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File: Z-8273
Planner: A-B Watson

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: YORK DEVELOPMENT GROUP 2263 DUNDAS STREET PUBLIC PARTICIPATION MEETING ON FEBRUARY 18, 2014

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of York Development Group relating to the property located at 2263 Dundas Street:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on February 25, 2014 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** a Highway Service Commercial/ Restricted Service Commercial (HS1/HS4/RSC2/RSC3/RSC4) Zone which permits: Animal clinics and hospitals; Assembly halls; Automobile rental, repair, service and sales establishments; Bake shops; Brewing on premises establishment; Bulk sales establishment; Car washes; Catalogue stores; Clinics; Commercial recreation establishments; Convenience service establishments and stores; Day care centres; Dry cleaning and laundry depots; Duplicating shops; Emergency care establishments; Financial institutions; Florist shops; Funeral homes; Gas bars; Home and auto supply stores; Home improvement and furnishing stores; Hotels; Kennels; Laboratories; Liquor, beer and wine stores; Medical/dental offices; Motels; Pharmacies; Personal service establishments; Private clubs; Repair and rental establishments; Restaurants; Service and repair stations, Studios; Taverns; Taxi establishments; and Video rental establishments, **TO** a Restricted Service Commercial Special Provision (RSC2/RSC4(_)) Zone to permit a limited amount of specialized retail uses and special zoning regulations, to reduce the exterior side yard, increase the maximum gross floor area for convenience store use, reduce the rear yard setback, reduce the required number of stacking spaces for a drive through facility, and reduce in the required number of parking spaces; and,
- (b) the Site Plan Approval Authority **BE REQUESTED** to implement, through the site plan approval process, tree planting in the Veterans Memorial Parkway right-of-way consistent with the landscape plan being implemented through the Veterans Memorial Parkway Community Program.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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Staff report to the Committee of Adjustment on Minor Variance application A.210/13.
Site Plan Application SP13-032305

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of the requested Zoning By-law amendment is to permit the development of a small multi-use commercial plaza which will include a limited amount of retail space on the subject property.

Agenda Item # Page #

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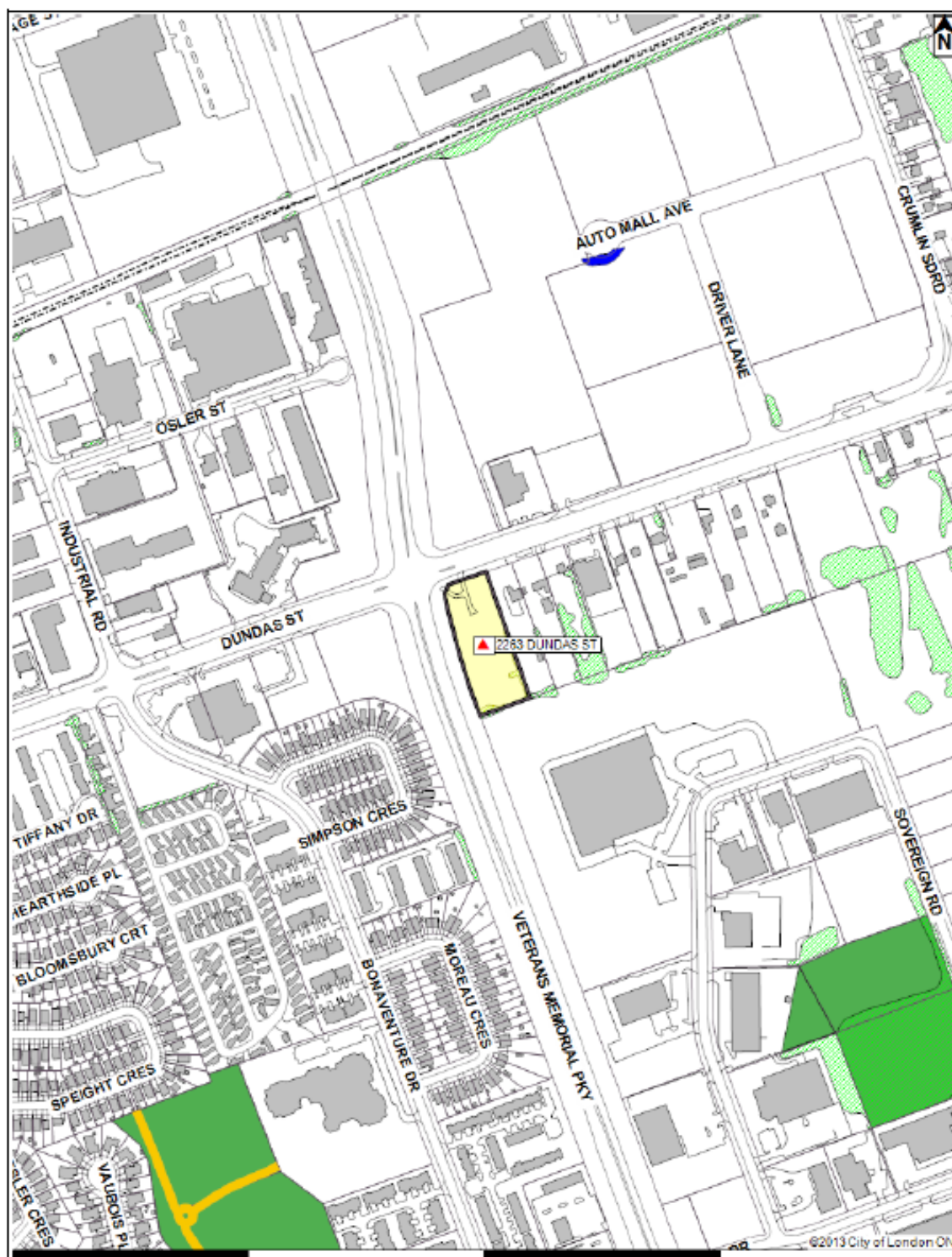
File: Z-8273
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RATIONALE

- i) The proposal is consistent with the policies of the *Provincial Policy Statement, 2005*, which promotes healthy, liveable and safe communities by accommodating an appropriate range and mix of employment uses;
- ii) The proposal is in keeping with the policies of the City of London Official Plan relating to the scale of uses and objectives of the Auto Oriented Commercial Corridor;
- iii) The recommended zone permits limited retail as an additional complementary use to the existing Restricted Service Commercial uses which are compatible with existing surrounding uses,
- iv) The recommended Restricted Service Commercial Special Provision (RSC2/RSC4(_)) Zone will facilitate development of an underutilized site with no perceived negative effects on the surrounding area.
- v) The recommendation facilitates the removal of a previous legal non-conforming land use, being a single detached dwelling, to a use which is permitted by both the City of London's Official Plan and Zoning By-law.

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File: Z-8273
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LOCATION MAP	LEGEND										
<p>Subject Site: 2263 Dundas St Applicant: York Developments (London) Inc. File Number: Z-8273 Planner: Amanda-Brea Watson Created By: Amanda-Brea Watson Date: 2013-10-24 Scale: 1:5000</p>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20px; text-align: center;">■</td> <td>Subject Site</td> </tr> <tr> <td style="width: 20px; text-align: center;">■</td> <td>Parks</td> </tr> <tr> <td style="width: 20px; text-align: center;">□</td> <td>Assessment Parcels</td> </tr> <tr> <td style="width: 20px; text-align: center;">□</td> <td>Buildings</td> </tr> <tr> <td style="width: 20px; text-align: center;">123</td> <td>Address Numbers</td> </tr> </table>	■	Subject Site	■	Parks	□	Assessment Parcels	□	Buildings	123	Address Numbers
■	Subject Site										
■	Parks										
□	Assessment Parcels										
□	Buildings										
123	Address Numbers										
<p>Corporation of the City of London Prepared By: Planning and Development</p>											

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BACKGROUND

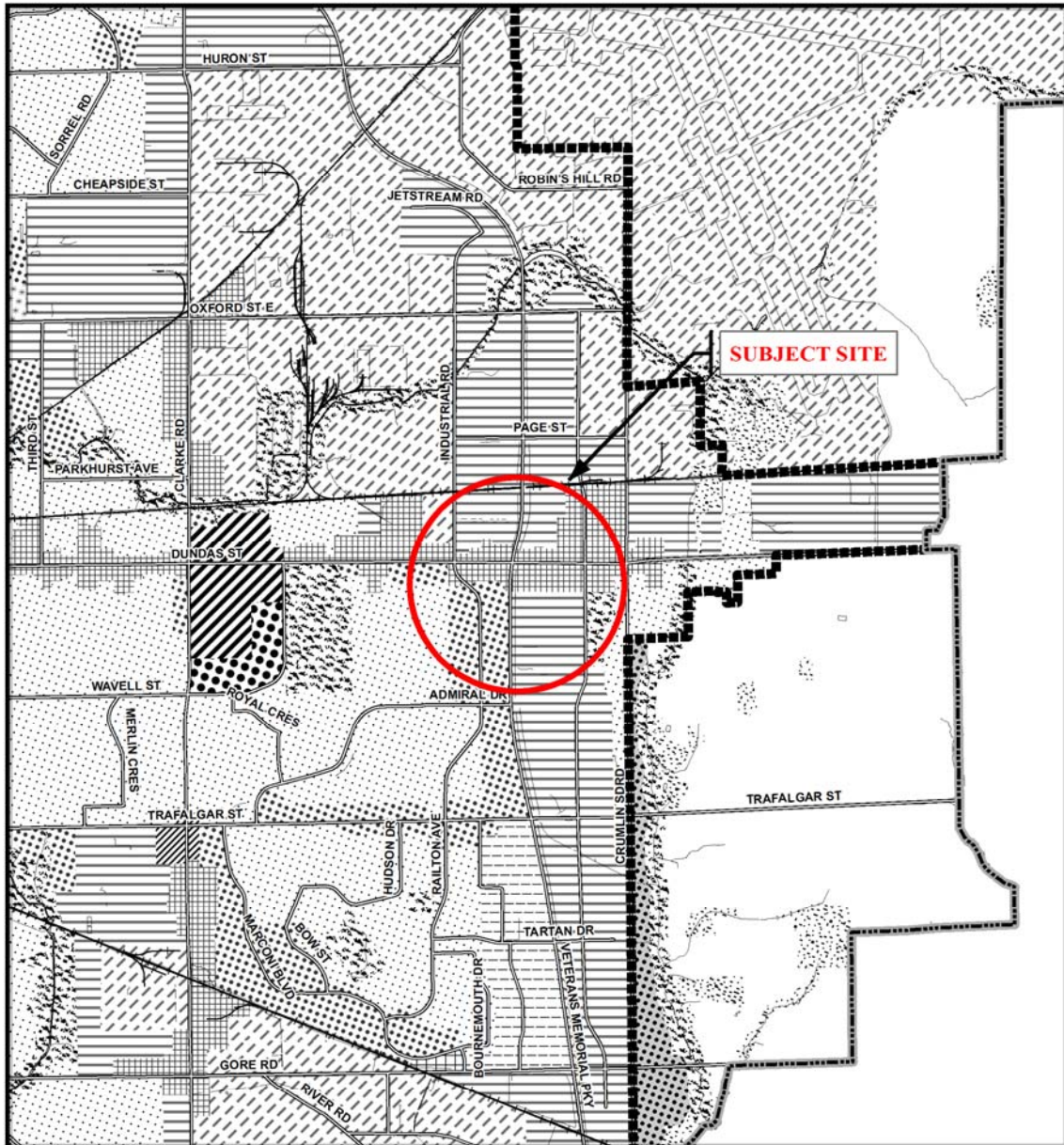
Date Application Accepted: October 16, 2013	Agent: Kirkness Consulting Inc.
<p>REQUESTED ACTION: Change Zoning By-law Z.-1 FROM a Highway Service Commercial/ Restricted Service Commercial (HS1/HS4/RSC2/RSC3/RSC4) Zone which permits: Animal clinics and hospitals; Assembly halls; Automobile rental, repair, service and sales establishments; Bake shops; Brewing on premises establishment; Bulk sales establishment; Car washes; Catalogue stores; Clinics; Commercial recreation establishments; Convenience service establishments and stores; Day care centres; Dry cleaning and laundry depots; Duplicating shops; Emergency care establishments; Financial institutions; Florist shops; Funeral homes; Gas bars; Home and auto supply stores; Home improvement and furnishing stores; Hotels; Kennels; Laboratories; Liquor, beer and wine stores; Medical/dental offices; Motels; Pharmacies; Personal service establishments; Private clubs; Repair and rental establishments; Restaurants; Service and repair stations, Studios; Taverns; Taxi establishments; and Video rental establishments, TO a Restricted Service Commercial Special Provision (RSC2/RSC4(_)) Zone which permits the above list of uses, with the exception of: Animal hospitals; Assembly halls; Private clubs; Taverns; Clinics; Commercial recreation establishments; Emergency care establishments; Funeral homes; and Laboratories; Medical/dental offices. The requested special provision would add a limited area and range of Retail stores as an additional permitted use.</p>	

SITE CHARACTERISTICS:
<ul style="list-style-type: none"> • Current Land Use - vacant • Frontage - 39.28 metres • Depth - 190 metres • Area - 0.75 hectares • Shape – generally rectangular

SURROUNDING LAND USES:
<ul style="list-style-type: none"> • North - Dundas Street, Commercial Auto Sales & Vacant Lands (HS1/HS4) and (RCS) • South - London Life Insurance Company (LI2) • East - Commercial Auto Sales (HS1/HS4/RSC2/RSC3/RCS4) • West - VMP, Vacant Lands & Residential (h-55•CSA6(2)) and (R2-1)

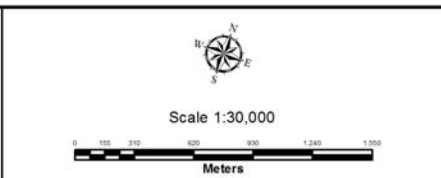
OFFICIAL PLAN DESIGNATION: (refer to Official Plan Map)
<ul style="list-style-type: none"> • Auto-Oriented Commercial Corridor (AOCC)
EXISTING ZONING: (refer to Zoning Map)
<ul style="list-style-type: none"> • Highway Service Commercial and Restricted Service Commercial (HS1/HS4/RSC2/RSC3/RCS4)

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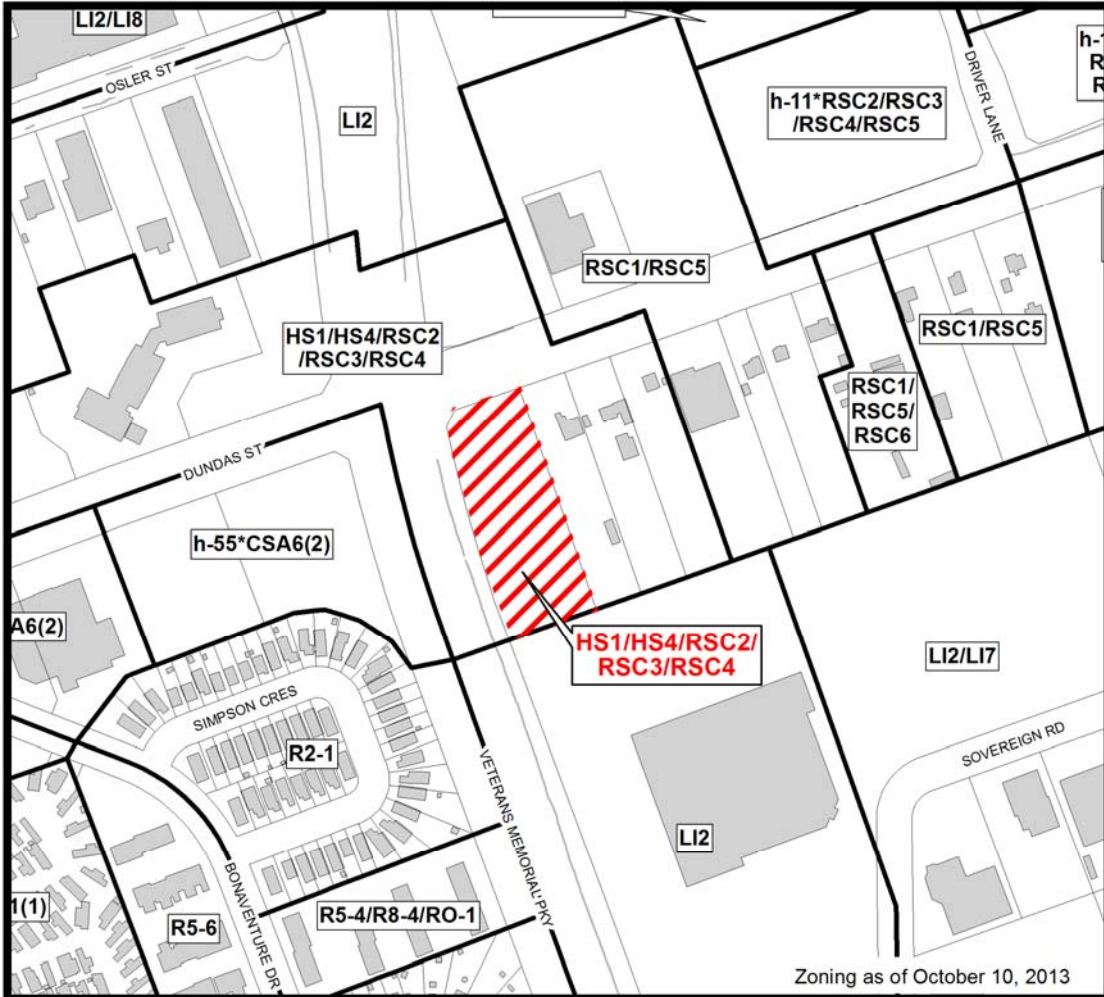
Legend	
Downtown	Office Business Park
Enclosed Regional Commercial Node	General Industrial
New Format Regional Commercial Node	Light Industrial
Community Commercial Node	Regional Facility
Neighbourhood Commercial Node	Community Facility
Main Street Commercial Corridor	Open Space
Auto-Oriented Commercial 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

CITY OF LONDON
Department of
Planning and Development
OFFICIAL PLAN SCHEDULE A
- LANDUSE -
PREPARED BY: Graphics and Information Services



FILE NUMBER: Z-8273
PLANNER: AW
TECHNICIAN: CK
DATE: 2014/01/15

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COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: HS1/HS4/RSC2/RSC3/RSC4

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-8273 AW

MAP PREPARED:
2013/10/30 CK

1:3,500
0 15 30 60 90 120 Meters

Two empty rectangular boxes for agenda item and page numbers.

File: Z-8273
Planner: A-B Watson



Aerial Photo Location Map

File No.: Z-8273

AW

Date Prepared: 2014/01/15

CK

Prepared by : Graphics & Information Services, Planning Division, Corporation of the City of London
Photography based on April 2010 flight info.

SCALE: 1:3,500



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

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PLANNING HISTORY

- March 23, 2013** - Demolition of single family dwelling and detached garage
- Sept. 25, 2013** - **Site Plan Application** SP13-032305 submitted. Application is still in the early stages of the process.
- Sept. 30, 2013** - **Zoning By-law Amendment** to add retail stores to list of permitted uses. Including a special provision to allow a Total Gross Floor Area for all Retail Stores of 929m² and a Maximum Gross Floor Area for individual retail stores of 464.50m² per store.
- October 10, 2013** - **Application for Minor Variance** (A.210/13) submitted to permit:
 1. To permit an exterior side yard setback of 1.5 metres whereas 7.0 metres is required;
 2. To permit a gross floor area for convenience store of 325.1 square metres whereas 300.0 square metres maximum is permitted;
 3. To permit a rear yard setback of 1.5 metres whereas 7.0 metres is required;
 4. To permit 11 stacking spaces whereas 12 are required; and
 5. To permit a 1.0 metre parking area setback to the ultimate road allowance whereas 3.0 metres is required.
- October 11, 2013** - **Zoning Referral Record** completed by City staff (Peter Sikic) relating to the proposed Site Plan for 2263 Dundas Street, in which it was identified that: Retail use is not permitted under the existing zoning; the proposed gross floor area for convenience store exceeds what is permitted by the existing zone; and the plan was deficient in providing for the: required rear yard setback; exterior yard setback; parking area setback from road allowance; as well as total number of parking spaces.
- November 4, 2013** - At **Committee of Adjustment Public Hearing** staff provided a report that did not support the requested minor variances as the application was considered to be premature, noting that the variances may impede the orderly and desirable development of the lands, as there has been insufficient review of the file. The Committee deferred making a decision on the matter until the concept was presented to the Urban Design Peer Review Panel.
- November 20, 2013** **Urban Design Peer Review Panel** presentation where the applicant was *encouraged to better organize the buildings within the site... Currently, they are compromised by vehicular circulation and appear to be floating on the site without sufficient grounding in a designed landscape.*
- January 8, 2014** **Revised Site Plan** received by City of London.
- *February 3, 2014** **Modified Committee of Adjustment Meeting** agenda includes Minor Variance Application A.210/13 to consider permitting:
 1. To permit an exterior side yard setback of 1.5 metres whereas 7.0 metres is required;
 2. To permit a gross floor area for convenience store of 325.2 square metres whereas 300.0 square metres maximum is permitted;
 3. To permit a rear yard setback of 1.5 metres whereas 7.0 metres is required;
 4. To permit 10 stacking spaces whereas 12 are required;
 5. To permit 91 parking spaces whereas 99 are required; and
 6. To permit a 1.0 metres parking area setback to the ultimate road allowance whereas 3.0 metres is required.

*Please note that this report was completed in advance of the February 3rd COA meeting and therefore no decisions had yet been made with respect to Application A.210/13.

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SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

Bell Canada

[We] have no conditions/objections to the application as submitted.

Urban Forestry

[Advised they have] no comments for the rezoning of this property.

Environment & Engineering Services - Wastewater and Drainage Engineering Division

[Advised they have] no objection to this application.

Environment & Engineering Services - Stormwater Management Unit

No objections to the Zoning By-law amendment application. All necessary servicing and drainage requirements/ controls, SWM, etc. is to be addressed at Site Plan approval stage.

Environment & Engineering Services – Water Unit

Provided no comments with respect to this application.

Transportation Planning & Design Division

[Advised they have] no comments for this application. All [transportation] issues were discussed through site plan.

Urban Design Peer Review Panel (November 20, 2013)

- 1. The Applicant is encouraged to better organize the buildings within the site. Currently, they are compromised by vehicular circulation and appear to be floating on the site without sufficient grounding in a designed landscape.*
- 2. Instead of the gas bar, consider bringing the buildings to Dundas Street, which is the address and “front door” of the site.*
- 3. Consider running the access driveway along the east edge of the site to provide an organizing element for building placement and landscape design.*
- 4. Consider opening up space along Veteran’s Memorial Parkway to afford more of a landscape buffer.*
- 5. Ensure that building materials are consistent from building to building to ensure a cohesive development.*
- 6. The use of transparent glazing on building facades that address the street is strongly encouraged for a more active street front.*
- 7. Consider permeable paving materials in lieu of impermeable asphalt to improve storm water management.*
- 8. Carefully consider locations for garbage enclosures and include enhanced landscaping to screen them.*
- 9. Ensure that any rooftop mechanical units are screened from view.*

PUBLIC LIAISON:	On October 30, 2013 Notice of Application was sent to 55 property owners in the surrounding area. Notice of Application was also published in the <i>Public Notices and Bidding Opportunities</i> section of <i>The Londoner</i> on October 31, 2013. A “Possible Land Use Change” sign was also posted on the site.	Zero (0) replies were received
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File: Z-8273
Planner: A-B Watson

Nature of Liaison: Change Zoning By-law Z.-1 **FROM** a Highway Service Commercial/ Restricted Service Commercial (HS1/HS4/RSC2/RSC3/RSC4) Zone which permits: Animal clinics and hospitals; Assembly halls; Automobile rental, repair, service and sales establishments; Bake shops; Brewing on premises establishment; Bulk sales establishment; Car washes; Catalogue stores; Clinics; Commercial recreation establishments; Convenience service establishments and stores; Day care centres; Dry cleaning and laundry depots; Duplicating shops; Emergency care establishments; Financial institutions; Florist shops; Funeral homes; Gas bars; Home and auto supply stores; Home improvement and furnishing stores; Hotels; Kennels; Laboratories; Liquor, beer and wine stores; Medical/dental offices; Motels; Pharmacies; Personal service establishments; Private clubs; Repair and rental establishments; Restaurants; Service and repair stations, Studios; Taverns; Taxi establishments; and Video rental establishments, **TO** a Restricted Service Commercial Special Provision (RSC2/RSC4(_)) Zone which permits the above list of uses, with the exception of: Animal hospitals; Assembly halls; Private clubs; Taverns; Clinics; Commercial recreation establishments; Emergency care establishments; Funeral homes; and Laboratories; Medical/dental offices. The requested special provision would add a limited area and range of Retail stores as an additional permitted use.

Please Note that a separate minor variance application (file A.210/13) has been made on the subject lands. The minor variance application seeks to: reduce the side yard setback requirement from 7.0m to 1.5m; increase to the gross floor area for convenience store use from 300m²; reduce the rear yard setback distance requirement from 7.0m to 1.5m; reduce the number of required stacking spaces from 12 to 11; and reduce the parking area setback requirement from 3.0m to 1.0m with the road allowance.

Responses: N/A

ANALYSIS

Subject Site:

The subject property, municipally known as 2263 Dundas Street, is located at the southeast corner of the intersection of Veterans Memorial Parkway and Dundas Street. The lands are part of an Auto-Oriented Commercial Corridor (AOCC) designation which runs along both sides of Dundas Street between Industrial Road to the west and Crumlin Side Road to the east. The property is essentially rectangular in shape with an area of approximately 0.75 hectares and a frontage of 39.28 metres and direct access onto Dundas Street. At present there is a 'Now Leasing Sign' posted on the property. The lands otherwise sit vacant as the single detached dwelling, detached garage, and treed area were removed earlier this year.



Figure 1 – East facing view of 2263 Dundas Street from Veteran Memorial Parkway

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File: Z-8273
Planner: A-B Watson



Figure 2 – Southeast facing view of 2263 Dundas Street from property line adjacent to Veteran Memorial Parkway



Figure 3 – South (front) facing view of 2263 Dundas Street from Google Street View prior to trees being removed

Nature of Application:

The purpose of the application is for York Development Group to develop a small, multi-use commercial plaza which will include a limited amount of retail space. The applicant is applying to remove the Highway Service Commercial (HS1/HS4/RSC2) Zone and the Restricted Service Commercial (RSC3) Zone variation while adding a Restricted Service Commercial Special Provision (RSC2/RSC4(_)) Zone. The effect of the requested Zoning By-law amendment is to allow a limited area and range of Retail stores as an additional permitted use.

Prior to the submission of this request for an amendment to the Zoning By-law, a separate minor variance application (file A.210/13) has been made by the applicants for the subject lands. The requested Minor Variance application seeks to permit: a reduced exterior side yard setback of 1.5 metres (whereas 7.0 metres is required); an increased gross floor area for convenience store of 325.2 square metres (whereas 300 square metres maximum is permitted); a reduced rear yard setback of 1.5 metres (whereas 7.0 metres is required); a reduction to 10 stacking spaces (whereas 12 are required); reduced parking area setback from the ultimate road allowance of 1.0 metres (whereas 3.0 metres is required); and permit 91 parking spaces where as 99 are required. These proposed variances to the standard zone have been incorporated into the recommended zoning amendment to consolidate issues and considerations and avoid a duplication of process.

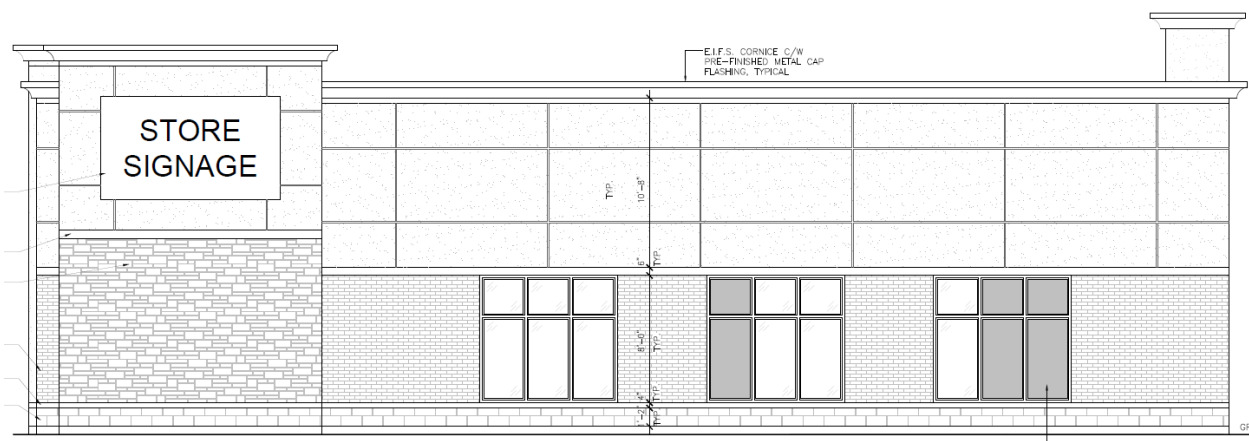


Figure 4 – West Elevation of proposed Retail Space to be facing Veterans Memorial Parkway

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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 promotes healthy, liveable, and safe communities by: encouraging efficient development and land use patterns which sustain the financial well-being of the municipality; accommodating an appropriate range and mix of residential, employment and other land uses; and, promoting cost effective development standards to minimize land consumption and servicing costs.

The proposed rezoning will allow for the development of a small multi-use commercial plaza on vacant lands, located within a developing area which is bound to the north by an Arterial Road (Dundas Street) and to the west by a Freeway (Veterans Memorial Parkway). The lands are municipally serviced and the commercial development will create employment opportunities in the area.

The proposal satisfies section 1.1.1 of the PPS which promotes efficient development and land use patterns as well as accommodating a mix of employment including commercial uses.

The proposal satisfies section 1.1.3.1 of the PPS which requires areas within the Urban Growth Boundary to be the focus of growth and where vitality and regeneration shall be promoted.

The proposed rezoning is consistent with the PPS in that it promotes a healthy community and economic diversity. The proposed multi-use commercial plaza will include limited retail space that will facilitate a mix of commercial uses. The re-use of a previously developed lot within the Urban Growth Boundary is consistent with the policies of the PPS and reduces servicing costs, provides a mix of land uses within a developing area, prevents the expansion of the settlement area, and unnecessary land consumption. The proposed rezoning allows ample options for future use of the site.

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 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.

The subject property is designated Auto-Oriented Commercial Corridor in the Official Plan. The requested change in use does not include an amendment to the Official Plan. In accordance with the Plan, *areas designated Auto-Oriented Commercial Corridor provide locations for a broad range of commercial uses that, for the most part, are not suited to locations within Commercial Nodes or Main Street Commercial Corridors because of their building form, site area, access or exposure requirements. Generally, permitted uses cater to vehicular traffic and single purpose shopping trips. Depending on the nature of the use, customers are drawn from passing traffic or a wide-ranging market area. Auto-Oriented Commercial Corridors, while providing for a limited amount of retail use, are not intended to accommodate retail activities that are more appropriately located in the Downtown, Commercial Nodes, or Main Street Commercial Corridor designations.*

Planning objectives for Auto-Oriented Commercial Corridor land use designations have certain criteria which should be maintained including:

4.4.2.1 Planning Objectives

- i) *Promote the grouping of service commercial uses into integrated forms of development that have common access points and parking facilities; and,*
- ii) *Encourage infilling and consolidation of permitted areas within the existing limits of commercial corridor developments.*

Development of a small multi-use commercial plaza, including a limited amount of retail space provides an opportunity within a developing area for the introduction of new uses that are compatible with existing and surrounding uses. The proposed development allows for the re-use of a currently vacant parcel, connected to municipal services and located at the corner of a major intersection.

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4.4.2.2 Urban Design Objectives

- i) *Encourage enhanced street edge landscaping, internal and joint access to multiple uses on the same or different properties and improved building aesthetics*

Since initial preliminary meetings with the proponent Staff have been working to ensure the building designs, and in particular site layout provide a cohesive form of development by incorporating urban design principles which set a high standard for the character of the developing commercial area.

4.4.2.3 Function

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 intent of the policies is to promote the clustering of similar service commercial uses having similar functional characteristics and requirements, and to avoid the extension of strip commercial development. The form of development is oriented toward automobiles and vehicular traffic and serves both a local and broader market area.

The subject site is located along Dundas Street, an arterial road and the Veterans Memorial Parkway, an Expressway. As proposed the multi-use commercial plaza is intended to include a limited amount of retail space that is clustered among a restaurant, convenience store gas bar, and an automotive rental establishment. The mix of retail, auto and commercial uses offers a means of commercial development that provides for uses having similar functions which are oriented towards the motorized travelling public, particularly with the inclusion an automotive rental establishment, gas station and convenience store.

4.4.2.4. Permitted Uses

Areas designated Auto-Oriented Commercial Corridor are primarily intended for commercial uses that cater to the commercial needs of the traveling public. Types of service commercial uses that generate significant amounts of traffic and draw patrons from a wide area may also be located within these areas.

The Official Plan also recognizes a limited amount and range of retail uses appropriate as a secondary use within the Auto-Oriented Commercial Corridor designation. These limited retail uses are not intended to accommodate retail activities that are more appropriately located in the Downtown, Commercial Nodes, or Main Street Commercial designations. The requested retail use is a small-scale retail use which caters to nearby industrial facilities by specializing in the sale of footwear, apparel, and accessories for personal safety. The proposed multi-use commercial plaza, including a limited amount of specialized retail space, are permitted uses under the existing Auto-Oriented Commercial Corridor designation.

The development of new permitted uses within the designation may take the form of infilling, redevelopment or the conversion of existing structures. Due to the mix of existing uses, lot sizes and scale of development a number of policies are provided to guide the form of development in Auto-Oriented Commercial Corridor areas.

4.4.2.8. Urban Design

Auto-Oriented Commercial Corridors should be developed and maintained in accordance with the general urban design principles in Chapter 11 and in accordance with the Commercial Urban Design Guidelines. Specific Auto-Oriented Commercial Corridors may also provide for specific design guidelines.

Urban design within the Commercial Corridors should:

- i) *display a high standard of design of buildings, their massing, siting, exterior access and public areas;*
- ii) *provide a high standard of separation from residential areas where there are conflicts between uses to ensure safety;*
- iii) *provide for strictly controlled vehicular access points onto arterial and collector roads;*
- iv) *maintain, where possible, uniform setbacks to the street;*
- v) *provide for coordinated design of signage, street furniture, lighting and landscaping and ensure appropriate lighting adjacent to residential areas; and,*
- vi) *provide convenient, attractive and safe pedestrian and transit access.*

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As previously noted, since the initial preliminary meetings, for the Site Plan, Zoning By-law Amendment and Minor Variance applications relating the small multi-use commercial plaza proposed at 2263 Dundas, City staff have been working with the proponent to ensure a high standard of design is achieved. The Site Plan originally submitted to the City met a number these of design guidelines including: controlled vehicular access points onto the site, maintaining, similar setbacks to the street, and providing coordinated design of signage. Staff, concerned with the proposed site organization, suggested modifications to allow for better functionality and lessen the significance of the departure from zone regulations (by way of Minor Variances and/or Special Provisions). Further to staff's comments the Urban Design Peer Review Panel encouraged the applicant to better organize buildings within the site and provided a number of specific examples on how this could be achieved.

As a result, Urban Design staff created an alternative site layout for the subject property and presented it to the proponent for consideration which allows for the development of the small multi-use commercial plaza, including all the component shown on the original Site Plan and incorporated the comments of the Urban Design Peer Review Panel (provide on page 9). This alternative site layout was proposed by Planning Staff to provide for better pedestrian circulation within the site between the commercial tenants. However, the applicant has indicated his preference to pursue their submitted site plan proposal.

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. This is achieved by applying various zones to all lands within the City of London which identify a list of permitted uses and 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. It is important that all three criteria of use, intensity and form must be considered and deemed to be appropriate to the approval of any development proposal.

28.1 General Purposed of the Restricted Service Commercial (RSC) Zone

This Zone is normally intended to implement the Auto-Oriented Commercial Corridor designation in Section 4.4.2 of the Official Plan. The 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 interior 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 property is currently zoned Highway Service Commercial and Restricted Service Commercial (HS1/HS4/RSC2/RSC3/RCS4), which permits: animal clinics and hospitals; assembly halls; automobile rental, repair, service and sales establishments; bake shops; brewing on premises establishment; bulk sales establishment; car washes; catalogue stores; clinics; commercial recreation establishments; convenience service establishments and stores; day care centres; dry cleaning and laundry depots; duplicating shops; emergency care establishments; financial institutions; florist shops; funeral homes; gas bars; home and auto supply stores; home improvement and furnishing stores; hotels; kennels; laboratories; liquor, beer and wine stores; medical/dental offices; motels; pharmacies; personal service establishments; private clubs; repair and rental establishments; restaurants; service and repair stations, studios; taverns; taxi establishments; and video rental establishments.

The applicant has requested a Restricted Service Commercial Special Provision (RSC2/RSC4(_)) Zone which would permit a retail store use by way of special provision, with site specific regulations to allow a total gross floor area for all retail store uses of 929 square metres and a maximum gross floor area for individual retail stores of 464.50 square metres per store. The application also seeks to remove the Highway Service Commercial (HS1/HS4) Zone from the lands. While there is some overlap between uses permitted under the (HS1/HS4/) zone it should be noted the removal of the (HS1/HS4/) will eliminate animal hospitals, assembly halls, private clubs, taverns, clinics, commercial recreation establishments, emergency care establishments, funeral homes, laboratories and medical/dental offices from those uses currently permitted.

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Conceptual proposal prepared for 2263 Dundas Street
Prepared by Planning Division Staff - January 16, 2014



REQUIRED:	PROPOSED:
Lot Area None	0.76ha
Lot Frontage 30m MIN	~41.5m
Front Set Back 7m MIN	18m (gas bar)
Rear Set Back 7m MIN	1.5
Interior Side Yard Setback 0m MIN	12.4m (gas bar)
Exterior Side Yard Setback 7.0m MIN	2.05m
Landscaped Open Space 15% MIN	-
Lot Coverage 30% MIN	22%
Height 12m MAX	6m
Parking	
Car 92 SPACES	80 SPACES (+ 10 stacking spaces)
Bicycle 7 SPACES	7 SPACES
Convenience Store 300m2 MAX	325m2
Stacked Drive Thru Spaces 12 SPACES MIN	10 SPACES
Lot Depth 60m MIN	141.7m

Conceptual site layout developed by City Staff

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File: Z-8273
Planner: A-B Watson

The recommendation includes special provisions to permit the reduction of several zone variations in order to facilitate the development of the conceptual plan developed by staff, as recommended by the Urban Design Peer Review Panel. These special provisions are recommended by Planning Services staff after consultation with Development Services staff, and are consistent with the recommendations presented to the Committee of Adjustment by Development Services staff, in response to the request for minor variances on the subject lands.

The reduction in the rear yard depth is not anticipated to create any adverse impacts since this space is not required for the efficient function of the site, and the abutting lands to the south, being currently zoned for light industrial uses, are not regarded as a sensitive land use.

The reduction in the exterior side yard depth will promote urban design principles related to the creation of a consistent street wall along Veteran's Memorial Parkway and facilitates the shifting of the buildings to the western portion of the site which will promote better site integration with the adjacent lands by providing a drive aisle to the east.

The reduction in off-street parking and stacking spaces is minor in nature and not anticipated to create any adverse impacts. The site design promotes better pedestrian connectivity within the site between uses and therefore a modest reduction in stacking spaces is warranted since the site design facilitates the ability to park elsewhere on the site and walk.

The requested increase in the gross floor area for the convenience store use is minor in nature and responds to the market demand without creating any adverse impacts on the subject site or abutting lands.

The recommended special provisions will facilitate the development of the site in a manner that is consistent with the preferred conceptual site plan developed by staff, without precluding the development of the conceptual plan proposed by the applicant.

CONCLUSION

The recommended Zoning By-law amendment is consistent with the *Provincial Policy Statement, 2005* as it promotes a healthy community, efficiently uses land, is appropriate, efficiently uses infrastructure and public services, and prevents land consumption.

The amendment conforms to relevant policies of the Official Plan for Residential Intensification on lands designated Auto Oriented Commercial Corridor as it allows for the development of a small, multi-use commercial plaza which will include a limited amount of retail space on underutilized serviced lands within an establishing commercial area.

The amendment complies with the intent and direction of the Zoning By-law by utilizing appropriate Special Provisions to the Restricted Service Commercial (RSC2/RSC4(_)) Zone variations as a means of ensuring orderly development and permitting appropriate limits on retail uses.

The amendment represents sound land use planning as it allows for appropriate development. The addition of limited retail uses and limited area of retail use on the property will have no negative effects on the surrounding area and creates the opportunity for better connectivity with lands to the east and south, and further contributes to the health of the commercial corridor.

Agenda Item # Page #

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File: Z-8273
Planner: A-B Watson

PREPARED BY:	REVIEWED BY:
AMANDA-BREA WATSON, MCIP, RPP 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

January 20, 2013

AW

"Attach."

Y:\Shared\implemen\DEVELOPMENT APPS\2013 Applications 8135 to\8273Z - 2263 Dundas Street (AW)

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File: Z-8273
Planner: A-B Watson

Responses to Public Liaison Letter and Publication in “Living in the City”

<u>Telephone</u>	<u>Written</u>
N/A	N/A

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File: Z-8273
Planner: A-B Watson

**Bibliography of Information and Materials
Z-8273**

Request for Approval:

City of London Zoning By-law Amendment Application Form, completed by Kirkness Consulting Inc., on behalf of York Development Group, September 5, 2013 and re-submitted to the City of London on September 30, 2013.

Reference Documents:

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

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

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

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

Kirkness Consulting Inc. *Planning Justification Report*, September 2013

York Developments. *Urban Design Brief*, September 18, 2013

Correspondence: (all located in City of London File No. Z-8273 unless otherwise stated)

City of London -

Smolarek J., City of London Planning and Development Services - Urban Design. Various emails to A.-B. Watson. October 18, 2013 to January 14, 2014.

Postma R., City of London Urban Forestry. Email to A.-B. Watson. October 1, 2013.

Moore R., City of London Environment and Engineering Services - Wastewater and Drainage Division. Email to A.-B. Watson. November 15, 2013

Clavet Y., City of London Environment and Engineering Services – Stormwater Management Unit. Emails to A.-B. Watson. December 4, 2013 & January 14, 2014

Couvillon A., City of London Transportation Planning & Design Division. Emails to A.-B. Watson. November 19, 2013 - January 14, 2014

Departments and Agencies -

Raffoul L., Bell. Letter to A.-B. Watson. November 15, 2013

Other:

Site visit December 5, 2013 and photographs of the same date.

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File: Z-8273
Planner: A-B Watson

Appendix "A"

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

By-law No. Z.-1-14_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 2263 Dundas Street.

WHEREAS York Development Group has applied to rezone an area of land located at 2263 Dundas Street, 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 2263 Dundas Street, as shown on the attached map comprising part of Key Map No. A109, from a Highway Service Commercial/ Restricted Service Commercial (HS1/HS4/RSC2/RSC3/RSC4) Zone to a Restricted Service Commercial Special Provision (RSC2/RSC4(_)) Zone.
- 2) Section Number 28.4 of the Restricted Service Commercial (RSC) Zone is amended by adding the following Special Provision:

RCS4(_)	2263 Dundas Street	
a)	Additional Permitted Use	
i)	Retail stores devoted to the sale of footwear, apparel, and accessories for personal safety	
b)	Regulations	
i)	Gross Floor Area for Additional Permitted Uses (Maximum)	280m2 (3,014 sq. ft.)
ii)	Exterior Side Yard Setback (Minimum)	1.5 metres (4.92 ft.)
iii)	Rear Yard Setback (Minimum)	1.5 metres (4.92 ft.)
iv)	Stacking Spaces for drive through facility (Minimum)	10
v)	Parking Spaces (Minimum)	88
vi)	Gross Floor Area for Convenience Store Use (Maximum)	326m2 (3,509 sq. ft.)

Agenda Item # Page #

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File: Z-8273
Planner: A-B Watson

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. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on February 25, 2014.

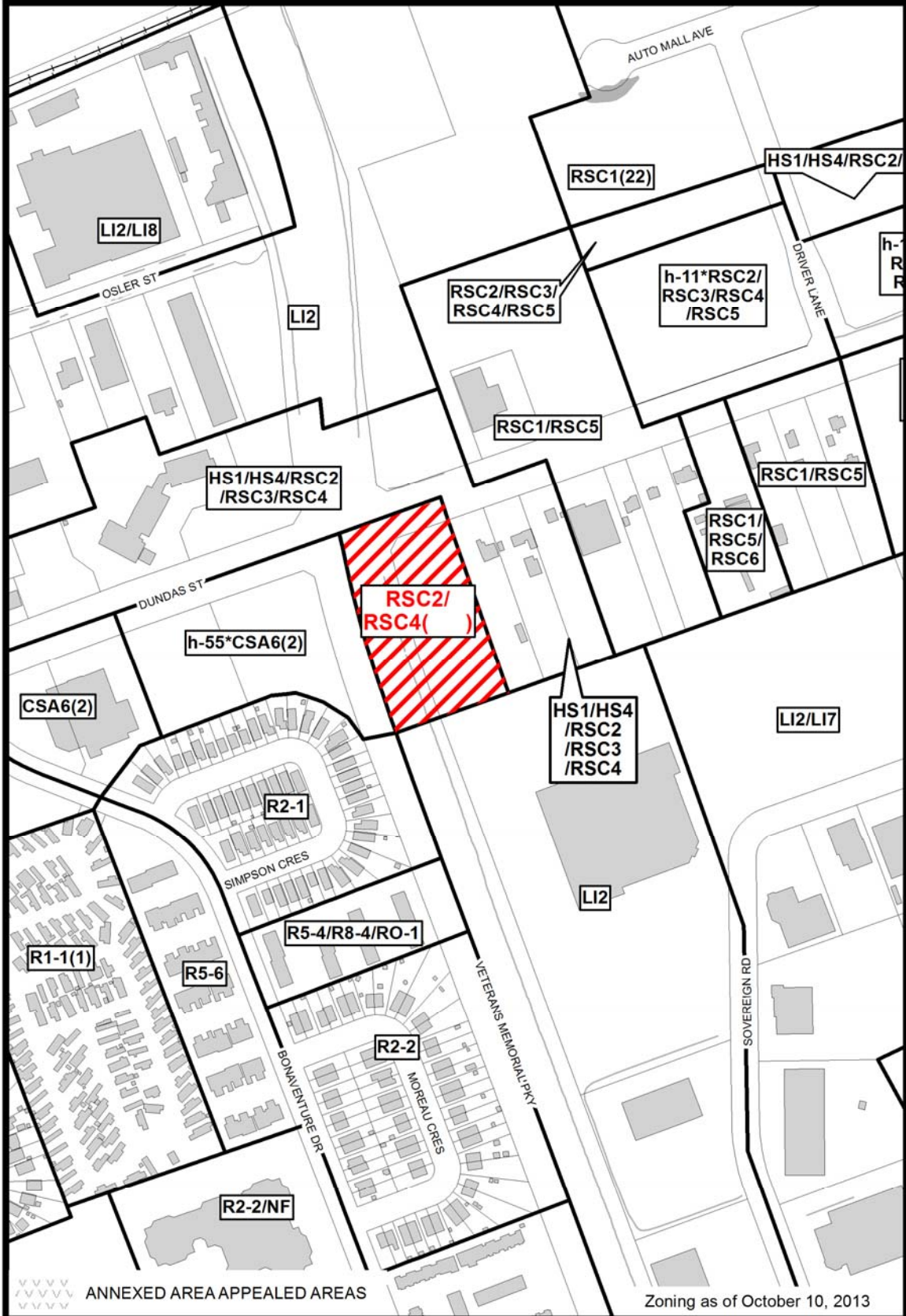
Joe Fontana
Mayor


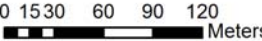

Catharine Saunders
City Clerk

First Reading - February 25, 2014
Second Reading - February 25, 2014
Third Reading - February 25, 2014

Empty boxes for Agenda Item # and Page #

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



<p>File Number: Z-8273 Planner: AW Date Prepared: 2013/10/30 Technician: CK By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:3,650</p> <p>0 15 30 60 90 120 Meters </p> <p></p>
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