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B. Henry  
File No: SP13-023019

TO:	CHAIR AND MEMBERS – PLANNING & ENVIRONMENT COMMITTEE
FROM:	GEORGE KOTSIFAS MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL
SUBJECT:	APPLICATION BY: 2261531 ONTARIO LIMITED 1103 ADELAIDE STREET NORTH PUBLIC SITE PLAN MEETING SEPTEMBER 24, 2013

RECOMMENDATION
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That on the recommendation of the Manager of Development Services & Planning Liaison, the following actions be taken with respect to the site plan approval application for a commercial building submitted by 2261531 Ontario Limited (York Developments), relating to the property located at 1103 Adelaide Street North.

- a) On behalf of the Approval Authority, the Planning & Environment Committee **BE REQUESTED** to conduct a public meeting and **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the application for Site Plan approval to permit a commercial building at 1103 Adelaide Street North;
- b) Council **ADVISE** the Approval Authority of any issues they may have with respect to the Site Plan application, and whether they support the Site Plan application for the commercial building at 1103 Adelaide Street North; and
- c) Council **ADVISE** the Approval Authority whether the previous direction to prohibit access to Huron Street is being modified to reflect the findings of the Traffic Impact Study and input from the Transportation Division.

PURPOSE AND EFFECT OF RECOMMENDED ACTION
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The purpose of this application is to obtain site plan approval for a commercial building at 1103 Adelaide Street North. The public meeting at Planning & Environment Committee is being held to fulfil the requirement of the h-5 holding provision.

The submitted site plan requires a variance to conform with the NSA1 (8) Zone subject to the holding provisions being removed. The proposed site plan and landscape plan as marked and elevation will result in the construction of a commercial building compatible with the neighborhood.

APPLICATION DETAILS
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Date Application Accepted: July 22, 2013	Agent: York Developments
REQUESTED ACTION: Approval of an application for site plan approval for the conversion of the existing repair garage into a restaurant with a drive through facility, office and convenience store at 1103 Adelaide Street North.	

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Location Map

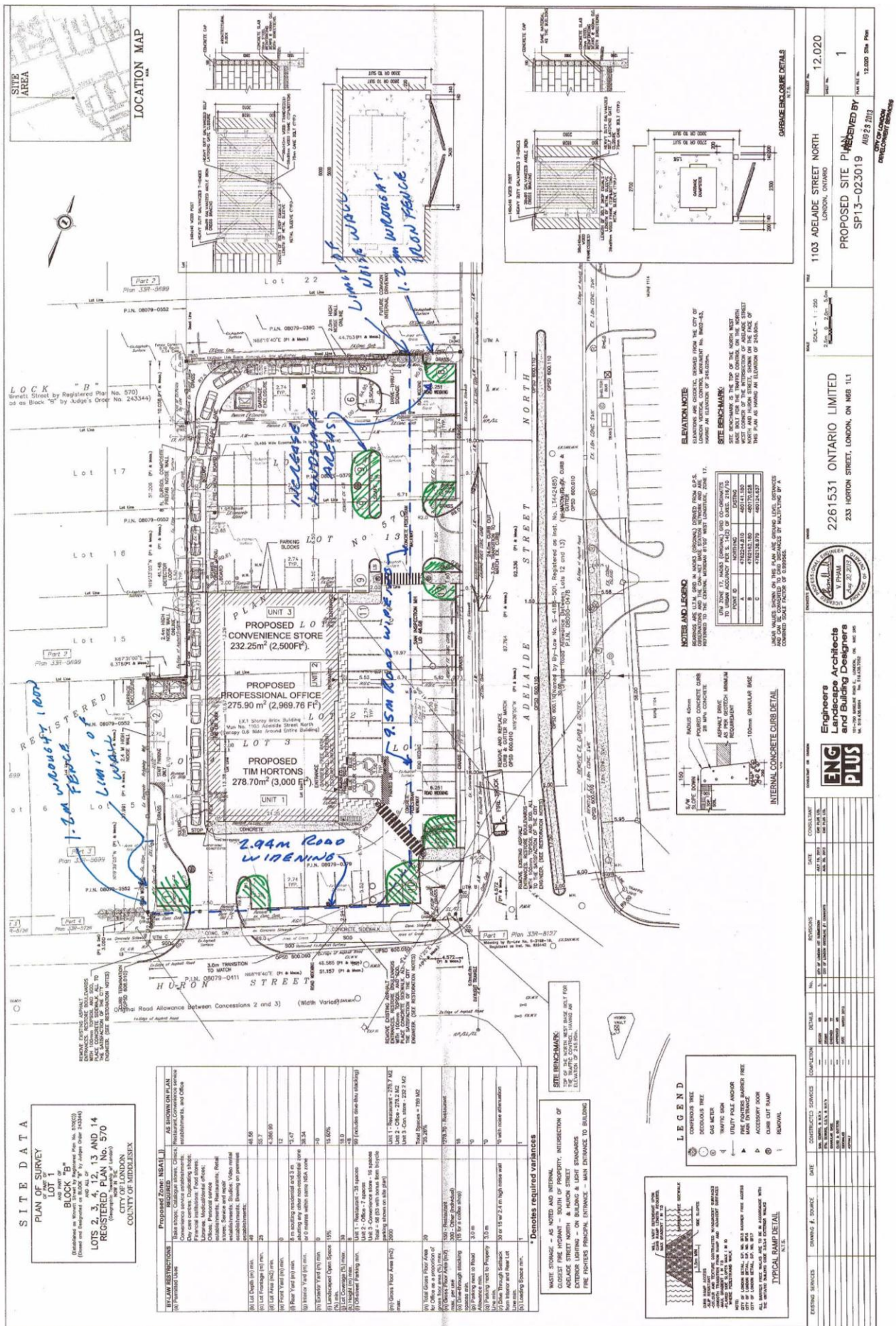






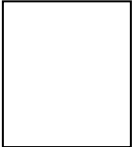
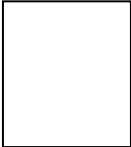


**Site Plan as marked**









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SITE CHARACTERISTICS:	
• <b>Current Land Use</b>	– Repair Garage
• <b>Frontage</b>	– 51.5m
• <b>Depth</b>	– 79.0m
• <b>Area</b>	– 4390.59m²
• <b>Shape</b>	– Rectangular

SURROUNDING LAND USES:	
• <b>North</b>	– Office
• <b>South</b>	– Office / Residential
• <b>East</b>	– Commercial
• <b>West</b>	– Synagogue

OFFICIAL PLAN DESIGNATION: NEIGHBOURHOOD COMMERCIAL NODE	
EXISTING ZONING:   h-5.h-11. h-64. h-95. NSA 1 (8)	

**PLANNING HISTORY**

The 1991 Official Plan designated the subjected lands Multi-Family, High Density Residential. The site was zoned Service Station Commercial under Zoning By-law CP 952-41 prior to July 1, 1993. This zone permitted service stations and the sales of seasonal produce lawfully used for such purpose on the day of the passing of the by-law. Under Zoning By-law No. Z-1 the site is zoned Service Station (SS1).

On October 14, 2011, an application was received for an Official Plan amendment and Zoning By-law amendment on the subject site to permit a multi-tenant commercial building with a drive-through facility.

Ultimately after several public meetings, Planning and Environment Committee (PEC), recommended approval of the OPA and the ZBA to Council and on March 20 & 21, 2012, Council resolved:

20. That, on the recommendation of the Director of Land Use Planning and City Planner, based on the application of 2261531 Ontario Limited, relating to the property located at 1103 Adelaide Street North, the following actions be taken;

- a) the attached by-law **BE INTRODUCED** at the Municipal Council meeting to be held on March 20, 2012 to amend the Official Plan to change the designation of the subjected lands **FROM** Multi Family High Density Residential, which permits low-rise and high-rise apartment buildings; apartment hotels; multi-attached dwellings; emergency care facilities; nursing home; rest homes; homes for the aged; and rooming and boarding houses **TO** Neighbourhood Commercial Node, which permits small retail stores; food stores; pharmacies; convenience commercial uses; personal services; community facilities such as libraries or day care centres; professional and medical/dental offices; customers from a neighbourhood-scale trade area;
- b) the attached revised by-law **BE INTRODUCED** at the Municipal Council meeting to be held on March 20, 2012 to amend Zoning By-law Z.-1, (in conformity with the Official Plan, as amended in paragraph a), above), to change the zoning of the subject lands **FROM** an Automobile Service Station (SS1) Zone, which

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permits automobile service stations and gas bars, **TO** a Holding Neighbourhood Shopping Area Special Provision (h-5\*h-11\*h-64\*h-95 NSA1(\_)) Zone, which permits a range of neighbourhood scale commercial retail, service and office uses which are primarily intended to provide for the convenience shopping and service needs of nearby residents with a special provision to permit: a reduced rear yard setback from 8 metres to 3.4 metres to recognize existing building setback for parking next to a road allowance and a reduced setback for parking next to a property line from 3 metres to 0 metres to recognize existing parking and proposed parking; a reduced setback for a drive-through lane and speaker from 15 metres to 0 metres with a 2.4 metre high noise attenuation barrier to accommodate a rear drive-through lane with an existing building; a load space from 1 to 0; and a gross floor area increase from 150 square metres to 415.4 square metres for one proposed restaurant; it being noted that the holding h-5 has been added to ensure the access arrangements are addressed at site plan review; it being also noted that the holding h-64 has been applied to address noise attenuation and design mitigating measures as recommended in a noise study; it also being noted that the holding h-95 has been added to ensure that urban design is addressed at site plan review;

- c) a holding provision **BE INCLUDED** requiring a traffic impact study to be completed; and,
- d) the Approval Authority **BE REQUESTED** to prohibit access to Huron Street;

it being noted that staff believe that the proposed conceptual site plan is not achievable and will have to be modified through the site plan process to meet the parking requirements of the proposed zone;

Subsequently, area residents appealed the matter to the Ontario Municipal Board (OMB). Prior to the scheduled hearing, area residents withdrew this appeal to the Official Plan and Zoning By-law amendments. Both amendments are now in full force and effect.

On July 22, 2013, the applicant filed an application for site plan approval for the development of the site.

On July 29, 2013 notice of application was sent out to area property owners advising them of the application. As a result of this notice, there were several responses from the public. (See further in report)

On September 4, 2013, notice of public meeting was sent out to area property owners.

<b>ANALYSIS</b>
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**Description of the site plan.**

The site plan as submitted has two accesses. One access to Adelaide Street is a rights in and out with a median on Adelaide Street and a second access onto Huron. This access would permit full access into the site.

The existing building is proposed to be converted to a restaurant with a drive-through, an office and a convenience store.

The plan provides a pedestrian walkway to the intersection of Adelaide Street and Huron Street and a second pedestrian connection to Adelaide Street North of the Adelaide Street vehicle entrance.

As a result of the approved zoning by-law, and the road widening on Huron Street and Adelaide Street, there is very little landscape open space on the site. Consequently staff have marked in landscape areas on the road widening to give the appearance that the site is landscaped.

There is a 9.44m road widening required on Adelaide Street and a 2.94m road widening on



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Huron Street. This dedication is required before Site Plan approval can be granted.

**Does the site plan meet the zone regulations?**

The property is zoned h-5.h-11.h-64.h-95.NSA1(8) under By-law Z-1. Staff have received a revised site plan submitted on August 23, 2013. The revised plan has made some adjustments, however some variances are still required to the by-law; bicycle parking has been moved to private property; additional green space has been added to provide 15.6% (15.0% minimum); The west side yard of 3.47m requires 8.0m minimum required setback from a residential zone. The lands to the west are zoned R7.H20/CF1 being a residential zone combined with an institutional zone.

The proposed office (275.9m<sup>2</sup>) requires a variance to be established. The office represents approximately 35% of the G.F.A. while the zone only permits 20% of the G.F.A.to be office.

The parking setback on Adelaide Street needs to be varied to provide 0m setback from the original road allowance in place 0m setback from the ultimate road allowance.

**Holding Provisions**

There are four holding provisions being h-5, h-11, h-64 & h-95

**h-5 holding**

The h-5 holding provision requires a site plan public meeting to be held to obtain input and for the Approval Authority to receive advice from Council based on any input arising from the public meeting. This holding provision also requires the development agreement to be entered into before the holding provision is removed by Council.

**h-11 holding**

The h-11 holding provision is to ensure the orderly development of lands and the adequate provision of municipal services, the “h-11” symbol shall not be deleted until a development agreement associated with a site plan which provides for appropriate access arrangements to the satisfaction of council is entered into with the City of London.

A traffic impact study has been submitted and received by the Transportation Division. The Transportation Division is prepared to accept a rights in & out from Adelaide Street with the construction of a raised median on Adelaide Street. Transportation has advised that they are prepared to support a full access onto Huron Street, based on findings and recommendations from the Traffic Impact Study, noting that traffic calming measures are being planned for Huron Street west of the proposed entrance access.

**h-64 holding**

The h-64 holding provision is to ensure there are no land use conflicts between commercial uses and adjacent residential land uses, the “h-64” symbol shall not be deleted until the owner agrees to implement all noise attenuation and design mitigating measures as recommended in the noise study, acceptable to the city of London.

A noise study has been submitted and the proposed site plan has incorporated a 2.4m height noise wall on the majority of the west property line and a 2.0m noise wall for the majority of the north property line.

The loading space originally proposed on the west side of the building has been deleted. It is anticipated that loading will be generally through the east entrance of the building.

**h-95 holding**

The h-95 holding provision is to ensure that the urban design concepts established through the Official Plan and/or Zoning amendment review process are implemented, a development agreement will be entered into which to the satisfaction of the General Manager of Planning and Development, incorporates these concepts and addresses identified urban design issues.

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The proposed zoning has limited the extent of green space on private property. As a result significant areas have been marked on the road widening in order to provide a landscape edge to the “site” although on the road allowance.

In addition to this, areas of non-functional parking have been removed and are being proposed to be landscaped along with widening green space at the entrance ways and island on the site to enhance the appearance of the site.

The applicant’s site plan provides for a 2.94m road widening on Huron Street plus a daylighting triangle. On Adelaide Street, a 19.5m widening from the original centreline is required. The Development Agreement will provide for the use of this widening for parking and a portion of the drive on the east side of the building until such time as this area is required by the City. The applicant is proposing to dedicate only a portion of the Adelaide Street widening in order to maintain a 6.7m wide two-way access on site. The full road widening is required to be dedicated to the City before Site Plan Approval is granted.

The exterior design of the Tim Horton’s is considered acceptable. Additional elevations will be submitted and reviewed by staff for the remaining tenants. The design will be in keeping with the materials & colors proposed from the consultant.

### **Council Resolution**

The previous Council decision required a traffic impact study to be completed, requested the Approval Authority to prohibit access to Huron Street and applied the h-11 holding provision, which requires that access arrangements be provided to the satisfaction of Council.

The Transportation Division has reviewed the T.I.S. and advised that they can support an access to Huron St. to the Approval Authority. The Transportation Division has also indicated the site will not function properly without the access to Huron Street. Development Services has been verbally advised that the Transportation Division will be considering traffic calming measures west of the proposed Huron Street access, and that these measures would be done in the future by the City as scheduling and budget permits.

### **Is the site plan compatible with abutting lands?**

A noise report was submitted with the application dealing with the reduced separation of the drive-through facility. As a result, there will be a 2.0 m height noise wall on the majority of the north property line and a 2.4m height noise wall on the west property line, except for the southerly 6m which will have a 1.2m wrought iron fence.

In lieu of the lack of green space, staff have marked the site plan, landscape plan to add landscape islands and tree planting on the lands to be dedicated for road widening to provide additional green space and landscape to the Adelaide streetscape.

The loading space has been removed from the west side of the building. The Zoning By-law does not require any loading spaces. Loading will be done on the east side of the building.

Questions were raised by the public relative to the noise study not considering the homes on the south side of the street, location of the loading areas, timing of deliveries, traffic flow and traffic calming on Huron Street; the need for variances to enable the plan to go forward.

Loading will be generally done on the east side of the building in off hours. Site Plan approval can not regulate the timing of deliveries. The applicant has filed for several variances to their recently approved by-law to accommodate unforeseen regulations.

As part of this proposal, a median is required to be constructed on Adelaide to facilitate the through traffic on Adelaide and redesign the lanes (north and south) as well as prevent left turns into the site from Adelaide Street (northbound). The median will not block the most northerly access to the commercial site on the east side of Adelaide Street, nor will it affect the access to 1117 Adelaide Street.

The previous direction by Council to the Approval Authority was to prohibit access to Huron Street. A traffic study was submitted with the application and has been reviewed by the Transportation Division. Staff are prepared to support the access onto Huron Street based on

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Transportation’s analysis of the T.I.S. and the future traffic calming measures.

The owner does not agree with the site plan and landscape plan as marked and would like the Approval Authority to approve the plans submitted on August 23, 2013.

**Public Response**

As a result of the initial notice of application, there were several requests for larger plans for residents to review. As well as the detailed package was sent to the neighbour’s consultant.

The neighbour to the north at 1117 Adelaide St. N. has concerns that the development may disrupt her customers through construction; wanted confirmation of the details of the noise wall on 1103 Adelaide St. N.’s north property line; wanted confirmation that left turns to their site will not be restricted; Concern that drive through traffic may back onto Adelaide St.; that adequate green space and landscaping be included on the site.

Some were concerned with the Traffic coming out of the Huron Street exit.

<b>CONCLUSION</b>
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The proposed site plan has been reviewed and is considered to be consistent with applicable policies and regulations of the Official Plan, Provincial Policy Statement and Site Plan Control Area By-law subject to the plan, as marked, receiving the appropriate variances by the Committee of Adjustment. Staff are prepared to recommend the plans, as marked, to the Approval Authority with an access to Huron Street unless otherwise directed, subsequent to receiving the required road widening, the security for on-site and off-site works; and subject to the acceptance of grading and servicing plans for the site, and approval of the required variances to the by-law being final . A separate report will be submitted in the future to Planning and Environment Committee (PEC) to remove the holding provisions after a development agreement has been executed by the Owner. Council will make the final decision on removal of the holding provisions.

<b>PREPARED BY:</b>	<b>RECOMMENDED BY:</b>
<b>BRUCE HENRY MANAGER, DEVELOPMENT PLANNING</b>	<b>TERRY GRAWAY MANAGER, DEVELOPMENT SERVICES &amp; PLANNING LIAISON</b>
<b>SUBMITTED BY:</b>	
<b>G. KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT &amp; COMPLIANCE SERVICES &amp; CHIEF BUILDING OFFICIAL</b>	



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**Bibliography of Information and Materials**

**Reference Documents:**

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

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

City of London, *Living in the City* – Thursday, December 13, 2011.

Notice of Public Meeting, Londoner, Monday February 10, 2011

City of London, Site Plan By-law C.P.-1455-451.

Provincial Policy Statement, March 1, 2005.

City of London, Report to Built and Natural Environment Committee, File No. OZ-7972, February 27, 2012. – (Public Participation Meeting)

City of London, Report to Built and Natural Environment Committee, File No. OZ-7972, November 26, 2012. – (OMB Report)

City of London, Report to Built and Natural Environment Committee, File No. OZ-7972, April 23, 2013.

City of London, Council Resolution, Z-7972, March 20<sup>th</sup>, 2012.

City of London, Site Plan Application, SP13-023019, May 23<sup>rd</sup>, 2013

City of London, Notice of Application, July 29, 2013.

City of London, Notice of Public Meeting, September 04, 2013.