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**Z-8305/S. Meksula** File No:  
**Z-8305**  
 Planner: **S. Meksula**

<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE</b>
<b>FROM:</b>	<b>G. KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT &amp; COMPLIANCE SERVICES &amp; CHIEF BUILDING OFFICIAL</b>
<b>SUBJECT:</b>	<b>APPLICATION BY: CITY OF LONDON 73, 77, 81 &amp; 91 SOUTHDALE ROAD EAST and 3021 &amp; 3033 WHITE OAK ROAD PUBLIC PARTICIPATION MEETING ON MARCH 25, 2014 @ 4:00 P.M.</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of the Manager, Development Planning based on the application of City of London relating to the property located at 73, 77, 81 & 91 Southdale Road East, 3021 & 3033 White Oak, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on April 1, 2014 to amend Zoning By-law No. Z.-1 in conformity with the Official Plan to change the zoning of the subject lands **FROM** a Holding Neighbourhood Shopping Area Special Provision (h-h-11-h-63-h-103\*NSA4(6)) Zone which permits commercial uses that serve the needs of the adjacent residential areas and to permit automobile sales and service uses **TO** a Holding Neighbourhood Shopping Area Special Provision (h-\_\_\*NSA4(6)) Zone. It is proposed that the h-h-11-h-63-h-103 holding provisions be consolidated into one (1) new holding provision which will allow for the development of an automobile sales and service establishment as an interim use.

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
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**OZ-7943** - Report to the Planning and Environment Committee on March 26, 2012 to allow for a Neighbourhood Commercial Node designation and a Neighbourhood Shopping Area (NSA4) zone variation to permit commercial development on this site.

**OZ-8047** - Report to the Planning and Environment Committee on May 28, 2012 to allow neighbourhood commercial uses that serves the needs of the abutting residential uses.

<b>PURPOSE AND EFFECT OF RECOMMENDED ACTION</b>
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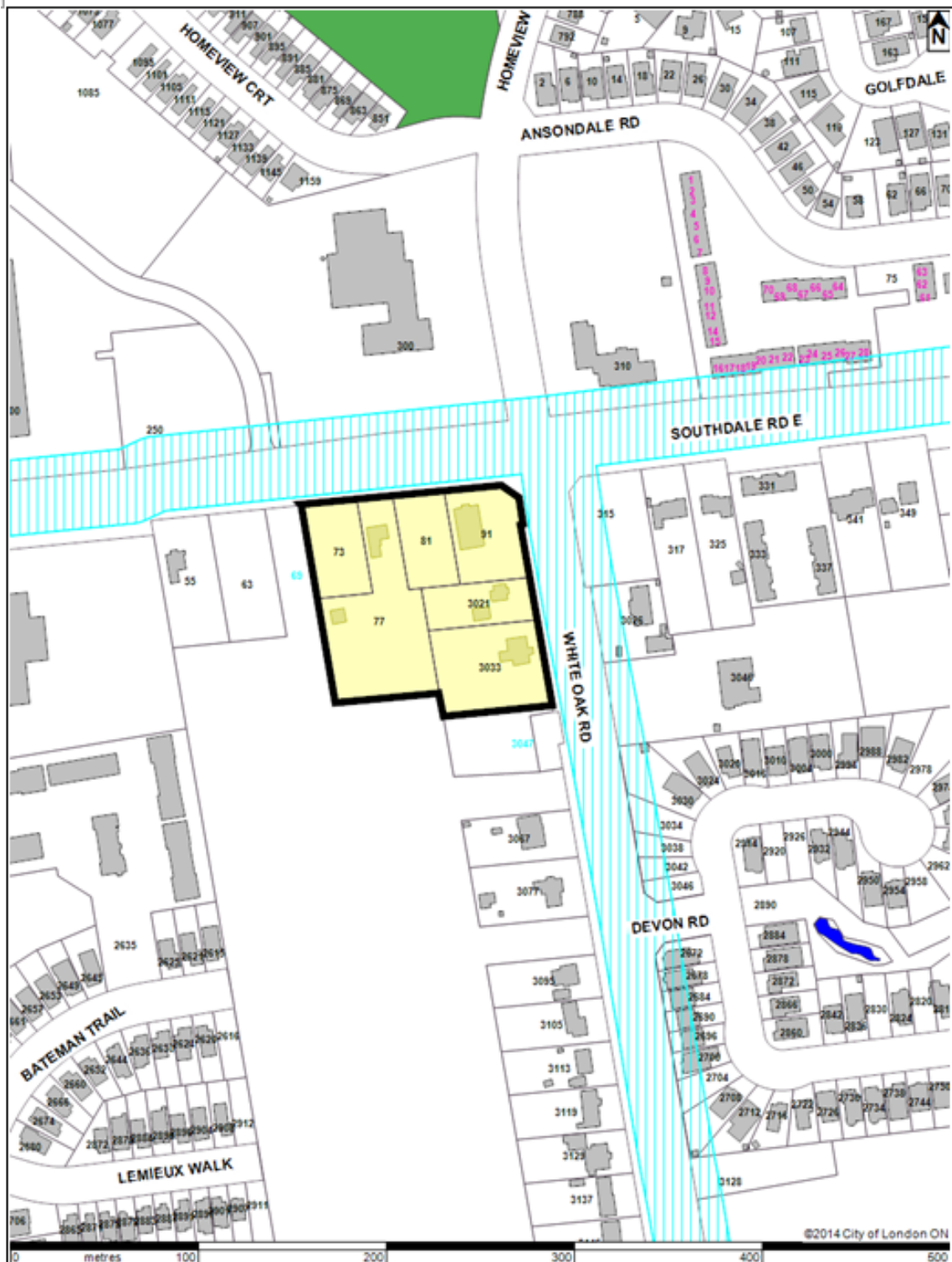
The purpose and effect of this zoning change is to amend the holding provision to permit an automobile sales and service establishment as an interim use.

<b>RATIONALE</b>
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1. The recommended holding provision provides for the development of an automobile sales and service establishment as an interim use and ensures that issues relating to municipal servicing, access, noise, and urban design, will be addressed when the parcel is redeveloped.
2. The size of this parcel is more than sufficient to allow for the development of uses in the existing zone.
3. The recommended zone change is appropriate and represents sound land use planning.

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**LOCATION MAP**

Subject Site: 73, 77, 81  
 Applicant: 2271075 Ontario Limited C/O York Development Group  
 File Number: Z-8305  
 Planner: Sean Meksula  
 Created By: Sean Meksula  
 Date: 2014-01-07  
 Scale: 1:2500

**LEGEND**

- Subject Site
- Parks
- Assessment Parcels
- Buildings
- Address Numbers



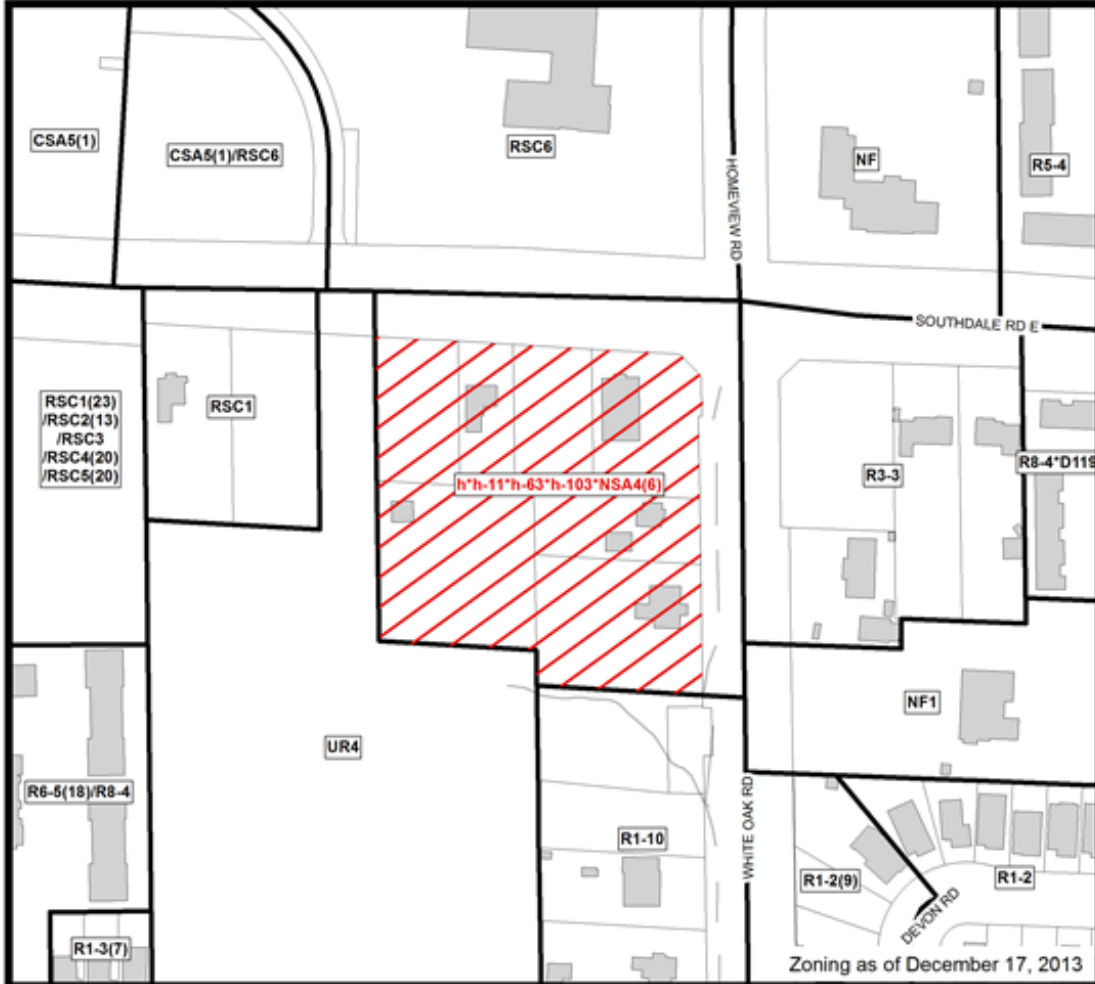
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**COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:**

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 APEALED AREAS

<p><b>CITY OF LONDON</b></p> <p>PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES</p> <p><b>ZONING BY-LAW NO. Z.-1</b></p> <p><b>SCHEDULE A</b></p> <p style="font-size: small;">THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS</p>		<p>FILE NO: <b>Z-8305</b>                      <b>SM</b></p> <hr/> <p>MAP PREPARED: <b>February 7, 2014</b>            <b>JTS</b></p> <hr/> <p style="text-align: center;">1:2,000</p> <p style="text-align: center;">0 10 20 40 60 80 Meters</p>
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**BACKGROUND**

<b>Date Application Accepted:</b> December 16, 2013.	<b>Applicant:</b> City of London
<p><b>REQUESTED ACTION:</b> Change Zoning By-law Z.-1 from a Holding Neighbourhood Shopping Area Special Provision (h*h-11*h-63*h*103*NSA4 (6)) Zone which permits commercial uses that serve the needs of the adjacent residential areas and to permit automobile sales and service uses TO a Holding Neighbourhood Shopping Area Special Provision (h-__*NSA4(6)) Zone. It is proposed that the h*h-11*h-63*h*103 be combined with one (1) new holding provision which will allow for the development of an automobile sales and service establishment as an interim use. The property owner has applied for Site Plan Approval and as a result, the City may be considering additional special provisions to the NSA4(6) zone to address any deficiencies with by-law regulations (i.e. setbacks, parking, etc.).</p>	

<p><b>SITE CHARACTERISTICS:</b></p> <ul style="list-style-type: none"> <li>• <b>Current Land Use</b> - Church and single detached dwellings</li> <li>• <b>Frontage</b> – 113 meters</li> <li>• <b>Depth</b> – 106 metres</li> <li>• <b>Area</b> – 1.2 hectares</li> <li>• <b>Shape</b> - Rectangular</li> </ul>
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<p><b>SURROUNDING LAND USES:</b></p> <ul style="list-style-type: none"> <li>• <b>North</b> – Auto dealership</li> <li>• <b>South</b> – Residential</li> <li>• <b>East</b> – Multi-Family Residential and Single Family Residential</li> <li>• <b>West</b> - Auto dealership</li> </ul>
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<p><b>OFFICIAL PLAN DESIGNATION:</b> (refer to map)</p> <ul style="list-style-type: none"> <li>• Neighbourhood Commercial Node</li> </ul>
<p><b>EXISTING ZONING:</b> (refer to map)</p> <ul style="list-style-type: none"> <li>• Holding Neighbourhood Shopping Area Special Provision (h*h-11*h-63*h*103*NSA4 (6))</li> </ul>

**PLANNING HISTORY**

The subject lands consist of 6 properties, 73, 77, 81 and 91 Southdale Road East and 3021 and 3033 White Oak Road. The property at 91 Southdale Road East is the location of the former St. Elias Church. A demolition permit was issued on February 22, 2012 to demolish the church and the assembly hall. Consolidation of the properties resulted in an exterior side yard along Southdale Road East of 113m and frontage along White Oak Road of 106m. The total developable area is 1.2ha.

The proposed development is surrounded by automobile dealerships to the north and west. The lands to the east and south are designated for future Multi Family Medium Density Residential development. The subject site is suitably located for commercial development with frontages on White Oak Road (approximately 16,500 vehicles/day) and Southdale Road East (approximately 32,000 vehicles/day); both are classified as arterial roads in the City of London Zoning By-law Z.-1. This corner is a high-traffic area that links to many existing and future planned neighbouring residential areas.

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On March 26, 2012 staff recommended (OZ-7843) an amendment to the Official Plan and Zoning By-law Z.-1 to allow for a Neighbourhood Commercial Node designation and a Neighbourhood Shopping Area (NSA4) zone variation to permit commercial development on this site. In May 2012 the Official Plan and Zoning By-law Z.-1 was amended to allow a Neighbourhood Commercial Node designation and a Neighbourhood Shopping Area Special Provision (NSA4(6)) Zone to permit commercial development on this site. The Special Provision permits Automobile Sales and Service along the Southdale Road East frontage only.

<b>SIGNIFICANT DEPARTMENT/AGENCY COMMENTS</b>
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None.

<b>PUBLIC LIAISON:</b>	On January 7, 2014 the Notice of Application were letters sent to 99 surrounding land owners. Notice of the application was also published in "The Londoner" on January 16, 2014.	2 Responses
<b>Nature of Liaison:</b> Change Zoning By-law Z.-1 from Holding Neighbourhood Shopping Area Special Provision (h-h-11-h-63-h-103-NSA4 (6)) Zone which permits commercial uses that serve the needs of the adjacent residential areas and to permit automobile sales and service uses to a Holding Neighbourhood Shopping Area Special Provision (h-__-NSA4(6)) Zone. It is proposed that the h-h-11-h-63-h-103 be combined with one (1) new holding provision which will allow for the development of an automobile sales and service establishment as an interim use.		
<b>Responses:</b> 2 Responses received 1 opposed to the requested amendment and the other inquiring why the rezoning was required.		

<b>ANALYSIS</b>
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As mentioned above the relevant lands were rezoned in May 2012 to permit a range of commercial uses. At that time staff did not support automobile sales and service establishment use due to the fact that it is not permitted by the Official Plan policies for the Neighbourhood Commercial Node designation. Notwithstanding staffs' recommendations, Council approved the automobile sales and service establishment use in addition to the other commercial uses requested by the applicant. All uses were approved subject to the inclusion of the following holding provisions:

**h Holding Provision**

*Purpose: To ensure the orderly development of lands and the adequate provision of municipal services, the "h" symbol shall not be deleted until a subdivision agreement or development agreement is entered into for the lands in question with the City of London.*

**h-11 Holding Provision**

*Purpose: To ensure the orderly development of lands and the adequate provision of municipal services, the "h-11" symbol shall not be deleted until a development agreement associated with a site plan which provides for appropriate access arrangements to the satisfaction of Council is entered into with the City of London.*

**h-63 Holding Provision**

*Purpose: To ensure there are no land use conflicts between the commercial and residential land uses, the "h-63" symbol shall not be deleted until the owner agrees to implement all noise attenuation and design mitigating measures as recommended in noise assessment reports, acceptable to the City of London.*

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### **h-103 Holding Provision**

*Purpose: To ensure that urban design is addressed at site plan, a site plan will be approved and a development agreement will be entered into which, to the satisfaction of the General Manger of Planning and Development, incorporates the design objectives as identified in the Council resolution. A requirement of the site plan submission will include an urban design brief and building elevations which detail how the objectives have been achieved.*

The applicant has recently submitted an application for site plan approval to permit the auto dealership. The proposal includes the reuse of the existing buildings on site. Given the existing holding provisions and Councils direction on urban design related to redevelopment of the site, it is difficult for staff to remove several of the holding provisions due to the fact that no new buildings are proposed. The applicant has indicated that the auto dealership is intended to be a short term use and as a result, staff are prepared to recommend that the existing holding provisions be consolidated and the interim use of a car dealership be permitted.

### **New Holding Provision**

The proposed holding provision is as follows:

*To ensure the orderly development of lands and the adequate provision of municipal services, the "h\_\_" symbol shall not be deleted:*

- i) Until a development agreement associated with a site plan which provides for appropriate access arrangements to the satisfaction of Council is entered into with the City of London;*
- ii) Until the owner agrees to implement all noise attenuation and design mitigating measures as recommended in noise assessment reports, acceptable to the City of London; and*
- iii) That urban design is addressed at site plan, a site plan will be approved and a development agreement will be entered into which, to the satisfaction of the City Planner, incorporates the design objectives as identified in the June 12, 2012 Council resolution. A requirement of the site plan submission will include an urban design brief and building elevations which detail how the objectives have been achieved.*

*Permitted Interim Uses: Existing Uses;* automobile sales and service establishment permitted by the applicable zone within existing buildings.

This new holding provision will allow for the proposed development to proceed and provide direction for the future redevelopment of the site in keeping with Councils intent for these lands.

### **Public Response**

Through the application review process, concerns were expressed from a resident on Bateman Trail relating to the proposed use; specifically, hours of operation, on-site activity, noise, and lighting. While this is anticipated to be a relatively low-impact use, issues relating to noise and lighting will also be addressed through the site plan approval process to ensure that there are no negative impacts on adjacent lands.

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<b>CONCLUSION</b>
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The new consolidated holding provision will ensure issues relating to urban design, noise mitigation and access are properly addressed when this site redevelops. In the interim an automobiles sales and services establishment use, utilizing the existing buildings is considered appropriate.

<b>RECOMMENDED BY:</b>	<b>REVIEWED BY:</b>
<b>SEAN MEKSULA PLANNER II DEVELOPMENT PLANNING</b>	<b>ALLISTER MACLEAN MANAGER DEVELOPMENT PLANNING</b>
<b>CONCURRED BY:</b>	<b>SUBMITTED BY:</b>
<b>TERRY GRAWAY, MCIP, RPP MANAGER DEVELOPMENT SERVICES &amp; PLANNING LIAISON</b>	<b>GEORGE KOTSIFAS, P.ENG MANAGING DIRECTOR, DEVELOPMENT &amp; COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL</b>

SM/sm

CC. York Development Group (201-303 Richmond Street, London ON N6B 2H8)



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

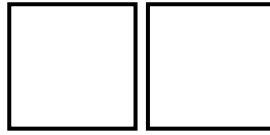
**Telephone**

None.

**Written**

Chris Ellison  
2635 Bateman Trail Unit 20  
London ON  
N6L 0C1

Jack Malkin (email)



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Planner: **S. Meksula**

Bill No.  
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 73, 77, 81 & 91 Southdale Road East, 3021 & 3033 White Oak Road.

WHEREAS **the City of London** has applied to rezone an area of land located at 73, 77, 81 & 91 Southdale Road East, 3021 & 3033 White Oak 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 73, 77, 81 & 91 Southdale Road East, 3021 & 3033 White Oak Road, as shown on the attached map, from a Holding Neighbourhood Shopping Area Special Provision (h\*h-11\*h-63\*h\*103\*NSA4 (6)) Zone to a Holding Neighbourhood Shopping Area Special Provision (h-\_\_\*NSA4(6)) Zone.

2. Section 3.8 of the Holding (h) Zones to By-law No. Z.-1 is amended by adding the following :

h-\_\_\_\_ *Purpose:* To ensure the orderly development of lands and the adequate provision of municipal services, the "h\_\_" symbol shall not be deleted:

- i) Until a development agreement associated with a site plan which provides for appropriate access arrangements to the satisfaction of Council is entered into with the City of London;
- ii) Until the owner agrees to implement all noise attenuation and design mitigating measures as recommended in noise assessment reports, acceptable to the City of London; and
- iii) That urban design is addressed at site plan, a site plan will be approved and a development agreement will be entered into which, to the satisfaction of the City Planner, incorporates the design objectives as identified in the June 12, 2012 Council resolution. A requirement of the site plan submission will include an urban design brief and building elevations which detail how the objectives have been achieved.

Permitted Interim Uses: Existing Uses; automobile sales and service establishment permitted by the applicable zone within existing buildings.

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

PASSED in Open Council on April 1, 2014.

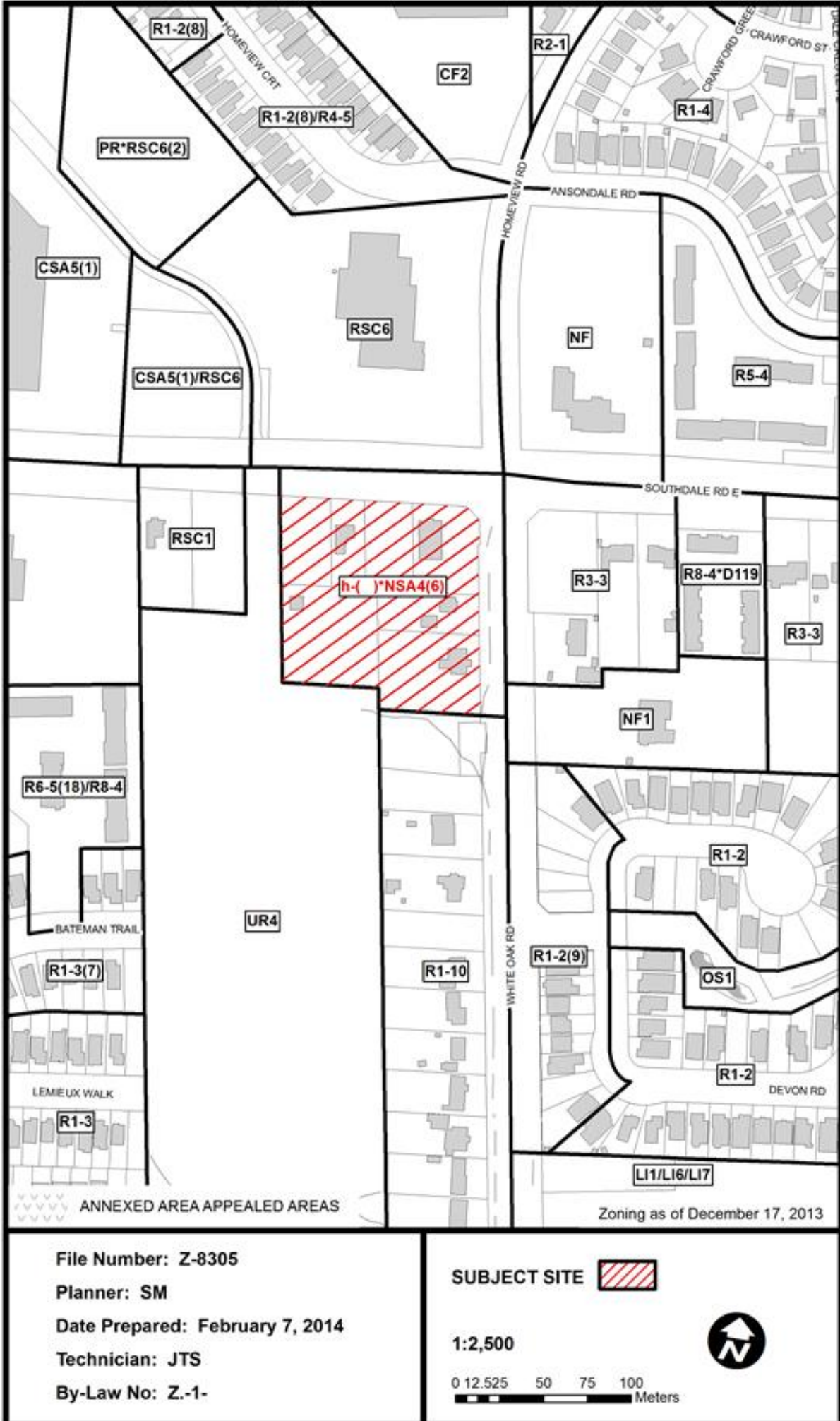
Joe Fontana  
Mayor

Catharine Saunders  
City Clerk

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Planner: S. Meksula

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



File Number: Z-8305  
 Planner: SM  
 Date Prepared: February 7, 2014  
 Technician: JTS  
 By-Law No: Z.-1-

SUBJECT SITE 

1:2,500  
 0 12.5 25 50 75 100 Meters

