elements as:*
- a) *orienting buildings and main entrances to buildings to these features;*
 - b) *designing side elevations that are visible from the public realm to have a similar level of prominence and detail as front facades;*
 - c) *exploring opportunities to highlight prominent public street intersections or entrances into the development with enhanced building design;*
 - d) *using building and roof line articulation, appropriately scaled and located windows, and variation in materials, colours and architectural treatments to create a human-scaled rhythm, add interest and break down large facades; and,*
 - e) *providing high-quality landscaping in these areas;*

The site plan and building elevations show the principal building entrances oriented to the public right-of-way of both Tokala Trail and Dalmagarry Road, and incorporating covered porches, Juliette balconies, and pedestrian walkway

connections to the street for each individual dwelling unit to promote an active frontage. Buildings also incorporate a similar level of architectural detail on the front and side elevations flanking public streets and walkways.

An Urban Design Brief prepared by GSP Group accompanied the application submission for Site Plan Approval. The goals and objectives as set out in the Design Brief are to achieve a site design that:

- Acts as a transition of density and scale between the commercial lands along Fanshawe Park Road West and the low-density lands north of Tokala Trail;
- Allows potential future connections to the undeveloped properties towards the south;
- Orients buildings where applicable to the public road frontages of Tokala Trail and Dalmagarry Road;
- Provides for a variety and interest in the range of building styles;
- Creates pedestrian-friendly streetscapes throughout the Site through public realm and private realm considerations; and
- Provides common amenity space in a central area in which is fully visible and accessible from the internal pedestrian network.

Staff are generally satisfied that these design objectives adhere to the provisions in the Council Resolution as noted above and have been implemented through the site and building design review process.

- viii) *in mixed-use and apartment buildings, residential units should be designed to:*
 - a) *providing direct access from individual units to adjacent sidewalks; and,*
 - b) *providing individual private outdoor amenity space that may be delineated from and provide a transition to the adjacent communal areas through the use of grade changes, landscaping, low walls or other vertical elements that maintain views for safety;*

This provision applies to mixed-use and apartment buildings proposed to be developed in Phase 2 to the south and is not applicable to this phase.

- ix) *supporting mixed-use development, encourage additional main floor height to facilitate the use or conversion of this space for non-residential uses;*

Not applicable to this phase.

- x) *townhouses should be designed to:*
 - a) *orienting buildings (primary entrance, high level of vision glass and architectural detail) to public streets and primary internal drive aisles as a first and second priority, respectively,*
 - b) *providing for direct pedestrian access from primary entrances to the sidewalk on the public street or primary internal drive aisle;*
 - c) *discouraging the use of fencing between the front of the unit and the public street, other than low, decorative fencing intended solely to delineate private from public space; and,*

d) *providing sufficient useable amenity area behind buildings;*

As noted above, the site plan and building elevations show front-facing building orientation to both Tokala Trail and Dalmagarry Road with pedestrian walkway connections to the public sidewalk. Buildings incorporate a similar level of architectural detail on the front and side elevations flanking public streets and walkways. Dwelling units are also designed with front door orientation and direct pedestrian access facing the common outdoor amenity area. Each unit will have a private outdoor amenity area, and units facing the common amenity area will be provided with a 1.2 metre picket fence with swing gate to delineate private from public space.

xi) *providing enhanced landscaping/buffering for mixed-use or residential development adjacent to the existing commercial development to the west;*

The westerly property boundary will be screened by a 1.8 metre high wood privacy fence, in addition to a row of existing coniferous trees which extend all the way along the commercial property side. A single gate for access to the east-west walkway is also shown on the landscape plan.

xii) *for units along the north property line west of Tokala Trail, considering opportunities to orient dwelling toward Tokala Trail, in conjunction with any future development proposals by others at 2975 Tokala Trail; and,*

There is a 15-storey apartment building complex planned for the undeveloped lands at 2975 Tokala Trail. The site plan submissions indicate the building is being oriented on the site so as not to interrupt the street orientation of the townhouse dwelling units along the north property line west of Tokala Trail. The site plan indicates the narrow portion of the site that forms a notch in front of the townhouses where Tokala Trail bends northward will include a driveway entrance to the apartment building and landscaped open space. The site plan also shows a 1.5 metre decorative metal fence along the southerly property line of the apartment building site; however, the limit of the fence is not shown to extend beyond the front of the townhouses which face out towards the bend in Tokala Trail.

xiii) *revising existing Sanitary Area plans and design sheets if required;*

A design sheet and drainage area plan (marked up to support the design sheet) was submitted along with a Sanitary Servicing Brief as part of the site plan review process. The report was prepared to provide confirmation of an available sanitary outlet for this site, and that the existing sanitary sewer on Tokala Trail and related downstream infrastructure has sufficient capacity for the proposed development.

The plans and building elevations have been reviewed for compliance with the City's Urban Design policies and Placemaking Guidelines. Staff are generally satisfied that the site plan submission addresses the design and engineering issues outlined in the Council Resolution as noted above.

More information and detail is available in Appendices A and B of this report.

5.0 Conclusion

The application for Approval of Vacant Land Condominium is considered appropriate, consistent with the Provincial Policy Statement, and conforms to The London Plan and the (1989) Official Plan. The proposed vacant land condominium in the form of cluster townhouses also complies with the City's Z.-1 Zoning By-law, subject to Municipal Council's passing of a by-law to remove the holding provision and any required minor variances coming into force and effect.

Prepared by: **Larry Mottram, MCIP, RPP**
Senior Planner, Subdivisions and Condominiums

Reviewed by: **Bruce Page, MCIP, RPP**
Manager, Subdivision Planning

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

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

Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services.

CC: Matt Feldberg, Manager, Subdivisions and Condominiums
Bruce Page, Manager, Subdivision Planning
Michael Pease, Manager, Site Plans

September 27, 2021
GK/GB/BP/LM/lm

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Appendix A – Public Engagement

Community Engagement

Public liaison: On July 19, 2021, Notice of Application was sent to 91 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on July 22, 2021. A “Planning Application” sign was also posted on the site.

Responses: No replies were received.

Nature of Liaison: Consideration of a Draft Plan of Vacant Land Condominium consisting of 148 multiple-attached dwelling units and common element for internal driveway, services and common amenity area to be registered as one Condominium Corporation.

Agency/Departmental Comments:

No significant comments were received.

Appendix B – Policy Context

The following policy and regulatory documents were considered in their entirety as part of the evaluation of this proposal. The most relevant policies, by-laws, and legislation are identified as follows:

Provincial Policy Statement, 2020

The proposed development achieves objectives for efficient and resilient development and land use patterns. It represents new development taking place within the City’s urban growth area, and within an area of the City that is currently building out. It also achieves objectives for promoting compact form, mix of uses, and densities that allow for the efficient use of land, infrastructure and public service facilities, supports the use of public transit, supports energy conservation and efficiency, and avoids land use and development patterns which may cause environmental or public health and safety concerns.

The subject lands were designated and intended originally for future expansion of an adjacent large format retail shopping and commercial centre. Recognizing the planned “big box” retail and associated uses, The London Plan applied a Shopping Area Place Type at this location; however, the policies also envision that over time many of these centres will re-format to become mixed-use areas that include retail, service, office, and residential uses. These centres will also become more pedestrian, cycling, and transit-oriented, and less automobile-dominated in their design. The proposed development introduces a mix of townhouses and future apartment units creating live-work opportunities and maximizing the potential to accommodate an appropriate affordable, market-based range and mix of residential types to meet long term needs.

There are no natural heritage features or natural hazards present, and Provincial concerns for archaeological resource assessment and cultural heritage have been addressed through the Site Plan Approval process. Based on our review, the proposed Draft Plan of Vacant Land Condominium is found to be consistent with the Provincial Policy Statement.

The London Plan

The London Plan is the new Official Plan for the City of London (Council adopted, approved by the Ministry with modifications, and the majority of which is in force and effect). The London Plan policies under appeal to the *Local Planning Appeals Tribunal* (Appeal PL170100) and not in force and effect are indicated with an asterisk* throughout this report. The London Plan policies under appeal are included in this report for informative purposes indicating the intent of City Council, but are not determinative for the purposes of this planning application.

With respect to The London Plan, which has been adopted by Council but is not yet fully in force and effect pending appeals, the subject lands are within the “Shopping Area” Place Type permitting a broad range of retail, service, office, entertainment, recreational, educational, institutional, and residential uses. Mixed-use buildings are also encouraged in these areas. The proposed Draft Plan of Vacant Land Condominium in the form of multiple-attached townhouse dwellings conforms with the Place Type policies.

The Our Strategy, City Building and Design, Neighbourhoods Place Type, and Our Tools policies in the London Plan have been reviewed and consideration given to how the proposed Draft Plan of Vacant Land Condominium contributes to achieving those policy objectives, including the following specific policies:

Our Strategy

Key Direction #5 - Build a Mixed-Use Compact City

- 4. Plan 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.*
- 6. Mix stores, restaurants, clean industry, live-work arrangements and services in ways that respect the character of neighbourhoods, while enhancing walkability and generating pedestrian activity.*

Key Direction #6 – Place a new emphasis on creating attractive mobility choices

- 7. Utilize a grid, or modified grid, system of streets in neighbourhoods to maximize connectivity and ease of mobility.*

Key Direction #7 - Building strong, healthy and attractive neighbourhoods for everyone

- 2. 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.*

Key Direction #8 – Make wise planning decisions

- 9. Ensure new development is a good fit within the context of an existing neighbourhood.*

The proposed vacant land condominium represents a form of intensification and reformatting of an existing shopping area as envisioned by The London Plan. It provides for a mix of uses that will promote walking and generate pedestrian activity. The internal access driveways and walkways have been laid out on a grid structure to maximize connectivity with adjacent public streets, and neighbourhood services and facilities. The introduction of residential townhouses and future apartment dwelling units contributes to development of a complete neighbourhood, providing immediate access to a variety of services including shopping and restaurants, and creating opportunities for aging in place. The proposed development complies with the zoning that has been approved by Council for the site; it provides for a transition in use, form and intensity; and is considered a good fit within the context of the existing neighbourhood.

City Building and Design Policies

216_ Street networks, block orientation, lot sizes and building orientation should be designed to take advantage of passive solar energy while ensuring that active mobility and other design criteria of this chapter are satisfied.

255_ Site layout will promote connectivity and safe movement for pedestrians, cyclists, and motorists between, and within, site.

259_ Buildings should be sited with minimal setbacks from public rights-of-way and public spaces to create a street wall/edge and establish a sense of enclosure and comfortable pedestrian environment.

291_ Principal building entrances and transparent windows should be located to face the public right-of-way and public spaces, to reinforce the public realm, establish an active frontage and provide for convenient pedestrian access.

295_ Residential and mixed-use buildings should include outdoor amenity spaces.

The proposed condominium development consists of 148, 3-storey cluster townhouse dwellings arranged in 22 blocks of units attached side-by-side, with access from Tokala Trail and provision for future pedestrian access over the Phase 2 development lands to the south to Dalmagarry Road. Buildings have been arranged with a strong north-south and east-west orientation maximizing exposure to passive solar energy. Pedestrian walkways having the same north-south/east-west orientation provide excellent connectivity through the central portion of the site with direct connections to Tokala Trail, Dalmagarry Road and the future development phase to the south.

Building setbacks from the public right-of-way are within the minimum and maximum setback regulations in the approved zoning for this site (yard depths to be a minimum of two (2) metres and a maximum of five (5) metres from Tokala Trail and Dalmagarry Road). The site plan and building elevations show the principal building entrances oriented to the public right-of-way of both streets, and incorporating covered porches, Juliette balconies, and pedestrian connections to the street for each individual dwelling unit to promote an active frontage. Buildings also incorporate a similar level of architectural detail on the front and side elevations flanking public streets and walkways. A landscaped outdoor amenity area is centrally located within the common element. Adjacent buildings and dwelling units have again been designed with front door and second floor balcony orientation and walkway connections to the common outdoor amenity feature.

Shopping Area Place Type

876_ 4. Encourage the repurposing, reformatting, infill and intensification of existing centres to take advantage of existing services, use land more efficiently, and reduce the need for outward expansion.

5. Introduce mid-rise residential development into these existing centres to intensify their use, promote activity on these sites outside of shopping hours, and strengthen their role as neighbourhood centres.

877_ The following uses may be permitted within the Shopping Area Place Type:

1. A broad range of retail, service, office, entertainment, recreational, educational, institutional, and residential uses may be permitted within the Shopping Area Place Type.

878_ The following intensity policies apply within the Shopping Area Place Type:

1. It is the intent of this Plan to allow for the more intense and efficient use of Shopping Area sites through redevelopment, expansion, and the introduction of residential development.

879_ The following form policies apply within the Shopping Area Place Type:

2. To allow for the future redevelopment of large commercial blocks, a grid of driveways that extend through the site, spaced appropriately across the width of the property, should be established through the site plan process. These driveways will be designed to include sidewalks and trees. The purpose of establishing this organizational structure is to:

a. Provide a form of large-lot development that can be redeveloped more easily in phases at a future date.

b. Allow the opportunity for redevelopment of the rear portion of commercial blocks in the future, ensuring that these connecting streets or driveways are not obstructed from these rear-lot areas by buildings.

c. Allow for better connections through the site for pedestrians, transit users, and cyclists.

d. Allow the possibility for future neighbourhood connections that would connect transit services, the street and the commercial block to the neighbourhood.

The proposal is found to be in keeping with the vision for the Shopping Area Place Type by allowing for infill and intensification of underutilized lands that are part of an existing shopping centre land holdings. It introduces mid-rise residential development in the form of 3-storey townhouses which will generate pedestrian activity and help strengthen the role of the shopping area as a neighbourhood centre. It is noted that residential uses are recognized within the broad range and mix of uses that may be permitted in the Shopping Area Place Type. The development plan is generally consistent with the form policies as the site has been laid out on a geometric grid pattern of buildings, drive aisles and landscaped walkways. Vehicular access is from Tokala Trail with drive aisles branching east-west and north-south from the main entrance. The site will incorporate 1.8 metre wide walkway connection running east-west at mid-block from Dalmagarry Road and continuing through the central outdoor amenity area to the westerly limit of the site. There will also be pedestrian sidewalk connections planned to the future development phase to the south.

Our Tools

1709_ The following policies will apply to consideration of an application for a vacant land condominium:

- 1. The same considerations and requirements for the evaluation of draft plans of subdivision shall apply to draft plans of vacant land condominium (see Vacant Land Condominium Application section below).*
- 2. The applicant may be required to provide site development concepts and meet design requirements consistent with the Site Plan Control By-law as part of the consideration of a draft plan of vacant land condominium.*
- 3. Proposals for vacant land condominiums which will result in units above or below any other unit will not be supported.*
- 4. Only one dwelling will be permitted per unit.*
- 5. At the time of registration, structures cannot cross unit boundaries.*
- 6. The registration of a proposed development as more than one vacant land condominium corporation may be permitted if the proposal is supportive of comprehensive development and planning goals. The minimum number of units to be included in each condominium corporation will be adequate to allow for the reasonable, independent operation of the condominium corporation.*

1989 Official Plan

The subject lands are designated New Format Regional Commercial Node on Schedule A of the City's Official Plan. The primary permitted uses include all types of large and small-scale retail outlets; including supermarkets and food stores; department stores; retail warehouses, building supply, and home improvement and furnishings stores; convenience commercial uses; personal services; restaurants; commercial recreation establishments; financial institutions and services; a limited range of automotive services; service-oriented office uses; community facilities, such as libraries; and professional and medical/dental offices.

Special policies under Section 4.3.6.6(2) recognize the Fanshawe Park/Hyde Park Road New Format Regional Commercial Node location as a major gateway to the City from the west and northwest. Consistent with the gateway function of the node, a broad range of retail, service, community facility and office uses will be permitted within the designation. Specific policies provide direction as to the scale and form of development

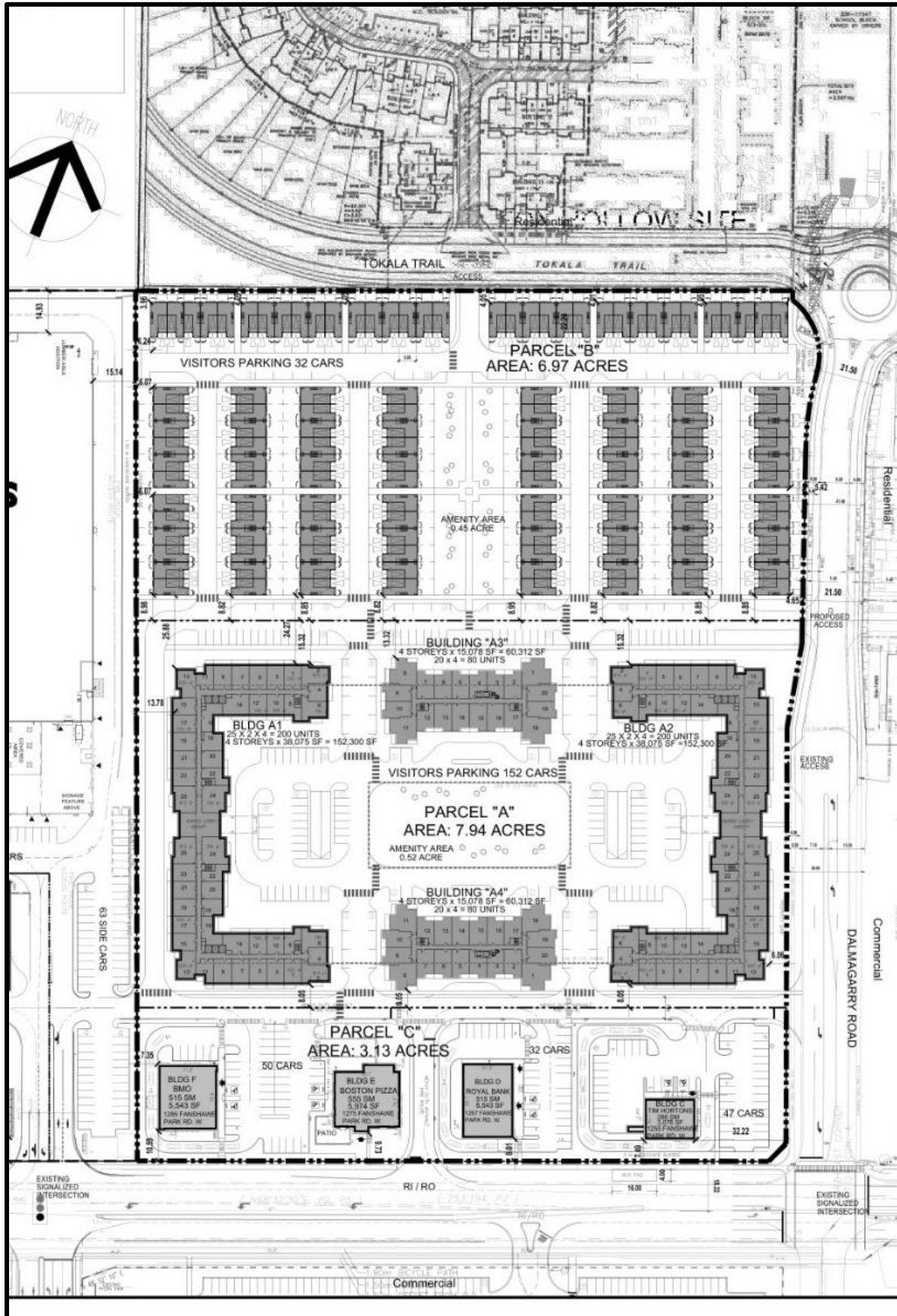
in terms of total floor area and the amount of floor area allocated to retail, commercial and office uses; phasing of servicing and roadworks; urban design guidelines focusing on quality design of the street frontage along Hyde Park Road and Fanshawe Park Road West, building orientation close to the street, windows on the street, and boundary landscaping; and requirements for transportation studies to address access management measures and road improvements on Hyde Park Road.

In December 2017, Council adopted Official Plan Amendment No. 670 to add a policy to Chapter 10 – Policies for Specific Areas to permit low-rise, multiple-unit residential uses and specialized residential facilities to a portion of the New Format Regional Commercial Node designation which comprises the subject lands. This was recommended in order to align with The London Plan and to facilitate and encourage the development of the subject property into a mixed-use format since there was not an alternative existing land use designation in the 1989 Official Plan that could be suitably applied to the subject property. The New Format Regional Commercial Node designation provides for the range of commercial uses permitted by the current zoning and continues to be an appropriate land use designation for the site with respect to non-residential land uses. The specific-area policy is as follows:

1235 – 1295 Fanshawe Park Road West

clxv) In the New Format Regional Commercial Node designation at 1235 – 1295 Fanshawe Park Road West, multiple-unit residential developments having a low-rise profile, and certain specialized residential facilities such as small-scale nursing homes, retirement lodges, emergency care establishments and continuum-of-care facilities, in addition to the uses permitted by existing policies. (OPA 670)

The proposal to develop the northerly portion of the site with 148, 3-storey residential townhouse dwellings will result in a density of approximately 53 units per hectare which is within the height and density limits in the R8-4(39) and R8-4(40) zones (max. 97 units/hectare for all lands at 1235 – 1295 Fanshawe Park Road West). The proposal is found to be generally in keeping with the overall site development concept plan considered as part of the OPA and ZBA approvals in 2017, as shown below. Therefore, the proposed vacant land condominium represents a multiple-unit residential form of development in compliance with the policies for use, form and scale as contemplated by the Official Plan.



Concept plan submitted in May 2017 by the applicant (SmartREIT) for a proposed mixed residential/commercial development at 1235-1295 Fanshawe Park Road West, showing 4, 4-storey apartment buildings (552 units), 130 townhouse units, underground parking, and existing commercial pads along Fanshawe Park Road West (Bank of Montreal, Boston Pizza, Royal Bank and Tim Hortons).

Vacant Land Condominium Application

The same considerations and requirements for the evaluation of Draft Plans of Subdivision also apply to Draft Plans of Vacant Land Condominiums, such as:

- This proposal is consistent with the objectives and policies of The London Plan and 1989 Official Plan.

- Sewer and water services will be provided in accordance with the approved Site Plan and Development Agreement in order to service this site.
- The proposed development is in close proximity to employment areas, community facilities, schools, neighbourhood parks, and open space.
- The Draft Plan of Vacant Land Condominium illustrates how these lands are to develop for cluster townhouses. Building elevation plans have been reviewed as part of the site plan submission. The size and style of dwellings are anticipated to meet the community demand for housing type, tenure and affordability.

The City may require applicants to satisfy reasonable conditions prior to Final Approval and registration of the plan of condominium, as authorized under the provisions of subsection 51(25) of the Planning Act. In order to ensure that this Vacant Land Condominium development functions properly, the following issues at a minimum will be addressed through conditions of draft approval:

- That site plan approval has been given and a Development Agreement has been entered into;
- Completion of site works in the common element and the posting of security in addition to that held under the Development Agreement (if applicable), in the event these works are not completed prior to registration of the plan of condominium;
- Installation of fire route signs prior to registration;
- Confirmation of addressing information;
- Payment of outstanding taxes or local improvement charges, if any;
- Provision of servicing easements for utility providers (such as London Hydro, Enbridge Gas, Bell, etc.);
- A warning clause provision in the Condominium Declaration if the water service for the site is determined to be a regulated drinking water system by the MOECC, the Owner or Condominium Corporation may be required to meet the regulations under the Safe Drinking Water Act and the associated regulation O.Reg. 170/03.
- A conditions that the Owner acknowledges that the subject lands are part of a Site Plan application which is being reviewed or has been accepted under the Site Plan Approvals Process (File # SPA20-110) and that the Owner agrees that the development of this site under Approval of Draft Plan of Vacant Land Condominium shall comply with all final approved Site Plan conditions and approved engineering drawings for the current development application. Therefore, any conditions identified in the Development Agreement registered on title and any Private Permanent System(s) (PPS) that includes storm/drainage, Low Impact Development (LID) and SWM servicing works must be maintained and operated by the Owner in accordance with current applicable law.
- Provision of an easement agreement for pedestrian access between the condominium townhouses and the future phase development lands to the south.
- Arrangements be made dealing with rights of access to and use of joint facilities, and responsibility for and distribution of costs for maintenance of joint facilities.
- Ensuring that the Condominium Declaration to be registered on title adequately addresses the distribution of responsibilities between the unit owners and the condominium corporation for the maintenance of services, the internal driveway, amenity areas, and any other facilities and structures in the common elements.

Z.-1 Zoning By-law

The zoning on the northerly portion of the site is Holding Residential R8 Special Provision (h-147•R8-4(39) which permits such uses as apartment buildings, nursing homes, retirement lodges and townhouse dwellings; together with a special provision dealing with minimum and maximum yard depth regulations from adjacent public streets, various minimum interior yard depth requirements, a maximum overall density for all lands at 1235 – 1295 Fanshawe Park Road West of 97 units per hectare, and parking and drive aisle restrictions between buildings and public streets.

The southerly portion of the site is zoned Holding Residential R8 Special Provision/ Associated Shopping Area Commercial Special Provision (h-147•R8-4(40)/ASA3(10)/ASA6(4)/ASA8(5)) which permits a broad range of residential and commercial uses; together with special provisions to provide for mixed-use residential/commercial

buildings, minimum and maximum yard depths from adjacent public streets, various minimum interior yard depth requirements, and a maximum density of 114 units per hectare.

An application to remove the holding (h-147) provision from the zoning has been submitted and is currently in process (File No. H-9287).

The Committee of Adjustment recently granted minor variances to construct cluster townhouses having a second storey deck with a west interior side yard setback of 5.9m whereas 7.5m is the minimum required; and to permit a minimum interior yard depth from the north property line for one of the townhouse blocks (Block 3) of 5.0m whereas 6.0m is the minimum required interior north setback (File No. A.111/21).

Subject to Municipal Council's passing of a by-law to remove the holding provision and the required minor variances coming into force and effect, the proposed vacant land condominium will comply with the Zoning By-law regulations.