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File No: Z-8284
Planner: Nicole Musicco

TO:	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: CITY OF LONDON 1103 ADELAIDE STREET NORTH PUBLIC PARTICIPATION MEETING ON DECEMBER 10, 2013

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, with respect to the application of the City of London relating to the property located at 1103 Adelaide Street North, the proposed by-law attached hereto as Appendix 'A' **BE INTRODUCED** at the Municipal Council meeting on December 17, 2013 to **ADD** a new regulation to the existing Holding Neighbourhood Shopping Area Special Provision (h-5*h-11*h-64*h-95*NSA1(8)) Zone which indicates that, "*The lot line which abuts an arterial street shall be interpreted as the front lot line regardless of whether or not it is the longer lot line.*"

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The proposed amendment is to add a regulation to the existing zone to specify that the subject site is required to have its lot frontage on an arterial road such that Adelaide Street North shall be interpreted as being the front lot line.

RATIONALE

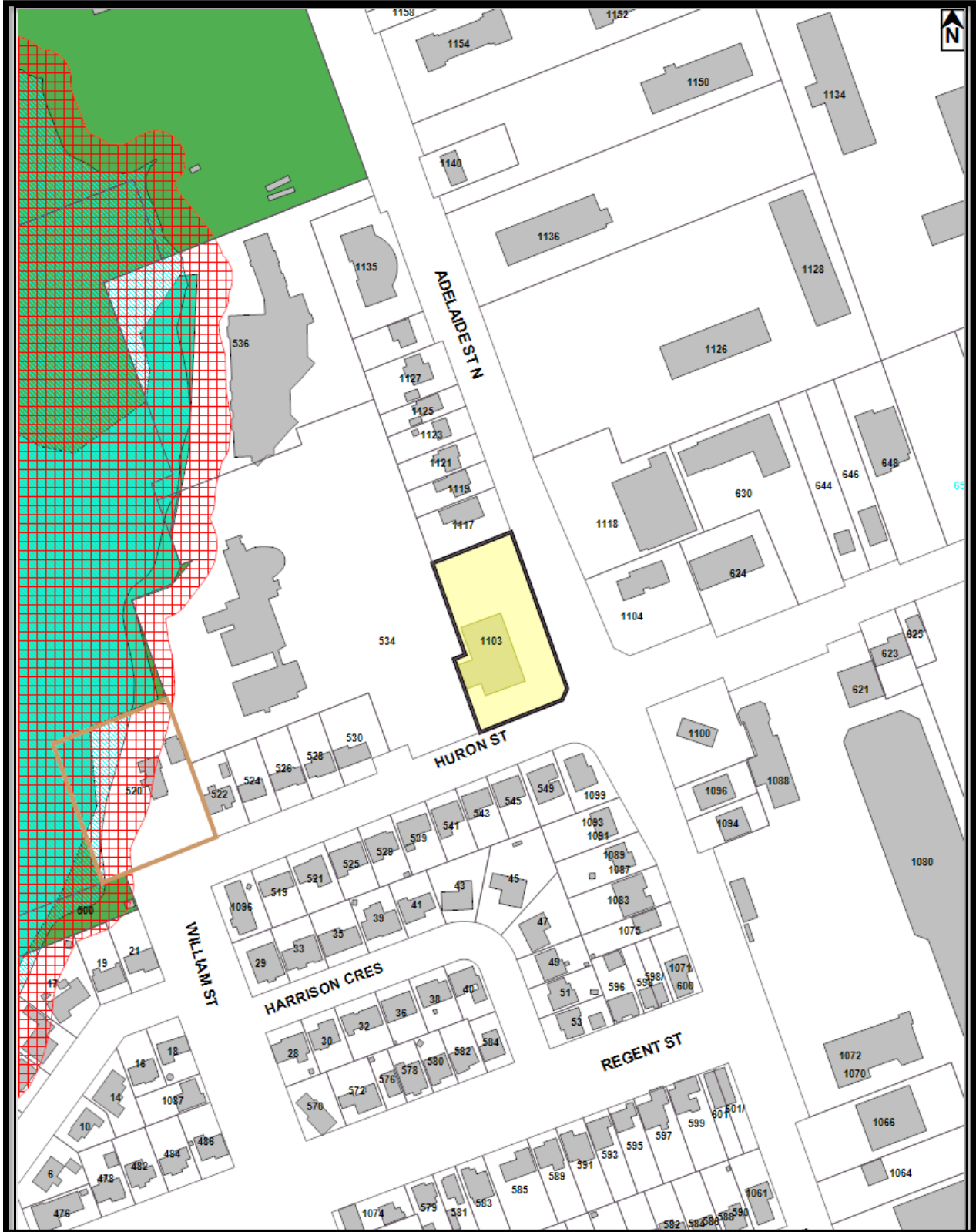
1. The recommended amendment is consistent with the policies of the Provincial Policy Statement (2005).
2. The recommended amendment is consistent with the City of London Official Plan.
3. The recommended amendment is consistent with the existing zoning.
4. The recommended amendment allows for an adaptive reuse of an existing building.
5. The recommended amendment is technical in nature to recognize the existing building location on the subject lands.

Agenda Item # Page #

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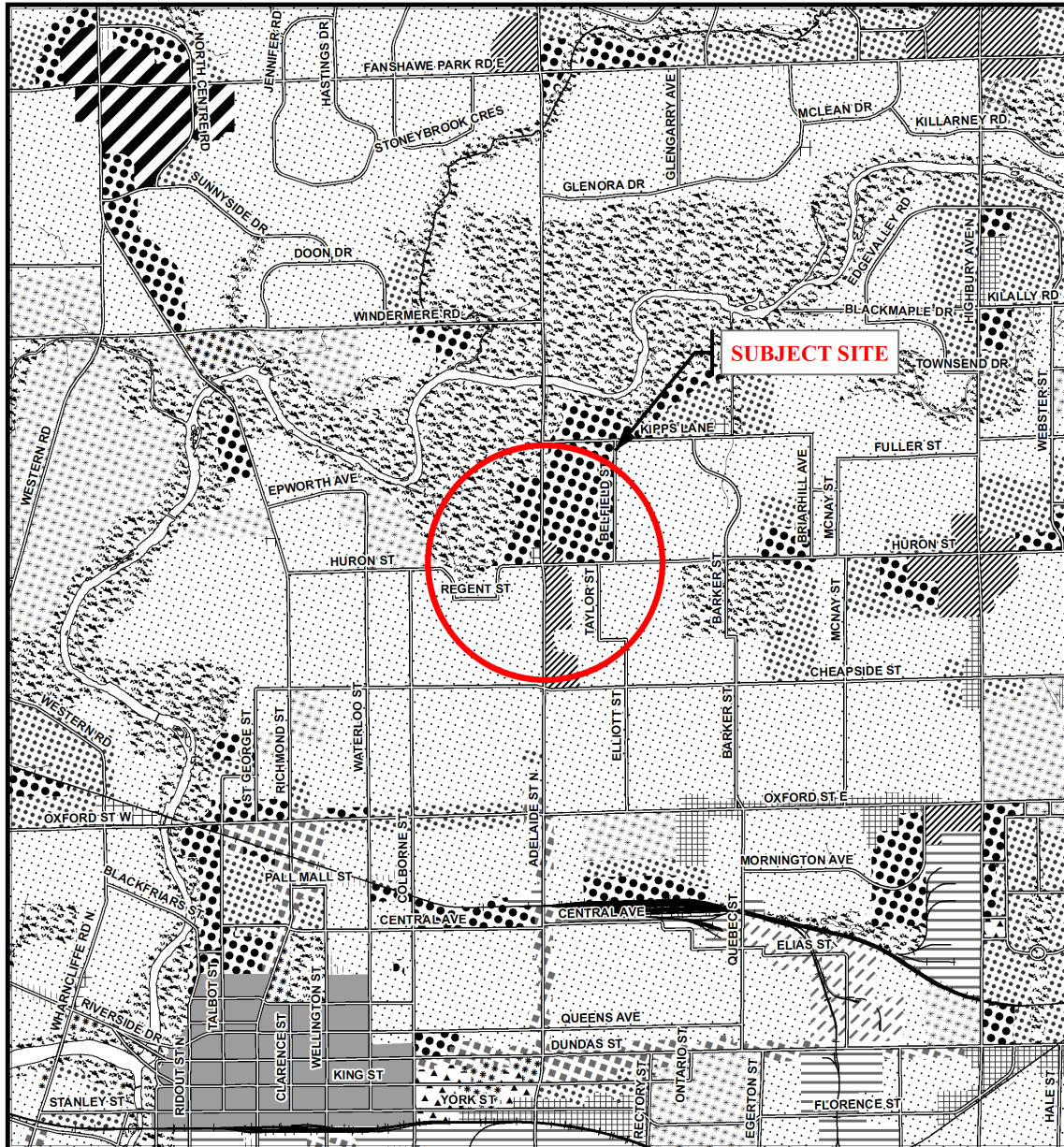
File No: Z-8284
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LOCATION MAP



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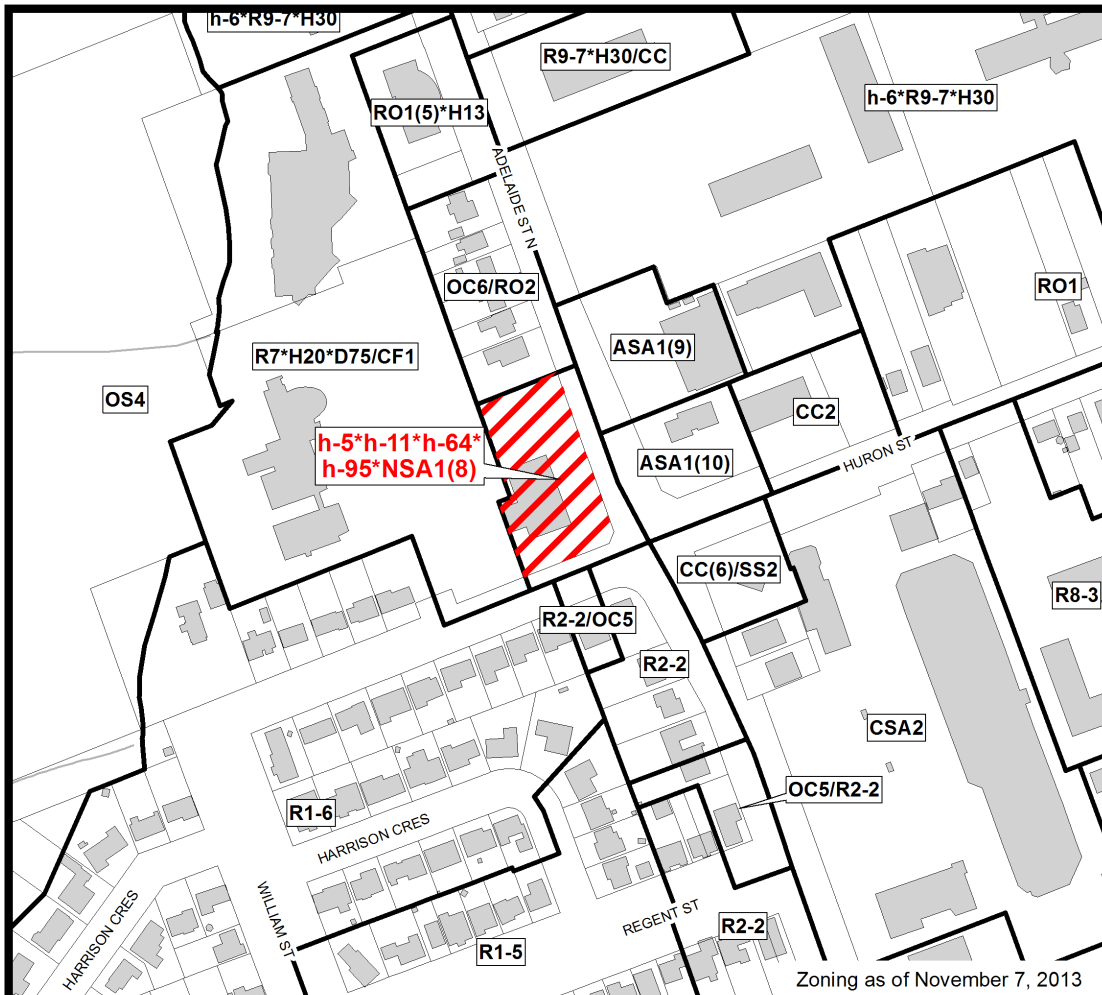
File No: Z-8284
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Legend	
Downtown	Office Business Park
Enclosed Regional Commercial Node	General Industrial
New Format Regional Commercial Node	Light Industrial
Community Commercial Node	Regional Facility
Neighbourhood Commercial Node	Community Facility
Main Street Commercial Corridor	Open Space
Auto-Oriented Commercial Corridor	Urban Reserve - Community Growth
Multi-Family, High Density Residential	Urban Reserve - Industrial Growth
Multi-Family, Medium Density Residential	Rural Settlement
Low Density Residential	Environmental Review
Office Area	Agriculture
Office/Residential	Urban Growth Boundary

<p>CITY OF LONDON Department of Planning and Development</p> <p>OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p><small>PREPARED BY: Graphics and Information Services</small></p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: Z-8284</p> <p>PLANNER: NM</p> <p>TECHNICIAN: CK</p> <p>DATE: 2013/11/12</p>
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COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: h-5*h-11*h-64*h-95*NSA1(8)

1) **LEGEND FOR ZONING BY-LAW Z-1**

- R1 - SINGLE DETACHED DWELLINGS
- R2 - SINGLE AND TWO UNIT DWELLINGS
- R3 - SINGLE TO FOUR UNIT DWELLINGS
- R4 - STREET TOWNHOUSE
- R5 - CLUSTER TOWNHOUSE
- R6 - CLUSTER HOUSING ALL FORMS
- R7 - SENIOR'S HOUSING
- R8 - MEDIUM DENSITY/LOW RISE APTS.
- R9 - MEDIUM TO HIGH DENSITY APTS.
- R10 - HIGH DENSITY APARTMENTS
- R11 - LODGING HOUSE

- DA - DOWNTOWN AREA
- RSA - REGIONAL SHOPPING AREA
- CSA - COMMUNITY SHOPPING AREA
- NSA - NEIGHBOURHOOD SHOPPING AREA
- BDC - BUSINESS DISTRICT COMMERCIAL
- AC - ARTERIAL COMMERCIAL
- HS - HIGHWAY SERVICE COMMERCIAL
- RSC - RESTRICTED SERVICE COMMERCIAL
- CC - CONVENIENCE COMMERCIAL
- SS - AUTOMOBILE SERVICE STATION
- ASA - ASSOCIATED SHOPPING AREA COMMERCIAL

- OR - OFFICE/RESIDENTIAL
- OC - OFFICE CONVERSION
- RO - RESTRICTED OFFICE
- OF - OFFICE

- RF - REGIONAL FACILITY
- CF - COMMUNITY FACILITY
- NF - NEIGHBOURHOOD FACILITY
- HER - HERITAGE
- DC - DAY CARE

- OS - OPEN SPACE
- CR - COMMERCIAL RECREATION
- ER - ENVIRONMENTAL REVIEW

- OB - OFFICE BUSINESS PARK
- LI - LIGHT INDUSTRIAL
- GI - GENERAL INDUSTRIAL
- HI - HEAVY INDUSTRIAL
- EX - RESOURCE EXTRACTIVE
- UR - URBAN RESERVE

- AG - AGRICULTURAL
- AGC - AGRICULTURAL COMMERCIAL
- RRC - RURAL SETTLEMENT COMMERCIAL
- TGS - TEMPORARY GARDEN SUITE
- RT - RAIL TRANSPORTATION

- "h" - HOLDING SYMBOL
- "D" - DENSITY SYMBOL
- "H" - HEIGHT SYMBOL
- "B" - BONUS SYMBOL
- "T" - TEMPORARY USE SYMBOL

2) **ANNEXED AREA APPEALED AREAS**

CITY OF LONDON
PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES

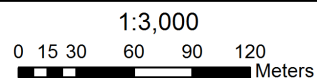
**ZONING
BY-LAW NO. Z.-1
SCHEDULE A**



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

FILE NO:
Z-8284 NM

MAP PREPARED:
2013/11/12 CK



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Aerial Photo Location Map

File No.: Z-8284

NM

Date Prepared: 2013/11/12

CK

SCALE: 1:3,000



Prepared by : Graphics & Information Services, Planning Division, Corporation of the City of London
Photography based on April 2012 flight info.

Note: Parcel linework, when shown, is not for official or legal use.

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BACKGROUND	
Date Application Accepted: November 7, 2013	Agent: City of London
<p>Possible amendment to the Zoning By-law Z.-1 to ADD a new regulation to the existing Holding Neighbourhood Shopping Area Special Provision (h-5*h-11*h-64*h-95*NSA1(8)) Zone applied to the lands at 1103 Adelaide Street North which indicates that, <i>“The lot line which abuts an arterial street shall be interpreted as the front lot line regardless of whether or not it is the longer lot line.”</i></p> <p>The proposed amendment is to add a regulation to the existing zone to specify that the subject site is required to have its lot frontage on an arterial road such that Adelaide Street North shall be interpreted as being the front lot line.</p>	
SITE CHARACTERISTICS:	
<ul style="list-style-type: none"> • Current Land Use –Vacant – Former Quick Lube and Auto Repair • Frontage – Approximately 48.2 metres(158.18 feet) • Depth – Approximately 91.0 metres (298.8 feet) • Area – Approximately 4,390.8 square metres (47,264.1 square feet) • Shape – Rectangular 	
SURROUNDING LAND USES:	
<ul style="list-style-type: none"> • North – Offices/Residential • South – Offices/Residential • East – Restaurant/Shoppers Drug Mart/Neighbourhood Plaza • West - Place of Worship 	
OFFICIAL PLAN DESIGNATION: Neighbourhood Commercial Node	
<p>The Neighbourhood Commercial Node designation permits small retail stores,' food stores; pharmacies; convenience commercial uses,' personal services; financial institutions; service-oriented office uses such as real estate, insurance and travel agencies; community facilities such as libraries or daycare centres; professional and medical/dental offices; small-scale restaurants; commercial recreation establishments; and similar uses that draw customers from a neighbourhoods scale trade area.</p>	
EXISTING ZONING: Holding Neighbourhood Shopping Area Special Provision (h-5*h-11*h-64*h-95*NSA1(8)) Zone.	
<p>The NSA zone provides for and regulates a range of neighbourhood-scale retail, personal service and office uses which are primarily intended to provide for the convenience shopping and service needs of nearby residents. Zone variations of the zone are differentiated based onuses and maximum permitted gross leasable floor area for certain defined uses. Shopping centres are the permitted form of development; however, stand-alone buildings may also be permitted at appropriate locations normally near the perimeter of the property to satisfy urban design goals to create a street edge and screen parking lots.</p>	

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PLANNING HISTORY

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

On October 14, 2011, an application was received for an Official Plan amendment and Zoning By-law amendment on the subject site to permit multi-tenant commercial activities including retail uses, financial institutions and restaurants within an existing building and a new proposed building including a drive-through.

On March 21, 2012, Municipal Council approved:

- a) OPA 520 which amended the designation of the subject lands from Multi-Family High Density Residential to Neighbourhood Commercial Node; and
- b) Zoning By-law amendment No. Z.-1-122089 which changed the zoning from an Automobile Service Station (SS1) Zone to a Holding Neighbourhood Shopping Area Special Provision (h-5*h-11*h-64*h-95*NSA1(8)) Zone with special provisions including:

- Loading Spaces - 0
- Distance from Parking Area Located next to an Ultimate Road Allowance - 0.0 meters
- Distance of Parking Area Located next to Property Line - 0.0 metres.
- Drive-Through Setback from interior and rear lot line with appropriate noise attenuation and a 2.4 metre high noise attenuation wall - 0.0 metres
- Rear Yard Setback - 3.4 metres (Minimum).
- Gross Floor Area - Restaurant 416.4 m² (Maximum).

These special provisions were applied on the presumption that Adelaide Street was the site frontage. However, the Zoning By-law definition of "Front Lot Line" interprets Huron Street to be the front because it is the shorter of the two sides abutting a public street. This has resulted in yard regulations that do not correlate with the actual yards. The purpose of this amendment is to recognize Adelaide Street North as the front yard and reconcile the site inconsistencies with the regulations.

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

PUBLIC LIAISON:	On November 13, 2012, Notice of Application / Notice of Public Meeting was sent to 52 property owners in the surrounding area. Notice of Public Meeting was published in the "Living in the City" section of the London Free Press.	RESPONSES: 0
Nature of Liaison: Possible amendment to the Zoning By-law Z.-1 to ADD a new regulation to the existing Holding Neighbourhood Shopping Area Special Provision (h-5*h-11*h-64*h-95*NSA1(8)) Zone applied to the lands at 1103 Adelaide Street North which indicates that, " <i>The lot line which abuts an arterial street shall be interpreted as the front lot line regardless of whether or not it is the longer lot line.</i> " The proposed amendment is to add a regulation to the existing zone to specify that the subject site is required to have its lot frontage on an arterial road such that Adelaide Street North shall be interpreted as being the front lot line.		
Responses: None.		

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Urban Forestry
No Comment.

Upper Thames River Conservation Authority
No objection.

Fire Department – City of London
The fire department would like to ensure provisions for firefighting complies with 3.2.5.4. – 3.2.5.7. of the Ontario Building Code.

ANALYSIS

Subject Site and Surrounding Area

The subject site is located on the north west corner of Adelaide Street North and Huron Street. The site contains an existing vacant building, previously used for automotive uses. Adelaide Street is an Arterial Road which has an average annual daily traffic volume of 32,000 vehicles per day north and south of Huron Street. Huron Street is an arterial Road east of Adelaide Street which has an average annual daily traffic volume of 17,000 vehicles per day, and a primary collector west of Adelaide Street North which has an average annual daily traffic volume of 7,500 vehicles per day.

Adjacent land uses include offices and residential to the north, offices and residential to the south, a Place of Worship to the east and commercial uses including a Shoppers Drug Mart, Wendy's and a neighbourhood plaza to the west. South east to this property there is a large commercial plaza. The subject site was formerly Quick Lube and Harry's Automotive which included three automobile repair bays and office area.

Provincial Policy Statement

The *Provincial Policy Statement, 2005* (PPS) provides policy direction on matters of provincial interest related to land use planning and development. In exercising its authority respecting planning matters, Council shall be consistent with policy statements issued under the Planning Act.

Policy 1.1 – Building Strong Communities of the PPS requires planning authorities to manage and direct land use to achieve efficient development and land use patterns, and expanding the range of employment opportunities in an area that is already serviced with municipal services and multi-nodal transportation opportunities. The requested amendment seeks to efficiently reuse lands and proposes redevelopment and intensification of an existing site within an established urban area. The proposed redevelopment will also utilize existing municipal services and available capacities. The proposal is on an existing arterial road, transit routes and shared efficient and safe vehicular access/egress points.

Official Plan

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 social, economic and environmental matters.

The commercial land use designations provide the primary location for retail and service commercial land uses. They provide for the orderly development and distribution of commercial uses consistent with the objectives of the Plan. In the commercial designations, quality urban design is an important element and is implemented through the urban design policies of the Plan, the site plan approval process, the Commercial Urban Design Guidelines or other area specific design guidelines.

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Planning Objectives for all Commercial Land Use Designations

- i) *Promote the orderly distribution and development of commercial uses to satisfy the shopping and service needs of residents and shoppers;*
- ii) *Minimize the impact of commercial development on adjacent land uses and on the traffic-carrying capacity of adjacent roads;*
- iii) *Provide sufficient land at appropriate locations to meet the need for new commercial development; and,*
- iv) *Encourage intensification and redevelopment in existing commercial areas within the built-up area of the City to meet commercial needs, to make better use of existing City infrastructure and to strengthen the vitality of these areas.*

The current Official Plan designation is Neighbourhood Commercial Node. Neighbourhood Commercial Nodes are intended to provide for the daily or weekly convenience shopping and service needs of nearby residents and, to a lesser extent, passing motorists. The proposed amendment for this site is in conformity with this objective. The subject site is located at the intersection of Adelaide Street, an arterial road and Huron Street, a primary collector west of Adelaide. There are sidewalks on both frontages that provide pedestrian linkages in all directions. The intent of this application is to facilitate redevelopment in existing commercial areas within the built-up area of the City to meet commercial needs. The proposed amendment is consistent with the existing Official Plan designation.

Zoning By-law

The current zoning is Holding Neighbourhood Shopping Area Special Provision (h-5*h-11*h-64*h-95*NSA1(8)) Zone. The Neighbourhood Shopping Area zone permits bake shops, catalogue stores, clinics, convenience service establishments, day care centres, duplicating shops, financial institutions, food stores, libraries, medical/dental offices, offices, personal service establishments, restaurants, retail stores, service and repair establishments, studios, video rental establishments and brewing on premises establishments.

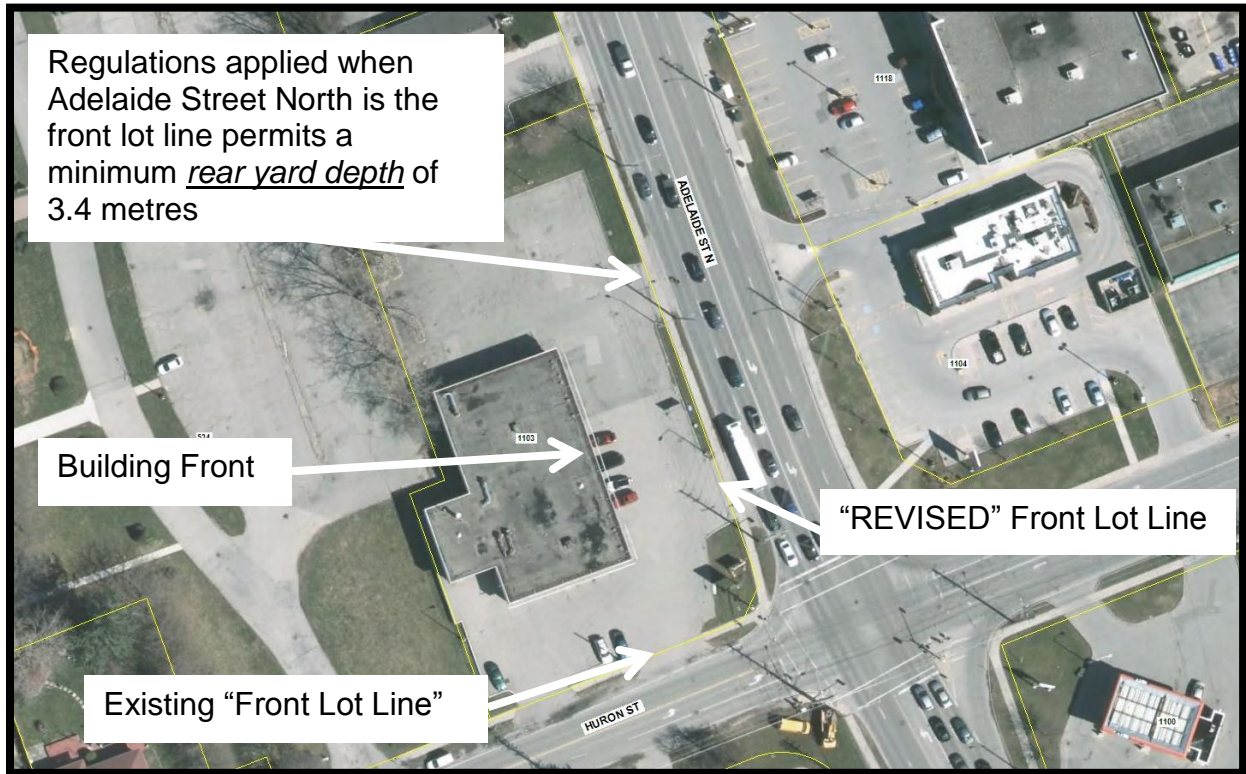
The holding (h-5) is to ensure a public site plan review meeting. The holding (h-11) has been added to ensure appropriate access arrangements to the satisfaction of Council is provided. The holding (h-64) has been applied to address noise attenuation and design mitigating measures as recommended in a noise study. The holding (h-95) is to ensure that urban design is addressed at site plan review.

As previously mentioned, special provisions were included to eliminate loading space requirements, reduce parking area setback from the ultimate road allowance and to permit a minimum rear yard setback of 3.4 metres. However, these regulations were applied with the notion that Adelaide Street North represented the Front Lot Line. Given that Huron Street represents the front lot line the regulations that had initially been intended to apply to the rear yard actually apply to the interior side yard and the interior side yard regulations actually apply to the rear yard.

Definition in Zoning By-law:

"LOT LINE, FRONT" means the lot line that abuts the street, but,
a - in the case of a corner lot or through lot, the shorter lot line that abuts a street shall be deemed to be the front lot line and the longer lot line that abuts a street shall be deemed to be the side lot line or the rear lot line, as the case may be;
c - where lot frontage on an arterial is required by the By-Law, the lot line which abuts the arterial, as defined in Section 4.21, shall be interpreted as being the front lot line regardless of whether it is the longer lot line. The proposed amendment is to add a regulation to the existing zone to specify that the subject site is required to have its lot frontage on an arterial road such that Adelaide Street North shall be interpreted as being the front lot line. With Adelaide Street North representing the front lot line, the interpretation of the existing regulations are consistent with the building location and the proposed development.

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CONCLUSION

In an effort to reuse the existing building challenges exist given that the proposed development is restricted by the location of the existing structure and associated parking and access locations. Regulations were added in March 2012 which regulate the development envelope as though the lot frontage was Adelaide. This amendment now seeks to recognize Adelaide as the lot frontage to reconcile the Zoning regulations. The recommended amendment is consistent with the policies of the PPS, Official Plan and includes previous holding provisions to ensure that future redevelopment of this site addresses concerns related to access, road widening, traffic, urban design and noise attenuation.

PREPARED BY:	REVIEWED BY:
NICOLE MUSICCO – PLANNER II COMMUNITY PLANNING AND DESIGN	MICHAEL TOMAZINCIC, MCIP, RPP MANAGER, PLANNING REVIEW COMMUNITY PLANNING AND DESIGN
SUBMITTED BY:	RECOMMENDED BY:
JIM YANCHULA, MCIP, RPP MANAGER, COMMUNITY PLANNING AND DESIGN	JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER

Agenda Item # Page #

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File No: Z-8284
Planner: Nicole Musicco

Appendix "A"

Bill No. (number to be inserted by Clerk's Office)
2014

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 1103 Adelaide Street North.

WHEREAS the City of London has applied to rezone an area of land located at 1103 Adelaide Street North, 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 the lands located at 1103 Adelaide Street North, as shown on the attached map comprising part of Key Map No. A102, to add a regulation to the Holding Neighbourhood Shopping Area Special Provision (h-5*h-11*h-64*h-95*NSA1(8)) Zone.

- 1) Section Number 23 of the Neighbourhood Shopping Area Zone to By-law No. Z.-1 is amended by adding a regulation to the Special Provision of NSA1(18) as follows:

23.4 ___ NSA1(18) 1103 Adelaide Street North

- vii) The lot line which abuts an arterial street shall be interpreted as the front lot line regardless of whether or not it is the longer lot line.

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 Section 34 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 Section.

PASSED in Open Council on December 17, 2013

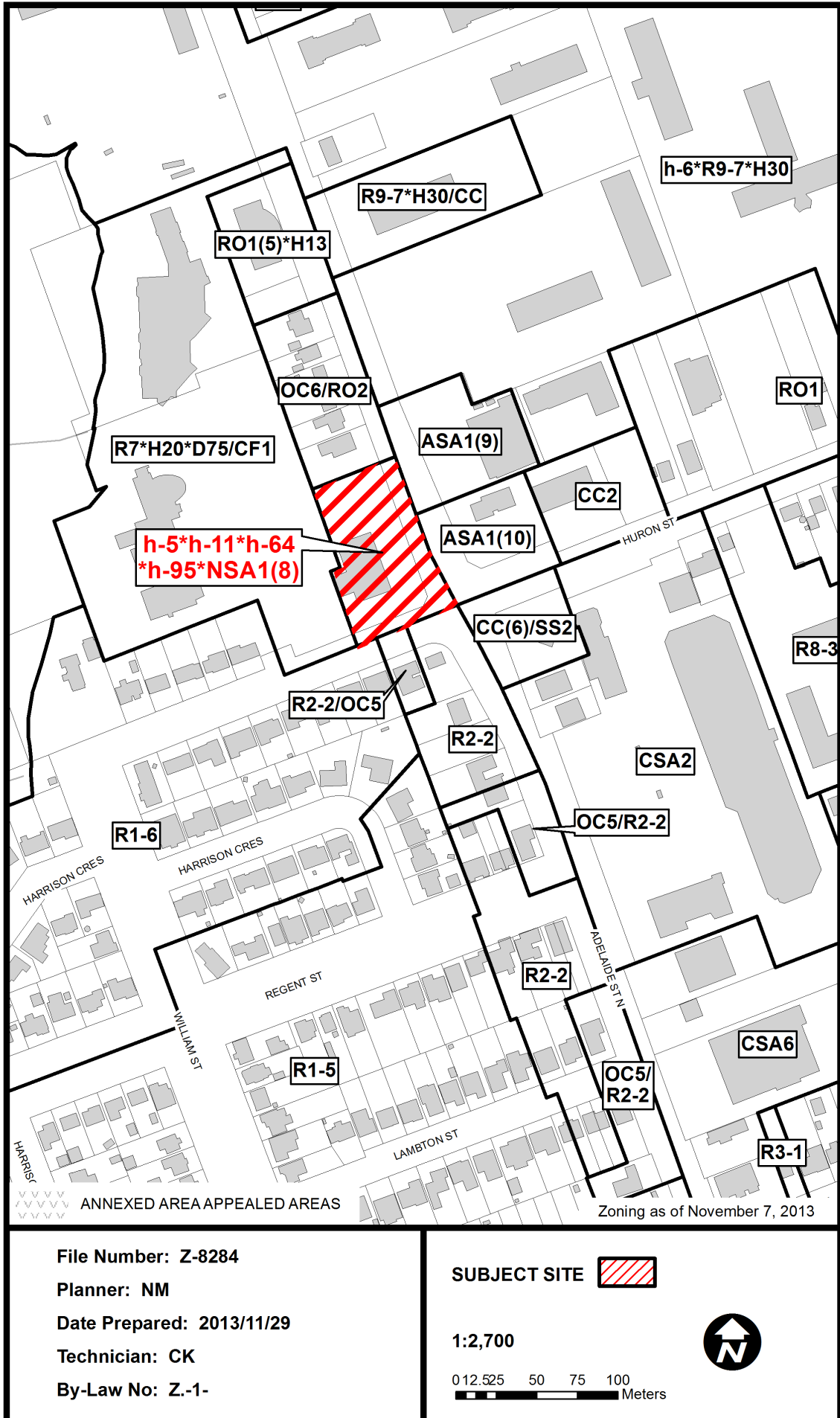
Joe Fontana
Mayor

Catharine Saunders
City Clerk

First Reading – December 17, 2013
Second Reading – December 17, 2013
Third Reading – December 17, 2013

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



File Number: Z-8284
 Planner: NM
 Date Prepared: 2013/11/29
 Technician: CK
 By-Law No: Z.-1-

SUBJECT SITE 

1:2,700

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 Meters



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Bibliography of Information and Material – Z-8284

Request for Approval

City of London Official Plan and Zoning By-law Application Form, completed by Sean Eden (Applicant)

Reference Documents

Ontario. Ministry of Municipal Affairs and Housing. *Planning Act, R.S.O. 1990, CHAPTER P.13*, as amended

Ontario. Ministry of Municipal Affairs and Housing. *Provincial Policy Statement*, March 1, 2005

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

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

Written Correspondence: (located in City of London File No. Z-8284 unless otherwise stated) **City of London**

Postma, R. Email to N Musicco. E-mail November 15, 2013.

Agency Review and Public Responses: (located in City of London File No. Z-8284 unless otherwise stated)