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File: OZ-8500
Planner: Mike Corby

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: KILALLY SHOPPING CENTRE INC. 1255 KILALLY ROAD PUBLIC PARTICIPATION MEETING ON SEPTEMBER 21, 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 Kilally Shopping Centre Inc. relating to the property located at 1255 Kilally Road:

- (a) The proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on September 29, 2015 to amend the Official Plan to change the designation of the subject lands **FROM** Multi-Family, Medium 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 September 29, 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 Convenience Commercial/Neighbourhood Facility (CC2/CC3/NF) Zone, **TO** a holding Associated Shopping Area Special Provision (h-(_)**•**ASA1(_)/ASA3(_)) Zone;

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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39T-99524/POZ-5819 – Report to Planning Committee

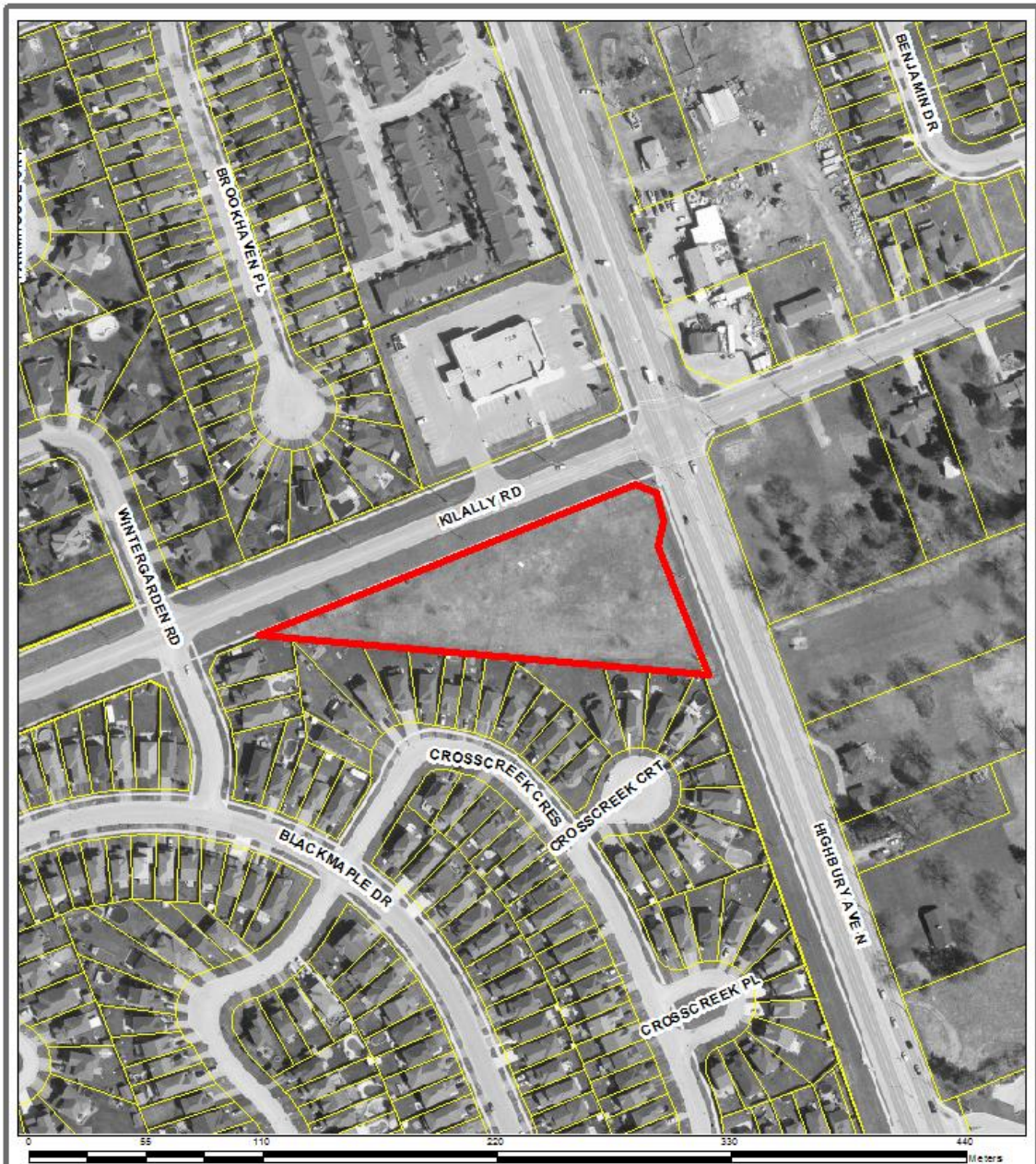
A.055/11 – Minor Variance Application

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of the requested Zoning By-law amendment and Official Plan amendment is to broaden the range of retail and service commercial uses and to permit small-scale offices on the site. The proposed amendments would also increase the total floor area of the commercial plaza from 1,300 m² to 1,600m², and recognize the existing gas bus use on the site.

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LOCATION MAP

Subject Site : 1255 Kilally Road
Applicant: Kilally Shopping Centre Inc.
File Number : OZ-8500

Planner : MC
Created By : TT
Date : 2015/09/11
Scale : 1:2,500

Legend

Subject Site

Prepared by : Graphics & Information Services , Planning Division
Corporation of the City of London
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RATIONALE

1. The recommended amendment is consistent with the polices 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 amendments will allow for the site to be used to its fullest potential to serve the travelling public and surrounding community.

BACKGROUND

Date Application Accepted: June 16, 2015	Agent: Scott Allen (MHBC)
REQUESTED ACTION:	
Change Zoning By-law Z.-1 FROM a Convenience Commercial/Neighbourhood Facility (CC2/CC3/NF) Zone TO an Associated Shopping Area Special Provision (ASA1(_)/ASA3) Zone. The requested Special Provisions would recognize existing permissions on the site, including the existing gas bar; 3.0 metre minimum front and exterior side yard setback for fuel pumps, gas bar kiosk and dispenser canopy; 0.0m parking area setback and patio location in the interior side yard.	

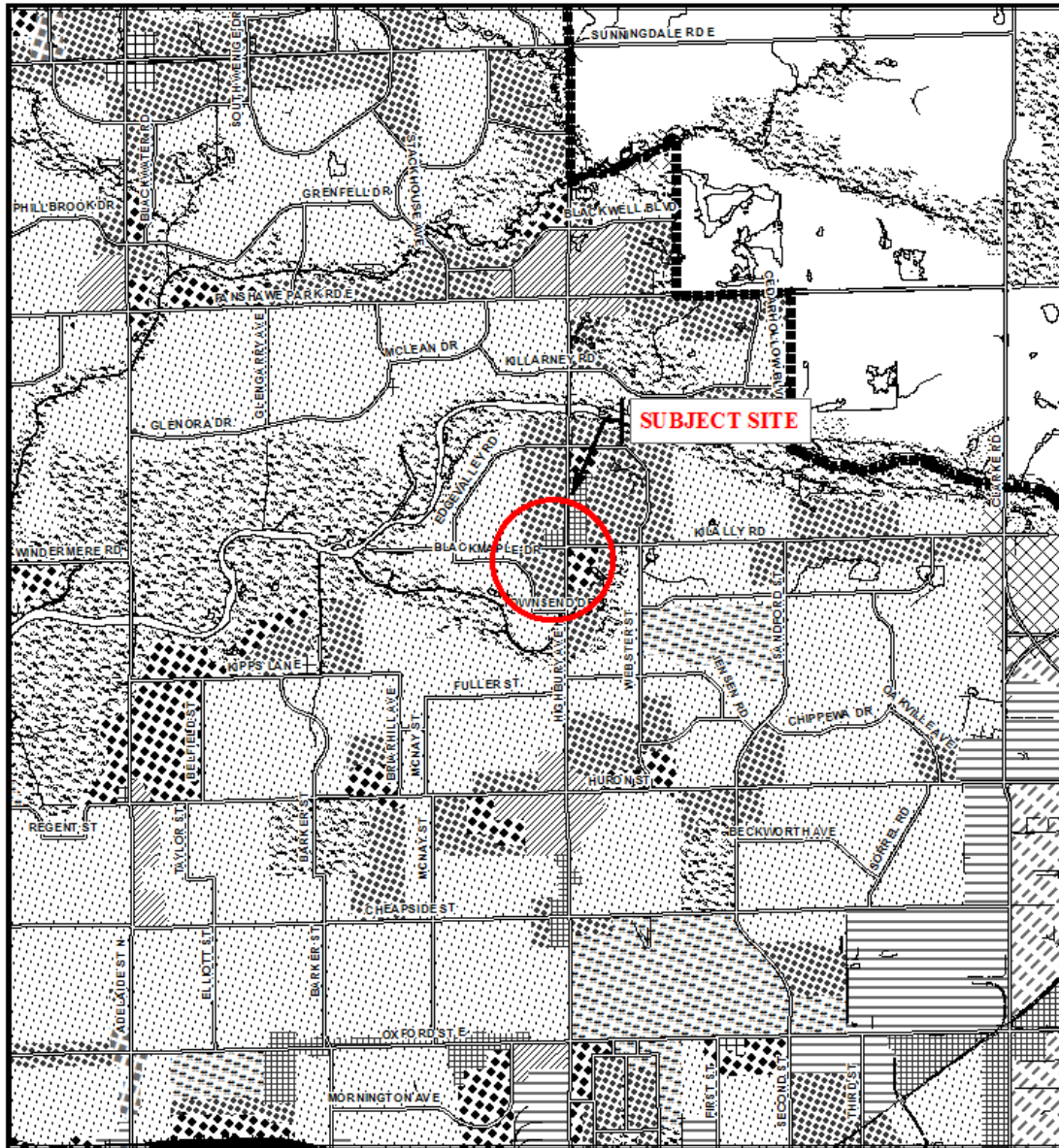
SITE CHARACTERISTICS:
<ul style="list-style-type: none"> • Current Land Use – Commercial Development (under construction) • Frontage – 91 metres (299ft) • Depth – 186 metres (650ft) (at deepest section) • Area – 0.92 ha (2.27ac) • Shape - Triangular

SURROUNDING LAND USES:
<ul style="list-style-type: none"> • North - Low and Medium Density Residential/Rexall • South - Low Density Residential • East - Residential (undeveloped) • West - Low Density Residential

OFFICIAL PLAN DESIGNATION: (refer to Official Plan Map)
<ul style="list-style-type: none"> • Multi-Family, Medium Density Residential
EXISTING ZONING: (refer to Zoning Map)
<ul style="list-style-type: none"> • CC2/CC3/NF

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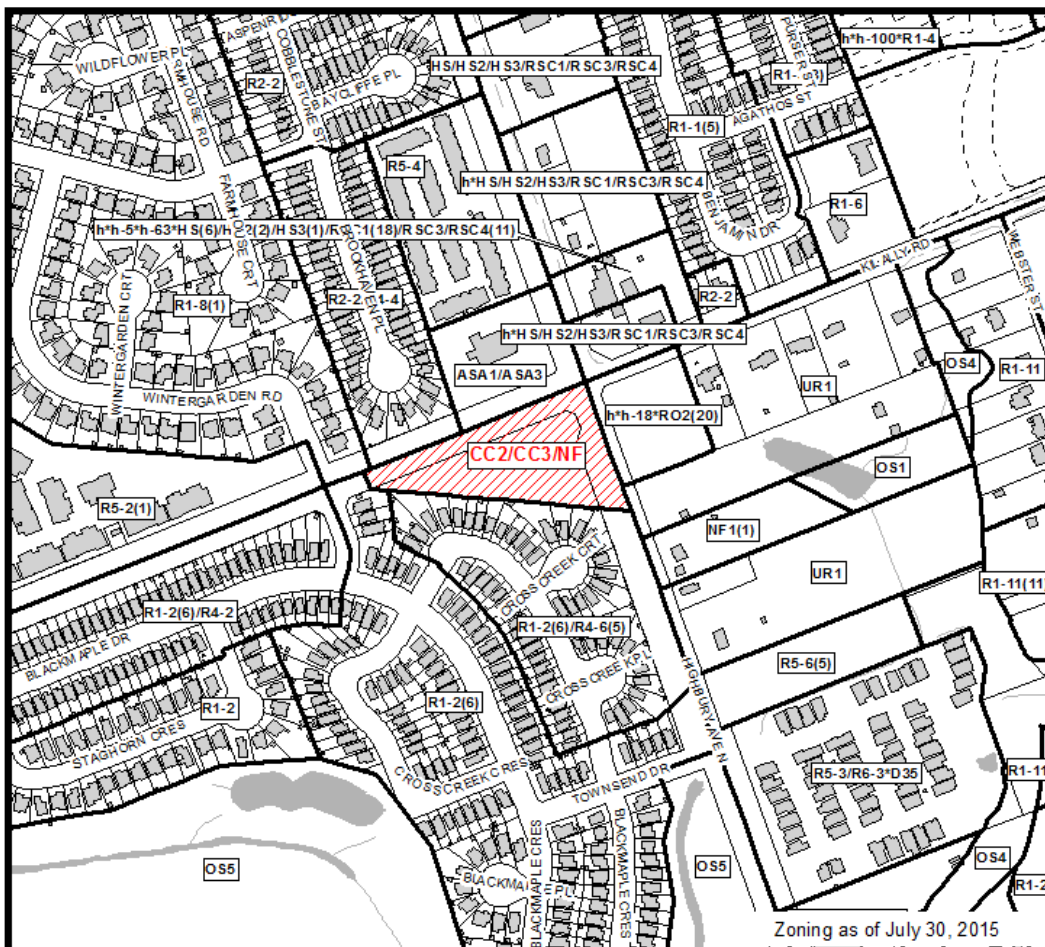
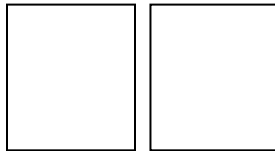
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Legend			
	Downtown		Office/Residential
	Wonderland Road Community Enterprise Corridor		Office Business Park
	Enclosed Regional Commercial Node		General Industrial
	New Format Regional Commercial Node		Light Industrial
	Community Commercial Node		Regional 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

<p>CITY OF LONDON Department of Planning and Development</p> <p>OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p><small>PREPARED BY: Graphics and Information Services</small></p>	 Scale 1:30,000 Meters	<p>FILE NUMBER: OZ-8500</p> <p>PLANNER: MC</p> <p>TECHNICIAN: MB</p> <p>DATE: 2015/09/02</p>
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PROJECT LOCATION: e:\planning\proj\dtsp_officialplan\work\cns\100\excorp\l\mxd_templates\scheduleA_b&w_8x14_with_SWAP.mxd



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: CC2/CC3/NF

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

- | | |
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| <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 |
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CITY OF LONDON
PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES

ZONING
BY-LAW NO. Z-1
SCHEDULE A



FILE NO:
OZ-8500 MC

MAP PREPARED:
2015/09/02 MB

1:5,000
0 25 50 100 150 200 Meters

THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS

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PLANNING HISTORY

The subject site was created through a plan of subdivision where the lands were designated Multi-Family, Medium Density Residential and zoned Convenience Commercial/Neighbourhood Facility (CC2/CC3/NF) in the year 2000.

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

Bell July 20, 2015

A detailed review of the Official Plan Amendment and Zoning By-Law Amendment application has been completed and an easement may be required to service the subject property, depending on a review of more detailed applications under the Planning Act.

City of London Transportation - June 26, 2015

Based on the attached report and the proposed site plan, below are Transportation comments:

- A holding provision on access is required
- Access on Highbury Ave will be restricted to Right-in/Right-out through the extension of the existing raised center median as per the Access Management Guidelines (to be extended to 25 m south of the access)
- The first access on Kilally Road west of Highbury Ave should align with the existing access to property north of Kilally Road. This access should be restricted to Right-in/Right-out/Left-out through the construction of pork-chops as per the Access Management Guidelines. A median will not be an option since it will restrict the access to the property to the north.
- A left turn lane will be required for the westerly access on Kilally Road.
- Clear throat of 6.0m from the ultimate road allowance for all accesses.
- All transportation design and transportation related items will be discussed in more detail through the Site Plan review process

City of London Transportation – September 14, 2015

The holding provision is still required for the restricted access on Highbury Ave. When the site plan was approve, the median on Highbury Ave was to be extended to restrict the access to Right-in/Right-out, but this was not done although the work was completed. No further Transportation comments.

PUBLIC LIAISON:	On June 26, 2015, Notice of Application was sent to 224 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 June 25, 2015. A "Possible Land Use Change" sign was also posted on the site.	5 phone calls and 5 email replies were received
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<p>Nature of Liaison: The purpose and effect of the requested Zoning By-law amendment and Official Plan amendment is to broaden the range of retail and service commercial uses and to permit small-scale offices on the site. The proposed amendments would also increase the total floor area of the commercial plaza from 1,300 m² to 1,600m², and recognize the existing gas bar use on the site.</p> <p>Change Official Plan land use designation from Multi-Family, Medium Density Residential to Auto-Oriented Commercial Corridor.</p> <p>Change Zoning By-law Z.-1 from a Convenience Commercial (CC2)/Convenience Commercial (CC3)/Neighbourhood Facility (NF) Zone which permits convenience service establishments; convenience stores, financial institutions and personal service establishments, all without drive-through facilities; dwelling units, medical/dental offices; food stores and take-out restaurants, all without drive-through facilities; brewing on premises establishments; convenience stores with gas bars, but with-out a drive-through facility; places of worship; elementary schools and day care uses, to an Associated Shopping Area Special Provision (ASA1(_))/Associated Shopping Area (ASA3) Zone which permits animal hospitals, convenience service establishments; convenience stores; dry cleaning and laundry plants; duplicating shops; financial institutions; grocery stores; restaurants; retail stores; personal service establishments; pharmacies; printing establishments; video rental establishments; brewing on premises establishments; clinics, day care centres; laboratories, medical/dental offices; and professional and service offices. The requested Special Provisions would recognize existing permissions on the site, including the existing gas bar; 3.0 metre minimum front and exterior side yard setback for fuel pumps, gas bar kiosk and dispenser canopy; 0.0m parking area setback and patio location in the interior side yard.</p>
<p>Responses:</p> <ul style="list-style-type: none"> - Site plan related issues - Wanted to ensure fencing would be provided along the rear property lines. - Concerned over gas bar that was being built. - Potential Odour issues

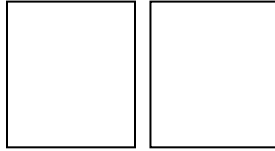
ANALYSIS

Subject Site

The subject site is located at 1255 Kilally Road which is at the Southwest corner of Kilally Road and Highbury Ave North. The site was previously part of a much larger piece of land which was then development through a plan subdivision which was approved in 2000. The subject site was zoned Convenience Commercial to provide small scale commercial uses through the previous subdivision process but has remained undeveloped until recently. The site abuts a residential subdivision to the south, a Rexall Pharmacy across the street to the north and residential uses behind it. The site has a large Imperial Oil easement along the rear of the property which creates a buffer between the subject site and abutting residential lots.

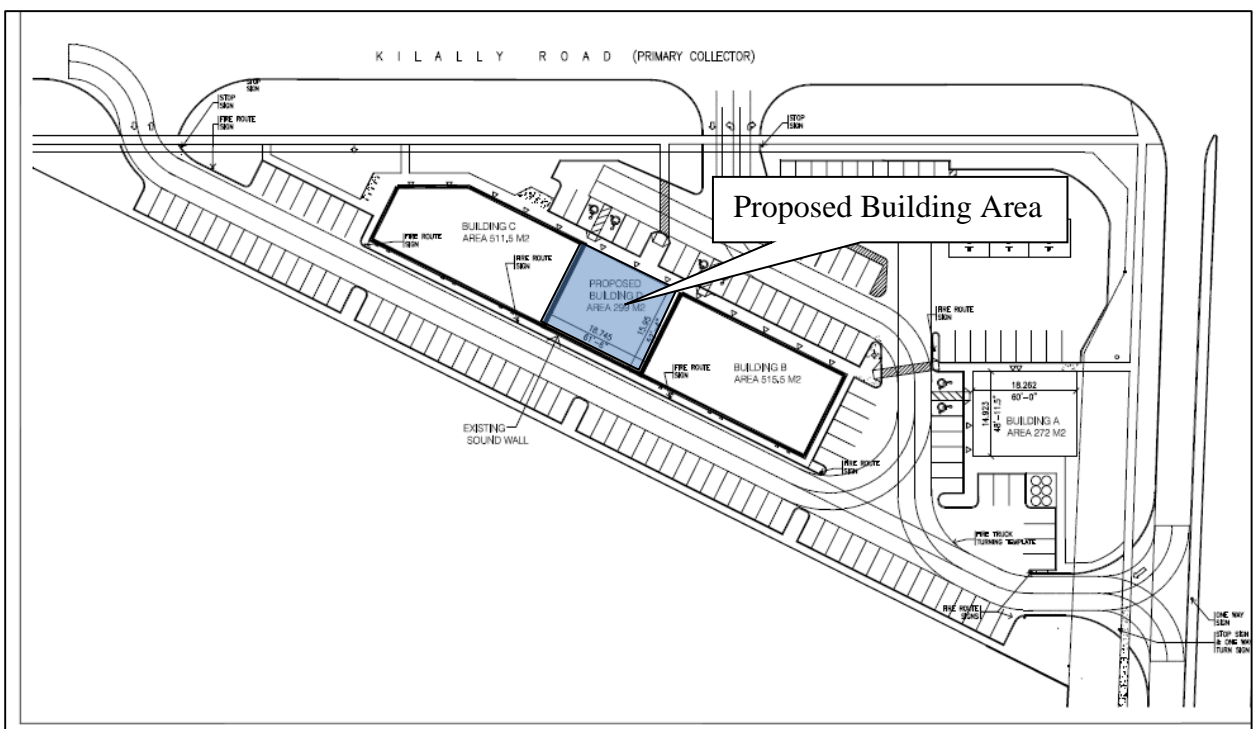
Nature of Application

The applicant is seeking to increase the range of permitted uses on the site and allow for an increase in the gross floor area permitted for commercial uses. The existing commercial zone limits the amount of commercial space permitted on the site. The Zoning permits a maximum GFA of 1,000m². By way of Minor Variance in 2011, the applicant was granted permission to increase the amount of GFA from 1,000m² to 1,300m² as well as a reduction in the amount of



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required parking. The Official Plan establishes a commercial hierarchy based on the amount of Commercial GFA. Convenience Commercial uses are not expected to exceed 1,000m² of GFA. Although this site was already granted to exceed the amount of GFA by way of Minor Variance, any further increases in GFA should be considered in the context of a new commercial designation. In order to increase the amount permitted the applicant has applied for an Auto Oriented Commercial Corridor designation which permits a wider range of uses and higher gross floor area permitted when implementing the associated zoning to the site. The subject site has been built up to the maximum approved 1300m² and is now seeking to fill in a 300m² section which was previously identified for patio space. (see images below)



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PPS

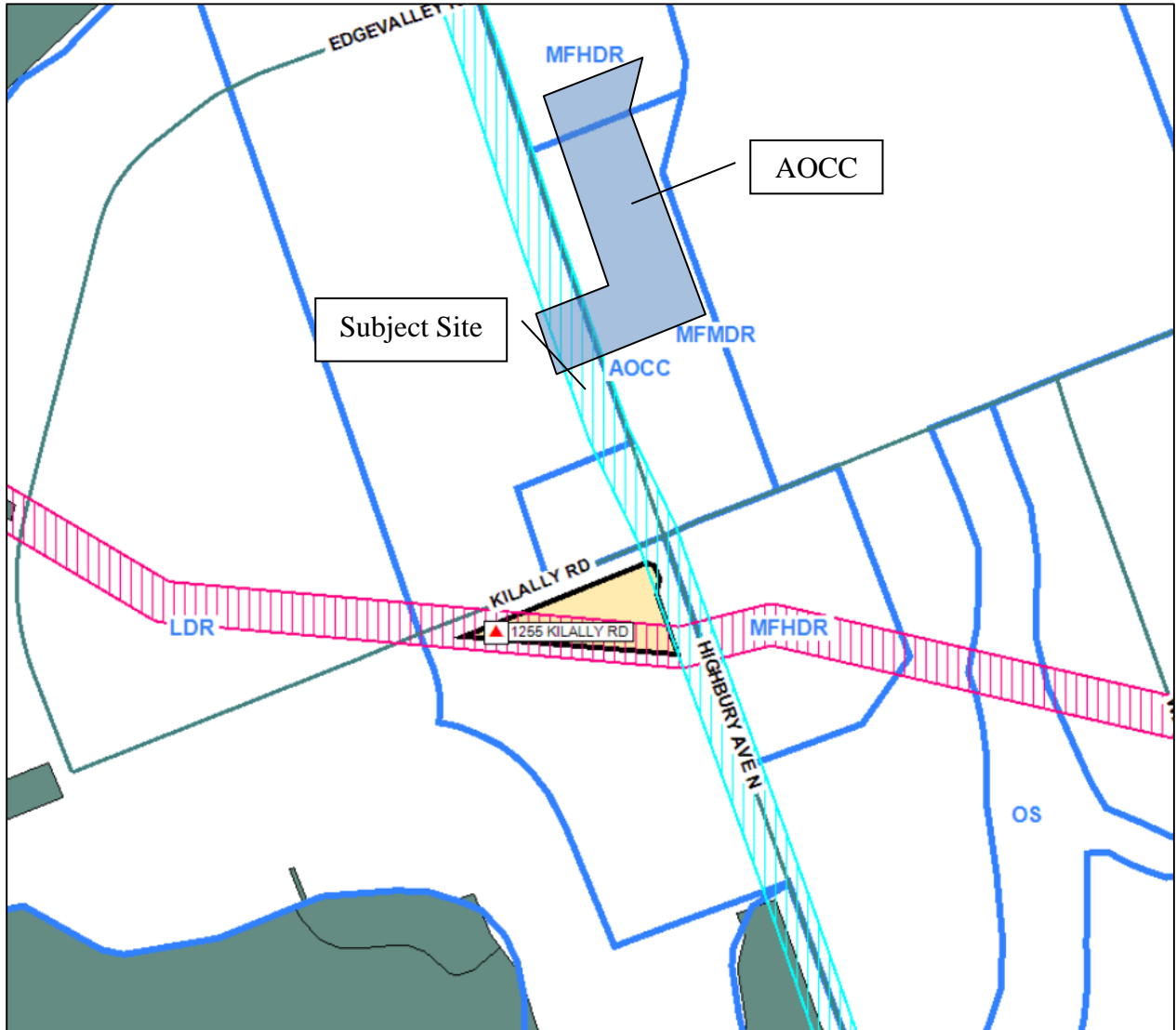
The Provincial Policy Statement (PPS) 2014 provides policy direction on matters of provincial interest related to land use and development. The previous plan of subdivision met the requirements of the PPS when it was reviewed through the planning process. The existing development has received site plan approval and is near completion. The PPS requires municipalities to facilitate healthy, liveable, and safe communities by promoting efficient development patterns, accommodating an appropriate range and mix of commercial uses and promoting cost effective development standards to minimize servicing costs. The proposed increase in permitted uses will help the development as it will bring additional tenants to the area helping support the surrounding area and avoid vacancy. This increase in new tenants, new jobs, along with a fully serviced and functional lot will help sustain the financial wellbeing of the Municipality as no extension of services or additional land consumption is required. Since the development went through the site plan approval process it has addressed accessibility for persons with disabilities and older persons by identifying, preventing and removing land use barriers which restrict their full participation in society. *(PPS 2014 sec.1.1.1)*

The PPS also encourages settlement areas to be the main focus of growth and development. This proposed application ensures that additional growth is accommodated within a settlement area and increases the vitality of the site and surrounding area by permitting a greater mix of uses on the site. The proposal will increase the efficiency and intensity on the subject site by allowing for a greater GFA which can be accommodate on the site and by the existing infrastructure in the area. The site will also be required to go through a site plan amendment ensuring that appropriate development standards are maintained and promoted through the intensification of the site. *(PPS 2014 sec. 1.1.3.1, 1.1.3.2, 1.1.3.3, 1.1.3.4, 1.1.3.6)*

Official Plan

The subject site is currently designated Multi-Family, Medium Density Residential which permits a limited amount of convenience commercial uses as a secondary permitted use which facilitated the development of the existing commercial plaza. The applicant has requested a re-designation to the Auto Oriented Commercial Corridor (AOCC) designation as it will permit an increase in GFA and a wider range of uses. The AOCC designation promotes the grouping of service commercial uses while providing common access points and parking facilities. These commercial corridors are also encouraged to provide enhanced street edge landscaping and enhanced building aesthetics. The existing development meets these elements of the AOCC designation and the requested amendment will allow for the expansion of additional commercial uses on the site that has a common parking facility and a shared vehicular access point from Highbury Ave and Kilally Road. *(4.4.2.1. Planning Objectives, 4.4.2.2. Urban Design Objectives)*

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The subject site is located along an arterial road that consists of a mix of residential/commercial uses and a restaurant. The designation of the subject site essentially reclassifies an existing commercial development into the existing commercial corridor established on Highbury Ave N and ensures that all commercial uses are operating together to serve the same planned function. No extension of strip commercial development is being considered since the commercial plaza already exists and the existing development is already geared towards the travelling public. The site itself provides a lot size that is suitable in terms of depth and size to accommodate the requested uses and proposed increase in gross floor area. The site is also separated from the abutting residential subdivision to the south by a pipeline easement and is oriented toward the travelling public accessing from Highbury Ave and Kilally Road. Though the recommended amendment does represent a site-specific change in use, the recommended amendment should not be considered an isolated commercial designation as it will function with the existing AOCC designation along Highbury Ave. The amendment will allow the commercial development to implement service commercial uses that will complement the existing commercial uses along Highbury Ave N and will benefit from the patrons who utilize the uses in the existing AOCC designation. The designation is also appropriate in this location as Highbury Road is an arterial road with high traffic volumes where there is a developing concentration of commercial uses supported by the growing residential population in the area. (4.4.2.3 Function, 4.4.2.4 Permitted Uses, 4.4.2.5 Location)

The subject site is in the final stages of development. The proposed expansion currently being reviewed could be considered a new infill development or conversion of existing structures; both of which are contemplated in the Official Plan. The new development also provides a common parking area and limits vehicular access to Highbury to a right-in right-out. The controlled

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access minimizes disruption to traffic flow on Highbury and directs the majority of traffic to a controlled intersection. This allows one to gain access to the site off of Kilally Road which is a primary collector road and can accommodate the traffic flow providing the safest access to the site. (4.4.2.6 Form, 4.4.2.6.2. Combined Access)

AOCC developments require appropriate buffering from abutting land uses and specific site plan instructions are provided when abutting a residential use such as in the case of the subject site. The current development provides the necessary buffering as there is an oil easement along the rear of the site that separates the existing commercial development from the residential uses and requires that buildings be located away from the easement. The building sits 15.4 metres away from the rear property line where 6 metres is the requirement. The applicant is further required to build a board-on-board wood fence and additional landscaping to provide privacy to the abutting land uses. No outdoor storage or garbage is identified on the rear property line as it is dedicated to parking and a laneway. The building's low rise form also limits impacts on the abutting residential lands and conforms with the height requirements of the AOCC designation. (4.4.2.6.5. Height 4.4.2.6.4. Buffering 4.4.2.6.8. Site Planning)

The Auto-Oriented Commercial Corridor policies state that *"The expansion or extension of existing Commercial Corridors and/or the creation of new Commercial Corridor designations should be discouraged."* However, the plan does recognize that there may be circumstances where this is appropriate and list the following criteria to evaluate the merits of such proposals: (4.4.2.9. Applications to Expand or Add Auto-Oriented Commercial Corridors)

4.4.2.9.1. i) Criteria

Compliance with the appropriate policies on form, function, permitted use, location, and scale of development.

The proposed development is consistent with the Official Plan policies related to form, function, permitted use, location and scale of development (as noted above).

4.4.2.9.2. ii) Size of Development

The Auto-Oriented Commercial Corridor designation will not be applied on a site specific or small area basis

The subject site is located directly south of an existing AOCC designation comprising an existing commercial development and the application intends to expand an existing AOCC designation onto the subject site resulting in an expanded comprehensive AOCC designation and not a site specific parcel.

4.4.2.9.3. iii) Servicing

The availability of municipal services to accommodate the proposed use;

The subject site has adequate provision of municipal services.

4.4.2.9.4. iv) Alternative Lands

The availability of alternative undeveloped lands within the general vicinity that may be appropriate for the proposed use.

The commercially designated and zoned lands that are located within the immediate area contain some form of commercial development. These properties should not be considered a suitable alternative for the proposed use as they are much smaller than the subject site and would not be able to accommodate the development and range of uses without further land consolidation.

4.4.2.9.5. v) Planning Impact Analysis

The criteria that will be considered include

- i) the policies contained in the Section relating to the requested designation;*

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As described above, the use, intensity and form of the proposed development are consistent with the applicable policies of the Official Plan and therefore this criterion is met;

ii) compatibility of proposed uses with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area;

The proposed increase in commercial uses and GFA are compatible with the surrounding context and the current form of development, which recently went through site plan approval, addresses buffering setbacks that are anticipated to mitigate impacts with present and future land uses in the area.

iii) the size and shape of the parcel of land on which a proposal is to be located, and the ability of the site to accommodate the intensity of the proposed uses

The existing development has proven it is adequate to accommodate the intensity of the proposed use and increase in GFA. The proposed development meets the approved minimum parking standards, lot coverage, and landscaped open space requirements which are typically used to measure the level of intensity.

iv) the supply of vacant land or vacant buildings in the area which is designated and/or zoned for the proposed uses;

As previously mentioned, the commercially designated and zoned lands that are located within the immediate area all contain some form of commercial development. These properties should not be considered a suitable alternative for the proposed uses as they are much smaller than the subject site and would not be able to accommodate the development and range of uses without further land consolidation.

v) the potential traffic generated by the proposed change, considering the most intense land uses that could be permitted by such a change, and the likely impact of this additional traffic on City streets, pedestrian and vehicular safety, and on surrounding properties

The requested amendment is proposing an additional 300m² of functional space to the subject site and a wider range of permitted uses. The increase in uses and GFA to the site will have minimal impacts to the traffic along an arterial and collector road in relation to the already approved commercial development.

vi) the height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses;

The height is already a low rise form with a large buffer from abutting residential land uses. The proposed development of the partially enclosed space on the subject site previously identified for a patio is not anticipated to have impacts on abutting lands as a wall already exists where the future development will be located. The existing wall also ensures that there is no visual change to the abutting lands.

vii) the location of vehicular access points and their compliance with the City's road access policies and Site Plan Control By-law, and the likely impact of traffic generated by the proposal on City streets, on pedestrian and vehicular safety, and on surrounding properties

The existing development has been vetted and approved through the Site Plan Approvals process ensuring that the access points are in compliance. As mentioned above the increase GFA from 1300m² to 1600m² limits any potential traffic impacts on City streets, pedestrian and vehicular safety, and on surrounding properties.

vii) the exterior design in terms of bulk, scale, and layout of buildings, and the integration of these uses with present and future land uses in the area and its conformity with the City's commercial urban design guidelines

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The development has already been deemed appropriate as it was previously reviewed by the City's Urban Design Staff through the Site Plan Approval process and is already constructed. The potential infill of 300m² will not materially alter the design of the building and will maintain the existing elevation.

xii) compliance of the proposed development with the provisions of the City's Official Plan, Zoning By-law, Site Plan Control By-law, and Sign Control By-law;

The proposed development is consistent with the policies of the Official Plan (as detailed above) pertaining to use, intensity and form as well as the criteria used to evaluate proposals to expand the designation. The regulations of the Zoning By-law are being maintained along with the previously approved minor variances. The proposed development will be reviewed for compliance with the Site Plan By-law and Sign Control By-law prior to development.

xiv) measures planned by the applicant to mitigate any adverse impacts on surrounding land uses and streets which have been identified as part of the Planning Impact Analysis.

No impacts have been identified as part of the Planning Impact Analysis. There are no additional impacts anticipated with the proposed development.

xv) impacts of the proposed change on the planned transportation system, including transit

As previously mentioned, no significant impacts are anticipated on the City's transportation system, including transit.

Zoning

The proposed Associated Shopping Area (ASA) Zone is normally intended to implement the Auto-Orientated Commercial Corridor designation. The ASA Zone provides for and regulates a wide range of retail, personal service, community facility, automotive and office uses. Uses permitted in the ASA Zone are differentiated through the use of zone variations on the basis of their function, intensity, customer draw, proximity to residential uses and potential impacts. The ASA1 zone generally implements retail/convenience/personal service uses while the ASA3 zone implements office uses.

The proposed application increases the range of uses permitted on site however the potential impacts are not anticipated to increase beyond those created by the uses permitted in the current zoning. The ASA Zone however, does not permit the existing Gas Bar as a permitted use. This use, and the associated convenience store was previously approved in the original plan of subdivision and current zoning implemented on the site. Building permits have been issued and construction has been almost completed on the subject site for the Gas Bar use. In order to maintain this use a special provision will recognize Gas Bars as a permitted use.

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Potential Change in Uses

Existing Zone	Proposed Zone
CC <ul style="list-style-type: none"> • Convenience stores • Convenience service establishments • Financial institutions • Personal service establishments 	ASA1() <ul style="list-style-type: none"> • Animal Hospitals • Convenience service establishments • Convenience stores • Dry cleaning and laundry plants • Duplicating shops • Financial institutions • Grocery stores • Restaurants • Retail stores • Personal service establishments • Pharmacies • Printing establishments • Video rental establishments • Brewing on premises establishments
CC1 <ul style="list-style-type: none"> • Any use permitted in the CC Zone variation • Dwelling units, together with any other permitted uses; • Medical/dental offices 	
CC2 <ul style="list-style-type: none"> • Any use permitted in the CC1 Zone variation • Food stores • Restaurants, take-out • Brewing on premises establishments 	
CC3 <ul style="list-style-type: none"> • Any CC2 use • Convenience stores with gas bars 	ASA3() <ul style="list-style-type: none"> • Clinics • Day care centres • Laboratories • Medical/dental offices • Offices, professional • Offices, service
NF <ul style="list-style-type: none"> • Places of worship • Elementary schools • Day care centres 	NF <ul style="list-style-type: none"> • Places of worship • Elementary schools • Day care centres
	Special Provision <ul style="list-style-type: none"> • Gas Bar

Other technical special provisions being recommended are intended to recognize the minor variances previously approved on the site as part of a new comprehensive zone. The wording has been slightly changed from the approved minor variance to be more specific to the actual development under construction. The provisions which are now being recommended include:

- Front and Exterior Side Yard Depth for fuel pumps, gas bar kiosk and dispenser canopy: 3.0 m minimum;
- Parking Spaces: 133 spaces (min);
- Parking Area Setback: 0.0 m (min) to the ultimate road allowance; and
- Patio Location: Interior yard

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It is common for the required parking standards applied to similar commercial plazas to vary depending upon the composition of uses. The original site plan with a large patio required 143 spaces resulting in the minor variance application. The current proposal only requires 107 spaces but this could change depending on the mix of future uses. Staff recommend that the 133 spaces previously approved by minor variance be maintained to ensure that the existing number of parking spaces is recognized regardless of the composition of uses.

Transportation Staff have requested that the existing median on Highbury Ave North be extended further south to restrict access to the subject site from Highbury Avenue North to rights-in/rights-out. This is a matter that had been previously vetted through the current Site Plan Approval process but has not yet been implanted through the existing development. In order to ensure that the median is extended prior to the subject site increasing its usability by an additional 300m² of commercial GFA, Transportation Staff are requesting the use of a holding provision which will have to be removed prior to any further development of the site.

Other Issues:

Members of the public have raised concerns about a potential gas bar on the subject site. As was already noted the Gas Bar is permitted and approved by the existing zoning implemented on the site. Building permits have already been issued and construction is well underway for the gas bar. A zoning amendment to remove the Gas Bar as a permitted use would not result in the removal of the existing Gas Bar as it would simply result in a legal non-conforming condition.

The property line which abuts the residential uses to the south currently has board-on-board fencing separating the backyards from the subject site. The public has raised this as a concern that the current fence does not provide enough privacy nor block out the light that would be generated from cars parking along the fence line. The applicant has already received Site Plan Approval and is required through that process to provide an additional board-on-board fence along the property line. The applicant has confirmed that it will be building the required fence up against the existing fencing. As previously mentioned, the modest increase in additional uses is not anticipated to generate any additional impacts beyond those that may be generated by the current range of uses. The Site Plan Approval process to implement the current range of uses has taken into consideration the potential impact mitigation by requesting the development of a board-on-board fence.

The issue of odours was also a public concern in relation to potential restaurants. The building code will govern the building requirements for restaurants to reduce odours. It should be noted that the existing zoning also permits restaurants. Therefore, the recommended amendment does not introduce this use as part of this application. The other concern about hours of operation falls outside of the scope of the Zoning By-law.

CONCLUSION

The recommended amendment is consistent with the polices of the Provincial Policy Statement (2014) and 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. The amendment will allow for the site to be used to its fullest potential to serve the travelling public and surrounding community.

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**File: OZ-8500
Planner: Mike Corby**

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

MC/mc

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**File: OZ-8500
Planner: Mike Corby**

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

<u>Telephone</u>	<u>Written</u>
Sylvia Bettridge 1442 Highbury Ave N, London, N5Y 5N6	Nancy Springer 9-1555 Highbury Ave N
Paul Leblanc 44 Edgevalley Rd-21 London ON N5Y5P6	Kry Houn 1067 Crosscreek Cres, London ON, N5Y 6K9
Bob Brown 44 Edgevalley Rd-14 London ON N5Y5P6	Joyce Verrinder 42-1555 Highbury Ave N
Frances Cook 44 Edgevalley Rd-24 London ON N5Y 5P	Karin Henning
Elsie Porooke Edgevalley Road	Steve and Dina Collard 991 Crosscreek Court, London ON, N5Y 6K9
	Suvada Velagic 1065 Crosscreek Cres, London ON, N5Y 6K9

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File: OZ-8500
Planner: Mike Corby

**Bibliography of Information and Materials
OZ-8500**

Request for Approval:

City of London Official Plan and Zoning By-law Application Form, completed by MHBC Planning, May 13, 2015

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.

MHBC Planning. *Planning Justification Report*, May 2015.

Correspondence: (all located in City of London File No. OZ-8500 unless otherwise stated)

City of London -

City of London, Transportation. E-mail to G. Barrett. June 26, 2015.

Departments and Agencies -

Creighton C., UTRCA. Letter to M. Corby. July 8, 2015.

Raffoul L., Bell Canada. Letter to M. Corby. July 20, 2010.

Bezzina J., London Hydro. Letter to M. Corby. June 26, 2015.

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File: OZ-8500
Planner: Mike Corby

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 1255 Kilally Road.

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*.

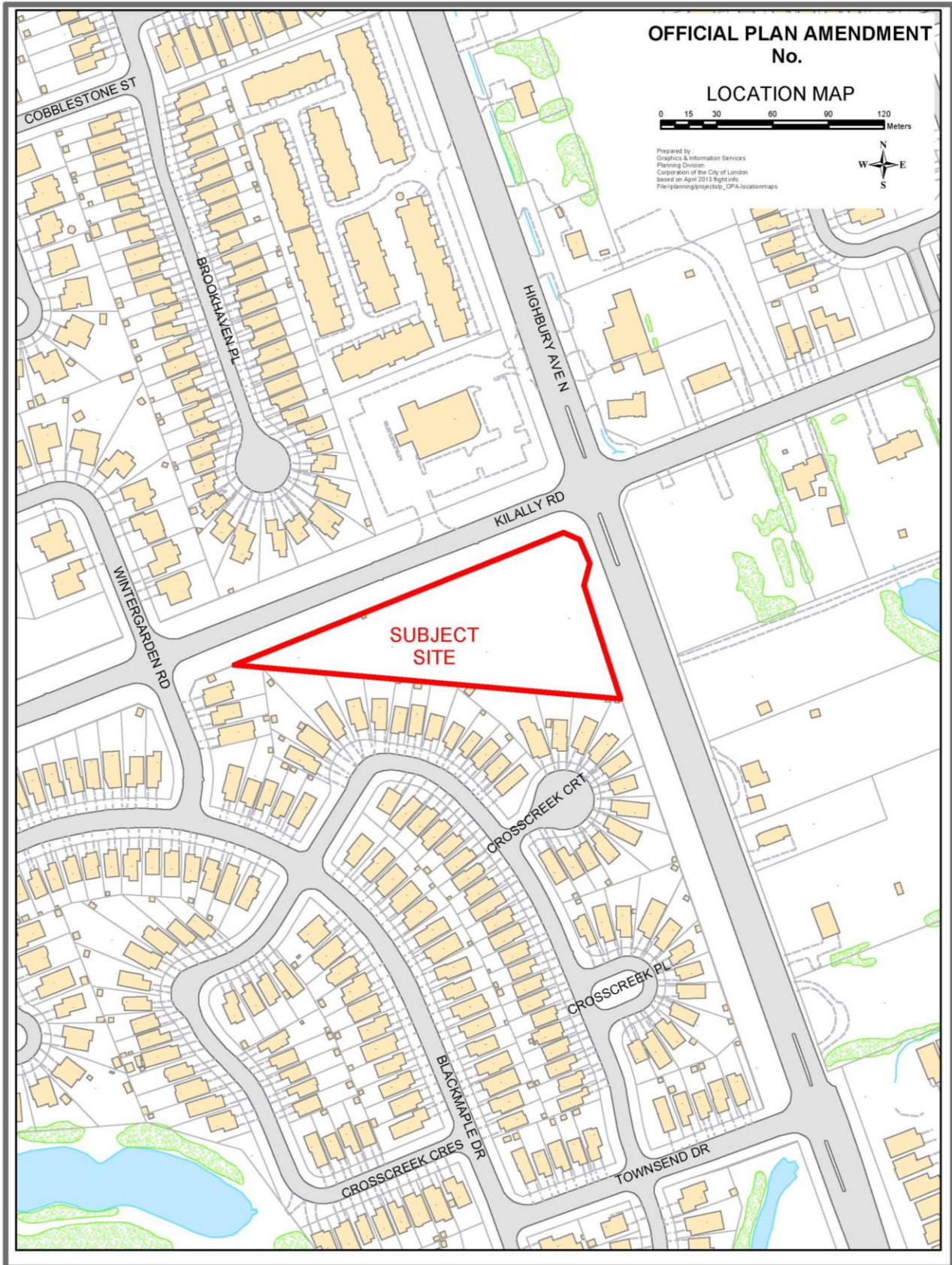
PASSED in Open Council on September 29, 2015.

Matt Brown
Mayor

Catharine Saunders
City Clerk

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File: OZ-8500
Planner: Mike Corby



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**File: OZ-8500
Planner: Mike Corby**

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 Multi-Family Medium 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

1. This Amendment applies to lands located at 1255 Kilally Road in the City of London.

C. BASIS OF THE AMENDMENT

The recommended amendment is consistent with the polices 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 amendment will allow for the site to be used to its fullest potential to serve the travelling public and surrounding community.

D. THE AMENDMENT

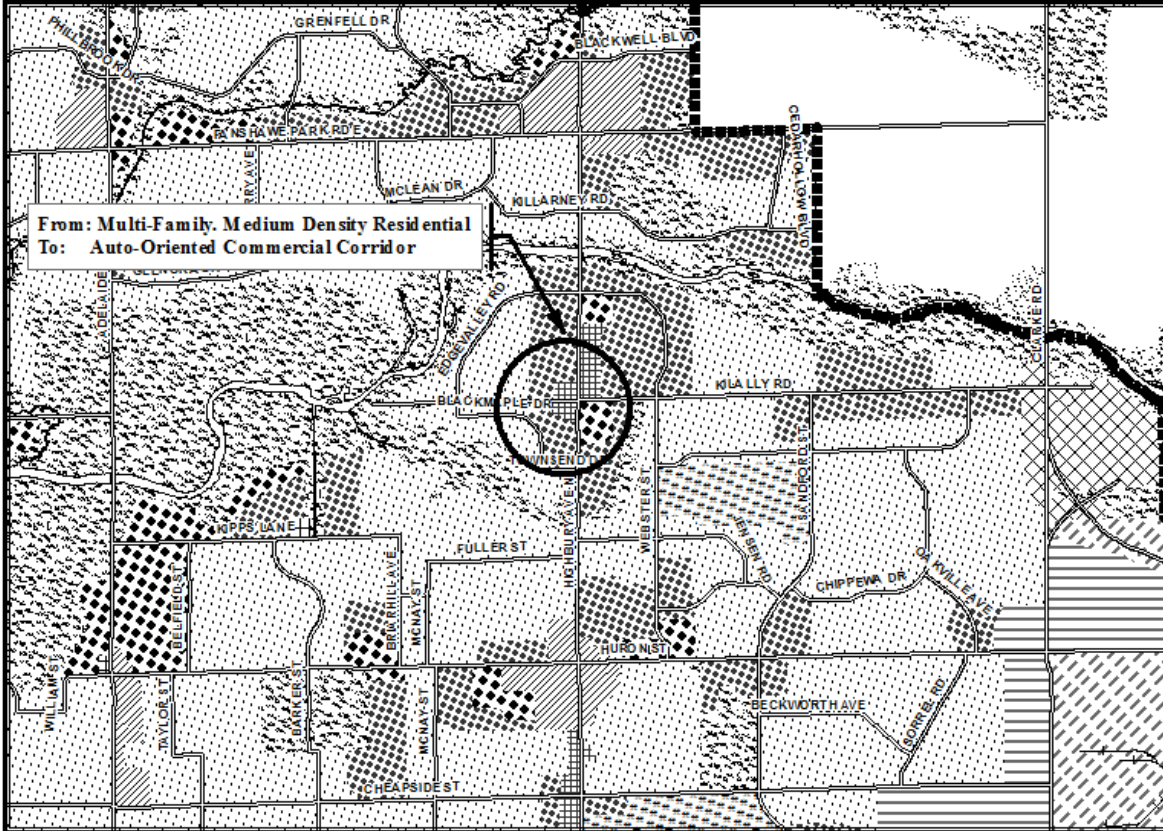
The Official Plan for the City of London is hereby amended as follows:

Schedule “A”, Land Use, to the Official Plan for the City of London Planning Area is amended by designating those lands located at 1255 Kilally Road in the City of London, as indicated on “Schedule 1” attached hereto from Multi-Family, Medium Density Residential to Auto Oriented Commercial Corridor

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File: OZ-8500
 Planner: Mike Corby

AMENDMENT NO: _____

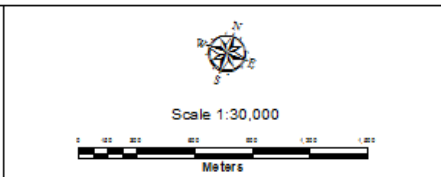


Legend

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

**SCHEDULE 1
 TO
 OFFICIAL PLAN**
 AMENDMENT NO. _____
 PREPARED BY: Graphics and Information Services



FILE NUMBER: OZ-8500
 PLANNER: MC
 TECHNICIAN: MB
 DATE: 2015/09/02

PROJECT LOCATION: e:\planning\projects\p_officialplan\workconsolid\amendments\oz-8500\projects\OZ-8500_OfficialPlanAmendment.mxd

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**File: OZ-8500
Planner: Mike Corby**

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 1255 Kilally Road.

WHEREAS Kilally Shopping Centre Inc. has applied to rezone an area of land located at 1255 Kilally Road, 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 1255 Kilally Road, as shown on the attached map comprising part of Key Map No. A103, from a Convenience Commercial Corridor/ Neighbourhood Facility (CC2/CC3/NF) Zone to a holding Associated Shopping Area Special Provision (h-_)•ASA1()/ASA3() Zone.
- 2) Section Number 3.8 of the Holding "h" Zones to By-law No. Z.-1 is amended by adding the new holding provision:

h-_) Purpose: To ensure the orderly development of lands and the adequate provision of municipal services, the "h-)" symbol shall not be deleted until the existing median on Highbury Avenue North is extended to restrict access from Highbury Avenue North to rights-in/rights-out as per the approved Site Plan

3) Section Number 24.4 of the Associated Shopping Area (ASA1) Zone is amended by adding the following Special Provision:

)	ASA1()	1255 Kilally Road	
a)	Additional Permitted Use(s)		
i)	Gas Bar		
b)	Regulation[s]		
i)	Front and Exterior Side Yard Depth for fuel pumps, gas bar kiosk and dispenser canopy (min)	3.0 metres	
ii)	Parking Spaces (min)	133 spaces	
iii)	Parking Area Setback from ultimate road allowance (min)	0.0m (0 feet)	
iv)	Patio Location	Interior Yard	

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**File: OZ-8500
Planner: Mike Corby**

4) Section Number 24.4 of the Associated Shopping Area (ASA3) Zone is amended by adding the following Special Provision:

-) ASA3() 1255 Kilally Road
- a) Regulation[s]
- i) Parking Spaces 133 spaces
(min)
- ii) Parking Area Setback 0.0m (0 feet)
from ultimate road
allowance (min)

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.

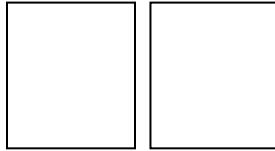
This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on September 29, 2015.

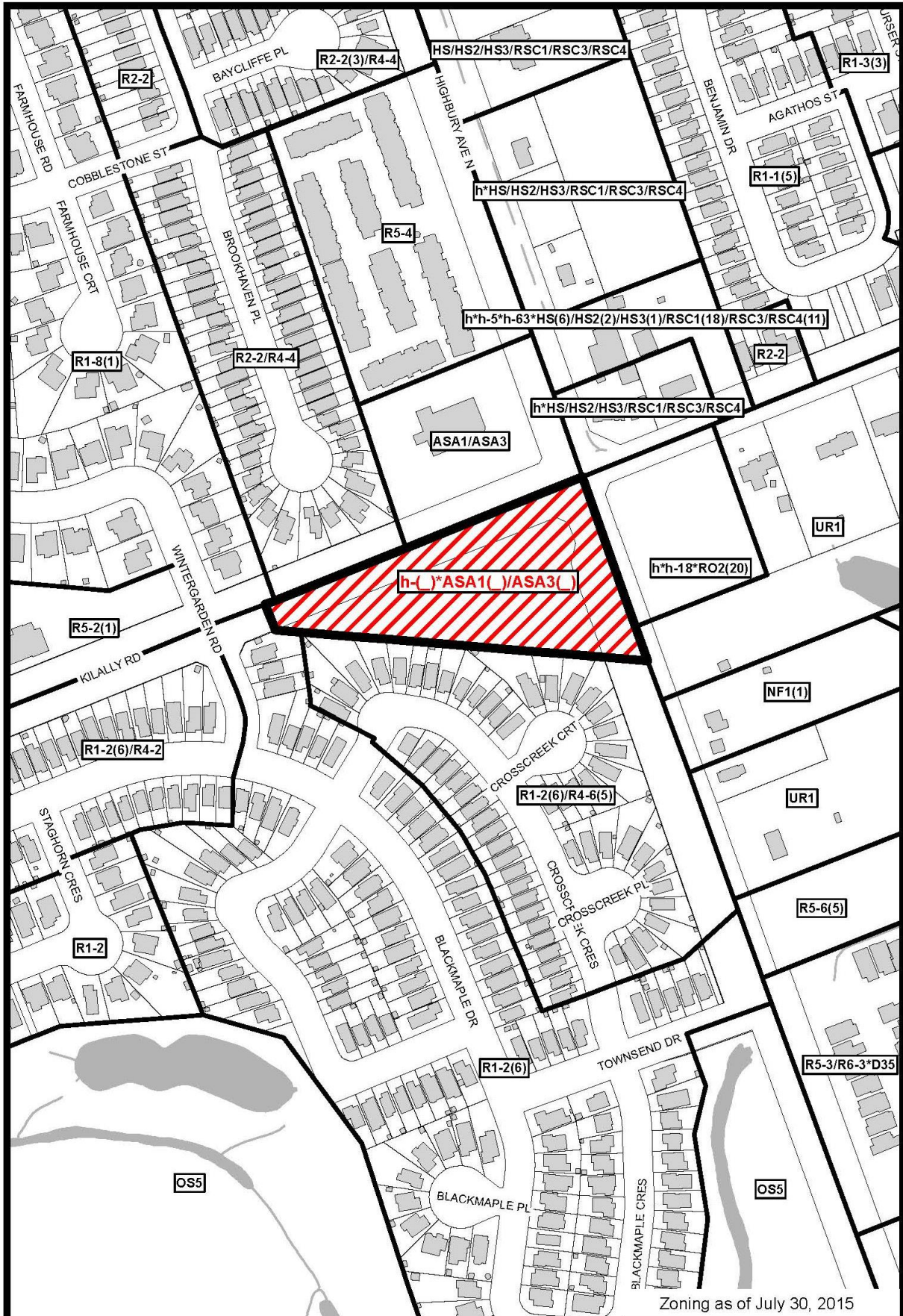
Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – September 29, 2015
Second Reading – September 29, 2015
Third Reading – September 29, 2015



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



Zoning as of July 30, 2015

File Number: OZ-8500

Planner: MC

Date Prepared: 2015/09/02

Technician: MB

By-Law No: Z.-1-

SUBJECT SITE 

1:3,000

0 15 30 60 90 120
Meters

