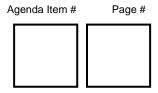


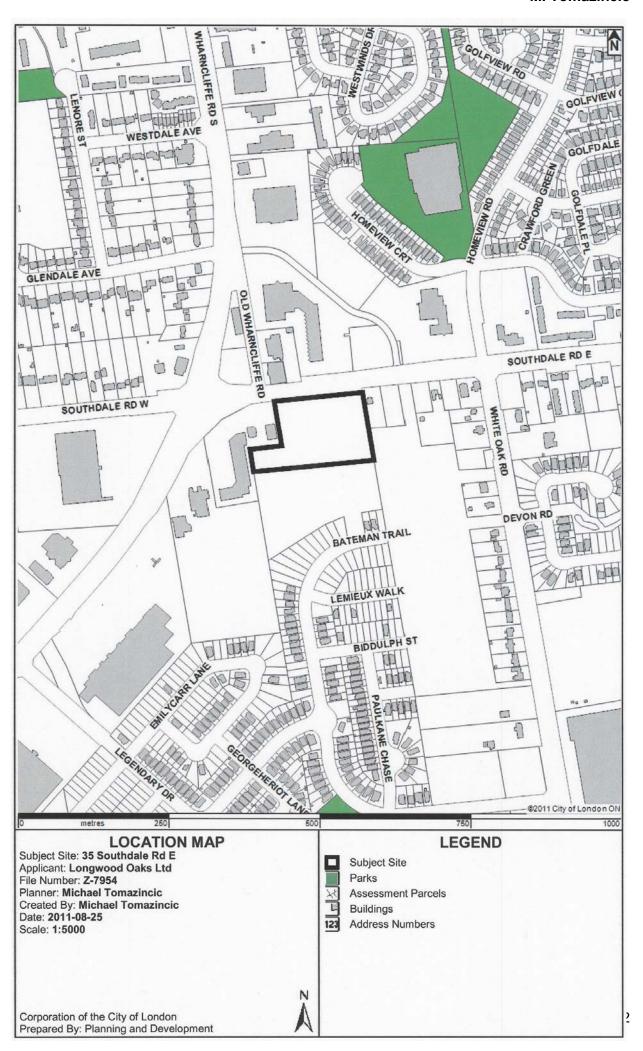
то:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING DIRECTOR OF LAND USE PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: LONGWOOD OAKS LTD 35 SOUTHDALE ROAD EAST PUBLIC PARTICIPATION MEETING ON MONDAY, DECEMBER 12, 2011 @ 7:40PM

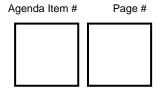
RECOMMENDATION

That, on the recommendation of the Director, Land Use Planning and City Planner, the following actions be taken with respect to the application of Longwood Oaks Ltd relating to the property located at 35 Southdale Road East:

- a) the proposed by-law <u>attached</u> hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on January 10, 2012 to amend Zoning By-law No. Z.-1 in conformity with the Official Plan to change the zoning of the subject property **FROM** an Associated Shopping Area Commercial (ASA1/ASA2) Zone which permits: Animal hospitals; Brewing on premises establishment; Convenience service establishments; Convenience stores; Dry cleaning and laundry plants; Duplicating shops; Financial institutions; Grocery stores; Personal service establishments; Pharmacies Printing establishments; Repair and rental establishments; Restaurants; Retail stores; Service and repair establishments; Studios; Supermarkets; Video rental establishments **TO** a Restricted Service Commercial Special Provision (RSC1()/RSC2()/RSC3/RSC4()/RSC5()) Zone to permit a wide range of service commercial, automotive, and home improvement uses as well as a limited range of secondary uses including: assembly halls; private clubs; clinics; medical/dental offices; pharmacies; liquor, beer and wine stores; funeral homes; emergency care establishments; and commercial recreation establishments with a special provision to reduce the minimum required landscaped open space coverage from 15% to 12%.
- b) the Site Plan Approval Authority **BE REQUESTED** to consider the following design objectives through the Site Plan process:
 - i) The implementation of a landscaped area along the Southdale Road East street frontage which includes:
 - a patterned paving material to create a building forecourt;
 - Avoidance of curb and channel paving methods to provide for safe and convenient pedestrian access to and from, as well as, around the site;
 - Screening of the surface parking area (to the east of the building) that is exposed to the public realm. Waist-high landscape walls, planting material and lighting should be used to achieve this measure;
 - Landscape planting material which defines the public realm and prominent walkways to the principal building entrance(s);
 - ii) The construction of built form which incorporates:
 - A diversity of material types, including transparent glass along the street frontage;
 - Form and massing that provides both vertical and horizontal architectural expression;
 - Form and massing that clearly identifies the principal entrance(s) of the building;
 - The integration of business identification signage within the architecture of the building, so as to reduce the visual clutter along the streetscape.







PREVIOUS REPORTS PERTINENT TO THIS MATTER

<u>June, 2003 – North Longwoods Area Plan</u> – This report introduced amendments to the Official Plan to allow for the implementation of the North Longwoods Area Plan and recommended that the North Longwoods Area Plan be adopted as a guideline document.

<u>September 4, 2008 – Request for Official Plan and Zoning By-law amendments (OZ-7586)</u> – An application was submitted requesting that the lands be re-designated from Associated Shopping Area Commercial to Restricted Service Commercial and a concurrent Zoning By-law amendment to change the zoning of the subject lands from ASA1/ASA2 to RSC2/RSC3/RSC4/RSC5/RSC6. In July 2010, this file was closed due to prolonged inactivity.

October 19, 2009 – Request to Sever (B.039/09) – The request for severance of the subject lands from 2635 Bateman Trail was conditionally granted in November 2009.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The proposed amendment is to permit development of an Automobile Sales and Service Establishment, excluding Automobile Body Shop.

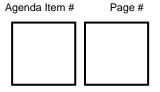
RATIONALE

- 1. The requested amendment is consistent with the *Provincial Policy Statement, 2005* (PPS) which promotes the provision of an appropriate mix and range of employment.
- 2. The requested amendment is consistent with the Official Plan which designates the lands Auto Oriented Commercial Corridor and identifies "automotive uses and services" as a permitted use.
- 3. The requested range of uses are consistent with those permitted on the abutting lands at the at the south-east corner of Southdale Road East and Wharncliffe Road South consistent with the intent of the North Longwoods Area Plan.
- 4. The subject lands meet the location criteria of the Official Plan which requires that lands designated Auto Oriented Commercial Corridor be of suitable depth, size and accessibility to accommodate the permitted uses and shall be located at locations on major roads which are separated from existing or planned residential development or other sensitive land uses by physical barriers, intervening land uses or buffer provisions that are sufficient to offset potential nuisance impacts.

BACKGROUND

Date Application Accepted: 16 August 2011 | Agent: John Sennema

REQUESTED ACTION: Possible amendment to the Zoning By-law Z.-1 **FROM** an Associated Shopping Area Commercial (ASA1/ASA2) Zone which permits a wide range of commercial and retail uses **TO** a Restricted Service Commercial Special Provision (RSC1()/RSC2()/RSC3/RSC4()/RSC5()) Zone to permit a wide range of service commercial, automotive, and home improvement uses as well as a limited range of secondary uses including: assembly halls; private clubs; clinics; medical/dental offices; pharmacies; liquor, beer and wine stores; funeral homes; emergency care establishments; and commercial recreation establishments with a special provision to reduce the minimum required landscaped open space coverage from 15% to 12%.



SITE CHARACTERISTICS:

- Current Land Use Undeveloped Commercial Lands
- **Frontage** 147.6 metres (484.3 feet)
- **Depth** 112.4 (368.8 feet)
- **Area** 1.83ha (4.5 acres)
- Shape Irregular

SURROUNDING LAND USES:

- North Retail Plaza/Restaurant (Hooks)
- **South** Newly developing Multi-Family, Medium Density Residential lands (Cluster Townhouses)
- East Automobile Sales Establishment/Undeveloped Low Density Residential Lands
- West Retail Plaza including two stand-alone Restaurants (Mr. Sub/Tim Hortons)

OFFICIAL PLAN DESIGNATION: (refer to map on page 6)

AUTO-ORIENTED COMMERICAL CORRIDOR – Primarily intended for commercial uses that cater to the commercial needs of the traveling public. Uses considered to be appropriate include hotels; motels; automotive uses and services; commercial recreation establishments; restaurants; sale of seasonal produce; building supply outlets and hardware stores; furniture and home furnishings stores; warehouse and wholesale outlets; nursery and garden stores; animal hospitals or boarding kennels; and other types of commercial uses that offer a service to the traveling public

EXISTING ZONING: (refer to map on page 7)

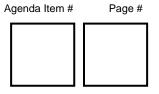
ASSOCIATED SHOPPING AREA COMMERICAL (ASA1/ASA2) ZONE — The ASA Zone provides for and regulates a limited range of service, office and retail uses which are intended to complement the function of designated Regional and Community Shopping Areas. Uses permitted in the ASA Zone are differentiated through the use of zone variations on the basis of their function, intensity and potential impacts. Different ranges of uses may be permitted at suitable locations through the use of zone variations. Application of zone variations will be dependent on issues such as necessity for larger site, customer draw and impact on adjacent uses.

PLANNING HISTORY

In July 2003, Municipal Council adopted the North Longwoods Area Plan as well as the accompanying Official Plan amendments required to implement the Area Plan. As a result of the area planning process, the lands were designated Associated Shopping Area Commercial.

On March 3, 2008, Official Plan Amendment 438 (OPA 438), implementing the amendments to the City's Official Plan arising from the Official Plan Five Year Review, was adopted by Municipal Council. As part of OPA 438, the Official Plan designation for the subject lands was changed from Associated Shopping Area Commercial to Auto Oriented Commercial corridor. On December 17, 2009, the Amendment, with modifications, was approved by the Minister of Municipal Affairs and Housing.

On August 16, 2011 an application was received for a Zoning By-law amendment for the subject lands to change the range of uses from a retail nature, which was a legacy from the former Associated Shopping Area Commercial designation, to a service commercial nature intended to implement the current Auto Oriented Commercial Corridor designation and accommodate an automobile sales and service establishment.



SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

Urban Forestry

No comments

Stormwater Management Unit

SWM comments are as per site plan comments SP-10-036158

Wastewater & Drainage Engineering Division

No comment

London Hydro

No objection

Bell Canada

No objection

Upper Thames River Conservation Authority (UTRCA)

As shown on the enclosed mapping, the subject lands are regulated by the UTRCA in accordance with Ontario Regulation 157/06 made pursuant to Section 28 of the Conservation Authorities Act. The Regulation Limit which affects the site consists of a riverine flooding hazard associated with the watercourse that is located on the property. The UTRCA has jurisdiction over lands within the regulated area and requires that landowners obtain written approval from the Authority prior to undertaking any site alteration or development within this area including filling, grading, construction, alteration to a watercourse and/or interference with a wetland.

We wish to advise that there are no vulnerable areas [to drinking water] associated with the subject property

RECOMMENDATION

Given that the subject lands are regulated, the UTRCA recommends that the applicant contact Mr. Mark Snowsell Land Use Regulations Officer regarding the Authority's permit requirements which may include the need for approvals from the Department of Fisheries and Oceans which is dependent upon the plans for the watercourse. We strongly encourage the applicant to maintain the open watercourse

Transportation Advisory Committee (TAC)

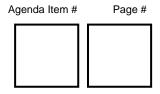
The TAC expressed its concern regarding access to the site, given the proximity to the Wharncliffe Road and Southdale Road intersection

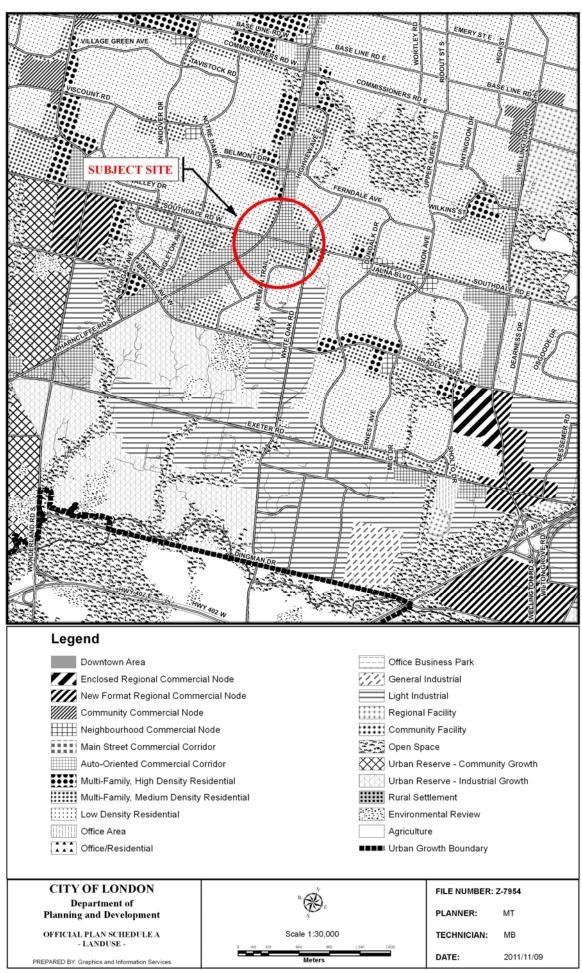
Engineering Review Division (ER)

The City of London's Engineering Review Division (ER) offers the following comment with respect to this aforementioned Zoning By-law amendment application:

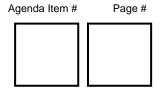
- The applicant is advised that there is a 200mm diameter sanitary sewer on Southdale Road available to service this site. In conjunction, a sanitary private drain connection has been installed to the property line located from the maintenance hole #WT1830 as shown on the City's record drawing #16794.
- As indicated in correspondence from the proponent, access has been arranged for this site
 prior to this application. Notwithstanding this arranged and other traffic/engineering
 concerns, such as sidewalk, left turn lane on Southdale Rd. etc. ER has no objections to this
 application.

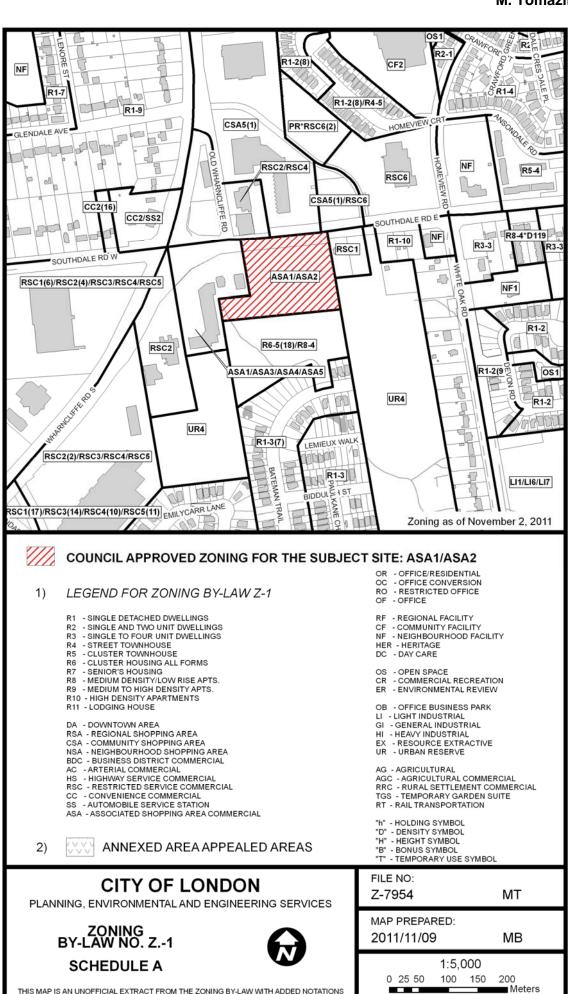
The above comments, among other engineering and transportation issues, will be addressed in greater detail when/if these lands come in for site plan approval.



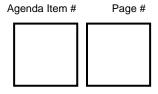


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THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS



SIGNIFICANT DEPARTMENT/AGENCY COMMENTS (Continued)

Community Planning and Urban Design

The following Official Plan urban design policies apply to the proposed development:

- Discourage large front yard surface parking areas;
- Introduce a high standard of landscape design; and,
- Provide convenient, attractive and safe pedestrian and transit access.

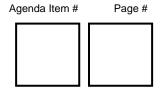
Particular to the design of the site, the following objectives are to be achieved:

- The landscape area along the street frontage should include:
 - a) An alternative material to asphalt. This space shall include a patterned material to give the sense that it is a landscaped display area and not a surface parking area;
 - b) The space shall not incorporate curb and channel. This will provide for safe and convenient pedestrian access to and from, as well as, around the site;
 - c) The landscaped display space should also screen any surface parking area (to the east of the building) that is exposed to the public realm. Knee-high landscape walls, planting material and lighting should be used to achieve this measure;
 - d) Landscape planting material should define the public realm and prominent walkways to the principle building entrance(s);
- > The built form should include:
 - a) A diversity of material types, including vision glass along the street frontage;
 - b) Form and massing that provides both vertical and horizontal architectural expression;
 - c) Form and massing that clearly identifies the principle entrance(s) of the building;
 - d) The integration of signage within the architectural theme of the building, so as to reduce the visual clutter along the streetscape.

These comments provide the overall urban design objectives for the site. In addition, more specific direction for the project is given, which will be implemented through the site plan process.

PUBLIC LIAISON:	On August 26, 2011, Notice of Application was sent to 19 property owners in the surrounding area. Notice of Application was also published in the "Living in the City" section of the London Free Press on Saturday, August 27, 2011. On November 24, 2011, Notice of Public Meeting	·	
	was sent to 19 property owners in the surrounding area. Notice of Public Meeting was published in the "Living in the City" section of the London Free Press on Saturday, November 26, 2011.		

Nature of Liaison: Possible amendment to the Zoning By-law Z.-1 FROM an Associated Shopping Area Commercial (ASA1/ASA2) Zone which permits a wide range of commercial and retail uses TO a Restricted Service Commercial Special Provision (RSC1()/RSC2()/RSC3/RSC4()/RSC5()) Zone to permit a wide range of service commercial, automotive, and home improvement uses as well as a limited range of secondary uses including: assembly halls; private clubs; clinics; medical/dental offices; pharmacies; liquor, beer and wine stores; funeral homes; emergency care establishments; and commercial recreation establishments with a special provision to reduce the minimum required landscaped open space coverage from 15% to 12%.



Responses: 2 Responses received and 1 petition (signed by 33 households) opposed to the requested amendment

- 1 Response was partially opposed believing that the range of uses permitted in the standard RSC1/RSC2/RSC3/RSC4/RSC5 zone variations were too broad.
- 1 Response was opposed to requested amendment because the proposed development did not include an access between Bateman Trail and Southdale Road East. The concerned neighbour cites concerns related to an increase in emergency services response time and being misinformed by the homebuilder about future access.

Public Responses

Planning Staff received a letter from an owner of adjacent undeveloped residential lands who expressed concern, "...that the proposed range of uses is too broad." The property owner identified the following list of uses that were of particular concern:

- automotive uses, restricted [this use includes service stations, gas bars, and car washes]
- building or contracting establishments
- warehouse, and
- similar light industrial uses and other uses which may require significant amounts of land for outdoor storage or building space.

In response to these concerns, the applicant has withdrawn the request for the following uses:

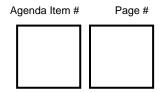
- service stations and gas bars [the applicant wishes to retain car wash as a permitted use]
- building or contracting establishments and building supply outlets
- warehouse establishments
- manufacturing and assembly industries

And, in addition to the above uses, the applicant has also withdrawn the request for: Bulk sales establishments; Dry cleaning and laundry plants; and, Nursery and garden stores.

Planning Staff have also received a letter of opposition, as well as a petition signed by 33 households, from a concerned neighbour living on Bateman Trail, south of the subject lands. The neighbour is requesting that a public right-of-way be constructed through the subject lands and Multi-Family, Medium Density Residential lands to the south to connect Bateman Trail to Southdale Road East. With a Multi-Family, Medium Density Residential development currently under construction on lands immediately to the south of the subject lands fronting onto Bateman Trail, this neighbour is concerned about the potential for future traffic impacts on Bateman Trail stemming from this future Medium Density Residential development.

The applicant has indicated that marketing literature provided by a local home builder (see Figure 1) created a level of expectation that a public street would be constructed to provide a connection between Bateman Trail and Southdale Road East, thereby eliminating traffic pressures on Bateman Trail.

A survey of the area (see Figure 2), providing a more elaborate illustration of the future development in area, also depicts a future road in the same location as is illustrated in the marketing literature. However, the survey demonstrates that this future road had never been intended to provide direct access to Southdale Road East.



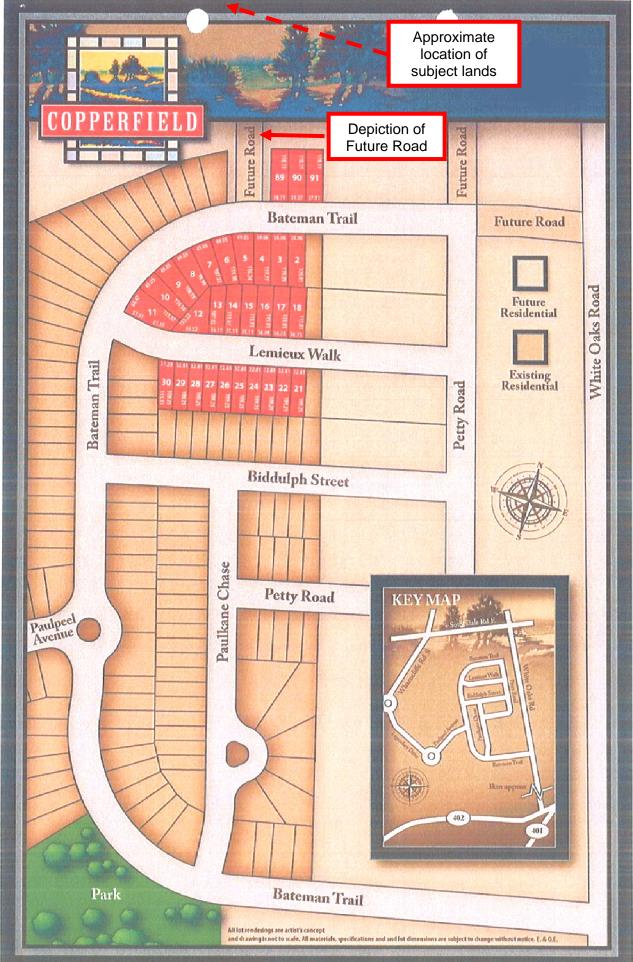
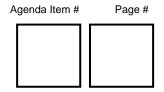


Figure 1 – Marketing literature provided by a local home builder



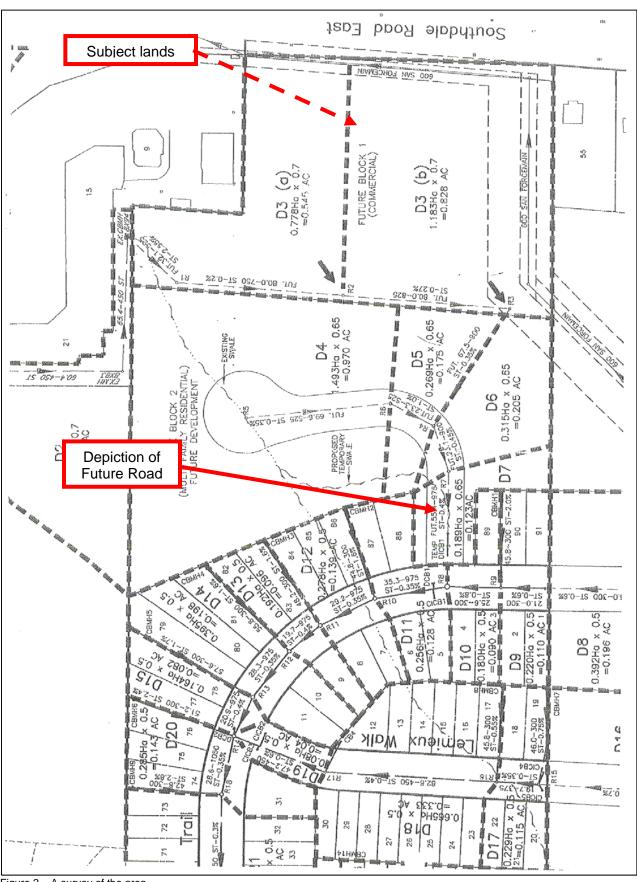
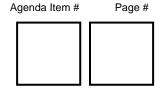


Figure 2 – A survey of the area

Transportation Planning and Design Division were asked to provide comments regarding the neighbour's proposal to create a public right-of-way connecting Bateman Trail to Southdale Road East and provided the following comments:



- Bateman Trail will be able to accommodate traffic volume generated by development in the area and will be extended to White Oak Road when development occurs to the east. No other public roads are planned or required for development of the area.
- The area plan did not determine the need for any roads to the north intersecting Southdale Road East.
- Southdale Road East, between Wharncliffe Road South and White Oak Road, accommodates 32,000 vehicles per day with several accesses to private developments. Based on current traffic volume and development along Southdale Road east no other public street intersections are recommended.

ANALYSIS	_

Subject Lands

The subject lands are located on the south side of Southdale Road East, east of Wharncliffe Road South. The subject lands have an approximate combined frontage of 148 metres and an approximate lot area of 1.9 hectares. The subject lands are designated Auto Oriented Commercial Corridor in the Official Plan. Southdale Road East is classified as an Arterial Road on Schedule C – Transportation Corridors – to the City of London Official Plan with an average daily traffic volume of 32,000 vehicles.

This portion of the Southdale Road East corridor is characterized by the development of service commercial and automotive uses on the north side of the corridor and largely undeveloped parcels of commercially designated lands on the south side. This is indicative of the south side being annexed to the City of London in 1993.

The land use to the east of the subject lands is an automobile sales establishment occupying two smaller lots and utilizing a former single detached dwelling as the sales office. Also to the east is a large tract of residentially designated lands but zoned Urban Reserve as the more specific range of residential uses have not been determined. To the south of the subject lands is a parcel of land that is designated and zoned to permit medium density residential development which was recently severed from the subject lands (B.039/09). The permitted uses include a wide range of cluster forms of housing, low rise apartment buildings, and specialized residential facilities. To the west of the subject lands is a retail plaza that is oriented toward the Wharncliffe Road South corridor. The retail plaza also includes two stand-alone restaurants (Tim Horton's and Mr. Sub) that round the corner and are oriented toward the Southdale Road East corridor, directly abutting the subject lands.

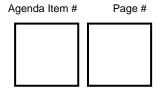
Nature of the Application

The intent of the request to amend the Zoning By-law is to change the range of uses from general retail uses to service commercial uses to accommodate an automobile sales and service establishment.

The proposed amendment is intended to remove such uses as retail stores, grocery stores, and supermarkets from the list of permitted uses while adding such uses as automobile repair garages, automobile sales and service establishments, and automobile supply stores. Other proposed new uses may include: animal clinics; bakeries; home improvement and furnishing stores; financial institutions; kennels; assembly halls; commercial recreation establishments; funeral homes; private clubs; medical/dental offices; pharmacies; and, other commercial uses although this current application does not propose to develop the subject lands for these uses at this time

North Longwoods Area Plan

The North Longwoods Area Plan recommended that the south side of the Southdale Road East corridor be designated Associated Shopping Area Commercial to provide for a limited range of retail, service and office uses which are complementary to the function of the Community



Shopping Area designation located on the north side of the corridor. Notwithstanding this designation, the Area Plan intended that the daily, high-frequency shopping requirements of the community be directed to other existing commercial areas located further east and west on the Southdale Road East corridor, south on Bradley Avenue, and southwest on Wharncliffe Road South.

The Area Plan intended that the Associated Shopping Area Commercial designation previously applied to the subject lands would accommodate, "...a similar range of permitted ASA commercial uses..." as those that are currently permitted on the south-east corner of Southdale Road East and Wharncliffe Road South.

A review of the list of uses recommended as part of this requested Zoning By-law amendment reveals that, with the notable exception of general retail, general office, and grocery uses, the uses recommended as part of this Zoning By-law amendment are similar to the list of uses currently permitted under on the south-east corner of Southdale Road East and Wharncliffe Road South in conformity with the intent of the Area Plan. These similar uses include:

- Assembly Halls
- Automobile Repair Garages
- Brewing on Premises Establishment
- Cash Wash
- Clinics
- Commercial Recreation Establishments
- Convenience Service Establishments
- Convenience Stores
- Day Care Centres
- Duplicating Shops
- Financial Institutions

- Funeral Homes
- Laboratories
- Medical/dental Offices
- Personal Service Establishments
- Pharmacies
- Printing Establishments
- Private Clubs
- Restaurants
- Taxi Establishments
- Video Rental Establishments

Therefore, the requested Zoning By-law amendment maintains the intent of the area plan by permitting a similar range of uses as those permitted on the lands at the south-east corner of Southdale Road East and Wharncliffe Road South.

Automobile Sales and Service Establishment

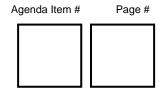
The Wharncliffe Road South corridor, particularly the stretch between Commissioners Road to south of Southdale Road, has developed into a significant automobile sales cluster with 14 automobile sales and service establishments located within 1,500 metres of the subject lands with several more dealerships beyond that radius (see Figure 3).

Immediately to the east of the subject lands is Southdale Motors, a small independently-owned used automobile sales establishment; to the north is Finch Hyundai, a large automobile sales and service establishment; and, to the west of the subject lands is Suzuki Saab of London. Furthermore, although the site abutting the subject lands directly to the west has been developed as a small retail plaza, the current zoning also permits a limited range of automotive uses, such as automobile repair garages.

Therefore, a Zoning By-law amendment to permit automobile sales and service establishments on the subject lands does not introduce a new range of uses that do not currently exist in the immediate area.

In fact, an additional automobile sales and service establishment within this area may benefit existing dealerships given that when related firms are clustered together, there are advantages and efficiencies because that cluster attracts more suppliers and customers than a single firm could alone.

Immediately to the south of the subject lands are newly developing lands that are designated and zoned for medium density residential uses. These same residential lands also abut the



aforementioned Suzuki Saab of London to the west and the retail plaza zoned to permit automobile repair garages to the northwest. However, is important to ensure that the development of the subject lands is designed in a manner that is sensitive to the abutting residential development to the south given the large interface and potential for nuisance impacts between the two sites.

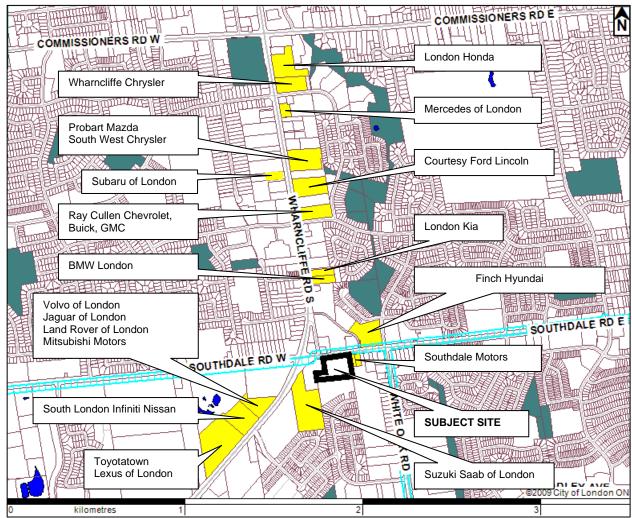


Figure 3 – CityMap depiction of existing automobile sales and service establishments in proximity to the subject lands

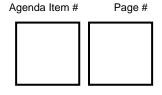
Given the similar type of land uses in the immediate area and the ability of the subject lands to adequately accommodate the proposed uses, an amendment to the Zoning By-law to permit automobile sales and service establishments is appropriate at this location.

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 more than a set of individual policies. It 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 1.3.1 (Employment Areas) of the PPS requires planning authorities to promote economic development and competitiveness by such means as, "providing for a mix and range of employment opportunities" and "providing opportunities for a range and choice of suitable sites for employment uses". The requested Zoning amendment seeks to add to the mix and range of employment opportunities in the area by adding service commercial uses, in conformity to the Official Plan, that complement the Shopping Area Commercial zoning abutting the subject lands

The rezoning of the subject lands will expand opportunities for suitable sites to accommodate a wider range of commercial uses that may not be available within the adjacent Shopping Area



Commercial sites to the west and north including: automobile sales establishments; various specialized retail stores (bake shops, florist shops; liquor, beer, and wine stores); and, service, repair and rental establishments.

Policy 1.8.1 (Energy and Air Quality) of the PPS requires planning authorities to promote a compact structure of nodes and corridors, promote the use of public transit, focus commercial uses on sites that are serviced by transit, and improve the mix of employment uses to shorten commute journeys. The subject lands currently permit a limited range of commercial, retail and personal services uses. A broadening of the range of permitted uses to add automotive, home furnishing, and service commercial uses provides opportunities for the subject lands to accommodate uses that create synergies with the existing commercial lands to the north and west, as well as the developing commercial lands to the east of the subject lands, to encourage multiple purpose shopping trips.

Official Plan Policies

The Official Plan contains Council's objectives and policies to guide the short-term and long-term physical development of the municipality. The policies promote orderly urban growth and compatibility among land uses. While the objectives and policies in the Official Plan primarily relate to the physical development of the municipality, they also have regard for relevant social, economic and environmental matters.

As part of the 2006 Official Plan review, this portion of the Southdale Road East corridor was redesignated from Associated Shopping Area Commercial to Auto Oriented Commercial Corridor. The Auto-Oriented Commercial Corridor designation is applied to areas along arterial roads that typically consist of a mix of retail, auto, and commercial uses, office, and remnant residential uses. The form of development is oriented toward automobiles and vehicular traffic and serves both a local and broader market area.

Areas designated Auto-Oriented Commercial Corridor are primarily intended for commercial uses that cater to the commercial needs of the traveling public. These uses have limited opportunity to locate within Commercial Nodes or Main Street Commercial Corridors by reason of their building form, site area, location, access, or exposure requirements, or have associated nuisance impacts that lessen their suitability for a location near residential areas.

Uses considered to be appropriate include: automotive uses and services; commercial recreation establishments; restaurants; furniture and home furnishings stores; wholesale outlets; animal hospitals or boarding kennels; and other types of commercial uses that offer a service to the traveling public.

Policy 4.4.2.9 of the Official Plan requires applications to amend the Zoning By-law to expand Auto Oriented Commercial Corridor uses to be evaluated on the basis:

Criteria

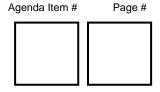
Compliance with the appropriate policies on form, function, permitted use, location and scale of development.

The subject lands are located along an arterial road where high traffic volumes are present and where services to the traveling public can be concentrated and supported. The lands exceed the minimum lot frontage, land area, and depth requirements and are of suitable depth, size, and accessibility to accommodate the permitted uses. The uses requested as part of this Zoning By-law amendment are contemplated in the Official Plan policy for this designation. The large, free-standing building envisioned by the applicant to accommodate the proposed automobile sales and service establishment is also permitted by the Official Plan policies for this designation.

Servicing

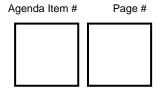
The availability of municipal services to accommodate the proposed use.

The requested amendment has been circulated to the City's Environmental and Engineering Services (EESD) division where no concerns were raised. The subject lands have access to Municipal services.



Planning Impact Analysis

- i) The requested amendments to the Zoning By-law are more in keeping with the policies of the current Official Plan designation. Given that the current zoning is a remnant of the previous Official Plan designation when the lands were previously designated Associated Shopping Area Commercial
- ii) The proposed uses are compatible with the surrounding land uses given that the surrounding commercial uses are similar in nature to the requested uses and they have achieved a level of acceptability and compatibility with the surrounding land uses. Furthermore, the subject lands are of suitable size and depth to buffer any impacts emanating from the subject lands onto future multi-family residential lands to the south. Additionally, in response to a concern raised by a local property owner, the applicant has requested that the following uses be excluded from the requested zoning: Auction establishments; Building or contracting establishments; Building supply outlets; Bulk sales establishments; Dry cleaning and laundry plants; Gas bars; Manufacturing and assembly industries; Nursery and garden stores; Service Stations; and, Warehouse establishments
- iii) The subject lands exceed the minimum requirements of the Zoning By-law and have the ability to accommodate the requested uses
- iv) There is no supply of vacant lands or buildings in the area which are zoned for the proposed use that have the suitable dimensions to accommodate the requested uses
- v) The requested amendments were circulated to the Transportation Planning and Design Division who expressed no objections to the proposed amendment to the Zoning By-law. The requested amendment is not anticipated to have an impact on the existing traffic on City streets, pedestrian and vehicular safety, and on surrounding properties
- vi) The height of the building is proposed to be 7.32 metres which is sufficiently below the maximum of 12.0 metres permitted by the Zoning By-law. The location and spacing of the proposed building leaves sufficient room to provide a buffer from adjacent land uses
- vii) The applicant and Transportation Planning and Design Staff have reached an understanding regarding the access arrangements for the development of these lands prior to the submission of this application
- viii) The conceptual site plan submitted with the application depicts a "future relocated entrance for adjacent property if median extension is completed on Southdale in the future" for the lands to the west as well as "future potential internal driveway if adjacent property is redeveloped with similar and compatible use" for the lands to the east
- ix) It is proposed that the built from incorporate: a diversity of material types, including transparent glass along the street frontage; form and massing that provides both vertical and horizontal architectural expression; form and massing that clearly identifies the principal entrance(s) of the building; and, the integration of signage within the architectural theme of the building, so as to reduce the visual clutter along the streetscape.
- x) There is a regulated watercourse on the subject lands. The Upper Thames River Conservation Authority recommends that the applicant contact their office regarding any permit requirements and recommend that the applicant maintain the open watercourse
- xi) There are no constraints posed the environment such as landfill sites, sewage treatment plants, methane gas, contaminated soils, noise, ground borne vibration, and rail safety that may limit development



- xii) The proposed development is consistent with the policies of the Official Plan. The proposed development will be vetted through the Site Plan Approvals process and any Sign Control By-law requirements subsequent to this application for a Zoning By-law amendment
- xiii) There are no compliance issues with the Ministry of Environment noise guidelines
- xiv) There have been no adverse impacts identified on surrounding land uses and streets. The conceptual site plan depicts a rear yard setback of 25.6 metres (83.8 feet) to buffer any adverse impacts. Additional landscaping requirements will be addressed as part of site plan approval
- xv) There are no anticipated impacts of the proposed change in land use on the planned transportation system, including transit

Zoning By-law

The Zoning By-law is a comprehensive document used to implement the policies of the Official Plan by regulating the use of land, the intensity of the permitted use, and the built form. It is important to note that all three criteria of use, intensity, and form must be considered and deemed to be appropriate prior to the approval of any development proposal. The use of Zoning to implement the policies of the Official Plan is achieved by applying various zones to all lands within the City of London which identify: i) a list of permitted uses; and, ii) regulations that frame the context within which development can occur. Collectively, the permitted uses and regulations assess the ability of a site to accommodate a development proposal.

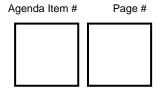
Section 28.1 – General Purpose of the RSC Zone – describes the rationale behind the RSC zone variations. This section states that the RSC Zone "provides for and regulates a range of moderate intensity commercial uses, and trade service uses, which may require significant amounts of land for outdoor storage or building space and a location on major streets. The wide range of uses which are provided for in the Official Plan have been differentiated on the basis of function, intensity and potential impacts."

The Official Plan designation applied to the subject lands permits a range of service commercial uses as those requested in this application for a Zoning By-law amendment. The applicant has also voluntarily removed some selected uses that are currently permitted in the standard RSC1/RSC2/RSC3/RSC4/RSC5 zone variations requested for the subject lands to reduce the potential for any land use conflicts with the abutting properties.

The size of the subject lands and the scale of the requested automobile sales and service establishment use conform to the minimum requirements of the Zoning By-law.

Urban Design

At the time of submission of this request for a Zoning By-law amendment, the proposed building model had not been finalized. As a result, the proposed development shall be vetted at the Urban Design Peer Review Panel as part of the Site Plan Approval process, although the applicant did provide a conceptual elevation of the proposed building design (see Figure 4) as well as a conceptual site plan (see Figure 5).



However, as part of development of these lands, it is intended that the following urban design principles and objectives will be implemented through the Site Plan Approval process:

The implementation of a landscape area along the street frontage which includes:

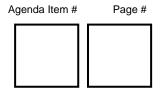
- An alternative material to asphalt. This space shall include a patterned material to give the sense that it is a landscaped display area and not a surface parking area;
- The space shall not incorporate curb and channel. This will provide for safe and convenient pedestrian access to and from, as well as, around the site;
- The landscaped display space should also screen any surface parking area (to the east of the building) that is exposed to the public realm. Knee-high landscape walls, planting material and lighting should be used to achieve this measure;
- Landscape planting material should define the public realm and prominent walkways to the principle building entrance(s);

The construction of built form which incorporates:

- A diversity of material types, including vision glass along the street frontage;
- Form and massing that provides both vertical and horizontal architectural expression;
- Form and massing that clearly identifies the principle entrance(s) of the building;
- The integration of signage within the architectural theme of the building, so as to reduce the visual clutter along the streetscape.



Figure 4 – Proposed building design



File #Z-7954 M. Tomazincic

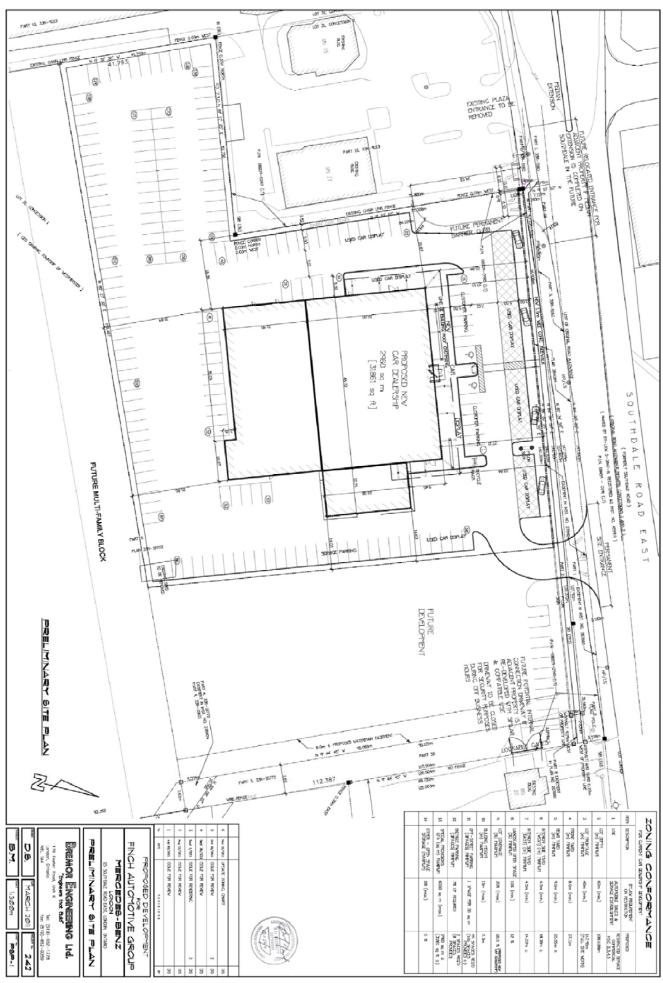
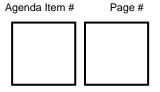


Figure 5 – Conceptual site plan



CONCLUSION

The request to amend the Zoning By-law to change the range of uses from that of a retail nature – which is a remnant zone from the previous Official Plan designation – to that of a service commercial nature, is consistent with the current Official Plan designation.

The subject lands are of an appropriate size and location to accommodate the requested automobile sales and service establishment while providing adequate buffering distances to mitigate impacts onto the abutting properties. To further mitigate the potential for impacts onto abutting properties, specific uses have been withdrawn by the applicant to alleviate the concerns raised by an abutting property owner.

The remaining permitted uses embedded within the requested zone variations are similar to the range of uses currently permitted on the adjacent lands. This is consistent with the North Longwoods Area Plan which intended that the subject lands would accommodate a similar range of uses as those that are currently permitted on the south-east corner of Southdale Road East and Wharncliffe Road South.

The proposed use is consistent with the *Provincial Policy Statement, 2005*, the Official Plan, the North Longwoods Area Plan and the subject lands are of suitable size and location to accommodated the requested uses.

PREPARED BY:	SUBMITTED BY:				
MICHAEL TOMAZINCIC, MCIP, RPP PLANNER II, COMMUNITY PLANNING AND URBAN DESIGN SECTION	JIM YANCHULA, MCIP, RPP MANAGER – COMMUNITY PLANNING AND URBAN DESIGN SECTION				
RECOMMENDED BY:					
J.M. FLEMING, MCIP, RPP					
DIRECTOR, LAND USE PLANNING AND CITY PLANNER					

December 5, 2011

MT/mt

Y:\Shared\implemen\DEVELOPMENT APPS\2011 Applications 7854 to\7954-Z - 35 Southdale Rd (MT) \Z-7954 - Final Report to BNEC

Agenda Item #	Page #

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

<u>Telephone</u>	<u>Written</u>
Brad Easter 2621 Bateman Trail	Brad Easter 2621 Bateman Trail
Syd Newman 149 King Street	

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Bill No. (number to be inserted by Clerk's Office) 2012					
By-law No. Z1					
A by-law to amend By-law No. Z1 to					

Southdale Road East.

rezone an area of land located at 35

WHEREAS Longwood Oaks Ltd. has applied to rezone an area of land located at 35 Southdale Road East, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

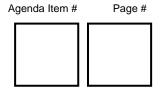
Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 35 Southdale Road East, as shown on the attached map comprising part of Key Map No. 143, from an Associated Shopping Area Commercial (ASA1/ASA2) Zone to a Restricted Service Commercial Special Provision (RSC1()/RSC2()/RSC3/RSC4()/RSC5()) Zone.

		1			()) ==::::			
1)		tion Number 28.4 of the Restricted Service Commercial (RSC) Zone to By-law No. Z1 mended by adding the following Special Provision:						
28.4								
a) Prohibited Uses:								
i) Automotive uses, restricted, except Car					Car washes			
		b)	Regula	ations				
			i)	Landscaped Open Space (%) Minimum	12%			

2) Section Number 28 of the Restricted Service Commercial (RSC) Zone to By-law No. Z.-1 is amended by adding the following Special Provision:

28.4 ___ RSC2() 35 Southdale Road East

- a) Prohibited Uses:
 - i) Bulk sales establishments;
- 3) Section Number 28 of the Restricted Service Commercial (RSC) Zone to By-law No. Z.-1 is amended by adding the following Special Provision:
- 28.4 ___ RSC4() 35 Southdale Road East
 - a) Prohibited Uses:
 - i) Automotive uses, restricted, except Car washes



4) Section Number 28 of the Restricted Service Commercial (RSC) Zone to By-law No. Z.-1 is amended by adding the following Special Provision:

28.4 ___ RSC5() 35 Southdale Road East

- a) Prohibited Uses:
 - i) Auction establishments;
 - ii) Building or contracting establishments;
 - iii) Building supply outlets;
 - iv) Bulk sales establishments;
 - v) Dry cleaning and laundry plants;
 - vi) Manufacturing and assembly industries with related sales;
 - vii) Garden stores;
 - viii) Warehouse establishments

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

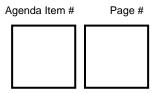
This By-law shall come into force and be deemed to come into force in accordance with subsection 34(21) of the *Planning Act, R.S.O. 1990, c. P.13*, either upon the date of the passage of this by-law or as otherwise provided by the said subsection.

PASSED in Open Council on January 10, 2012.

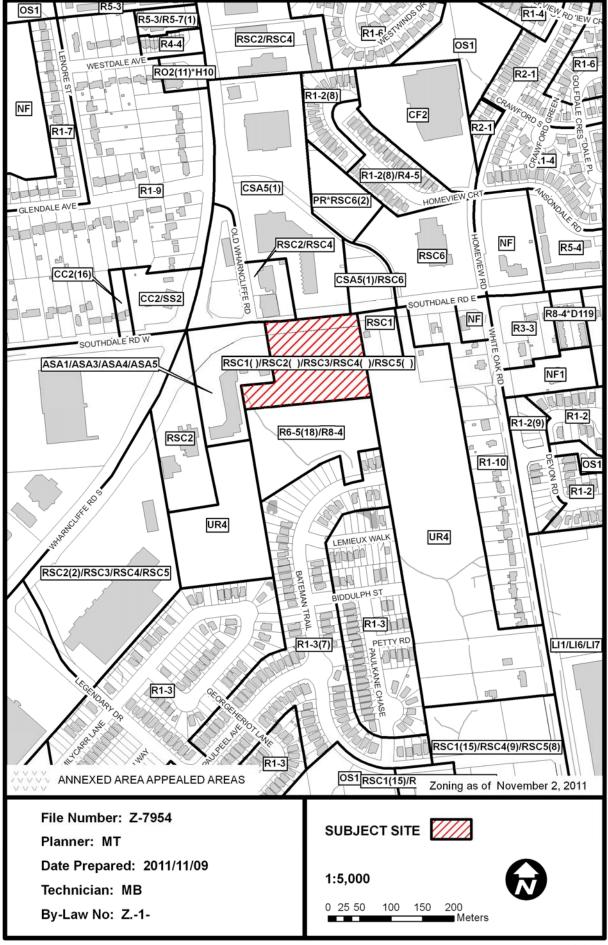
Joe Fontana Mayor

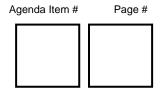
Catharine Saunders City Clerk

First Reading – January 10, 2012 Second Reading – January 10, 2012 Third Reading – January 10, 2012



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





Bibliography of Information and Material - Z-7954

Request for Approval

City of London Official Plan and Zoning By-law Amendment Application Form, completed by John Sennema

City of London. Record of Pre-Application Consultation (signed by John Sennema)

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Z-Group (Longwood Oaks Ltd.) Urban Design Brief – 15 August 2011

Reference Documents

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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

City of London. North Longwoods Area Plan, July 7, 2003, as amended

Previous Reports/Resolutions Pertinent to this Matter

None.

<u>Correspondence</u>: (located in City of London File No. Z-7954 unless otherwise stated) City of London

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Upper Thames River Conservation Authority (UTRCA)

Creighton, Christine. Land Use Planner. E-mail to M. Tomazincic. 05 October 2011

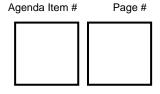
<u>Agency Review and Public Responses: (located in City of London File No. Z-7954 unless otherwise stated)</u>

Urban Forestry

Postma R., Forestry Technologist. E-mail to M. Tomazincic. 29 August 2011

Stormwater Management Unit

Galloway, A., Engineering Technologist. E-mail to M. Tomazincic. 02 September 2011



Wastewater & Drainage Engineering Division

Ricciuto, M., Senior Engineering Technologist. E-mail to M. Tomazincic. 13 September 2011

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Dalrymple D. London Hydro. Reply Sheet for City of London Applications. 12 September 2011

Rell Canada

La Chapelle, J., Bell Canada. Manager – Development & Municipal Services, Ontario. 15 September 2011

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Transportation Advisory Committee

Mercier B., Committee Secretary. Memo to M. Tomazincic. 16 September 2011

Environmental and Engineering Services Division (EESD)

Abushehada I., Acting Division Manager. Memo to M. Tomazincic. 17 October 2011

Public Responses

<u>Written</u>

Syd Newman – 149 King Street Brad Easter – 2621 Bateman Tr.

Telephone

Brad Easter - 2621 Bateman Tr.

Petition

Krista & Terry Gillard – 2624 Bateman Tr.

Christina & Jason Cabral – 2625 Bateman Tr.

Greg Hall & Charlotte Sherlock – 2652 Bateman Tr.

Maruice & April Hardy - 2683 Bateman Tr.

Ryan & April Cole - 2687 Bateman Tr.

Dan & Corinne Nolan - 2695 Bateman Tr.

Chris & Chelsea Margin – 2701 Bateman Tr.

Peter & Marnie King – 2701 Bateman Tr.

Mariusz Duda – 2713 Bateman Tr.

[Illegible Name] - 2719 Bateman Tr.

Karolina Przedzik – 2729 Bateman Tr.

Rey Castro – 2733 Bateman Tr.

James While - 2770 Bateman Tr.

Roman Blaszczyk – 2752 Bateman Tr.

Hosam Najem – 2728 Bateman Tr.

David Wojnas – 2722 Bateman Tr.

Lenford Morris – 2718 Bateman Tr.

Mirsada Kesic - 2712 Bateman Tr.

Ostja Lukic – 2897 Bidulph St.

Zemir Smajic – 2674 Bateman Tr.

Adrian Formella – 2666 Bateman Tr. Iftikhar Nesim – 2615 Bateman Tr.

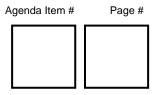
Cristian Popescu – 2723 Bateman Tr.

David Caverhill - 2755 Bateman Tr.

Tina Lush – 2792 Bateman Tr.

Luis Cerritos – 2835 Bateman Tr. Damir Mesanovic – 2827 Bateman Tr.

Abeer Al Nabulsi – 2818 Bateman Tr.



Jamie Meilklejohn – 2850 Bateman Tr. Mohamed Ktaily – 2866 Bateman Tr. Blanca & Ismael Forero – 2766 Bateman Tr. Mike & Elaine Van Vugt – 2660 Bateman Tr. Sonia Caputo & Rui Saraiva – 2636 Bateman Tr.