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File: Z-8382  
Planner: E. Lalande

<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING &amp; ENVIRONMENT COMMITTEE</b>
<b>FROM:</b>	<b>JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER</b>
<b>SUBJECT:</b>	<b>APPLICATION BY: BRADEL PROPERTIES LTD. 322-324 YORK STREET PUBLIC PARTICIPATION MEETING ON SEPTEMBER 23, 2014</b>
<b>RECOMMENDATION</b>	

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of Bradel Properties Ltd. relating to the properties located at 322-324 York Street:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on September 30, 2014 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject properties **FROM** a Holding Downtown Area Special Provision (h-3\*DA1(1)\*D350\*H95/DA1(3)\*D350\*H95) Zone **TO** a Holding Downtown Area Special Provision / Temporary Use (h-3\*DA1(1)\*D350\*H95/DA1(3)\*D350\*H95/T-\_\_) Zone;
- (b) Amend Zoning By-law No. Z.-1, in conformity with the Official Plan, **TO DELETE** Section 50.2 Temporary Use T-32;

**IT BEING NOTED THAT** Temporary Use T-32 has expired.

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
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December 10, 2001 – Planning Committee – 322-324 York Street.

<b>PURPOSE AND EFFECT OF RECOMMENDED ACTION</b>
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The recommended action will result in the use of a surface commercial parking lot for up to three years on the subject lands.

<b>RATIONALE</b>
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1. The recommended temporary use zoning conforms to the criteria for temporary uses in the Official Plan and is consistent with the Provincial Policy Statement, 2014.
2. The parking lot exists and has been used as a parking lot for approximately 12 years, demonstrating compatibility with the area and surrounding land uses.
3. The recommended Zoning By-Law amendment will permit a surface parking lot on the subject lands for a temporary period of three years or until such time as the applicant submits a proposal that fully implements the Official Plan policies that apply to the subject lands.

<b>BACKGROUND</b>
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The subject lands were originally constructed as an industrial property in the 1950's with numerous building additions constructed since that time. In 1986, the property converted from an industrial use to a commercial (ground floor) use and an office (second floor) use. The building remained vacant for a number of years prior to its demolition and change of use to a commercial parking lot in 2002.

On January 21, 2002, City Council passed a Zoning By-law Amendment to permit a commercial parking lot for a temporary period not exceeding three years from the date of passing of the by-law. The temporary use expired in 2005 and was not renewed. The following is the provision in the Zoning By-law subject to the proposed amendment:

**"32) T-32**

*Lands located at 322-324 York Street, as shown on the attached map hereto, comprising part of Key Map No. 83, may be used as a surface commercial parking lot for a temporary period not exceeding three (3) years from the date of the passing of the by-law beginning January 21, 2002."*

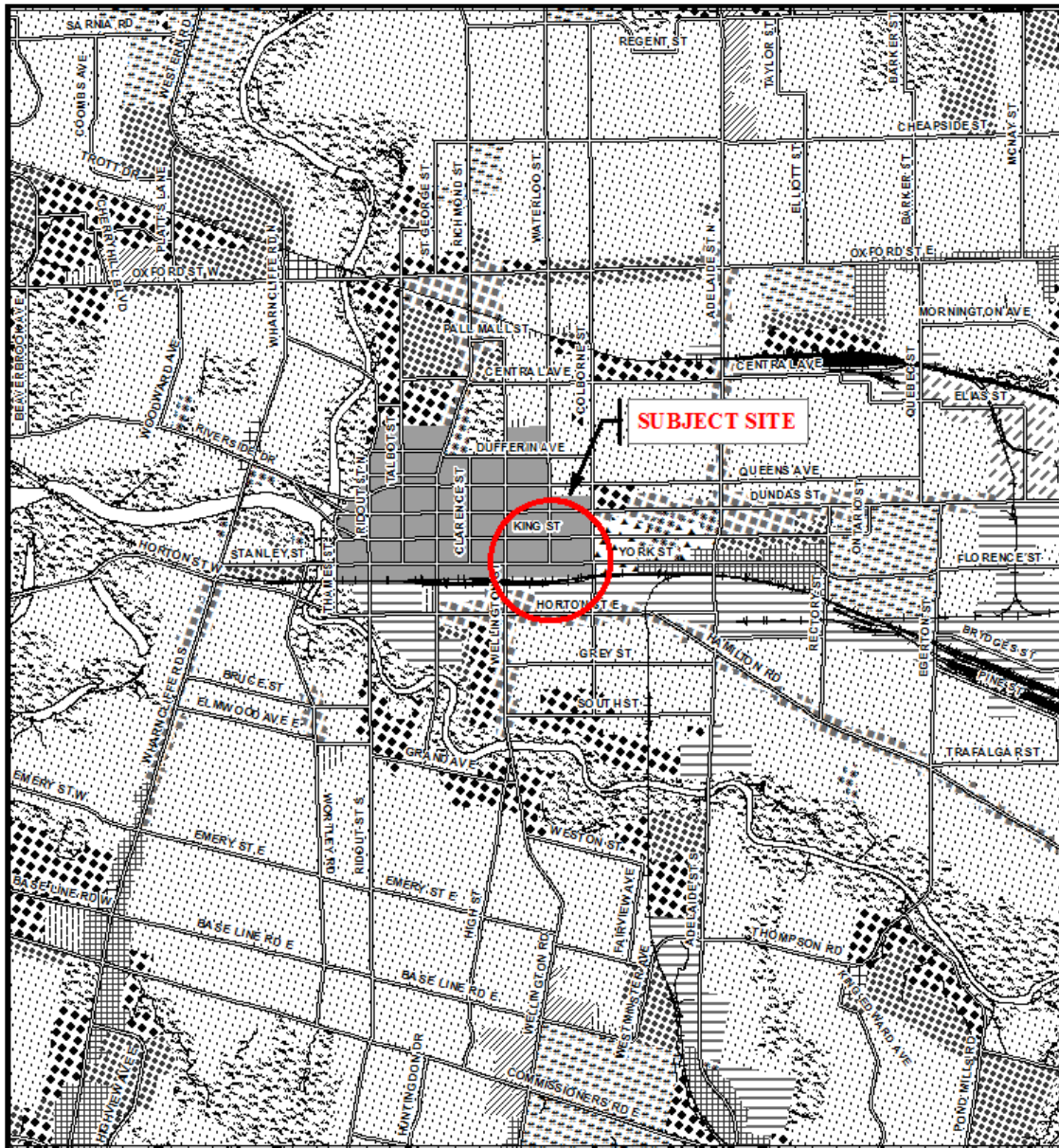
<b>Date Application Accepted:</b> July 8, 2014	<b>Agent:</b> Michael A. Lake, Mckenzie Lake Lawyers
<b>REQUESTED ACTION:</b> Maintain all existing zones. Permit the extension of the Temporary Zone T-32.	

<b>SITE CHARACTERISTICS:</b>
<ul style="list-style-type: none"> <li>• <b>Current Land Use:</b> Commercial Parking Lot</li> <li>• <b>Frontage:</b> 12.5 m (41.0 ft)</li> <li>• <b>Depth:</b> 50.8 m (166.6 ft)</li> <li>• <b>Area:</b> 0.15 hectares (0.37 ac)</li> <li>• <b>Shape:</b> Irregular/Rectangular</li> </ul>

<b>SURROUNDING LAND USES:</b>
<ul style="list-style-type: none"> <li>• <b>North:</b> Commercial Parking Lot</li> <li>• <b>South:</b> Commercial Parking Lot</li> <li>• <b>East:</b> Automobile Sales and Service Establishment</li> <li>• <b>West:</b> Commercial Parking Lot/London Convention Centre</li> </ul>

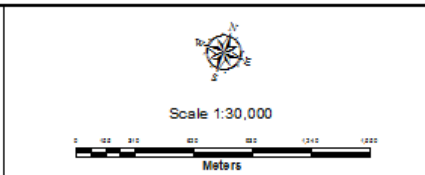
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 Planner: E. Lalonde



Legend	
Downtown	Office/Residential
Wonderland Road Community Enterprise Corridor	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
	Urban Growth Boundary

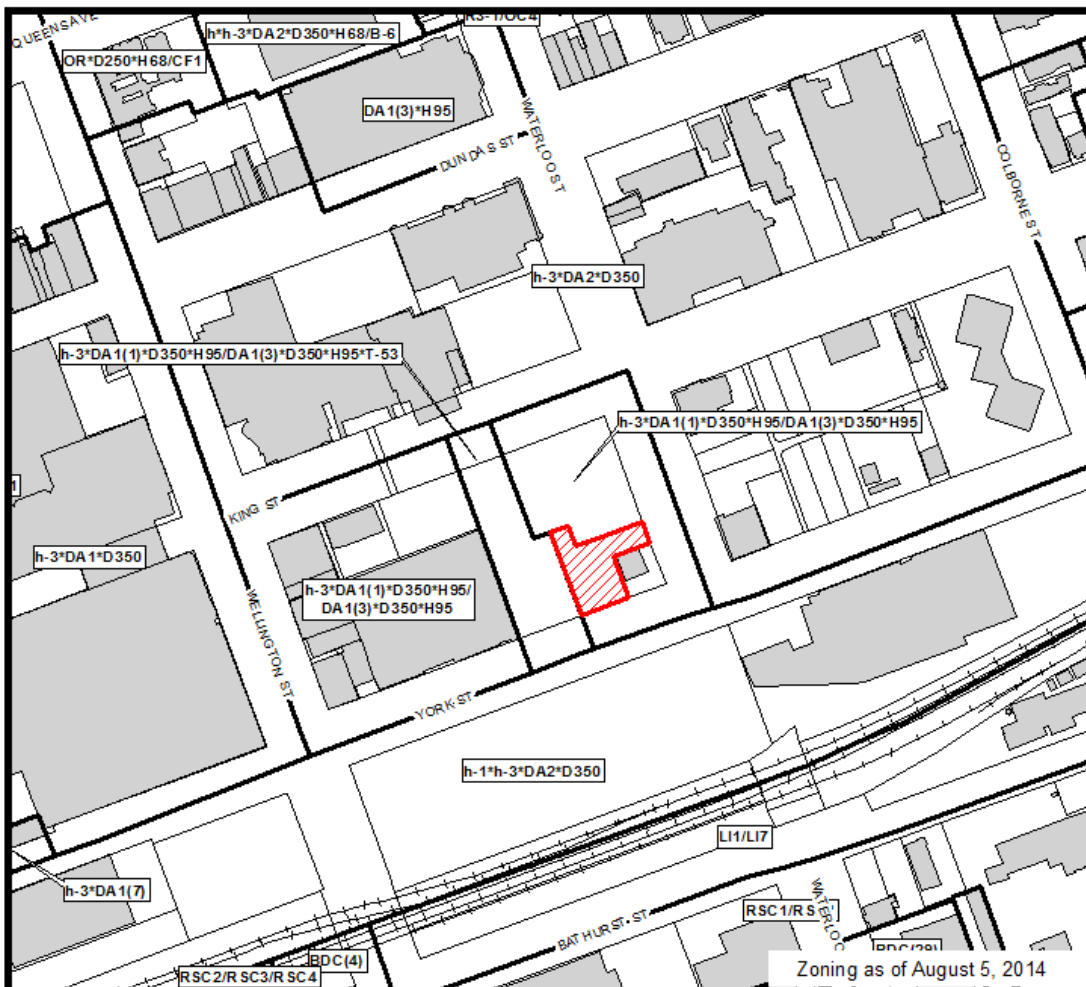
**CITY OF LONDON**  
 Department of  
 Planning and Development  
 OFFICIAL PLAN SCHEDULE A  
 - LANDUSE -  
 PREPARED BY: Graphics and Information Services



FILE NUMBER: OZ-8382  
 PLANNER: EL  
 TECHNICIAN: MB  
 DATE: 2014/08/19

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**COUNCIL APPROVED ZONING FOR THE SUBJECT SITE :h-3\*DA1(1)\*D350\*H95/DA1(3)\*D350\*H95**

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

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>R1 - SINGLE DETACHED DWELLINGS</li> <li>R2 - SINGLE AND TWO UNIT DWELLINGS</li> <li>R3 - SINGLE TO FOUR UNIT DWELLINGS</li> <li>R4 - STREET TOWNHOUSE</li> <li>R5 - CLUSTER TOWNHOUSE</li> <li>R6 - CLUSTER HOUSING ALL FORMS</li> <li>R7 - SENIOR'S HOUSING</li> <li>R8 - MEDIUM DENSITY/LOW RISE APTS.</li> <li>R9 - MEDIUM TO HIGH DENSITY APTS.</li> <li>R10 - HIGH DENSITY APARTMENTS</li> <li>R11 - LODGING HOUSE</li> <br/> <li>DA - DOWNTOWN AREA</li> <li>RSA - REGIONAL SHOPPING AREA</li> <li>CSA - COMMUNITY SHOPPING AREA</li> <li>NSA - NEIGHBOURHOOD SHOPPING AREA</li> <li>BDC - BUSINESS DISTRICT COMMERCIAL</li> <li>AC - ARTERIAL COMMERCIAL</li> <li>HS - HIGHWAY SERVICE COMMERCIAL</li> <li>RSC - RESTRICTED SERVICE COMMERCIAL</li> <li>CC - CONVENIENCE COMMERCIAL</li> <li>SS - AUTOMOBILE SERVICE STATION</li> <li>ASA - ASSOCIATED SHOPPING AREA COMMERCIAL</li> <br/> <li>OR - OFFICE/RESIDENTIAL</li> <li>OC - OFFICE CONVERSION</li> <li>RO - RESTRICTED OFFICE</li> <li>OF - OFFICE</li> </ul> | <ul style="list-style-type: none"> <li>RF - REGIONAL FACILITY</li> <li>CF - COMMUNITY FACILITY</li> <li>NF - NEIGHBOURHOOD FACILITY</li> <li>HER - HERITAGE</li> <li>DC - DAY CARE</li> <br/> <li>OS - OPEN SPACE</li> <li>CR - COMMERCIAL RECREATION</li> <li>ER - ENVIRONMENTAL REVIEW</li> <br/> <li>OB - OFFICE BUSINESS PARK</li> <li>LI - LIGHT INDUSTRIAL</li> <li>GI - GENERAL INDUSTRIAL</li> <li>HI - HEAVY INDUSTRIAL</li> <li>EX - RESOURCE EXTRACTIVE</li> <li>UR - URBAN RESERVE</li> <br/> <li>AG - AGRICULTURAL</li> <li>AGC - AGRICULTURAL COMMERCIAL</li> <li>RRC - RURAL SETTLEMENT COMMERCIAL</li> <li>TGS - TEMPORARY GARDEN SUITE</li> <li>RT - RAIL TRANSPORTATION</li> <br/> <li>"h" - HOLDING SYMBOL</li> <li>"D" - DENSITY SYMBOL</li> <li>"H" - HEIGHT SYMBOL</li> <li>"B" - BONUS SYMBOL</li> <li>"T" - TEMPORARY USE SYMBOL</li> </ul> |
|--|---|

<b>CITY OF LONDON</b> PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES		FILE NO: Z-8382                      EL
<b>ZONING BY-LAW NO. Z-1</b> <b>SCHEDULE A</b>		MAP PREPARED: 2014/08/19                      MB
		1:3,213 0 15 30 60 90 120 Meters
THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS		

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<b>OFFICIAL PLAN DESIGNATION:</b> (refer to Official Plan Map)
<ul style="list-style-type: none"> <li>Downtown Area</li> </ul>
<b>EXISTING ZONING:</b> (refer to Zoning Map)
<ul style="list-style-type: none"> <li>Holding Downtown Area Special Provision / Temporary Use (h-3*DA1(1)*D350*H95/DA1(3)*D350*H95/T-32) Zone</li> </ul> <p><b>Note:</b> the T-32 is currently expired and the subject of the request for amendment.</p>

<b>SIGNIFICANT DEPARTMENT/AGENCY COMMENTS</b>
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Upper Thames River Conservation Authority: *"No Objections"*

Wastewater and Drainage Engineering: *"No Comment."*

Transportation Engineering: *"No Comment"*

Urban Forestry: *"No comments"*

Urban Design: *"No comments"*

<b>PUBLIC LIAISON:</b>	On August 12, 2014, Notice of Application was sent to 19 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 August 19, 2014. A "Possible Land Use Change" sign was also posted on the site.	0 reply was received
<b>Nature of Liaison:</b> Change Zoning By-law Z.-1 by adding a Temporary (T) Zone to permit a surface commercial parking lot for a time period of up to three (3) years and maintain the existing zones which permit a range of commercial uses.		
<b>Responses:</b> None		

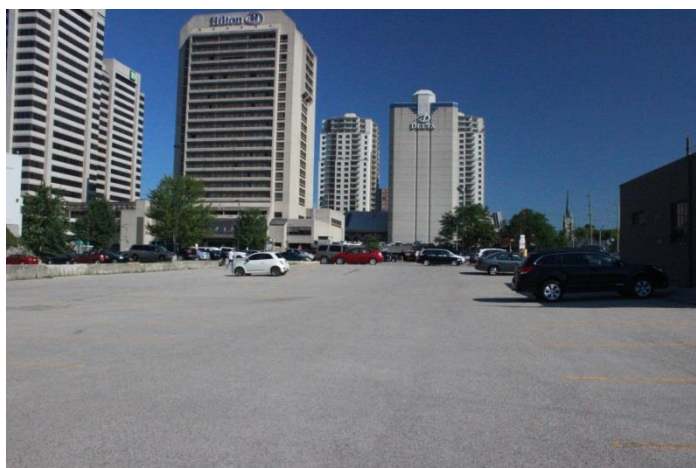
<b>ANALYSIS</b>
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This section provides an overview of the key planning policies applicable to the proposed application, identifies major issues raised as part staff's review, and forms the basis for the recommendations contained in this report.

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**Nature of the Application**

The proposed amendment has been requested to establish a temporary zone on the subject lands, located at 322-324 York Street. The requested temporary zone would permit a commercial parking lot. A commercial parking lot continues to operate on site for approximately 12 years, despite the lapsing of a previous temporary use by-law in 2005. The proposed amendment is effectively seeking to re-establish the permission for the current use to continue.



**Provincial Policy Statement, 2014**

The Provincial Policy Statement (PPS), 2014 provides policy direction that encourages the development of complete communities as well as the efficient use of land. The recommendation to permit a new temporary zone continues to allow the existing zoning, which facilitates a range and mix of commercial uses and high density residential uses which is the long term intent for the land, while providing a greater range and mix of land uses in the short term. The temporary parking lot will not prevent the redevelopment of the site in the short or long term. The proposed amendment is consistent with the Provincial Policy Statement by promoting cost-effective development patterns and ensuring that sufficient land is made available to meet projected land use needs.

The PPS provides policy direction that encourages the development of strong and healthy communities by facilitating land use patterns based on densities and a mix of land use. Section 1.1.1 b) of the PPS encourages “*accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs.*” The subject site has a history of operating as a surface commercial parking lot. This application seeks to formalize this use on a temporary basis to support and complement other uses in the immediate area.

The parking lot use does not prohibit the timely redevelopment of land to the higher intensity uses contemplated through the Official Plan as indicated in this report. Staff considers the recommended amendment to be consistent with the Provincial Policy Statement, 2014.

**Official Plan**

The Official Plan policies which designate the subject lands Downtown Area provide for a wide range of commercial, residential, institutional and entertainment uses in an intensive and multi-functional land use pattern. It is intended that the Downtown Area would develop and function as the primary business, administrative institutional entertainment and cultural centre for the City of London and its surrounding area. The Plan also encourages the provision of adequate and well-located off-street parking facilities that are sufficient to meet the demand generated by existing and proposed land uses in the Downtown. Specific evaluation criteria for the appropriateness of the location of temporary off-street parking facilities are outlined below.

The Official Plan provides policy direction with regard to enabling provisions for temporary uses. Under section 19.4.5 of the Official Plan, temporary use by-laws may be considered provided the general intent and purpose of the Official Plan is being maintained and may be passed for a time period of no more than three (3) years, and:

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*“In enacting a Temporary Use By-law, Council shall have regard for the following matters:*

*(a) compatibility of the proposed use with surrounding land uses;*

The subject site has a history of operating as a surface commercial parking lot for several years previous to this request to amend the Zoning By-law. The subject lands provide some relief for the parking needs of the commercial area in the downtown.

*(b) any requirement for temporary buildings or structures in association with the proposed use;*

The recommended use does not require or propose temporary buildings or structures. Automated parking pay and display machines, lighting, fencing and enhanced landscape is being maintained in accordance with existing site plan approvals.

*(c) any requirement for temporary connection to municipal services and utilities;*

The recommended temporary use of a parking lot does not require any additional municipal services or utilities than what currently exists.

*(d) the potential impact of the proposed use on transportation facilities and traffic in the immediate area;*

There are no additional impacts anticipated on transportation facilities or traffic in the immediate area. Transportation staff has not expressed concern with regard to potential impacts of the proposed use on transportation facilities or traffic.

*(e) access requirements for the proposed use;*

The existing accesses for the subject lot are proposed to be maintained. There is no concern with the existing accesses.

*(f) parking required for the proposed use, and the ability to provide adequate parking on-site; and,*

The recommended temporary use is for commercial parking purposes. There is no concern related to the provision of adequate parking for the temporary use.

*(g) the potential long-term use of the temporary use.*

The use being requested as temporary has been in existence for 12 years. The recommendation to permit the requested use is appropriate as the parking lot will support nearby residential, office, retail and restaurant uses over the short term until a long term use has been established. Additionally, the surface commercial parking lot provides few barriers to redevelop the lot into a desired form of commercial or mixed use in the future. The provision of a temporary use by-law that requires City Council approval to renew the zoning every three years will provide a means of monitoring the site to determine the appropriateness of continuing short-term uses on the subject lands.

With respect to the Official Plan, Staff is satisfied the temporary zoning application for a surface commercial parking lot maintains the general intent and purpose of the relevant policies. Compatibility, associated temporary buildings or structures, services and utilities, traffic, access, parking, and the potential long-term use were all considered with respect to the Official Plan.

**Zoning By-law Z.-1.**

The subject lands were previously listed as having a Temporary Zone, as they have been approved by Council previously for commercial parking lot uses. This temporary zone has since

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expired and is not appropriate to be extended as a result. Therefore, the recommended action includes deleting the expired Temporary Zone and applying a new Temporary Zone for the subject lands.

<b>CONCLUSION</b>
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Planning staff recommend that a new temporary zone be approved for the subject lands as they currently provide a flexible land use that does not prevent the orderly redevelopment in keeping with the long-term intent of Downtown Area. The existing surface commercial parking lot provides a complementary land use to the nearby commercial area and will serve as a temporary use for a maximum of 3-years after which Council approval will be required for a further extension of the temporary zone.

<b>PREPARED BY:</b>	<b>SUBMITTED BY:</b>
<b>ERIC LALANDE PLANNER II, CURRENT PLANNING</b>	<b>MICHAEL TOMAZINCIC, MCIP, RPP MANAGER, CURRENT PLANNING</b>
<b>RECOMMENDED BY:</b>	
<b>JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER</b>	

August 12, 2014  
 EL/el  
 "Attach"

Appendix "A": Draft Zoning By-law Amendment

Y:\Shared\implemen\DEVELOPMENT APPS\2014 Applications 8309 to\8382Z - 322-324 York St (EL)\Z-8382 - 322-324 York Street - PEC Report.docx



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

<u>Telephone</u>	<u>Written</u>

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**File: Z-8382**  
**Planner: E. Lalande**

**Bibliography of Information and Materials**  
**Z-8382**

**Request for Approval:**

City of London Zoning By-law Amendment Application Form, completed by Michael Lake, Mackenzie Lake Lawyers, April 1, 2014

**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*, 2014.

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

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

Bradel Properties Ltd. – Planning Justification Report – June 17, 2014

**Correspondence: (all located in City of London File No. Z-8382. unless otherwise stated)**

**City of London:**

City of London - Wastewater and Drainage Engineering Division, Robert Moore,

City of London – Urban Forestry Division, Rick Postma,

**Departments and Agencies:**

Creighton C., UTRCA. Letter to E. Lalande.

**Other:**

Site visits July 11, 2014 and photographs of the same date.

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**File: Z-8382  
Planner: E. Lalande**

**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 322-324 York Street.

WHEREAS Bradel Properties Ltd. have applied to rezone an area of land located at 322-324 York 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 322-324 York Street, as shown on the attached map comprising part of Key Map No. A107, from a Holding Downtown Area Special Provision (h-3\*DA1(1)\*D350\*H95/DA1(3)\*D350\*H95) Zone to a Holding Downtown Area Special Provision / Temporary Use (h-3\*DA1(1)\*D350\*H95/DA1(3)\*D350\*H95/T-\_\_\_) Zone.

2. Section Number 50.2 of the Temporary (T) zone is amended by adding the following subsection for the properties known municipally as 322-324 York Street and as shown on Schedule "A" attached hereto:

) T-\_\_\_

Lands located at 322 - 324 York Street, as shown on the map attached hereto, comprising part of Key Map No. A107, may be used as a surface commercial parking lot for a temporary period not exceeding three (3) years from the date of the passing of the by-law beginning September 30, 2014.

3. Section Number 50.2 of the Temporary (T) zone is amended by deleting Temporary Use 32 (T-32) in its entirety.

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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 September 30, 2014.

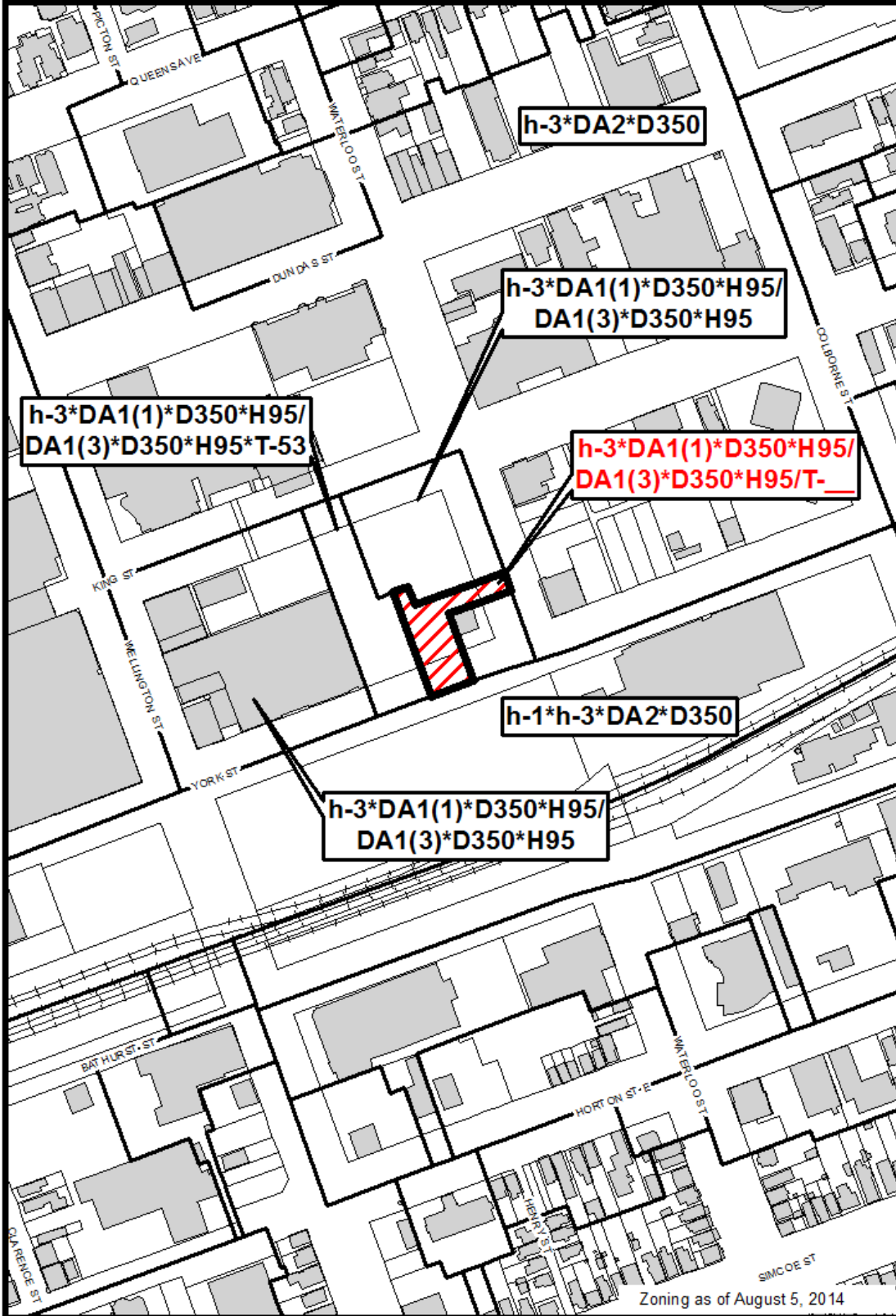
J. Baechler  
Mayor


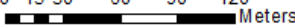

Catharine Saunders  
City Clerk

First Reading - September 30, 2014  
Second Reading – September 30, 2014  
Third Reading - September 30, 2014

Empty boxes for agenda item and page numbers.

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



<p>File Number: Z-8382          Planner: EL          Date Prepared: 2014/08/19          Technician: MB          By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:3,000</p> <p>0 15 30 60 90 120 Meters </p> <p></p>
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Geobase