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File No: OZ-7972
Planner: Alanna Riley

TO:	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING DIRECTOR OF LAND USE PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: 2261531 ONTARIO LIMITED 1103 ADELAIDE STREET NORTH PUBLIC PARTICIPATION MEETING ON FEBRUARY 27, 2012

RECOMMENDATION

That, on the recommendation of the Director of Land Use Planning and City Planner, based on the application of 2261531 Ontario Limited relating to the property located at 1103 Adelaide Street North, the following actions **BE TAKEN**:

- (a) the proposed by-law attached hereto as Appendix 'A' **BE INTRODUCED** at the Municipal Council meeting on March 20, 2012 to amend the Official Plan to change the designation of the subject lands **FROM** Multi Family High Density Residential which permits low-rise and high-rise apartment buildings; apartment hotels; multiple-attached dwellings; emergency care facilities; nursing home; rest homes; homes for the aged; and rooming and boarding houses **TO** Neighbourhood Commercial Node which 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 day care centres; professional and medical/dental offices; small-scale restaurants; commercial recreation establishments; and similar uses that draw customers from a neighbourhood-scale trade area; and
- (b) the proposed by-law attached hereto as Appendix 'B' **BE INTRODUCED** at the Municipal Council meeting on March 20, 2012 to amend Zoning By-law No. Z.-1 to change the zoning of the subject lands **FROM** an Automobile Service Station (SS1) Zone which permits automobile service stations and gas bars, **TO** a Holding Neighbourhood Shopping Area Special Provision (h-5*h-11*h-64*h-95 NSA1()) Zone, in conformity with the Official Plan, as amended in part (a) above, which permits a range of neighbourhood scale commercial retail, service and office uses which are primarily intended to provide for the convenience shopping and service needs of nearby residents with a special provision to permit: a reduced rear yard setback from 8 metres to 3.4 metres to recognize the existing building and proposed addition; a reduced setback for parking next to a road allowance and a reduced setback for parking next to a property line from 3 metres to 0 metres to recognize existing parking and proposed parking; a reduced setback for a drive-through lane and speaker from 15 metres to 0 metres with a 2.4 metre high noise attenuation barrier to accommodate a rear drive-through lane with an existing building; a loading space from 1 to 0; and a gross floor area increase from 150 square metres to 416.4 square metres for one proposed restaurant. The holding h-5 has been applied to ensure a public site plan review meeting. The holding h-11 has been added to ensure the access arrangements are addressed at site plan review. 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 has been added to ensure that urban design is addressed at site plan review.

IT BEING NOTED THAT staff believe that the proposed conceptual site plan is not achievable and will have to be modified through the site plan process to meet the parking requirements of the proposed zone.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of this zoning amendment is to change the Official Plan designation and zoning of the property at 1103 Adelaide Street North to permit a multi-tenant commercial building with a restaurant and drive-through.

Appendix "B"

Bill No. (number to be inserted by Clerk's Office)
2012

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 2261531 Ontario Limited have 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 upon approval of Official Plan Amendment Number (number to be inserted by Clerk's Office) this rezoning will conform 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. 32, from an Automobile Service Station (SS1) Zone to a Holding Neighbourhood Shopping Area Special Provision (h-5*h-11*h-64*h-95*h-120 NSA1()) Zone.

1) Section Number 23 of the Neighbourhood Shopping Area Zone to By-law No. Z.-1 is amended by adding the following Special Provision:

23.4 ___ NSA1() 1103 Adelaide Street North

a) Regulations:

i)	Loading Spaces (Minimum)	0 Loading Spaces
ii)	Distance of Parking Area Located next to an Ultimate Road Allowance (Minimum)	0.0 metres
iii)	Distance of Parking Area Located next to Property Line (Minimum)	0.0 metres
iv)	Drive-Through Setback from interior and rear lot line with appropriate noise attenuation and a 2.4 metre high noise attenuation wall (Minimum)	0.0 metres
v)	Rear Yard Setback (Minimum)	3.4 metres
vi)	Gross Floor Area Restaurant (Maximum)	416.4 m ²

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 March 20, 2012.

Joe Fontana
Mayor

Catharine Saunders
City Clerk

First Reading – March 20, 2012
Second Reading – March 20, 2012
Third Reading – March 20, 2012