

то:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	OFFICIAL PLAN REVIEW 611 – 619 OXFORD STREET EAST PUBLIC PARTICIPATION MEETING ON SEPTEMBER 24, 2013 not to be heard before 4:00 PM

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the Official Plan review relating to properties located at 611, 613, 615, 617 and 619 Oxford Street East:

(a) The proposed by-law <u>attached</u> hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on October 1, 2013 to amend to the Official Plan to apply a commercial land use designation on the subject lands **FROM** a "Low Density Residential" designation, **TO** a "Main Street Commercial Corridor" designation, to permit a range of mixed-use, street-oriented commercial uses.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

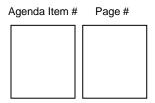
None.

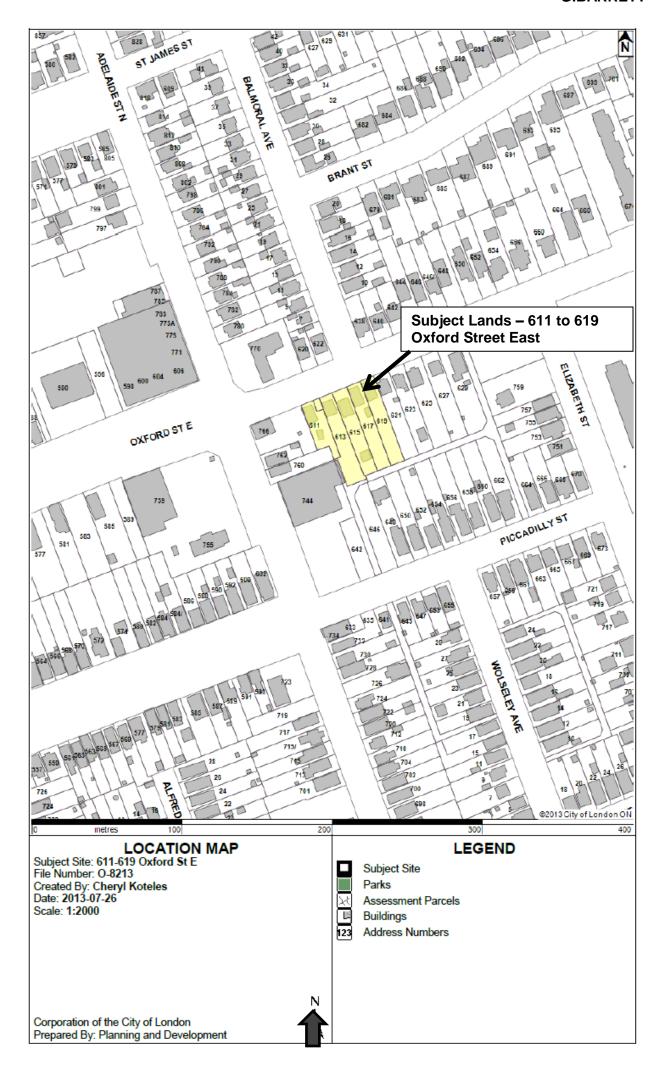
PURPOSE AND EFFECT OF RECOMMENDED ACTION

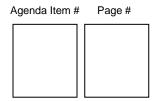
The purpose and effect of this Official Plan amendment is to reinstate a commercial designation, originally passed by Council on March 2, 1992 (Z-4419 – Azmac Development Corporation/Z-4420-City of London), and granted by the Ontario Municipal Board on May 19, 1994.

RATIONALE

- 1. The recommended amendment is consistent with the policies of the *Provincial Policy Statement*, 2005.
- 2. The recommended amendment is consistent with the Main Street Commercial Corridor policies of the Official Plan.
- 3. The recommended amendment is consistent with the recommendation of Municipal Council to the Ontario Municipal Board made on May 20, 1992 relating to a previous Official Plan and Zoning By-law Amendment (OPA No. 16 and Z.-1-92066) for commercial uses.
- 4. The recommended amendment is consistent with the intent and purpose of an Ontario Municipal Board Decision, dated May 19, 1994, relating to the identified properties 611-619 Oxford Street, to approve Official Plan Amendment No. 16 (OMB File: O 930024) and Zoning By-law amendment Z.-1-92066 (OMB File: R 920291) for commercial uses.







BACKGROUND

Date Review Initiated: July 29, 2013

REQUESTED ACTION: that the designation of 611, 613, 615, 617, and 619 Oxford Street East be changed from "Low Density Residential" to "Main Street Commercial Corridor" on Schedule 'A' of the Official Plan, consistent with the intent and purpose of a decision granted by the Ontario Municipal Board on May 19, 1994, to apply a mixed-use commercial designation on the identified properties.

SITE CHARACTERISTICS:

- Current Land Use Residential
- Frontage Properties range from approximately 9 to 12 metres (30 to 40 feet) in width
- **Depth** Properties range from approximately 30 m to 60 metres (98 to 197 feet) in depth
- Area Combined properties are approximately 3 hectares in size (8 acres)
- Shape Rectangular

SURROUNDING LAND USES:

- North Single Detached Dwellings
- South Commercial, Single Detached Dwellings
- East Single Detached Dwelling
- West Commercial, Single Detached Dwellings

OFFICIAL PLAN DESIGNATION: (refer to Official Plan Map)

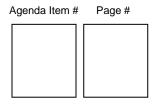
• Low Density Residential (LDR)

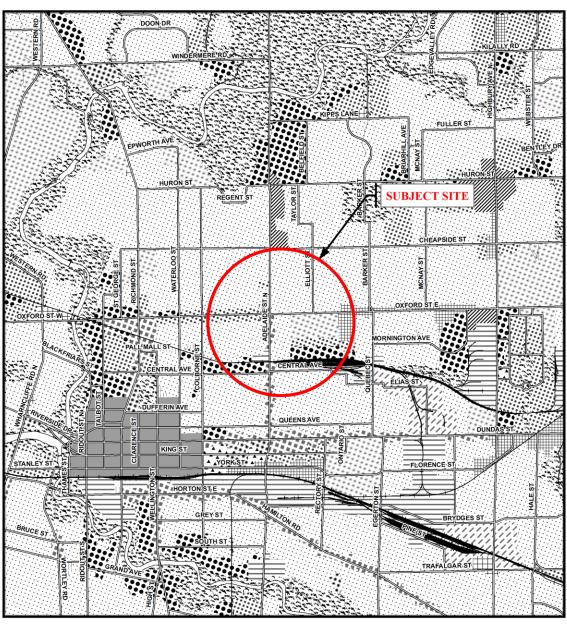
Permitted uses include single detached, semi-detached, duplex and multiple attached dwellings subject to certain policies of the Official Plan. Secondary permitted uses may also include uses that are considered to be integral to, or compatible with, residential neighbourhoods, including group homes, home occupations, community facilities, funeral homes, and office conversions.

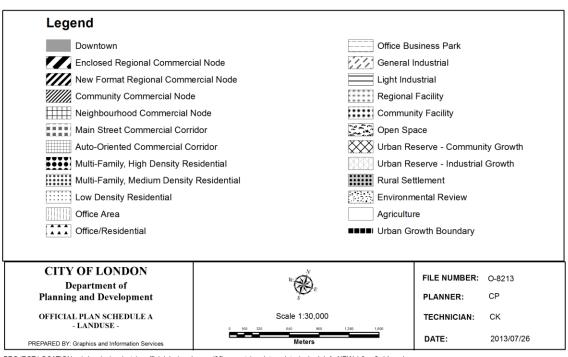
EXISTING ZONING: (refer to Zoning Map)

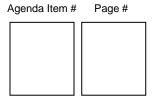
h-5 * h-11 * Arterial Commercial (AC4)

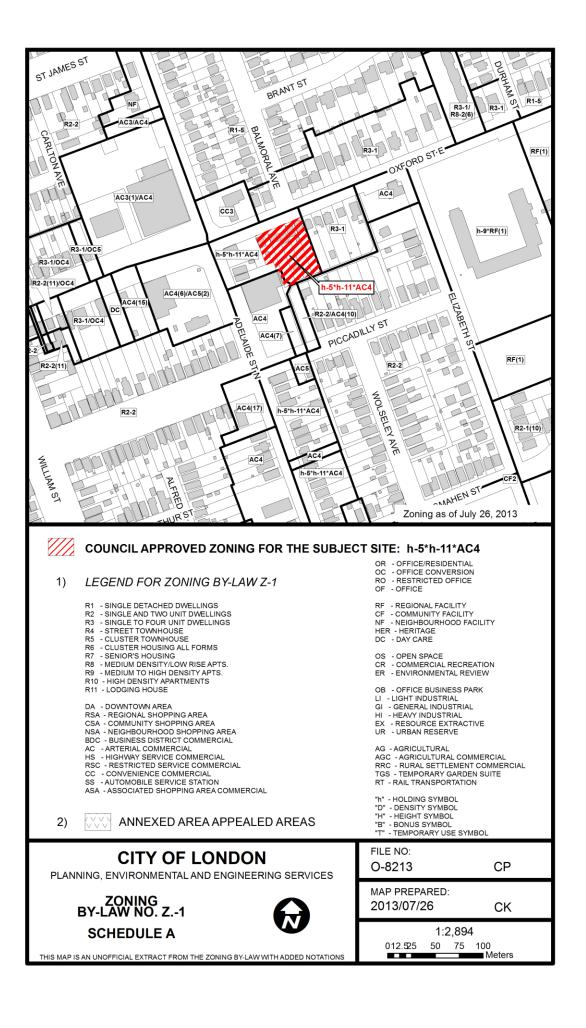
This Zone provides for and regulates a broad range of uses including residential dwellings, commercial and service uses which cater to the needs of the travelling public and pedestrians. The holding provisions are to ensure that new development requires public site plan review, and that the development agreement associated with a site plan provides for appropriate access arrangements to the site.

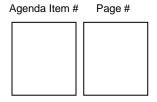












PLANNING HISTORY

On March 19, 1989 Council approved the Official Plan which designated these properties Low Density Residential.

On August 20, 1991 the City received a zoning by-law amendment application (Z-4419/Azmac Development Corp) for lands at 682-766 Adelaide Street North. Lands along Adelaide Street were designated Arterial Mixed Use District. A public liaison was sent October 1, 1991. In response to this application, the City initiated an official plan/zoning review for zoning of other properties on the block, the block to the north and additional properties at 611-617 Oxford Street East (Z-4420/City of London). A revised public liaison letter was sent January 22, 1992. The application was considered by Planning Committee at a public participation meeting on February 24, 1992 and on March 2, 1992 Council approved the requested Official Plan Amendment for an Arterial Mixed Use District designation and approved the zoning to Holding Arterial Commercial (h- AC4). The approved zoning required a development agreement/site plan for access. The amendments were appealed by the owner of 619 Oxford Street East and an OMB hearing was held on November 8 to 9, 1993. The result was the addition of 619 Oxford Street to the commercially designated and zoned area primarily because of the desire to have a future access point across from Balmoral Avenue. OPA 16 and the Zoning By-law amendment were approved by the OMB and came into force and effect on March 2, 1992.

Between 1992 and 2005 the lands remained designated and zoned for commercial uses but did not develop. Because the site had not developed for commercial uses, the property was not flagged in the commercial inventory of existing sites (node N-01) that was completed for the five year review of the Official Plan (OPA 438). It appears that the "Low Density Residential" designation was applied to the subject properties based on the existing residential uses, and that the existing commercial designation and zoning classification that applied to the properties had not been captured in the review of the OPA. OPA No. 438 was adopted by Council March 3, 2008 and approved by the OMB on January 7, 2011.

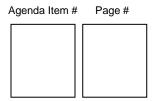
The subject properties have been designated Low Density Residential since 2008. The commercial zoning has remained in force and effect since the OMB decision granted in 1994.

In January 2013, the Planning Division was contacted by the lawyer representing the landowner (Steve Younkers) regarding the change in land use designation as a result of OPA 438. The applicant has since requested that a commercial land use designation be applied on the identified properties. To resolve this issue, the Planning Division initiated a city-initiated amendment in July, 2013 and gave public notice for a change to the designation from "Low Density Residential" to "Main Street Commercial Corridor". The Main Street commercial designation was selected given that it would be an extension of the designation that currently applies to the abutting lands (744 to 766 Adelaide Street), located at the southeast intersection of Oxford Street East and Adelaide Street.

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

No concerns expressed by departments/agencies.

PUBLIC LIAISON:	On July 31, 2013, Notice of Application was sent to 96 property owners in the surrounding area. Notice of Application was also published in the <i>Public Notices and Bidding Opportunities</i> section of <i>The Londoner</i> on August 8, 2013.	4 replies were received.
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Responses: At the time of the preparation of this report, a total of four responses were received to the proposed Official Plan amendment.

One submission was in support of commercial uses, and one submission expressed opposition to the application. Two general inquiries were received requesting clarification about the nature of the application. They did not have any specific concerns about the commercial use, but one respondent inquired about traffic movement in this location.

ANALYSIS

Subject Lands

The subject lands comprise five single detached dwellings located at 611, 613, 615, 617, and 619 Oxford Street East. The existing land use is consistent with the permitted uses of the "Low Density Residential" designation of the Official Plan that is currently in force and effect on the subject lands. The identified properties are located on the south side of Oxford Street East, east of Adelaide Street North which comprise an approximate combined frontage of 52 metres (170 feet) along Oxford Street East, and an approximate area of 3 hectares (8 acres).



Photo 1: View looking southwest from Oxford St. E near Balmoral Avenue

Oxford Street East and Adelaide Street North are classified as Arterial Roads on Schedule 'C' – Transportation Corridors – to the City of London Official Plan with an average daily Oxford Street East traffic volume of 33,000 vehicles per day east of Adelaide Street North and 34,000 vehicles west of Adelaide Street North and an average daily Adelaide Street North traffic volume of 27,000 vehicles north of Oxford Street East and 25,000 vehicles south of Oxford Street East.

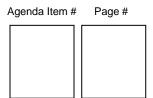
A portion of the southeast quadrant of this node, between Piccadilly Street and Oxford Street East, comprises a food store at approximately 1285 m2 (13,832 sq. ft.), and an existing retail commercial use at the immediate south-east corner of Oxford Street East and Adelaide Street North. Two residential dwellings continue to exist in their current form between the existing retail use and food store. The southwest corner comprises a stand-alone drive-through facility along the Adelaide Street corridor and a retail store along the Oxford Street East corridor. The northwest corner comprises two commercial plazas comprising a mix of commercial uses, including retail stores, restaurant, personal service establishment, offices, convenience store, and laundromat. The northeast corner comprises a gas bar/ convenience commercial use

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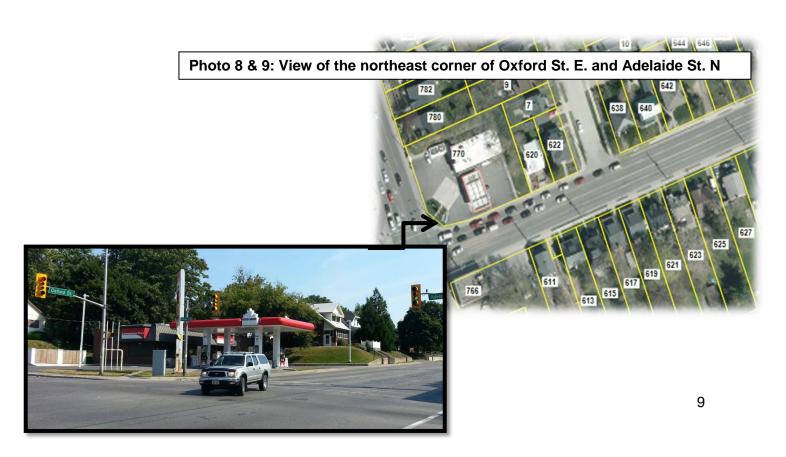
surrounded by front-lotted, low density residential uses, with driveway accesses to Oxford Street East and Adelaide Street North, respectively.

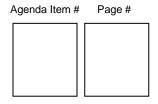












Nature of the Application

The intent of this Official Plan amendment is to apply a commercial land use designation, consistent with the Ontario Municipal Board's decision, dated May 19, 1994, to permit a mix of commercial, office, service and residential uses to the properties identified as 611 to 619 Oxford Street East, inclusive.

The result of this Official Plan amendment is a change to Schedule 'A' – Land Use to change the designation from "Low Density Residential" to "Main Street Commercial Corridor".

Provincial Policy Statement

The *Provincial Policy Statement*, 2005 (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS is intended to be read in its entirety and the relevant policies are to be applied to each situation. As it relates to this application, the PPS provides some direction to this matter.

Policy 1.1.2 states that "sufficient land shall be made available through intensification and redevelopment, and if necessary, designated growth areas, to accommodate an appropriate range and mix of employment opportunities, housing and other land uses to meet projected needs for a time horizon of up to 20 years." Further, Policy 1.1.3.1 states that, "settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted."

The subject properties (611 to 619 Oxford Street East) are located within the settlement area and the proposed amendment to change the designation to "Main Street Commercial Corridor" meets the intent of promoting intensification through redevelopment and provides an opportunity to add vitality to the lands at 611 to 619 Oxford Street East by permitting additional retail commercial uses that serves both car and pedestrian traffic.

Policy 1.1.3.7 states that, "new development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities."

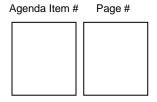
The proposed amendments will permit new commercial development to occur on the lands at 611 to 619 Oxford Street East, adjacent to the existing commercial development within the Main Street Commercial Corridor. These lands support a compact parcel fabric and provide an opportunity to complement the mix of uses within the Oxford/Adelaide node, while utilizing the abutting infrastructure.

Policy 1.8.1 states that, "Planning authorities shall support energy efficiency and improved air quality through land use and development patterns which:

- promote compact form and a structure of nodes and corridors;
- promote the use of public transit and other alternative transportation modes in and between residential, employment (including commercial, industrial and institutional uses) and other areas where these exist or are to be developed;
- focus major employment, commercial and other travel-intensive land uses on sites which are well served by public transit where this exists or is to be developed, or designing these to facilitate the establishment of public transit in the future;

Possible re-development of lands at 611 to 619 Oxford Street East can be accommodated in a nodal form which utilizes interior vehicular and pedestrian movements between adjacent lands; and under the proposed land use designation and existing zone classification the lands can accommodate a mix of uses which create symbiotic opportunities for multiple purpose shopping trips and a destination point for the use of public transit located along Oxford Street East and/or Adelaide Street North.

Policy 1.6.2 states that "the use of existing infrastructure and public service facilities should be



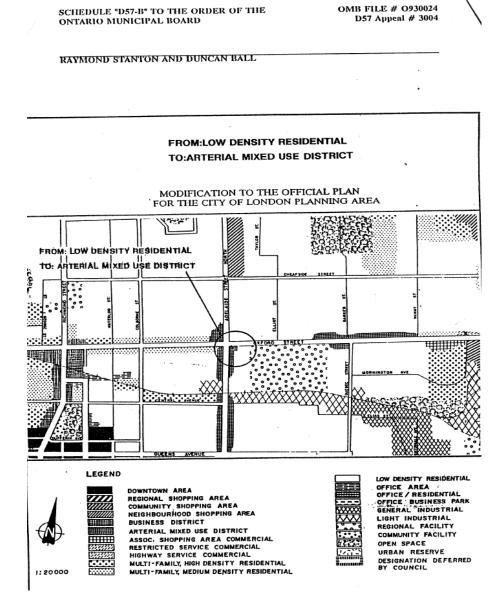
optimized wherever feasible". The possible redevelopment of the identified lands will continue to use and optimize existing infrastructure and facilities.

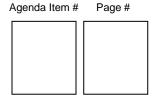
The recommended amendments are consistent with the policies of the *Provincial Policy Statement*, 2005.

Official Plan Policies

The recommended amendment seeks to reinstate a commercial designation that the Ontario Municipal Board granted in May 1994.

As a result of its findings in 1994, the Board concluded that "an arterial mixed zoning and designation are appropriate at 619 Oxford Street as well as at 611, 613, 615 and 617 Oxford Street". The Board set the easterly limit of the arterial commercial designation at the east side of the 619 Oxford Street East lands to accommodate a possible access connection opposite Balmoral Avenue, a local street running north from Oxford Street East. The Board was not persuaded by the evidence that a commercial use would be bad planning; nor would it lack conformity with the Official Plan since Oxford Street is a busy arterial road, and there is a mix of uses along its length in the vicinity. An excerpt from the Board Order, which shows the area to be designated Arterial Mixed-Use District, is provided below.





The 2006 five-year review resulted in changes to the commercial policies of the Official Plan through OPA 438. A number of commercial designations were removed from the Official Plan or reclassified as part of the comprehensive review of the commercial policies. The "Arterial Mixed-Use District" commercial designation was one of the designations reclassified to "Main Street Commercial Corridor" along certain corridors. The location of the subject lands along Oxford Street East, and its proximity to Adelaide Street North, meets the intent and purpose of the "Main Street Commercial Corridor" policies of the Official Plan. The planning objectives of Main Street Commercial Corridor provides for the redevelopment of underutilized properties within the corridors for a broad range of mixed-use form of development at a scale, setback and character that is compatible with existing adjacent development, and encourages mixed-use development at a higher intensity to support transit mobility and achieve a diverse mix of land uses. The promotion of mixed-use development, low to mid-rise form and higher intensity development is the optimal form of development along this section of Oxford Street East, which is consistent with the commercial designation granted by the OMB in 1994 and the proposed designation that is being recommended in this amendment to the Official Plan.

The "Main Street Commercial Corridor" designation is the appropriate commercial designation to be applied to the identified lands as the designation would provide for appropriate future redevelopment of the identified lands, and it would be an extension of the existing commercial designation on the abutting lands at the southeast intersection of Oxford Street East and Adelaide Street North.

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C	ONCLUSION
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On May 19, 1994, the Ontario Municipal Board (OMB) approved Official Plan and Zoning By-law amendments to permit arterial commercial uses at 611 to 619 Oxford Street East. commercial land use designation applied to these lands was not carried forward as part of OPA 438, adopted by Council on March 3, 2008 and approved by the OMB on January 7, 2011. The lands are presently designated as "Low Density Residential".

The purpose of this report is to apply a "Main Street Commercial Corridor" designation to these lands.

PREPARED BY:	SUBMITTED BY:	
HEATHER McNEELY	GREGG BARRETT, AICP	
POLICY PLANNING AND PROGRAMS	MANAGER, POLICY PLANNING AND PROGRAMS	
RECOMMENDED BY:		
TEGORIMETOES ST.		
JOHN M. FLEMING, MCIP, RPP		
MANAGING DIRECTOR, PLANNING AND CITY PLANNER		

August 29, 2013

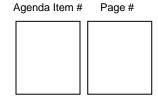
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Responses to Public Liaison Letter and Publication in "Living in the City"

<u>Telephone</u>	Written
K. MacLachlan – 646 ½ Oxford Street E. Inquiry about the general nature of the application and inquired about traffic movement in the area.	R. Szabo, Palasad Ltd 777 Adelaide St. N. Expressed support. Improvements/Investments should be supported to properties that are at the intersection of main arterial roads. This represents the best use of this property.
	J. Traut – 652 Piccadilly St Expressed opposition.
	N. Woods – RG Richards & Associates General inquiry about the nature of the application.



Bibliography of Information and Materials O-8213

Request for Approval:

City of London Application Form, completed by Planning Division staff, July 24, 2013.

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.

Background Resources:

Notices relating to Z-4419 and OZ-4420.

February 24, 1992 - Planning report (Z-4419 and OZ-4420) recommending approval of commercial uses of 611-617 Oxford Street East.

March 3, 1992 - Council Resolution relating to application Z-4419 and OZ-4420.

April 1, 1992 – letter of appeal relating to C.P. 953-42/82(jm) and By-law No. Z.-1-92066.

May 11, 1992 – Planning report recommending referral of the letter of appeal to the OMB with the advice that Council has no reason to change its previous decision.

May 20, 1992 - Council Resolution on the referral to the OMB.

January 21, 1994 – Reserved Decision by the OMB on the appeal to OPA 16 and By-law Z.-1-92066.

May 19, 1994 – Board Order on the appeal to OPA 16 and By-law Z.-1-92066.

March 2, 1992 - OPA No. 16 (By-law No. C.P.-1284(s)-72) in force and effect.

May 19, 1994 – Z.-1. -92066 Zoning By-law in force and effect by OMB order.

<u>Correspondence: (all located in City of London File No. O-8213 unless otherwise stated)</u> Various e-mails and letter correspondence January 14, 2013 to present.

London Hydro. August 1, 2013.

Waste Water and Drainage Engineering. August 13, 2013.

Other:

Site visit August 25, 2013 and photographs of the same date.

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		J	O-821: G.BARRET

Appendix "A"

2013)
By-law No.	C.P1284

A by-law to amend the Official Plan for the City of London, 1989 relating to 611, 613, 615, 617 and 619 Oxford Street East.

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

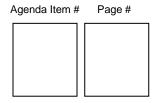
- 1. Amendment No. () to the Official Plan for the City of London Planning Area 1989, as contained in the text attached hereto and forming part of this by-law, is adopted.
- 2. This by-law shall come into effect in accordance with subsection 17(38) of the *Planning Act, R.S.O. 1990*, c.P.13.

PASSED in Open Council on October 1, 2013.

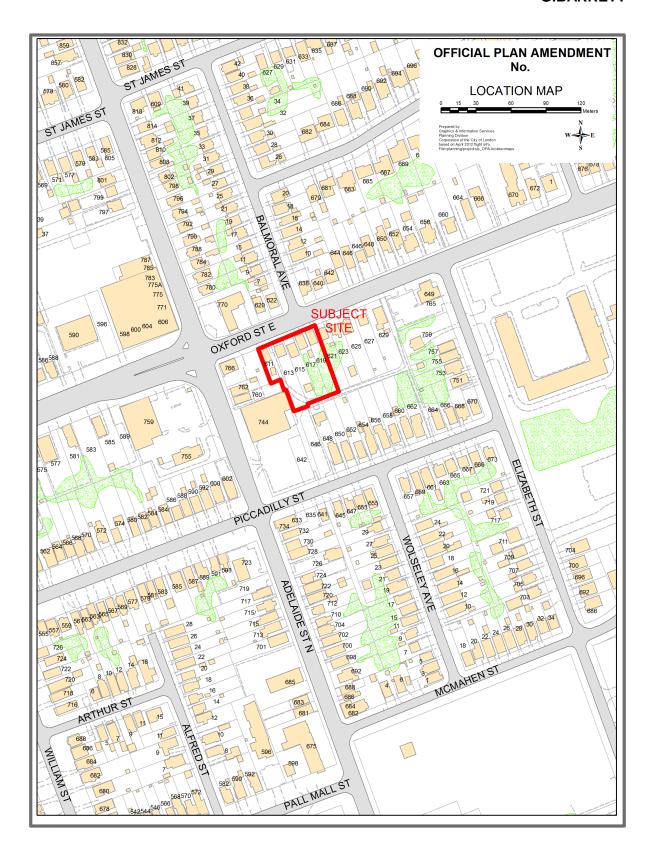
Joe Fontana Mayor

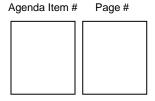
Catharine Saunders City Clerk

First Reading - October 1, 2013 Second Reading - October 1, 2013 Third Reading - October 1, 2013



O-8213 G.BARRETT





AMENDMENT NO.

to the

OFFICIAL PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is:

1. To change the designation of certain lands described herein from "Low Density Residential" to "Main Street Commercial Corridor" on Schedule "A", Land Use, to the Official Plan for the City of London.

B. LOCATION OF THIS AMENDMENT

1. This Amendment applies to lands located at 611, 613, 615, 617 and 619 Oxford Street East in the City of London.

C. <u>BASIS OF THE AMENDMENT</u>

The subject properties (611 to 619 Oxford Street East, all inclusive) are located within the settlement area and the proposed amendment to change the designation to "Main Street Commercial Corridor" meets the intent of promoting intensification through redevelopment and provides an opportunity to add vitality to the lands at 611 to 619 Oxford Street East by permitting mixed-used development that serves both auto and pedestrian traffic.

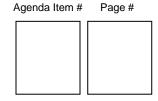
The location of the subject lands along Oxford Street East, and its proximity to Adelaide Street North, is consistent with the "Main Street Commercial Corridor" policies of the Official Plan. The planning objectives of Main Street Commercial Corridor provides for the redevelopment of underutilized properties within the corridors for a broad range of mixed-use form of development at a scale, setback and character that is compatible with existing adjacent development, and encourages mixed-use development at a higher intensity to support transit mobility and achieve a diverse mix of land uses.

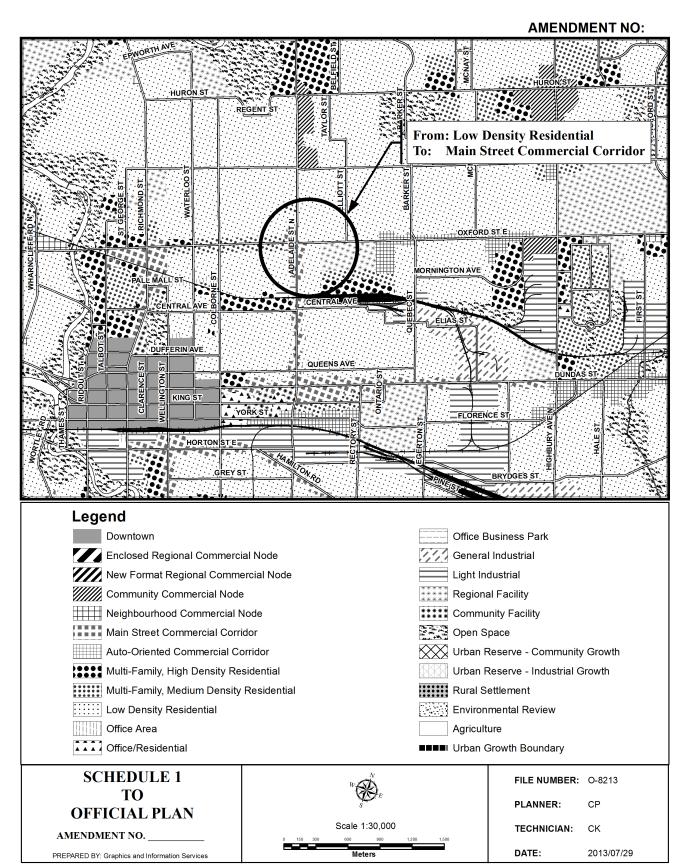
The recommended amendment is consistent with the policies of the *Provincial Policy Statement*, 2005 and also with the Main Street Commercial Corridor policies of the Official Plan.

D. <u>THE AMENDMENT</u>

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

1. Schedule "A", Land Use, to the Official Plan for the City of London Planning Area is amended by designating those lands located at 611, 613, 615, 617, and 619 in the City of London, as indicated on "Schedule 1" attached hereto from "Low Density Residential" to "Main Street Commercial Corridor".





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