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**File: OZ-8463
M. Tomazincic**

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: YORK DEVELOPMENTS (LONDON) INC. 3 MARK STREET (SITUATED BETWEEN 7 MARK STREET AND 1192 Highbury Avenue North) MEETING ON JUNE 24, 2015

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 Developments (London) Inc. relating to the property located at 3 Mark Street (situated between 7 Mark Street and 1192 Highbury Avenue North):

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on June 25, 2015 to amend the Official Plan to change the designation of the subject lands **FROM** Low Density Residential **TO** Auto Oriented Commercial Corridor;
- (b) the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on June 25, 2015 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan as amended in part (a) above, to change the zoning of the subject property **FROM** a Residential R1 (R1-8) Zone **TO** a Restricted Service Commercial Special Provision (RSC1(_)/RSC4(_)) Zone.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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June 15, 2015 Report to Planning and Environment Committee – This report recommended that the request to amend the Official Plan and Zoning By-law for the lands at 1192 Highbury Avenue North to permit 2 restaurants with 2 drive-through lanes be supported.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of this Official Plan and zoning amendment is to expand the site at 1192 Highbury Avenue onto the subject lands to facilitate a commercial development proposal for two restaurants with drive-throughs.

RATIONALE

1. The recommended amendment is consistent with the policies of the Provincial Policy Statement (2014);
2. The proposed amendment is consistent with the Auto Oriented Commercial Corridor policies of the City of London Official Plan related to the evaluation of applications requesting an expansion to a commercial corridor designation;
3. The Zoning By-law amendment, in conjunction with 1192 Highbury Avenue North, will allow for the re-use of an underutilized property along a main commercial corridor.
4. The recommended amendment is consistent with the recommendation made by the Planning and Environment Committee at its Public Participation Meeting on June 15, 2015.

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<p style="text-align: center;">LOCATION MAP</p> <p>Subject Site: 1192 Highbury Ave N Applicant: York Developments (London) Inc File Number: OZ-8463 Planner: Mike Corby Created By: Michael Tomazincic Date: 2015-06-17 Scale: 1:2500</p>	<p style="text-align: center;">LEGEND</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: March 3,	Agent: Laverne Kirkness
REQUESTED ACTION: Change the Official Plan land use designation from FROM Low Density Residential TO an Auto Oriented Commercial Corridor designation. Possible change to Zoning By-law Z.-1 FROM a Neighbourhood Facility (NF1) Zone and a Residential R1 (R1-8) Zone TO a Restricted Service Commercial (RSC1/RSC4) Zone to permit range of moderate intensity commercial uses.	

SITE CHARACTERISTICS:
<ul style="list-style-type: none"> • Current Land Use – Undeveloped Residential Property with public walkway access • Frontage – 16.5 metres (54.2 feet) • Depth – 33.5 metres (110.0 feet) • Area – 553 square metres • Shape - Rectangular

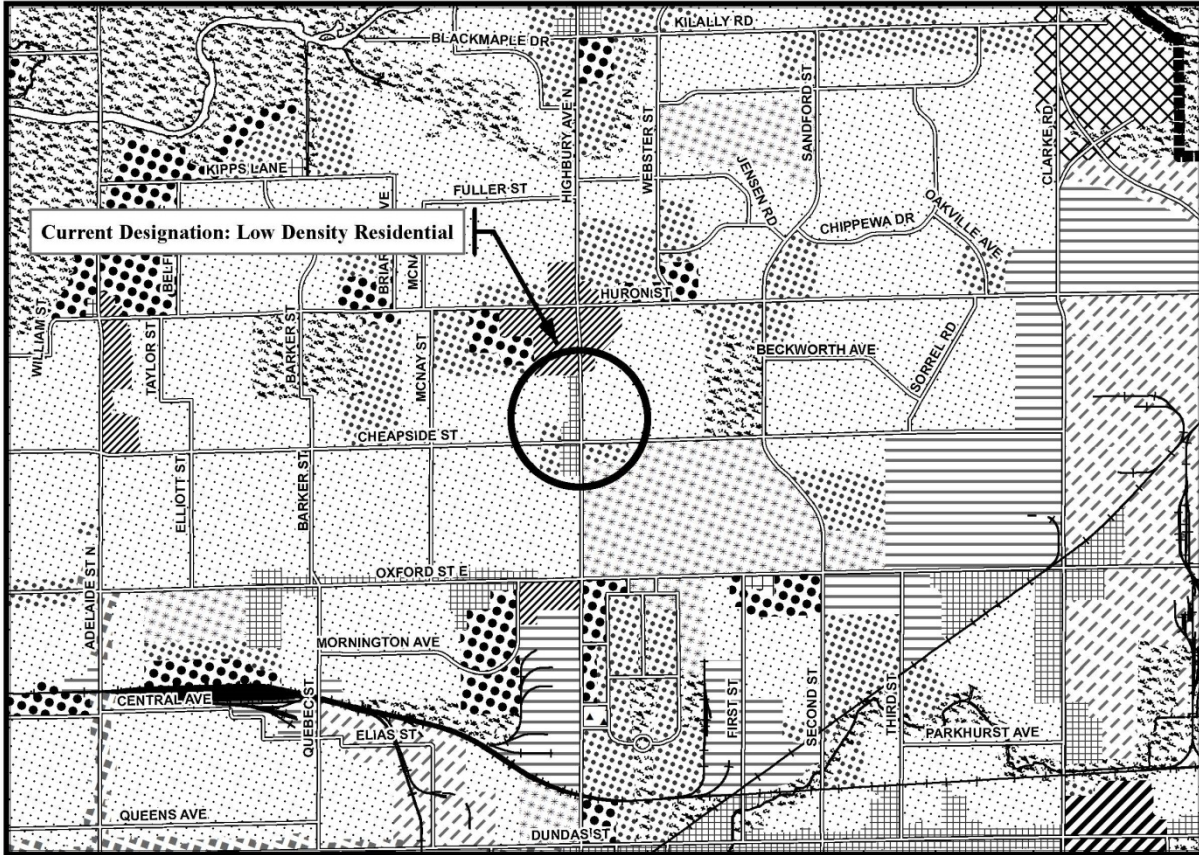
SURROUNDING LAND USES:
<ul style="list-style-type: none"> • North - Place of Worship • South - Low Density Residential Uses • East - Low Density Residential Uses • West - Vacant Lands (former Fire Station)

OFFICIAL PLAN DESIGNATION: (refer to Official Plan Map)
<ul style="list-style-type: none"> • Low Density Residential
EXISTING ZONING: (refer to Zoning Map)
<ul style="list-style-type: none"> • Residential R1 (R1-8)

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AMENDMENT NO:



Legend	
	Downtown
	Wonderland Road Community Enterprise Corridor
	Enclosed Regional Commercial Node
	New Format Regional Commercial Node
	Community Commercial Node
	Neighbourhood Commercial Node
	Main Street Commercial Corridor
	Auto-Oriented Commercial Corridor
	Multi-Family, High Density Residential
	Multi-Family, Medium Density Residential
	Low Density Residential
	Office Area
	Office/Residential
	Office Business Park
	General Industrial
	Light Industrial
	Regional Facility
	Community Facility
	Open Space
	Urban Reserve - Community Growth
	Urban Reserve - Industrial Growth
	Rural Settlement
	Environmental Review
	Agriculture
	Urban Growth Boundary

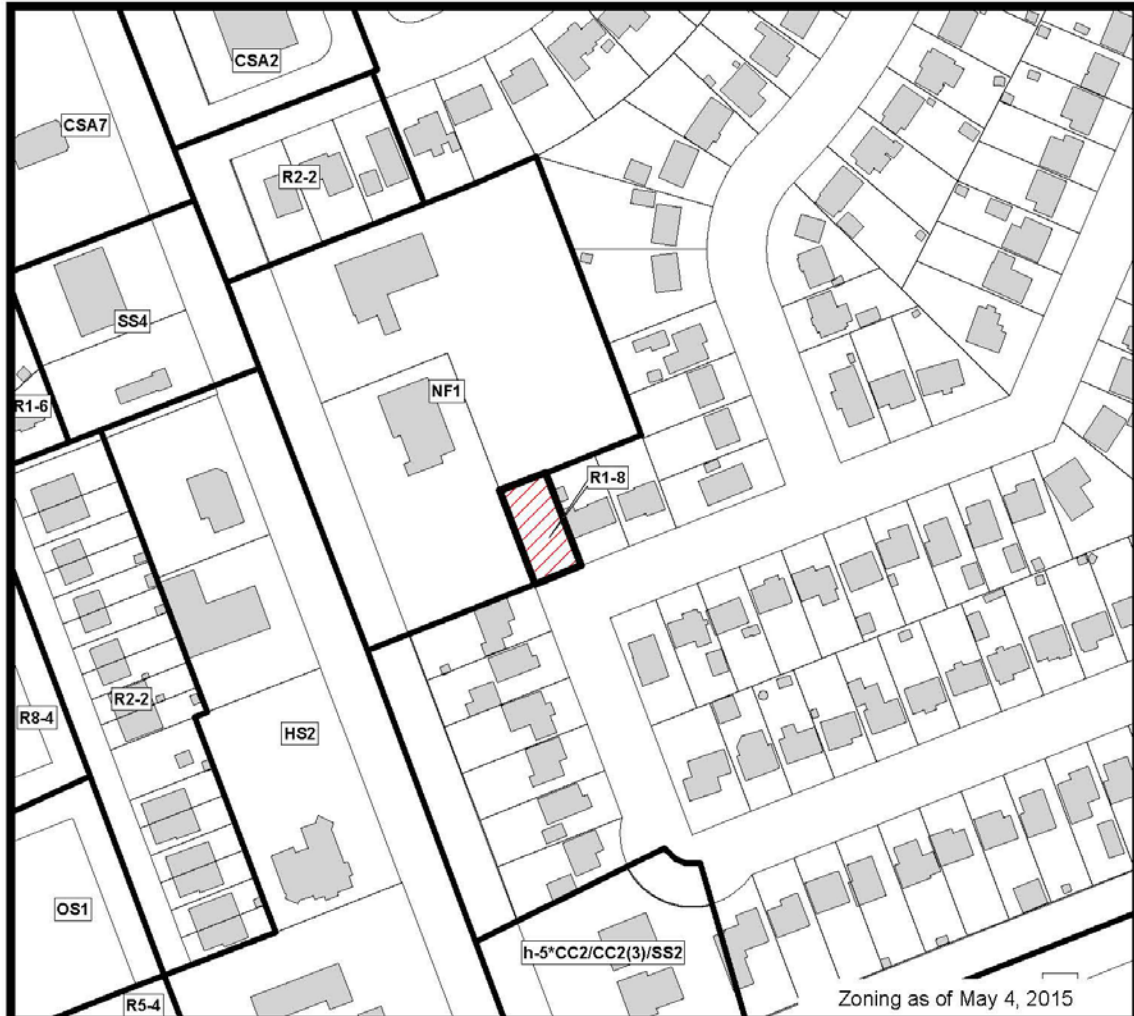
This is an excerpt from the Planning Division's working consolidation of Schedule A to the City of London Official Plan, with added notations.

<p>CITY OF LONDON Department of Planning and Development</p> <p>OFFICIAL PLAN SCHEDULE A -LANDUSE-</p> <p>PREPARED BY: Graphics and Information Services</p>	 Scale 1:30,000 0 150 300 600 900 1,200 1,500 Meters	<p>FILE NUMBER: OZ-8463</p> <p>MANAGER: MT</p> <p>MANAGER: SG</p> <p>DATE: 2015/06/11</p>
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PROJECT LOCATION: e:\planning\projects\p_officialplan\workconso\00\amendments\oz-8310\mxd\scheduleA_b&w_8x11_with_SWAP.mxd

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COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

- | | |
|--|---|
| <ul style="list-style-type: none"> 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 | <ul style="list-style-type: none"> 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 |
|--|---|

<p>CITY OF LONDON PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES</p> <p>ZONING BY-LAW NO. Z-1</p> <p>SCHEDULE A</p> <p style="font-size: small;">THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS</p>		<p>FILE NO: OZ-8463 MT</p> <hr/> <p>MAP PREPARED: 2015/06/17 SG</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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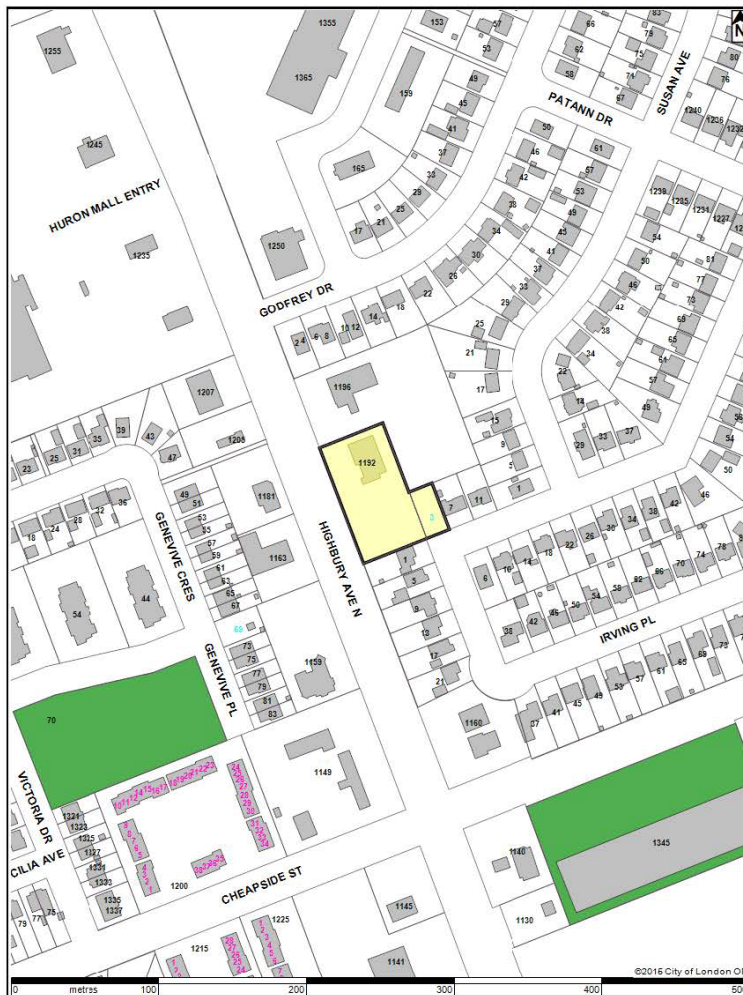
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PLANNING HISTORY

The subject lands were previously owned by the City of London in conjunction with the abutting lands at 1192 Highbury Avenue North (“Highbury property”). In May 2014, the Highbury property was declared surplus and was disposed of in compliance with the *Sale and Other Disposition of Land Policy*. The applicant purchased the Highbury property and had begun to inquire about the purchase of subject site for the purposes of amalgamating the two properties for a commercial development.

The application submitted by the applicant to amend the Official Plan and Zoning By-law to permit commercial uses included both the Highbury property and the subject site. Planning Services Staff issued public notification of a possible amendment to the Official Plan and Zoning By-law which included the following map illustrating the subject property:



The public notification also included the following a description of the possible Zoning By-law amendment:

*Change the Zoning By-law Z.-1 **FROM** a Neighbourhood Facility (NF1) Zone which permits: places of worship; elementary schools; day care centres; community centres; libraries; private schools; fire stations; private clubs; and police stations and a Residential R1 (R1-8) Zone which permits single detached dwellings **TO** a Restricted Service Commercial Special Provision (RSC1/RSC4()) Zone...with special zoning provisions to permit a reduction in: the minimum required interior side yard depth; the minimum number of parking spaces; the minimum depth between the parking area and ultimate road allowance; and, the minimum separation distance from the edge of a drive-through lane to the abutting non-commercial uses*

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Planning Staff had evaluated the merits of the requested amendments based on the land area submitted by the applicant (including the subject site) and were of the opinion that the requested amendments were in conformity to provincial and local land use policy and represented sound land use planning.

However, at the time of the writing of the report, the City of London and the applicant had not yet entered into a binding agreement to purchase the subject site. As a result, Planning Staff recommended that only the Highbury property be re-designated and rezoned to accommodate the requested uses.

On June 15, 2015 Planning Staff received confirmation from Realty Services Staff that the City and the applicant had entered into a binding agreement to purchase the subject site. This date also coincided with the date of the statutory public participation meeting of the Planning and Environment Committee.

At the public participation meeting, the Planning and Environment Committee recommended to Municipal Council that the amendments recommended by Planning Staff pertaining to the Highbury property be introduced at the next Municipal Council meeting in addition to the following recommendations pertaining to the subject site:

- d) the Civic Administration BE REQUESTED to bring forward to a Special Meeting of the Planning and Environment Committee to be held on June 24, 2015 at 3:00 PM, a by-law to amend the Official Plan to change the designation of the subject lands (3 Mark Street) FROM Low Density Residential TO Auto-Oriented Commercial Corridor; and,
- e) the Civic Administration BE REQUESTED to bring forward to the Special Meeting of the Planning and Environment Committee to be held on June 24, 2015 at 3:00 PM, a by-law to amend Zoning By-law Z.-1, in conformity with the Official Plan as amended in part (d) above, to change the zoning of the subject property (3 Mark Street) FROM a Residential R1 (R1-8) Zone TO a Restricted Service Commercial Special Provision (RCS1(_)/RSC4(_)) Zone; and,
- f) pursuant to Section 34(17) of the *Planning Act*, as determined by the Municipal Council, no further notice BE GIVEN in respect of the proposed by-laws as a public participation meeting has been held with respect to this matter;

it being pointed out that at the public participation meeting associated with this matter, the individuals indicated on the attached public participation meeting record made oral submissions in connection therewith.

CONCLUSION

The appropriateness of the requested amendment for the subject site has been evaluated in conjunction with the abutting lands at 1192 Highbury Avenue North. Public notification outlining the proposed amendments, including a location map illustrating the property, was issued by Planning Services. The discussion at the public meeting of the Planning and Environment Committee included both the Highbury property as well as the subject site wherein the members of the public were able to provide oral submission about the requested amendments.

The recommended amendment is consistent with the policies of the Provincial Policy Statement (2014) and with the Auto Oriented Commercial Corridor policies of the City of London Official Plan. The Zoning By-law amendment, in conjunction with 1192 Highbury Avenue North, will allow for the re-use of an underutilized property along a main commercial corridor. And the recommended amendment is consistent with the recommendation made by the Planning and Environment Committee at its Public Participation Meeting on June 15, 2015.

Agenda Item # Page #

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PREPARED BY AND SUBMITTED BY:	RECOMMENDED BY:
MICHAEL TOMAZINCIC, MCIP, RPP MANAGER, CURRENT PLANNING	JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER

17 June 2015

MT/lmt

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Files\Supplemental Report to PEC (3 Mark St)

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Appendix "A"

Bill No. (number to be inserted by Clerk's Office)
2015

By-law No. C.P.-1284-_____

A by-law to amend the Official Plan for the City of London, 1989 relating to 3 Mark Street (situated between 7 Mark Street and 1192 Highbury Avenue North).

The Municipal Council of The Corporation of the City of London enacts as follows:

1. Amendment No. (to be inserted by Clerk's Office) to the Official Plan for the City of London Planning Area – 1989, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. This by-law shall come into effect in accordance with subsection 17(38) of the *Planning Act, R.S.O. 1990, c.P.13*.

PASSED in Open Council on June 25, 2015.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – June 25, 2015
Second Reading – June 25, 2015
Third Reading – June 25, 2015

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**File: OZ-8463
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AMENDMENT NO.

to the

OFFICIAL PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to change the designation of certain lands described herein from Low Density Residential to Auto Oriented Commercial Corridor on Schedule "A", Land Use, to the Official Plan for the City of London.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands located at 3 Mark Street (situated between 7 Mark Street and 1192 Highbury Avenue North) in the City of London.

C. BASIS OF THE AMENDMENT

The recommended amendment is consistent with the policies of the Provincial Policy Statement (2014) and the Official Plan criteria related to the evaluation of applications requesting an expansion to a commercial corridor designation.

The recommended amendment will facilitate the expansion of the site at 1192 Highbury Avenue onto the subject lands to accommodate a commercial development proposal for two restaurants with drive-throughs and allow for the re-use of a previously developed property along a main commercial corridor which is fully serviced by utilities and transit

D. THE AMENDMENT

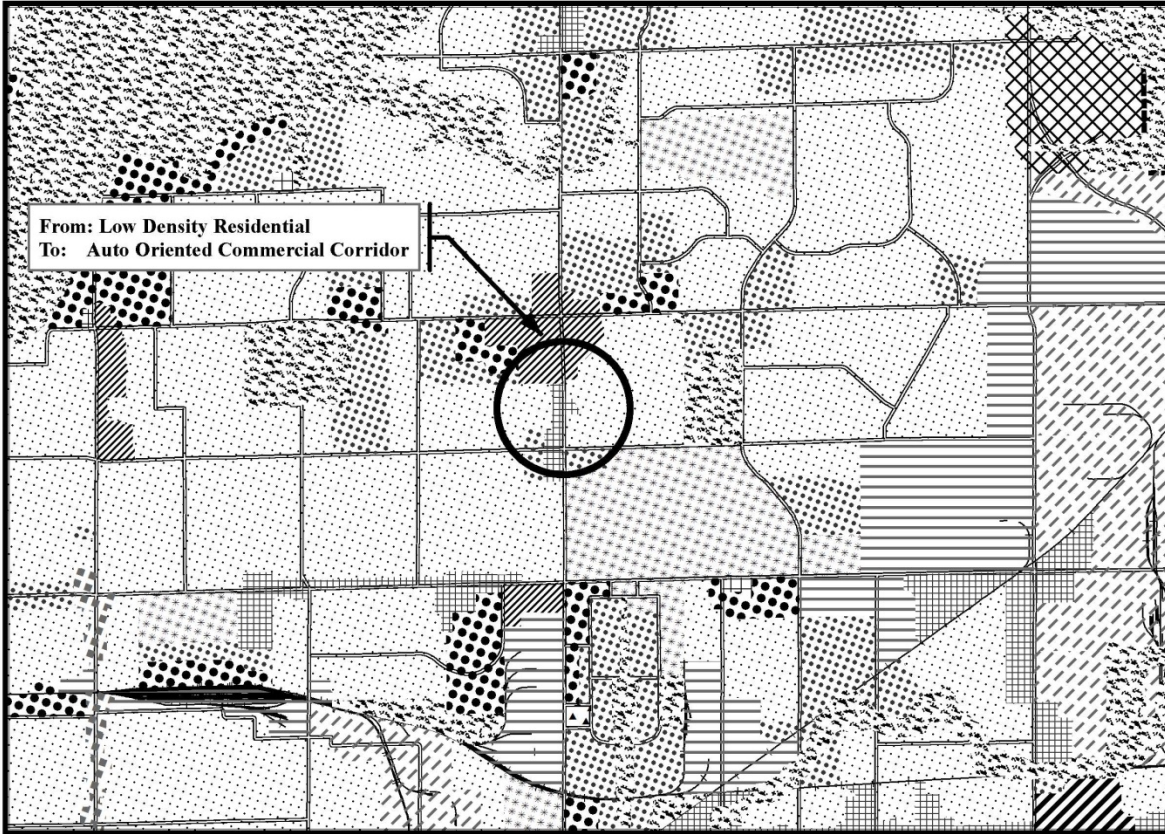
The Official Plan for the City of London is hereby amended as follows:

Schedule "A", Land Use, to the Official Plan for the City of London Planning Area is amended by designating those lands located at 3 Mark Street (situated between 7 Mark Street and 1192 Highbury Avenue North) in the City of London, as indicated on "Schedule 1" attached hereto from Low Density Residential to Auto Oriented Commercial Corridor.

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AMENDMENT NO:



Legend	
	Downtown
	Wonderland Road Community Enterprise Corridor
	Enclosed Regional Commercial Node
	New Format Regional Commercial Node
	Community Commercial Node
	Neighbourhood Commercial Node
	Main Street Commercial Corridor
	Auto-Oriented Commercial Corridor
	Multi-Family, High Density Residential
	Multi-Family, Medium Density Residential
	Low Density Residential
	Office Area
	Office/Residential
	Office Business Park
	General Industrial
	Light Industrial
	Regional Facility
	Community Facility
	Open Space
	Urban Reserve - Community Growth
	Urban Reserve - Industrial Growth
	Rural Settlement
	Environmental Review
	Agriculture
	Urban Growth Boundary

This is an excerpt from the Planning Division's working consolidation of Schedule A to the City of London Official Plan, with added notations.

<p>SCHEDULE 1 TO OFFICIAL PLAN</p> <p>AMENDMENT NO. _____</p> <p>PREPARED BY: Graphics and Information Services</p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: OZ-8463</p> <p>MANAGER: MT</p> <p>MANAGER: SG</p> <p>DATE: 2015/06/16</p>
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PROJECT LOCATION: e:\planning\projects\p_officialplan\work\consolidation\amendments\oz-8310\mxd\scheduleA_b&w_8x11_with_SWAP.mxd

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**File: OZ-8463
M. Tomazincic**

Appendix "B"

Bill No. (number to be inserted by Clerk's Office)
2015

By-law No. Z.-1-15_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 3 Mark Street (situated between 7 Mark Street and 1192 Highbury Avenue North).

WHEREAS York Developments (London) Inc. has applied to rezone an area of land located at 3 Mark Street (situated between 7 Mark Street and 1192 Highbury Avenue 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:

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 3 Mark Street (situated between 7 Mark Street and 1192 Highbury Avenue North), as shown on the attached map comprising part of Key Map No. A103, from a Residential R1 (R1-8) Zone to a Restricted Service Commercial Special Provision (RSC1(_)/RSC4(_)) Zone.

- 2) Section Number 28.4 of the Restricted Service Commercial (RSC1) Zone is amended by adding the following Special Provision:

)	RSC1(_)	1192 Highbury Avenue North	
	a)	Regulation[s]	
		i) Rear Yard Depth (Minimum)	4.3 metres (14.1 feet)
		ii) North Interior Side Yard Depth (Minimum)	4.3 metres (14.1 feet)
		iii) Separation distance from the edge of the drive-through lane or speaker location, whichever is closer, to the closest residential/facility/institutional use lot line and/or zone line	0.3 metres (1 foot)

- 3) Section Number 28.4 of the Restricted Service Commercial (RSC4) Zone is amended by adding the following Special Provision:

)	RSC4(_)	1192 Highbury Avenue North	
	b)	Regulation[s]	
		iv) Rear Yard Depth (Minimum)	4.3 metres (14.1 feet)
		v) North Interior Side Yard Depth (Minimum)	4.3 metres (14.1 feet)
		vi) Separation distance from the edge of the drive-through lane	0.3 metres (1 foot)

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or speaker location, whichever is closer, to the closest residential/facility/institutional use lot line and/or zone line

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. 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 June 25, 2015.

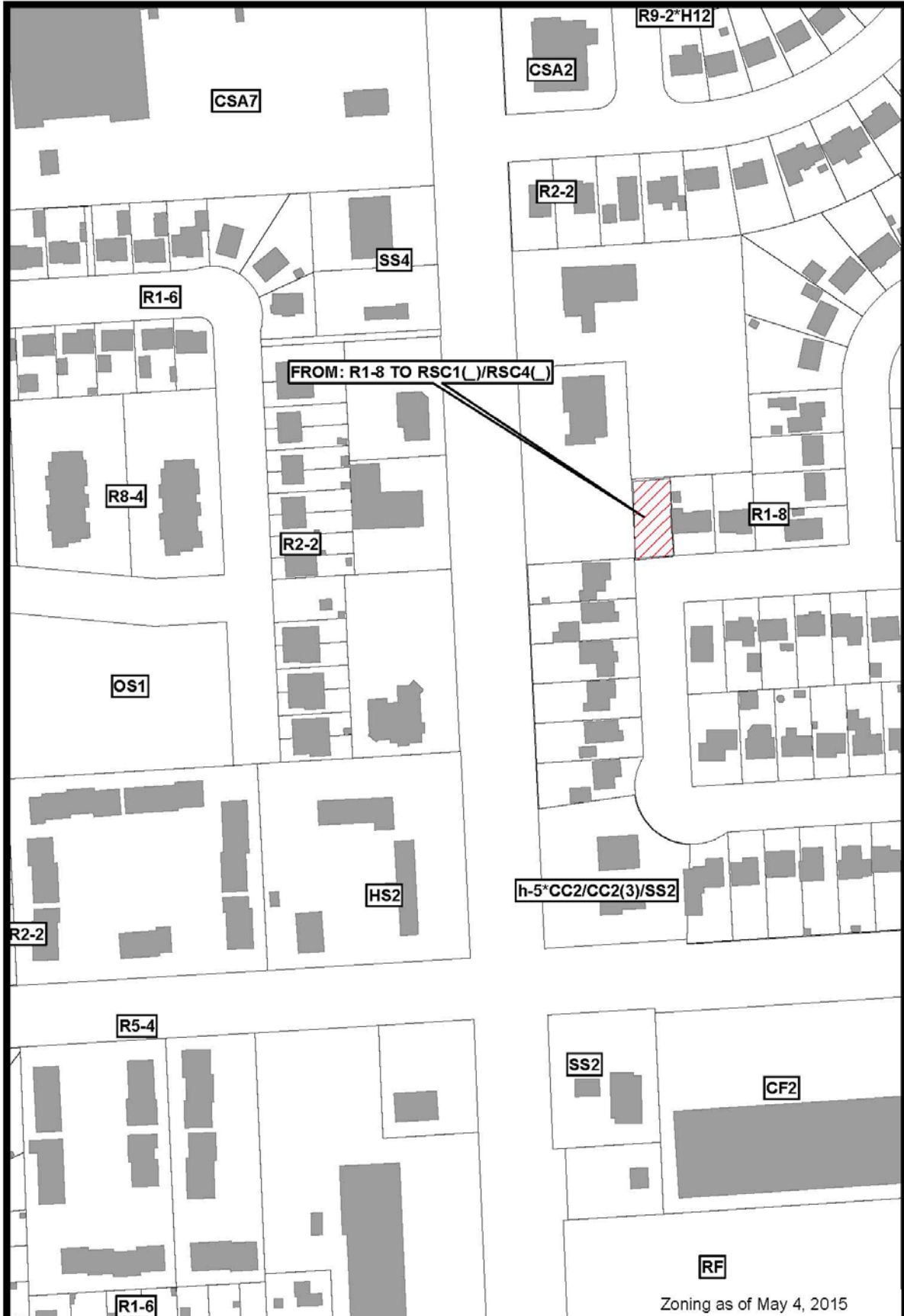
Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – June 25, 2015
Second Reading – June 25, 2015
Third Reading – June 25, 2015

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



File Number: OZ-8463
 Manager Current Planning: MT
 Date Prepared: 2015/06/16
 Manager UD & GIS: SG
 By-Law No: Z.-1-

SUBJECT SITE 

1:2,000

