Report to Planning and Environment Committee

To: Chair and Members

Planning & Environment Committee

From: Scott Mathers MPA, P. Eng.,

Deputy City Manager, Planning and Economic Development

Subject: Lambeth Health Organization Inc.

(c/o Siv-ik Planning & Design Inc.)

4366 Colonel Talbot Road City File: Z-9676, Ward 9 Public Participation Meeting

Date: January 30, 2024

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of Lambeth Health Organization Inc. (c/o Siv-ik Planning & Design Inc.) relating to the property located at 4366 Colonel Talbot Road:

- (a) The proposed by-law <u>attached</u> hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on February 13, 2024, to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, The London Plan, to change the zoning of the subject property **FROM** a holding Arterial Commercial (h-17*h-18*h-124*AC2) Zone **TO** a Business District Commercial Special Provision (BDC(_)) Zone;
- (b) The requested Special Provision, as part of the amendment to Zoning By-law No. Z.-1, that a single-lane drive-through exit shall be permitted onto Colonel Talbot Road, **BE REFUSED** for the following reasons:
 - i. The requested Special Provision does not conform to the policies of The London Plan, including the Mobility policies and criteria of the Planning Impact Analysis, the Southwest Area Secondary Plan, nor the regulations of the Access Management Guidelines or Zoning By-law No. Z.-1 with regards to drive-through facility locations.
- (c) The Site Plan Approval Authority **BE REQUESTED** to consider the following design issues through the site plan process:
 - i. Relocate the exit of the drive-through lane internal to the site.
 - ii. A landscape buffer between a drive-through lane and adjacent properties of 3.0 metre to the north and 1.5 metres to the east shall be provided.
 - iii. Implement the recommendations of the noise study.
 - iv. Short-term bicycle parking is required.

IT BEING NOTED that the above noted amendment is being recommended for the following reasons:

- i. The recommended amendment is consistent with the *Provincial Policy Statement*, 2020 (PPS), which encourages the regeneration of settlement areas and land use patterns within settlement areas that provide for a range of uses and opportunities for intensification and redevelopment;
- ii. The recommended amendment conforms to The London Plan, including but not limited to the Key Directions, City Building policies, and the Main Street Place Type policies;
- iii. The recommended amendment conforms to policies of the Southwest Area Secondary Plan, including but not limited to the Main Street Lambeth North Neighbourhood policies;

iv. The recommended amendment facilitates the redevelopment of an underutilized site with an appropriate range of uses at an appropriate scale and intensity.

Executive Summary

Summary of Request

The applicant has requested an amendment to Zoning By-law Z.-1 to rezone the subject site FROM a holding Arterial Commercial (h-17*h-18*h-124*AC2) Zone TO a Business District Commercial Special Provision (BDC(_)) Zone. The requested action would permit a stand-alone restaurant and drive-through facility with a total of 15 surface parking stalls, 10 stacking spaces with ingress/egress from Colonel Tablot Road and a single one-way exit driveway onto Colonel Talbot Road for the drive-through. Special provisions are required to allow for the development of the restaurant and drive-through facility, which is proposed to be oriented towards and accessed from Colonel Talbot Road.

Purpose and the Effect of Recommended Action

The recommended action will permit a stand-alone restaurant and drive-through facility with a total of 15 surface parking stalls, 8 stacking spaces fully internal to the site with no drive-through egress onto Colonel Talbot Road. Special provisions are recommended to allow for the development of the restaurant, drive-through facility, associated outdoor patio and rear and side yard landscape buffers.

The recommended action to refuse the requested special provision that a single-lane drive-through exit shall be permitted onto Colonel Talbot Road will thereby require the exit of the drive-through lane to be relocated fully internal to the site at time of site plan application. Should the drive-through exit onto Colonel Talbot Road be approved, 10 stacking spaces would be permitted.

Linkage to the Corporate Strategic Plan

This recommendation supports the following Strategic Areas of Focus:

- 1. **Wellbeing and Safety,** by promoting neighbourhood planning and design that creates safe, accessible, diverse, walkable, healthy, and connected communities.
- 2. **Economic Growth, Culture, and Prosperity** by supporting London to be a regional centre that proactively attracts and retains talent, business, and investment.

Analysis

1.0 Background Information

1.1 Property Description and Location

The subject lands, municipally known as 4366 Colonel Talbot Road, is located in the Lambeth Planning District on the east side of Colonel Talbot Road just south of the Colonel Talbot Road and Broadway Avenue intersection. The surrounding neighbourhood consists of a mix of commercial uses along Colonel Talbot Road with residential uses to the east of the subject lands. The subject lands are also adjacent to a Designated Heritage Property with additional Listed Heritage Properties in close proximity.

The subject lands are currently a vacant parking lot forming part of the former McEachren Elementary School site. The site has an area of approximately 0.163 hectares with a frontage of approximately 32.9 metres along Colonel Talbot Road. Upon the redevelopment of 4402 Colonel Talbot Road, a coordinated joint access was developed for the site as a whole to minimize the number of driveways onto the adjacent arterial road.

1.2 Site Statistics

- Current Land Use Vacant parking lot
- Frontage 32.9 metres
- Area 1,630 metres square (0.163 hectares)
- Depth 51.2 metres
- Shape Rectangular
- Located within the Built Area Boundary: Yes
- Located within the Primary Transit Area: No

1.3 Surrounding Land Uses

- North Commercial
- East Residential
- South Commercial
- West Commercial

1.4.1 Existing Planning Information

- The London Plan Place Type Main Street fronting a Main Street/ Civic Boulevard.
- Southwest Area Secondary Plan Main Street Lambeth North
- Existing Zoning holding Arterial Commercial (h-17*h-18*h-124*AC2) Zone

Additional site information and context is provided in Appendix B.



Figure 1. Aerial Photo of 4366 Colonel Talbot Road and surrounding lands.



Figure 2. Streetview of 4366 Colonel Talbot Road (view from Colonel Talbot Road facing east).

2.0 Discussion and Considerations

2.1 Development Proposal

In November 2023, the City accepted a complete zoning by-law amendment application to redevelop the subject lands for a stand-alone restaurant and drive-through facility. The development is comprised of a restaurant oriented towards Colonel Talbot Road, a total of 15 surface parking stalls, 10 drive-through stacking spaces and a single one-way exit driveway for the drive-through facility onto Colonel Talbot Road. The subject lands will be accessed via an existing joint access with the 4402 Colonel Talbot Road.

The application included a conceptual site plan, shown below as Figure 3. Building rendering and elevations are shown in Figures 4-7 below.

The proposed development includes the following features:

• Land use: Commercial

Form: RestaurantHeight: 8.0 metres

Gross Floor Area: 209.5 square metres

• Lot coverage: 12.8%

• Landscape open space: 30.2%

Parking spaces: Parking: 15; Stacking: 10

Additional proposal information and context is provided in Appendix B and C.

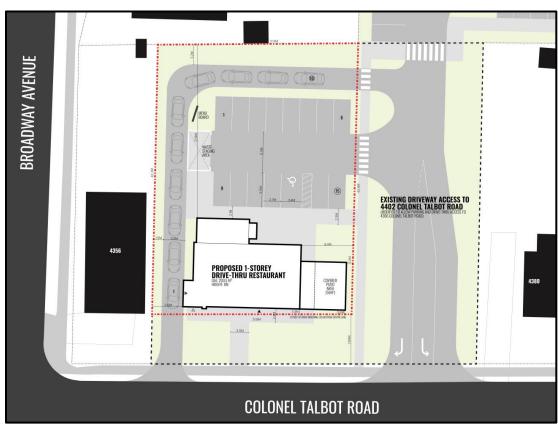


Figure 3. Concept Site Plan



Figure 4. ISO View of Proposed Development.



Figure 5. Building Renderings – View from Colonel Talbot Roading facing Northeast



Figure 6. Building Renderings – View from above facing Northwest

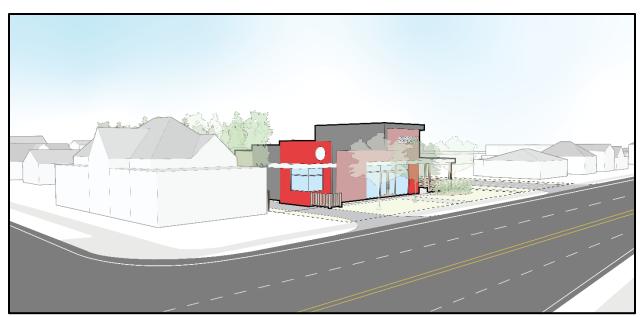


Figure 7. Building Renderings – View from Colonel Talbot Roading facing Southeast

2.2 Requested Amendment

The applicant originally requested an amendment to Zoning By-law Z.-1 to rezone the subject site FROM a holding Arterial Commercial (h-17*h-18*h-124*AC2) Zone TO a Neighborhood Shopping Area Special Provision (NSA5(_)) Zone. Based on comments provided by Staff, the applicant revised their request to rezone the subject site FROM a holding Arterial Commercial (h-17*h-18*h-124*AC2) Zone TO a Business District Commercial Special Provision (BDC(_)) Zone.

The following table summarizes the special provisions that have been proposed by the applicant and those that are being recommended by staff.

Regulation (BDC)	Required	Requested	Recommended
Front Yard Depth (minimum)	Not specified	1.0	1.0
Landscaped Open Space (minimum percent)	Not specified	15%	15%
Gross Floor Area – Restaurant	500m ² specifically for restaurant eat-in	250m² for all restaurant uses	250m² for all restaurant uses
Permitted Uses: Drive-through Facility	Not permitted	Drive-through facilities are permitted as a main and accessory use	Drive-through facilities are permitted as a mair and accessory use
Regulation (Section 4.18))	Required	Requested	Recommended
Outdoor Patio Associated with a Restaurant or Tavern	Where only the rear lot line adjoins a residential zone, or is separated therefrom by a lane, an outdoor patio shall be permitted in the front yard		Front and South Interior Side Yard
Regulation (Section 4.35))	Required	Requested	Recommended
Stacking Spaces (minimum)	12 spaces	10 spaces with ingress/egress from Colonel Tablot Road	10 spaces with ingress/egress from Colonel Tablot Road 8 space fully internal to the site with no

Regulation (BDC)	Required	Requested	Recommended
			ingress/egress from Colonel Talbot Road
Location for Drive- through Facilities	Rear and/or Interior Side Yard	Rear and/or Interior Side Yard with the additional provision that: A single-lane drive-through exit shall be permitted onto Colonel Talbot Road	Rear and/or Interior Side Yard
Rear and North Interior Side Yard Landscape Depth (minimum)	15 metres if a 2.4- metre-high noise attenuation barrier is installed between the residential/ facility/ institutional use and the drive-through lane		A landscape buffer shall be provided between a drive-through lane and adjacent properties as follows: Rear Yard Landscape Depth of 3.0 metres (9.8 feet) And North Interior Side Yard Landscape Buffer of 1.5 metres

2.3 Public Engagement

On November 15, 2023, Notice of Planning Application and Public Meeting was sent to 52 property owners and residents in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on Thursday, November 30, 2022. A "Planning Application" sign was also placed on the site.

There were three responses received during the public consultation period. Comments received were considered in the review of this application and are addressed in Section 4.0 of this report.

Key issues identified by the public included concerns related to:

- Traffic and Access
- Drive-Through Location
- Light, Noise and Physical Pollution
- Impacts on Neighbourhood Character

Detailed public comments are included in Appendix D of this report.

2.4 Internal and Agency Comments

The application and associated materials were circulated for internal comments and public agencies to review. Comments received were considered in the review of this application and are addressed in Section 4.0 of this report.

Key issues identified by staff and agencies include:

- A separate egress point for a drive-through is not supported by Transportation based on the Access Management Guidelines as per the policies of The London Plan. The applicant may consider a drive-through layout with access to/from the existing driveway.
- As noted at the time of Site Plan Consultation, the exit for the drive-through lane must be relocated to be internal to the site.

Detailed internal and agency comments are included in Appendix E of this report.

2.5 Policy Context

2.5.1 The Planning Act and the Provincial Policy Statement, 2020

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the *Provincial Policy Statement*, 2020 (PPS). The *Planning Act* requires that all municipal land use decisions affecting planning matters shall be consistent with the *PPS*.

The mechanism for implementing Provincial policies is through the Official Plan, The London Plan. Through the preparation, adoption, and subsequent Ontario Land Tribunal (OLT) approval of The London Plan, the City of London has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest are reviewed and discussed in The London Plan analysis below.

As the application for a Zoning By-law amendment complies with The London Plan, it is staff's opinion that the application is consistent with the *Planning Act* and the *PPS*.

2.5.2 The London Plan, 2016

The London Plan (TLP) includes evaluation criteria for all planning and development applications with respect to use, intensity and form, as well as with consideration of the following (TLP 1577-1579):

- 1. Consistency with the Provincial Policy Statement and all applicable legislation.
- 2. Conformity with the Our City, Our Strategy, City Building, and Environmental policies.
- 3. Conformity with the Place Type policies.
- 4. Consideration of applicable guideline documents.
- 5. The availability of municipal services.
- 6. Potential impacts on adjacent and nearby properties in the area and the degree to which such impacts can be managed and mitigated.
- 7. The degree to which the proposal fits within its existing and planned context.

Staff are of the opinion that all the above criteria have been satisfied.

3.0 Financial Impact/ Considerations

3.1 Financial Impact

There are no direct municipal financial expenditures with this application.

4.0 Key Issues and Considerations

4.1 Land Use

The proposed restaurant use is supported by the policies of the *Provincial Policy Statement*, 2020 (PPS) and contemplated in the Main Street Place Type in The London Plan, which permits a broad range of residential, retail, service, office, and institutional uses to serve surrounding neighbourhoods within walking distance (TLP, 908_1). The subject lands are also situated within the Main Street Lambeth North Neighbourhood of the Southwest Area Secondary Plan. This designation is intended to allow for the continuation of the existing "main street" development pattern, while allowing for a transition from Main Street and part of Colonel Talbot Road to the internal portions of the community. Mixed-use buildings will be encouraged, but stand-alone residential and commercial uses will be permitted (20.5.8.1.i). Permitted uses are consistent with those uses permitted by the Main Street Place Type of The London Plan with retail and service uses encouraged at grade, and residential and non-service office uses directed to the rear of buildings and to upper floor (20.5.8.1.ii).

A drive-through facility is also being proposed and recommended for approval with revisions required to the site layout. In accordance with the Main Street Place Type policies, new drive-through facilities may be permitted in the Main Street Place Type where it can be clearly demonstrated that they will not detract from the vision and role of the Place Type and the quality and character of the pedestrian-oriented street environment (TLP, 909_). A street-oriented building form is also required to support the intent of the Main Street Lambeth North Neighbourhood of the Southwest Area Secondary Plan (20.5.8.1.i). As proposed, the location of the drive-through facility will exit directly onto Colonel Talbot Road, which is not considered appropriate due to such close proximity to two existing access points onto Colonel Talbot Road where site lines are of increased importance with regards to creating a safe pedestrian-oriented street environment and traffic hazards (further details provided in Section 4.4). A drive-through facility reconfigured internal to the site, however, is considered an appropriate use for the subject lands as the proposed built form contributes to the regeneration and sustainability of the Main Street Place Type (TLP, 907_). The restaurant use provides for an active ground floor uses in a street-oriented building form.

4.2 Intensity

Buildings in the Main Street Place Type will be designed to fit in scale and character with the surrounding streetscape, while allowing for appropriate infill and redevelopment (TLP, 910_1). Buildings will be a minimum of either two-storeys or eight metres in height and will not exceed four storeys in height, and large floor plate commercial buildings will not be permitted (TLP, 910_3,4). The proposed one-storey restaurant and drive-through facility has a general height of 8.0 metres with a portion slightly higher but within the 12.0 metre requirements of the Business District Commercial (BDC) zone. As the applicant has provided heights of a minimum of eight metres, the proposed development is in keeping with The London Plan policies. Furthermore, the proposed building form has a setback and roof line consistent with the "village" streetscape character and intensity (20.5.8.1.iv.c).

The Zoning By-law contains regulations to ensure that the intensity of development for the subject lands is appropriate.

4.3 Form

All new development will be designed to be well integrated with the character and design of the associated Main Street (TLP, 911_2). Buildings should be located at or along the front property line in order to create a street wall that sets the context for a comfortable pedestrian environment, and all the planning and design that is undertaken in the Main Street Place Type will place a priority on the pedestrian experience through site layout, building location, and a design that reinforces pedestrian comfort and safety (TLP, 911_4,5).

The proposed development is generally consistent with the Main Street Place Type and the City Design policies in The London Plan. The building is proposed to be situated along Colonel Talbot Road, to define the street edge, and create an inviting, active, and comfortable pedestrian environment (TLP 259_). The building is designed to be street-oriented with ground floor entrances facing the streets.

Access to the subject lands will be provided via the existing joint access with the abutting property to the south, 4402 Colonel Talbot Road. Parking for the building will be located internally, visually screened from the street by the building, while also encouraging a pedestrian oriented streetscape (Policy 269_). The site is also easily accessible by pedestrians, cyclists, and public transit users.

4.4 Drive-Through Facility Exit onto Colonel Talbot Road

In accordance with The London Plan, drive-through facilities shall address matters such as pedestrian circulation, access, and parking, built form, streetscape, heritage resources, potential impacts on adjacent land uses, landscaping, and signage (TLP, 265_). Drive aisles for drive-through facilities should also not be located between the street and the face of the building in the front or exterior side yard but rather the preferred location for drive-through facilities is in the rear or interior side yard (TLP, 264_). These facilities should also not interfere with direct pedestrian access to the

building from the sidewalk, compromise pedestrian safety, reduce the ability to provide on-site landscaping adjacent to the street, or have a negative impact on the pedestrian amenity of the streetscape.

Currently, the subject lands have access via an existing joint access with the abutting property to the south, 4404 Colonel Talbot Road. The property is also in close proximity to the Colonel Talbot Road and Broadway Avenue intersection (approximately 13m to the north). Along Colonel Talbot Road there are several existing points of access, however, it is a goal of The London Plan that access management guidelines will be applied with the objective of limiting future driveways onto major streets (TLP, 336). As proposed, the location of the drive-through facility will exit directly onto Colonel Talbot Road, which is not considered appropriate due to such close proximity to two existing access points onto Colonel Talbot Road where site lines are of increased importance with regards to creating traffic hazards.

The City Council adopted Access Management Guidelines provide further detail. Section 1.3 states that direct access to an arterial road must be minimized, and therefore, all proposed driveways must be justified. In accordance with the Access Management Guidelines the preference of the City is for one driveway per development to an abutting arterial roadway. In this case, the proposal includes a main driveway as well as the drive-through exit onto Colonel Talbot Road. Additional driveway access to the arterial road network will be subject to special considerations such as traffic analysis justifying the need for additional access to improve safety, flow and/or circulation and shall meet the spacing requirements. Said spacing requirements are outlined in Section 1.4.3 in which strict applications of traffic engineering criteria may place desirable spacing requirements at 150 metres along an arterial roadway. This type of spacing, however, is mostly unachievable in many urban and suburban environments in which typically a spacing of 30 - 60 metres is used along an arterial or primary collector roadway. In this case, the separate egress point for the drive-through does not provide the desirable or typical spacing (a spacing of 30-60 metres is used along an arterial or primary collector roadway whereas roughly 13 metres and 26 metres are being proposed) between the existing access point at 4366 Colonel Talbot Road and the intersection of Colonel Talbot Road and Broadway Avenue and is therefore not supported by Staff.

As proposed, the drive-through exit directly onto Colonel Talbot Road does not mitigate for potential adverse impacts with regards to traffic, safety and access management (TLP, 1578_6). Additionally, the drive-through exit does not promote a pedestrian-oriented main street environment in accordance with the intent of the Main Street Lambeth South policies of the Southwest Area Secondary Plan which state that the primary mode of transportation will be by walking or cycling (20.5.8.1.v. a). Rather, the drive-through facility compromises pedestrian safety as well as traffic safety.

Furthermore, in order for new drive-through facilities to be permitted in the Main Street Place Type it needs to be demonstrated that they will not detract from the quality and character of the pedestrian-oriented street environment (TLP, 801_). It is staff's opinion that alternative design considerations and site layout adjustments with regards to the drive-through facility internal to the site with access to/from the existing driveway could be considered, consistent with The London Plan, Southwest Area Secondary Plan and Zoning By-law. Staff are also recommending a further reduction in stacking space to 8 spaces should the drive-through be fully internal to the site with no ingress/egress from Colonel Talbot Road. Alternative design considerations and site layout adjustments can be considered at the time of Site Plan Approval.

4.5 Zoning

The applicant has requested an amendment to Zoning By-law Z.-1 to rezone the subject site FROM a holding Arterial Commercial (h-17*h-18*h-124*AC2) Zone TO a Business District Commercial Special Provision (BDC(_)) Zone. The following summarizes the special provisions that have been proposed by the applicant and what is being recommended by staff.

A minimum front yard depth of 1.0 metres.

The intent of a front yard depth is to ensure sufficient space between the buildings and front lot line to accommodate all site functions while still facilitating a pedestrian oriented development. In this case, the BDC zone provides for a maximum front yard depth of 3 metres to facilitate the zones urban design goals of creating a strong street edge with screened parking areas. In order to aid in facilitating the design objectives of the BDC zone and to ensure the drive-through facility and parking area are appropriately screened behind the main dwelling the stand-alone restaurant is being situated with a 1 metre minimum front yard depth along Colonel Talbot Road. A 1 metre minimum will also ensure footings and canopies do not encroach into the public right-ow-way, while still allowing a built form that provides enclosure to the street and a pedestrian-oriented environment.

A minimum landscaped open space of 15 percent.

The intent of regulating landscaped open space is to ensure that there is a certain percentage of natural space provided for practical, recreational, and aesthetic purposes. Section 2 of the Zoning By-law defines "Landscaped Open Space" as the open space which is used for the growth and maintenance of grass, flowers, shrubbery, and other landscaping and includes any surface walkway, patio, swimming pool or similar area, but does not include any access driveway or ramp, parking area, bus parking area, rooftop area, or any open space beneath or within any building or structure. In this case, the standard BDC zone does not require landscaped open space regulations as it is typically applied to urban contexts like Main Streets.

In order to aid in mitigating the impacts of the proposed drive-through use on the abutting properties, a 3.0m wide landscaped strip shall be provided in the rear yard and a 1.5m wide landscaped strip in the north interior side yard, and a minimum landscaped open space of 15 percent is being recommended.

A maximum gross floor area of 250m² for all restaurant uses.

The intent of regulating the gross floor area is to ensure that the developed area relative to the lot area is appropriate to mitigate against the over intensification of the lot. In this case, Section 25.3.1 of the BDC zone regulates the maximum gross floor area in which 500m² is permitted for eat-in restaurants only. In order to account for the fast-food restaurant use being proposed, a gross floor area of 210m² for all restaurant uses is being recommended.

Notwithstanding Section 4.18.2.b) outdoor patios associated with a restaurant may be permitted in the front or south interior side yard.

Section 4.18.2.b) of the Zoning By-law outlines the location of outdoor patios associated with a restaurant or tavern in which, where only the rear lot line adjoins a residential zone class which is not in combination with another zone, or is separated therefrom by a lane, (as is the case for the subject lands) an outdoor patio shall be permitted in the front yard.

As the proposed location of the outdoor patio is adjacent to the main building, the patio is considered to be located in the interior side yard as opposed to the front yard. In order to facilitate the urban design goals of creating a strong street edge, activating the public realm and to establish a level of flexibility with regards to the patio location, a special provision to permit a patio in the interior side yard is being recommended.

A landscape buffer shall be provided between a drive-through lane and adjacent properties as follows: 3.0m in the rear yard and 1.5m in the north interior side yard.

Section 4.35.1 of the Zoning By-law outlines the minimum separation distance of drive-through facilities in the interior side and rear yard. The minimum separation distance, measured from the edge of the drive-through lane or speaker location, whichever is closer to the closest residential/facility/institutional use lot line and/or zone line shall be

30 metres. This setback may be reduced to 15 metres if a 2.4-metre-high noise attenuation barrier is installed between the residential/facility/institutional use and the drive-through lane. Further reductions to the setback may be considered upon the City's review and acceptance of mitigation measures identified by a noise study prepared by a qualified noise consultant.

A noise study was accepted and reviewed by the City, which outlined that a noise barrier was required along the rear and north interior side yards. Additionally, a landscape buffer shall be provided between a drive-through lane and adjacent properties as follows regardless of whether a noise barrier is required. This ensures a landscape buffer is provided regardless of whether the site layout changes. A 3.0-metre-wide landscaped strip in the rear yard and a 1.5-metre-wide landscaped strip in the north interior side yard is recommended. Staff are satisfied that sufficient mitigation is provided to reduce the portion for adverse noise impacts to the abutting residential uses.

To permit a minimum of 10 stacking spaces for a drive-through with ingress/egress from Colonel Tablot Road and 8 stacking spaces for a drive-through fully internal to the site with no ingress/egress from Colonel Talbot Road.

Section 4.35.3 of the Zoning By-law outlines the number of stacking spaces required for uses with drive-through facilities in which fast food and eat-in restaurants require a minimum of 12 spaces. Uses that require a lower stacking lane capacity must submit a queuing study to identify the stacking capacity required. The findings of the submitted queuing study indicated that 12 staking spaced are typically intended to accommodate traditional high-traffic generator drive-through facilities. In this case, 10 stacking spaces were considered in the queuing study and are provided for the proposed uses. Based on the findings of the submitted queuing study it was concluded that a reduced number of stacking spaces was characteristic of similar uses.

The applicant has requested a minimum of 10 stacking spaces for a drive-through with ingress/egress from Colonel Tablot Road. Alternatively, staff are recommending 8 stacking spaces for a drive-through fully internal to the site with no ingress/egress from Colonel Talbot Road to establish a level of flexibility should the site layout change. Should the drive-through exit onto Colonel Talbot Road be relocated internal to the site as recommended, Transportation Staff are willing to support 8 stacking spaces whereas 10 stacking spaces were considered in the queuing study. Should the drive-through exit onto Colonel Talbot Road be approved 10 stacking spaces would be permitted.

A single-lane drive-through exit shall be permitted onto Colonel Talbot Road.

Section 4.35.2 of the Zoning By-law outlines that the required location for drive-through facilities is in the rear or interior side yard. This is consistent with other uses across the City whereby the intent of regulating parking locations is to encourage pedestrian-oriented streets and streetscapes through consistent designs that support and appeal to pedestrians while also promoting safety for pedestrians, cyclists, and motorists (TLP, 264_, TLP 255_). Additionally, The London Plan Policy 336_ states that access management will be applied with the objective of limiting driveways onto major streets. Where appropriate, Neighbourhood Connectors and Neighbourhood Streets intersecting with major streets may be used to access sites fronting onto Civic Boulevards, Urban Thoroughfares and Rapid Transit Corridors (TLP, 336_).

The location of drive-through entrances and exits is not typically regulated within the Zoning Bylaw and is a matter to be reviewed as part of the Site Plan application. In this case, the applicant has requested to explicitly permit a drive-through exit onto Colonel Talbot Road in Zoning to provide a level of certainty ahead of submitting a Site Plan application.

As per Staff's previous analysis in section 4.4, the proposed drive-through exit location is being recommended for refusal as it does not mitigate for potential adverse impacts with regards to traffic, safety and access management and is not in keeping with the relevant policies identified above. While the recommended Zoning Bylaw amendment

does not explicitly prohibit a drive-through exit onto Colonel Talbot Road, as part of the Site Plan application review, staff will seek to implement the relevant policies of The London Plan, the Access Management Guidelines and Transportation staff's requirements. The recommendation at Site Plan will be to implement an alternative drive-through configuration internal to the site.

Conclusion

The applicant has requested an amendment to Zoning By-law Z.-1 to rezone the subject site FROM a holding Arterial Commercial (h-17*h-18*h-124*AC2) Zone TO a Business District Commercial Special Provision (BDC(_)) Zone. Staff are recommending approval of the requested Zoning By-law Amendment with special provisions but refusing the request that a single-lane drive-through exit shall be permitted onto Colonel Talbot Road.

The recommended action is consistent with the *Provincial Policy Statement, 2020 (PPS)*, conforms to The London Plan and will permit a stand-alone restaurant and drivethrough facility with a total of 15 surface parking stalls and 8 stacking spaces fully internal to the site with no drive-through egress onto Colonel Talbot Road. The amendment will facilitate the redevelopment of the subject site and will contribute to the range and mix of commercial options within the area.

Prepared by: Michaella Hynes

Planner, Planning Implementation

Reviewed by: Mike Corby, MCIP, RPP

Manager, Planning Implementation

Recommended by: Heather McNeely, MCIP, RPP

Director, Planning and Development

Submitted by: Scott Mathers, MPA, P. Eng

Deputy City Manager, Planning and Economic

Development

Copy: Britt O'Hagan, Manager, Current Development

Michael Pease, Manager, Site Plans

Brent Lambert, Manager, Development Engineering

Appendix A

Bill No.	(number to be inserted by Clerk's Office)
2024	

By-law No. Z.-1-____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 4366 Colonel Talbot Road.

WHEREAS Lambeth Health Organization Inc. has applied to rezone an area of land located at 4366 Colonel Talbot Road, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 4366 Colonel Talbot Road, as shown on the attached map comprising part of Key Map No. A114, FROM a holding Arterial Commercial (h-17*h-18*h-124*AC2) Zone TO a Business District Commercial Special Provision (BDC(_)) Zone.
- 2) Section Number 9.4 of the Business District Commercial (BDC) Zone is amended by adding the following Special Provisions:

BDC 4366 Colonel Talbot Road

- a) Additional Permitted Uses
 - i) Drive-Through Facility
- b) Regulations:

i)	Front Yard Depth	1.0 metres (3.2 feet)
	(Minimum)	

ii) A landscape buffer shall be provided between a drive-through lane and adjacent properties as follows:

Rear Yard Depth (minimum)

3.0 metres (9.8 feet)

North Interior Side Yard Depth (minimum)

1.5 metres (4.9 feet)

iii) Landscaped Open Space 15 (Maximum %)

iv) Gross Floor Area Restaurants 250m² (Maximum)

v) Stacking Spaces - Drive-through 8 spaces fully internal to the site with no ingress/egress from Colonel Talbot Road (minimum)

vi) Stacking Spaces – Drive-through 10 spaces with ingress/egress from Colonel Tablot Road (minimum)

- vii) Notwithstanding Section 4.18.2.b) of Zoning Bylaw, outdoor patios associated with a restaurant may be permitted in the front and/or south interior side yard.
- 3) This Amendment shall come into effect in accordance with Section 34 of the *Planning Act*, *R.S.O. 1990*, c. P13, either upon the date of the passage of this by-law or as otherwise provided by the said section.

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.

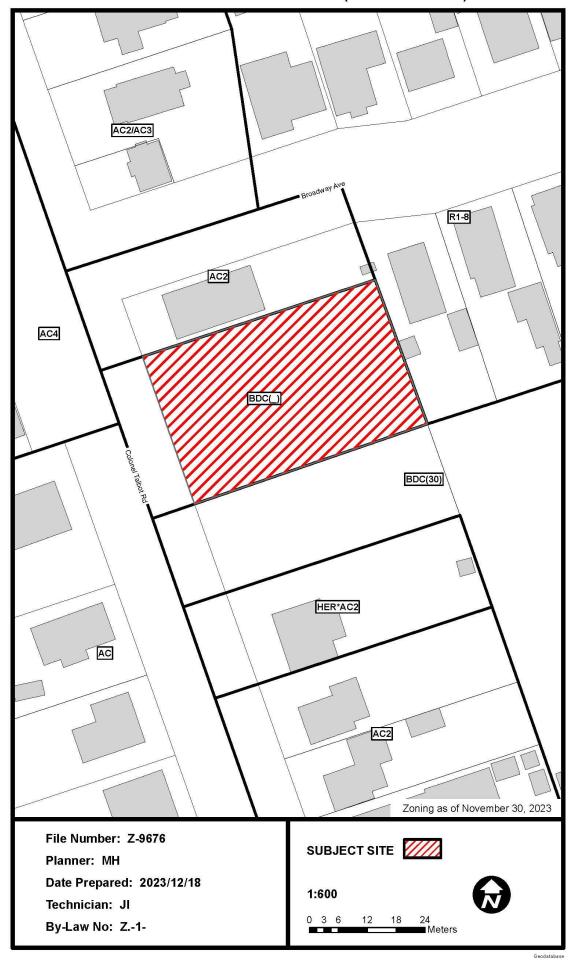
PASSED in Open Council on February 13, 2024, subject to the provisions of PART VI.1 of the *Municipal Act*, 2001.

Josh Morgan Mayor

Michael Schulthess City Clerk

First Reading – February 13, 2024 Second Reading – February 13, 2024 Third Reading – February 13, 2024

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



Appendix B - Site and Development Summary

A. Site Information and Context

Site Statistics

Current Land Use	Vacant parking lot
Frontage	32.9 metres
Depth	51.2 metres
Area	1,630 metres square (0.163 hectares)
Shape	Rectangular
Within Built Area Boundary	Yes
Within Primary Transit Area	No

Surrounding Land Uses

North	Commercial
East	Residential
South	Commercial
West	Commercial

Proximity to Nearest Amenities

Major Intersection	Colonel Talbot Road and Main Street (~165 metres)
Dedicated cycling infrastructure	Onsite
London Transit stop	Route 28 White Oaks Mall via Exeter
	via Southdale Road East (Onsite)
Public open space	N/A
Commercial area/use	N/A
Food store	N/A
Community/recreation amenity	N/A

B. Planning Information and Request

Current Planning Information

Current Place Type	Main Street fronting a Main Street/ Civic Boulevard.
Current Special Policies	Southwest Area Secondary Plan – Main Street Lambeth North
Current Zoning	holding Arterial Commercial (h-17*h-18*h-124*AC2) Zone

Requested Designation and Zone

Requested Place Type	N/A
Requested Special Policies	N/A
Requested Zoning	Business District Commercial Special Provision (BDC(_)) Zone

Requested Special Provisions

requested openial i revisions			
Regulation (BDC)	Required	Requested	Recommended
Front Yard Depth	Not specified	1.0	1.0
(minimum)			
Landscaped Open Space	Not specified	15%	15%
(minimum percent)			
Gross Floor Area –	500m ² specifically	250m ² for all	250m ² for all
Restaurant	for restaurant eat-in	restaurant uses	restaurant uses
Permitted Uses:	Not permitted	Drive-through	Drive-through
Drive-through Facility		facilities are	facilities are
		permitted as a main	permitted as a main

		and accessory use	and accessory use
Regulation (Section 4.18))	Required	Requested	Recommended
Outdoor Patio Associated with a Restaurant or Tavern	Where only the rear lot line adjoins a residential zone, or is separated therefrom by a lane, an outdoor patio shall be permitted in the front yard		Front and South Interior Side Yard
Regulation (Section 4.35))	Required	Requested	Recommended
Stacking Spaces (minimum)	12 spaces	10 spaces with ingress/egress from Colonel Tablot Road	10 spaces with ingress/egress from Colonel Tablot Road 8 space fully internal to the site with no ingress/egress from Colonel Talbot Road
Location for Drive- through Facilities	Rear and/or Interior Side Yard	Rear and/or Interior Side Yard with additional provision to allow: A single-lane drive- through exit shall be permitted onto Colonel Talbot Road	Rear and/or Interior Side Yard
Rear and North Interior Side Yard Landscape Depth (minimum)	15 metres if a 2.4-metre-high noise attenuation barrier is installed between the residential/facility/ institutional use and the drive-through lane		A landscape buffer shall be provided between a drive-through lane and adjacent properties as follows: Rear Yard Landscape Depth of 3.0 metres (9.8 feet) And North Interior Side Yard Landscape Buffer of 1.5 metres

C. Development Proposal Summary

Development Overview

The recommended action will permit a stand-alone restaurant and drive-through facility with a total of 15 surface parking stalls, 10 stacking spaces and a single one-way exit driveway onto Colonel Talbot Road.

Proposal Statistics

Land use	Commercial
Form	Restaurant
Height	8.0 metres
Residential units	0
Density	N/A
Gross floor area	209.5 square metres
Lot coverage	12.8%
Landscape open space	30.2%
Functional amenity space	N/A
New use being added to the local community	Yes

Mobility

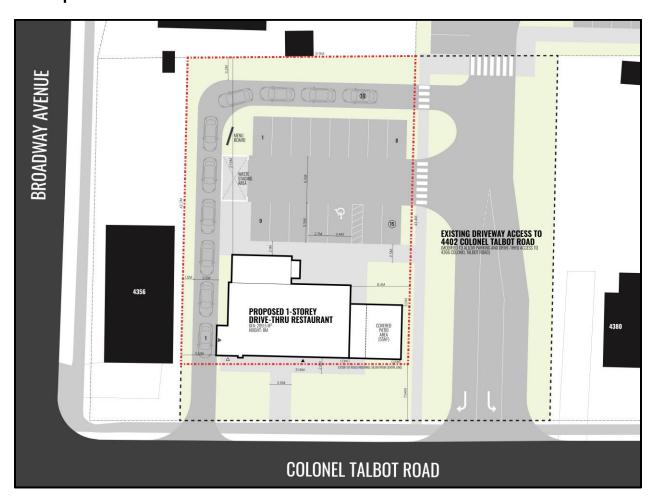
esy	
Parking spaces	Parking: 15; Stacking: 10
Vehicle parking ratio	1 per 17 square metres
New electric vehicles charging stations	N/A
Secured bike parking spaces	To be provided at Site Plan
Secured bike parking ratio	N/A
Completes gaps in the public sidewalk	N/A
Connection from the site to a public sidewalk	Yes
Connection from the site to a multi-use path	No

Environmental Impact

Tree removals	No
Tree plantings	Yes
Tree Protection Area	No
Loss of natural heritage features	No
Species at Risk Habitat loss	No
Minimum Environmental Management Guideline buffer met	N/A
Existing structures repurposed or reused	N/A
Green building features	N/A

Appendix C – Additional Plans and Drawings

Concept Site Plan



Building Renderings – ISO View of Proposed Development



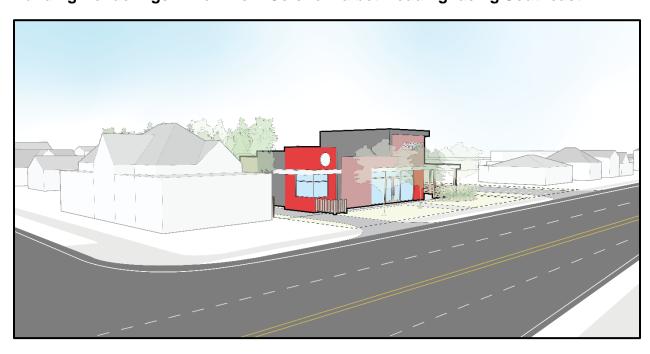
Building Renderings – View from Colonel Talbot Roading facing Northeast



Building Renderings – View from above facing Northwest



Building Renderings – View from Colonel Talbot Roading facing Southeast



Appendix D – Public Engagement

Community Engagement

Public liaison: On November 15, 2023, Notice of Planning Application and Notice of Public Meeting was sent to 52 property owners and residents in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on Thursday, November 30, 2022. A "Planning Application" sign was also placed on the site.

Nature of Liaison: The purpose and effect of this zoning change is to facilitate the development of a stand-alone restaurant and drive-through facility with a total of 15 surface parking stalls, 10 stacking spaces and a single one-way exit driveway onto Colonel Talbot Road. Possible change to the Zoning By-law Z.-1 FROM a holding Arterial Commercial (h-17*h-18*h-124*AC2) Zone TO a Neighbourhood Shopping Area Special Provision (NSA5(_)) Zone. Special Provisions include a minimum interior side yard setback of 3.0 metres (9.8 feet) from any other zone boundary and 0.0 metres within the same NSA zone or the BDC(30) zone; maximum height of 9.0 metres whereas 8.0 metres is required; minimum of 8 drive-through stacking spaces whereas 12 spaces are required; a minimum of 8 stacking spaces shall be provided for a drive-through facility associated with a fast-food restaurant; a single-lane drive-through exit shall be permitted onto Colonel Talbot Road; and a portion of the building will achieve a height of 8.0 metres of greater.

Public Responses: Three replies received.

Public Comment #1 - Kim Bartlett

Hello Counselor Hopkins,

I am writing to voice my concern over the Wendy's location scheduled for construction at 4366 Col. Talbot Rd in Lambeth. This intersection is already inundated with traffic, creating a backlog of cars and trucks during peak commute times, with many drivers diverting down Broadway Avenue. Traffic has dramatically increased down this residential street. Cars speed down it without concern for residents. The fast-food restaurant will only exacerbate this problem. If the purpose of this establishment is to serve travellers coming off the 401 and 402, how will traffic turning left back to the highway be managed? Logistically, it makes no sense to have it located here and will only increase accident risks in the area.

In the 2019 Community Improvement Plan for the community of Lambeth, residents stated that 'The area is a "real" village and complete community, maintaining an authentic feel, and landmarks is important.' Residents also expressed that Lambeth 'feels like a small country village and not like a suburb within the City.' The addition of this generic chain restaurant will decrease this feeling.

As a resident living in the affected area, I am concerned about the excess garbage, light and noise pollution this establishment will create. Chain restaurants generate vast amounts of waste and spread trash throughout the surrounding residential areas. Wendy's primarily supports meals later in the day and into the evening. I value the quiet in our neighbourhood, and having an establishment that advertises "You can eat great, even late" is not conducive to our small, quiet neighbourhood.

Large franchises send a large amount of profit back to corporate headquarters while local shopkeepers spend and reinvest their money in their community. This chain will cheapen our neighbourhood, drive out other businesses, lower residential property values and deprive residential shoppers of the much-needed small retailers offering local services.

How will adding a Wendy's add pride to our small community? How will it facilitate achieving the Key principles established in the Community Improvement Plan? Fast-food restaurants have no place within local shopping districts and residential

neighbourhoods.

Public Comment #2 - Karen and Mario Zuech

Hi Michaella

According to File Z-9676, 4366 Colonel Talbot Rd. would like to amend the by-law to allow a Wendy's restaurant on the property. We are very concerned about this because the drive thru will be right against our house on the property line. We have tenants living in the building. There would be traffic going through the drive thru late at night. The bedrooms are all on the south side. If they put up a high fence, it will block the light from the bedroom on the first floor. We are against the by-law change.

Public Comment #3 – Anca Balog and Erin Jansen

To whom it concerns,

The proposed development for 4366 Colonel Talbot Road, isn't ideal for us as tenants. It creates a large amount of traffic (idling cars etc.) and takes away the privacy to the apartments located beside the property.

The idling cars would create exhaust which wouldn't allow tenants in the apartments to open their windows and allow fresh air. The noise would be an issue to these tenants also.

I hope these concerns will be taken into consideration.

Appendix E – Internal and Agency Comments

Parks Planning

Matters for Site Plan

• Parkland dedication will be required in the form of cash in lieu, pursuant to Bylaw CP-25 and will be finalized through the site plan process.

UTRCA

- The subject lands **are not** affected by any regulations (Ontario Regulation 157/06) made pursuant to Section 28 of the *Conservation Authorities Act*.
- The UTRCA has no objections to the application, and we have no Section 28 approval requirements.

Urban Design

Matters for ZBA:

- This site is located within the Main Street Place Type in The London Plan [TLP] and within the Main Street Lambeth North Designation in the Southwest Area Secondary Plan [SWASP]. Urban Design staff are generally supportive of the proposed small-scale drive-thru restaurant, provided that adequate buffering, screening, and setbacks are included for the rear and interior side yards to ensure any potential negative impacts to the adjacent residential uses are mitigated.
- The applicant is acknowledged for incorporating the following site and building design features. Urban Design encourages the applicant to continue to incorporate these elements as the proposal moves through the development process:
 - Street-oriented built form with the principal building entrance and transparent glazing located along the street frontage.
 - Direct walkway access from the public sidewalk to the principal building entrance.
 - Parking and garbage/loading areas are located away from the street frontage, behind the proposed building.
 - The drive-thru lane is located away from the street frontage, behind the proposed building.
- Urban Design recommends the following Special Provisions be incorporated into the proposed NSA5(_) zone to foster a safe, comfortable, and accessible public realm, and to reduce potential impacts on neighbouring properties:
 - Maximum front yard setback to ensure the proposed building is located close to the Colonel Talbot Road right-of-way [TLP 259, SWASP 20.5.3.9 iiil.
 - Minimum rear and interior side yard setbacks to mitigate any impacts the drive-thru facility may have on the adjacent properties [TLP 253, 265].
 - Principal building entrance facing toward Colonel Talbot Road [TLP 291, SWASP 20.5.3.9 iii].
 - Minimum setback of drive-thru lane or speaker location from interior side or rear yards where noise attenuation measures have / have not been provided [TLP 265].
 - Prohibit drive-thru lanes between the building and the sidewalk on Colonel Talbot Road [TLP 264].

Matters for Site Plan:

- Align the proposed walkway in front of the building with the principal building entrance along Colonel Talbot Road [TLP 268].
- Include weather protection above the principal building entrance(s) such as canopies or awnings to promote safe and comfortable pedestrian access to the building [SWASP 20.5.3.9 iii].

- Provide enhanced all-season landscaping along the north and east property lines to buffer the drive-thru from the adjacent low-density uses. [TLP 265];
- Ensure that any pedestrian walkway abutting a parking space includes a curb stop between the parking spot and the walkway to mitigate potential pedestrian vehicular impacts [TLP 255].
- Provide a full set of dimensioned elevations for all sides of the proposed building as well as a fully dimensioned and labelled site plan. Further comments may follow upon receipt of the drawings.

London Hydro

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

Heritage

- Staff have reviewed the following Heritage Impact Assessment for the property located at 4366 Colonel Talbot Road:
 - Stantec, Scoped Heritage Impact Assessment, 4366 Colonel Talbot Road, London, Ontario, August 14, 2023.
- Please be advised that heritage planning staff recognize and agree with the
 conclusions of the report that state: "A qualified person(s) should be retained to
 complete a pre-construction vibration assessment to determine acceptable levels
 of vibration given the site-specific condition (including site conditions, equipment
 proposed to be used, and building characteristics). Should the residence at 4380
 Colonel Talbot Road be determined to be within the zone of influence, additional
 steps should be taken to secure the building from experiencing negative vibration
 effects (i.e., adjustment of machinery or establishment of buffer zones)."
- Staff agree with the assessment of impacts and recommendations included within the Heritage Impact Assessment.
- The Heritage Impact Assessment requirements for Z-9636 can be considered satisfied.

Site Plan

Major Issues

 As noted at the time of Site Plan Consultation, the exit for the drive-through lane must be relocated to be internal to the site.

Matters for OPA/ZBA

- Attached is a copy of the draft Zoning Referral Form provided at the time of SPC. Given the site plan does not appear to have changed, the ZRR attached is still applicable. Based on the draft ZRR and current site plan, special provisions are required for a reduced number of stacking stalls, the south interior side yard setback and the location of a patio associated with a restaurant. Additional special provisions may apply.
- To maintain the 3.0-meter setback from the rear yard to the drive-through stacking lane, it is recommended to include a note to the Approval Authority that this be maintained with increased landscaping for buffering. Alternatively, a 3.0 metre setback (minimum) from the property boundary to the drive-through stacking lane can be established.

Matters for Site Plan

- Short-term bicycle parking is required. The location of the proposed bicycle parking is to be shown on the site plan with the details provided.
- The comments provided at the time of Site Plan Consultation still apply and are to be addressed through the Zoning By-law Amendment process and/or the Site Plan Approval process.

Engineering

Transportation

Policy:

• The London Plan Policy

 Policy 336 Access management will be applied with the objective of limiting driveways onto major streets. Where appropriate, Neighbourhood Connectors and Neighbourhood Streets intersecting with major streets may be used to access sites fronting onto Civic Boulevards, Urban Thoroughfares and Rapid Transit Corridors. City Council may adopt Access Management Guidelines to provide further details on appropriate access design for sites.

Access Management Guidelines

- Section 1.3 Number of Accesses
 - Direct access to an arterial road <u>must</u> be minimized, and therefore, all proposed driveways must be justified.
 - The preference of the City is for one driveway per development to an abutting arterial roadway.
 - Additional driveway access to the arterial road network will be subject to special considerations such as traffic analyses justifying the need for additional access to improve safety, flow and/or circulation and <u>shall</u> meet the spacing requirements set forth in Section 1.4 of this guideline.
- Section 1.4.3 Minimum Driveway Separation Distance
 - Strict applications of traffic engineering criteria may place desirable spacing requirements at 150 metres along an arterial roadway. However, this type of spacing is mostly unacceptable in several urban and suburban environments. Typically, a spacing of 30 60 metres is used along an arterial or primary collector roadway. The separate egress point for the drive-through does not provide the desirable or typical spacing noted above.

Transportation Requirements:

- A separate egress point for a drive-though is not supported by Transportation based on the Access Management Guidelines as per the policies of The London Plan.
- The applicant may consider a drive-through layout with access to/from the existing driveway.
- As per Zoning By-Law Z1, the site is exempt for minimum parking standards.
- Proving appropriate facilities for walking and cycling should be considered the priority, consistent with the Southwest Area Plan:
 - o Southwest Area Secondary Plan (london.ca)
 - 20.5.8.2 Main Street Lambeth South
 - iv) Transportation
 - a) It is intended that the primary mode of transportation within the Village Community will be by walking or cycling.

Stacking Spaces

• Transportation is willing to support 8 stacking spaces if drive-through exit is being relocated internal to the site.

Water Engineering

• Water is available via the municipal 150mm watermain on Colonel Talbot Road

Wastewater Engineering

- If the holding provision was in place on the pretense that the sanitary servicing study would need to be approved by SED prior to its removal, then SBM still needs to update their area plan and design sheet to a final version which includes their redline comments outlined in the attachment.
- If the holding provision was put in place and to be removed upon the completion and installation of a municipal sanitary sewer, then this holding provision can be removed if you are confirming that said sanitary sewer has been installed.
- SED still needs to see a finalized area plan and design sheet which incorporates the redline comments from SBM. The design sheet still lacks the population allotments outlined by SBM along Main St.
 - o I'm fine with removing the holding provision We can request the area plan update through the SPA / DA.

Landscape Architecture

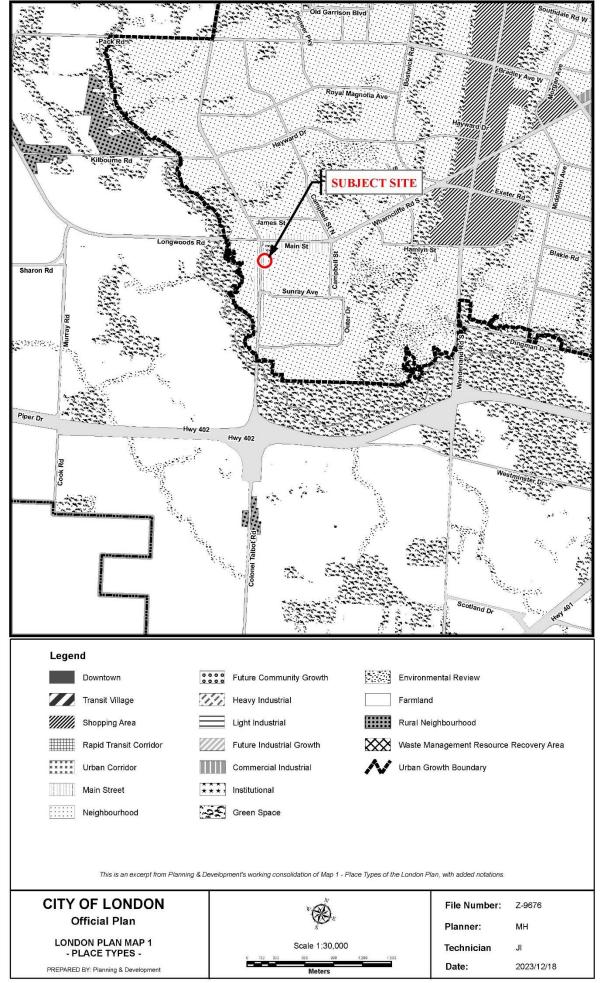
- There is one large tree growing in proximity to the north property line. A total station survey will need to be completed to determine ownership and consents required. If the tree is identified to be a boundary tree, consent to injure or remove will be required from property owner who shares the north property line. If consent cannot be obtained from co-owner, then a non-disturbance setback will need to be established at the tree's critical root zone limits as determined by dbh. Boundary trees are protected by the province's Forestry Act 1998, c. 18, Sched. I, s. 21, boundary trees can't be removed without written consent from co-owner.
- Consent to injure or remove the boundary trees is a requirement of Site Plan approval. A recommendation for provision of the approval letter will be forwarded for Site Plan Review.

Ecology

- This e-mail is to confirm that there are currently no ecological planning issues related to this property and/or associated study requirements.
- No Natural Heritage Features on, or adjacent to the site have been identified on Map 5 of the London Plan or based on current aerial photo interpretation.

Appendix F - Relevant Background

The London Plan - Map 1 - Place Types



Zoning By-law Z.-1 - Zoning Excerpt

