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Z-8611  
B. Turcotte

<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: INCORPORATED SYNOD OF THE DIOCESE OF HURON 493 SPRINGBANK DRIVE PUBLIC PARTICIPATION MEETING ON AUGUST 22, 2016</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of the Managing Director, Planning and City Planner, with respect to the application of the Incorporated Synod of the Diocese of Huron relating to the property located at 493 Springbank Drive:

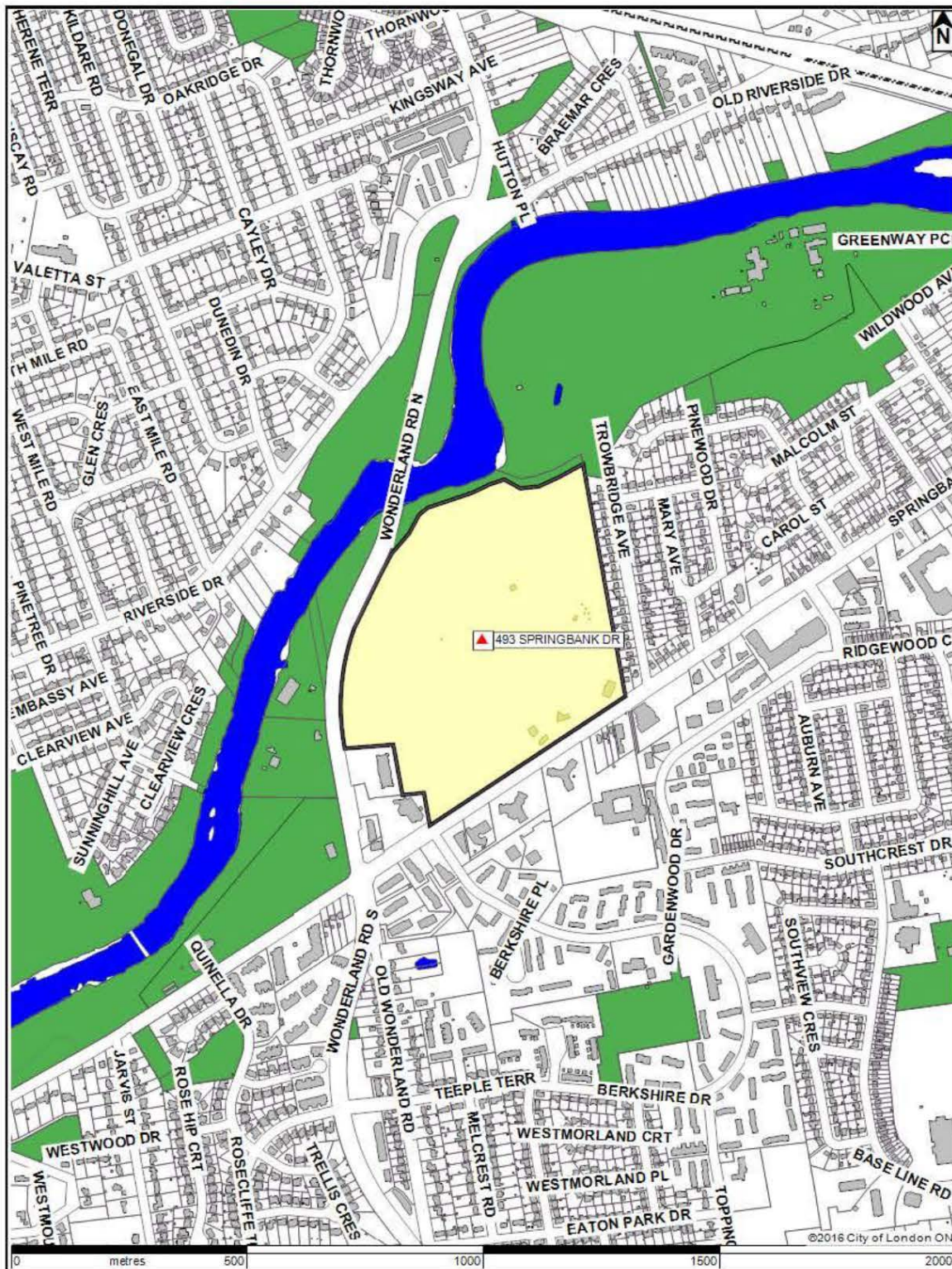
- a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on August 30, 2016 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** an Open Space (OS3) Zone **TO** an Open Space Special Provision (OS3(\*)) Zone; and,
- b) The Site Plan Approval Authority **BE REQUESTED** to consider implementing the following design matters through the site plan process:
  - i. Orientation of the building towards the public street by providing a high proportion of windows along Springbank Drive and, including high quality materials, human-scale rhythm, and articulation and material changes to break up blank facades;
  - ii. Minimizing the building setback from the street to help enclose the public realm and create a comfortable pedestrian streetscape;
  - iii. Locating parking and drive aisles no closer to the street than the front of the building;
  - iv. Opportunities to maintain, enhance and integrate the proposed development into the landscape of Woodland Cemetery by conserving: the existing mature vegetation; the curvilinear circulation routes/networks; undulating edges and the rolling topography; and,
  - v. Use of elements of existing buildings and structures in Woodland Cemetery as sources of architectural inspiration for the proposed development.

<b>PURPOSE AND EFFECT OF RECOMMENDED ACTION</b>
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The purpose and effect of the requested Zoning By-law amendment is to add a Funeral Home use to the list of permitted uses. The requested Special Provision will also serve to provide for a reduced front yard setback.

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**LOCATION MAP**  
 Subject Site: 493 Springbank Dr  
 Applicant: Woodland Cemetery C/O Administrative Office  
 File Number: Z-8611  
 Planner: Eric Lalande  
 Created By: Eric Lalande  
 Date: 2016-05-09  
 Scale: 1:10100

**LEGEND**

	Subject Site
	Parks
	Assessment Parcels
	Buildings
	Address Numbers

Corporation of the City of London  
 Prepared By: Planning and Development



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<b>RATIONALE</b>
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1. The recommended action is consistent with Sections 1.1.1, 1.7.1 and 2.6.1 of the *Provincial Policy Statement, 2014* which promote a range and mix of land uses and the conservation of built heritage features and cultural heritage landscapes;
2. The recommended action is consistent with, and will serve to implement, the Open Space policies of the Official Plan which identify community facilities as a permitted use; and,
3. The recommended action is consistent with, and will serve to implement, the Cultural Heritage policies of the Official Plan which encourage new development to be sensitive to, and in harmony with, the City's heritage resources;

<b>BACKGROUND</b>
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<b>Date Application Accepted:</b> April 28, 2016	<b>Agent:</b> Zelinka Priamo Ltd.
<b>REQUESTED ACTION:</b> Possible change to Zoning By-law Z.-1 <b>FROM</b> an Open Space (OS3) Zone <b>TO</b> an Open Space Special Provision (OS3(*)) Zone to permit a funeral home as an additional permitted uses and to reduce the required front yard setback.	

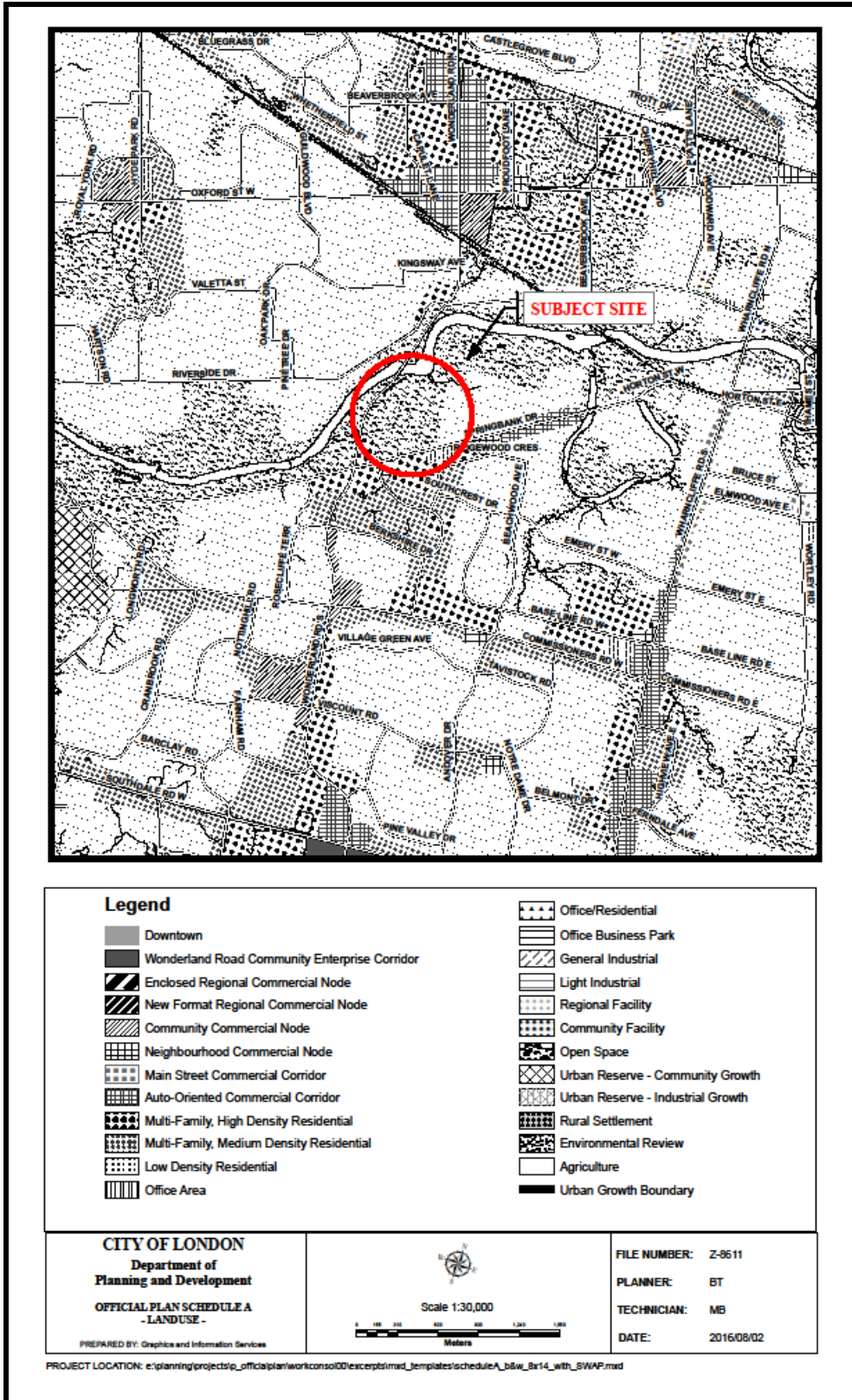
<b>SITE CHARACTERISTICS:</b>
<ul style="list-style-type: none"> <li>• <b>Current Land Use</b> – cemetery</li> <li>• <b>Frontage</b> – 490 metres (1,607 feet) along Springbank Drive</li> <li>• <b>Depth</b> – 550 metres (1,805 feet)</li> <li>• <b>Area</b> – 29 hectare (68.2 acres)</li> <li>• <b>Shape</b> – Irregular</li> </ul>

<b>SURROUNDING LAND USES:</b>
<ul style="list-style-type: none"> <li>• <b>North</b> - open space</li> <li>• <b>South</b> - high density residential</li> <li>• <b>East</b> - low density residential</li> <li>• <b>West</b> - Salvation Army and High density residential uses</li> </ul>

<b>OFFICIAL PLAN DESIGNATION:</b> (refer to Official Plan Map)
<ul style="list-style-type: none"> <li>• Open Space</li> </ul>
<b>EXISTING ZONING:</b> (refer to Zoning Map)
<ul style="list-style-type: none"> <li>• Open Space (OS3)</li> </ul>

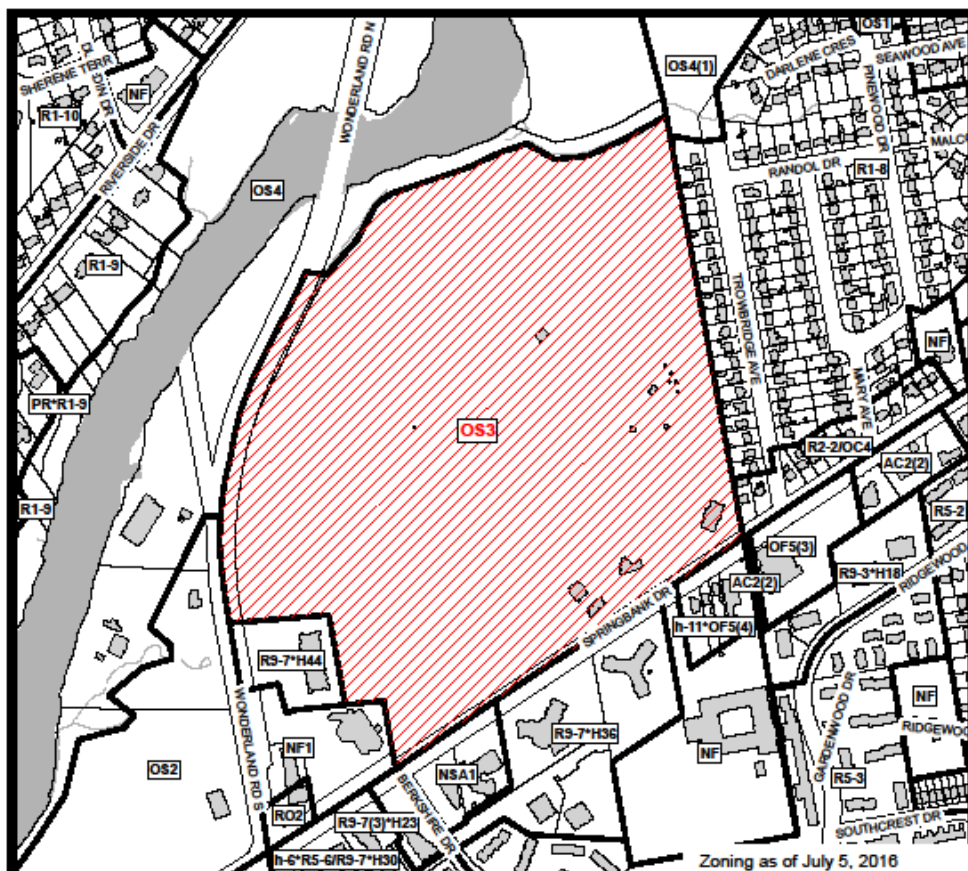
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**COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: OS3**

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

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

**ZONING BY-LAW NO. Z-1**

**SCHEDULE A**

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

FILE NO: <b>Z-8611</b>	<b>BT</b>
MAP PREPARED: 2016/08/02	<b>MB</b>
1:6,000	

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<b>PLANNING HISTORY</b>
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Woodland Cemetery is comprised of a single, irregular-shaped parcel of land located on the north side of Springbank Drive, east of Wonderland Road South. The Cemetery was established in 1878 on 22 hectares (56 acres of land). The cemetery lands include: burial grounds; a mausoleum; a crematorium; and, an assortment of administrative offices and storage buildings.

<b>SIGNIFICANT DEPARTMENT/AGENCY COMMENTS</b>
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**Transportation Planning and Design comment:**

Transportation comments:

- *“A road widening dedication of 18 metres from centerline [is] required along Springbank Drive;*
- *A road widening dedication of 19.5 metres from centerline [is] required along Wonderland Road, particular scrutiny will be required regarding the widening along Wonderland Road to ensure existing graves are not located within the road widening, consultation with geomatics will be necessary; and,*
- *Wonderland Road has been identified in the DC for a road widening project in 2020 (4-6 lanes).”*

(The applicant has responded to the comments of the Transportation Department pertaining to the required road widening dedication - see Attachment 3). The applicant has requested that these comments be attached to this report to inform a future site plan process)

**WADE comments:**

*“The sewer available for the proposed funeral home is the 200 mm sanitary sewer on Springbank Drive. WADE has no comment w.r.t the possible change in the zones.”*

**UTRCA:**

*“The UTRCA has no objections to this application. We remind the applicant that the Conservation Authority has jurisdiction over these lands and that written approval must be obtained from the Authority prior to undertaking any site alteration or development within this area including fill, grading, construction, alteration to a watercourse and/or interference with a wetland.”*

<b>PUBLIC LIAISON:</b>	On May 12, 2016, Notice of Application was sent to 93 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 May 12, 2016. A “Possible Land Use Change” sign was also posted on the site.	2 e-mail responses were received. See Attachments 1 and 2 to this report.
<b>Nature of Liaison:</b> Possible change to Zoning By-law Z.-1 <b>FROM</b> an Open Space (OS3) Zone <b>TO</b> an Open Space Special Provision (OS3 (*)) Zone to add a funeral home use to the list of permitted uses and a reduced front yard setback.		

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**Responses:** see attachment 1 and 2 to this report. Both comments were in regards to traffic levels in the vicinity of the site.

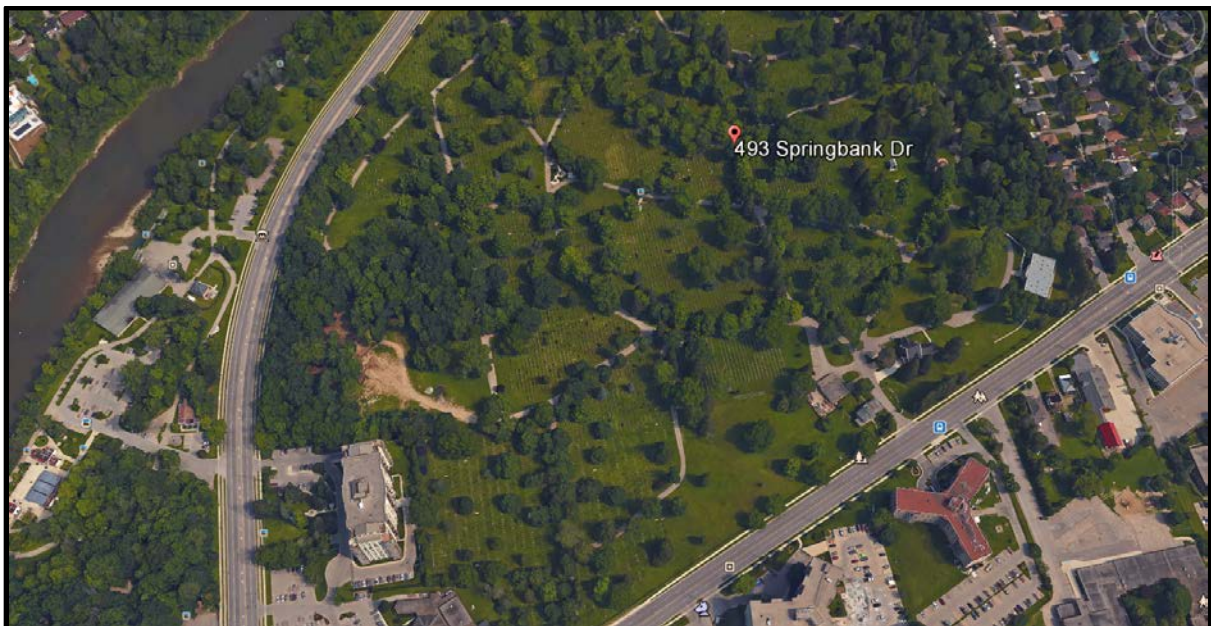
**THE PROPOSED REZONING AND IDENTIFIED DEVELOPMENT CONSIDERATIONS**

**Site Description:**

Woodland Cemetery is comprised of a single, irregularly shaped, 29 hectare (68 acre) site located on the north side of Springbank Drive, east of Wonderland Road (see Figure 1). The site consists of the cemetery, a mausoleum, a crematorium, an administrative office, the former administrative building, and maintenance and equipment storage buildings.

Woodland Cemetery was established on the subject lands in 1878. The site is listed in the City of London Inventory of Heritage Resources and accommodates the Fulford-Pixley Mausoleum. The former Wonderland Gardens, located on the opposite side of Wonderland Road North at 285 Wonderland Road North, is also listed on the City of London Inventory of Heritage Resources.

**Figure 1 – Woodland Cemetery**



**The Development Proposal:**

In support of their requested Zoning By-law amendment, the applicant submitted a Planning Justification Report which, amongst other matters, details their proposed development. Of the proposal, the Planning Justification Report Notes:

- Changes in Provincial legislation (the new *Funeral, Burial and Crematorium Services Act*) permit cemetery owners to have the option of being licensed to operate funeral establishments directly on cemetery lands. The cemetery must still however obtain municipal zoning approvals and building permits prior to submitting an application for a license to the Province;

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- Woodland Cemetery is proposing to develop a funeral home on the subject lands. This funeral home is to be located immediately to the west of the main entrance. The proposed development will require: the demolition of 2 existing cemetery buildings; a brick-clad converted house; and, a one-storey garage (see Figure 2). It will also require the removal of an existing maintenance yard with maintenance material storage and landscaping equipment. The maintenance garage and yard are to be relocated to a “discrete and less visible corner of the cemetery.” The administrative office was relocated several years ago into the building on the east side of the cemetery entrance;
- The proposed site for the funeral home facility and its associated parking and landscaping would occupy about 2.5% of the cemetery lands and would amount to an additional lot coverage of approximately 0.5%;

The proposed funeral home will have a total floor area of 2,550 m<sup>2</sup>. The main floor will feature a chapel, two reception areas, and four visitation rooms. The upper floor will house the administrative offices. The basement will contain the body preparation area (see Figure 3);

**Figure 2 – Proposed Demolitions**



- The funeral home is designed with 2 entrances (one on the east side and one on the west of the building) with an enclosed porte-cochere along the north side of the building. The building itself will be situated between two parking areas. The parking areas are proposed to contain landscaped islands with trees to provide shade and break up the hard surfaces of the roadways. Most of the existing larger trees will be preserved within landscaped areas, including a large shagbark maple and a large black walnut. A large terrace is envisioned along the north side of the funeral home for congregating before and after funeral services. A total of 108 parking spaces will be provided.



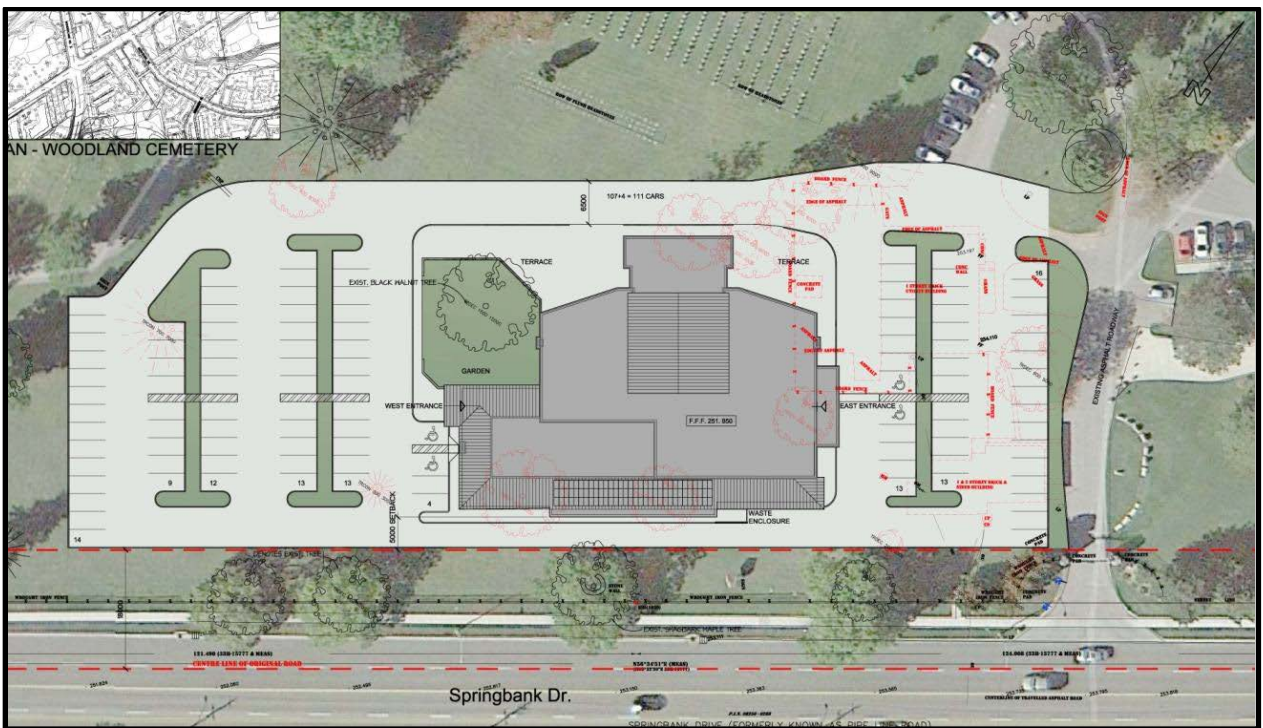
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Figure 3 – The Development Proposal



Figure 3 – The Proposed Site Plan



**The Requested Zoning By-law Amendment:**

The subject lands are currently zoned an Open Space (OS3) Zone. The Open Space (OS3) Zone permits cemeteries but not funeral homes. The applicant has submitted a Zoning By-law amendment request to add a Special Provision to the Open Space (OS3) Zone – the purpose and effect of which would be to add a Funeral Home to the list of permitted uses in the OS3 and provide for a reduced front yard setback of 5, rather than 8 metres.

**Other Development Considerations:**

Lands under the Jurisdiction of the UTRCA:

A small portion of the subject site (see Figure 4) has been identified as being within the jurisdiction of the Upper Thames River Conservation Authority (UTRCA).

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Figure 4 – Lands Subject to UTRCA Jurisdiction



The UTRCA has commented that the Authority has no objection to the requested Zoning By-law amendment and the proposed location for the new funeral home.

Archaeological Potential – An Archaeological Assessment is Required:

The subject lands have also been identified as having archaeological potential in the City of London Archaeological Master Plan. In response to this development consideration, the applicant submitted the conclusions of a “cemetery” of a Ground Penetrating Radar (GPR) investigation for the location of the proposed funeral home. The “cemetery’s” conclusions of the GPR investigation were that “no human remains exist within the study area”.

A Listed Heritage Property – A Heritage Impact Assessment is Required:

The subject lands have also been identified as a listed property in the City of London’s Inventory of Heritage Resources. In response to this development consideration, the applicant has submitted a Heritage Impact Assessment in support of the requested Zoning By-law amendment. The Heritage Impact Assessment included a historical overview of the site, notable heritage features, an overview of the proposed development, and an analysis of the proposed development on the potential heritage attributes. The Heritage Impact Assessment concluded that:

*“...The introduction and development of a funeral home on a cemetery property is a natural step in the ongoing evolution of cemeteries in Ontario. A funeral home at Woodland would be a part of that historical development without having an impact on the established historic fabric or the potential heritage attributes of the cemetery.”*

Site Plan Approval – An Urban Design Brief (and supporting Tree Assessment) is Required:

The requested Zoning By-law amendment will serve to provide for the redevelopment of a portion of the subject site. As such the proposal would be subject to the Site Plan Control policies of Section 19.9.2 of the City of London Official Plan. The intent of site plan control is to improve the efficiency of land use and servicing and to encourage more attractive and compatible forms of development. The site plan control policies of the Official Plan note that the aesthetics of the site may be improved by providing for open space, screening, landscaping and the retention of natural features.

In response to these site plan considerations, the applicant has submitted an Urban Design

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Brief. The Urban Design Brief concluded that:

*“The proposed development meets the City’s Urban Design requirements by providing a well-designed building that incorporates natural heritage elements to integrate into the park-like setting of Woodland Cemetery. The building provides excellent views into the cemetery, which will serve as a backdrop to services conducted inside. The south elevation of the building is to be largely screened from Springbank Drive by landscaping and tree plantings. The scale and massing of the proposed building is compatible with the surrounding area, and will not create adverse impacts on the adjacent residential, commercial and open space areas. The proposal introduces an attractive, aesthetically pleasing building to the Woodland Cemetery, providing a positive addition to the lands.”*

The applicant also prepared a Tree Assessment Report in support of the requested Zoning By-law amendment. The Tree Assessment Report looked at existing trees located within and along the perimeter of the proposed new building site with a mind to establishing a preservation strategy and removals plan for the existing trees. The strategies and recommendations advanced in the applicant’s Tree Assessment Report will be given consideration through the Site Plan Review process.

The development proposal has been reviewed below to determine consistency with the policies of the *Provincial Policy Statement, 2014 (PPS)* and the City of London Official Plan.

### **Provincial Policy Statement**

The *Provincial Policy Statement, 2014, (PPS)* provides policy direction on matters of provincial interest related to land use planning and development. The PPS is intended to be read in its entirety and the relevant policies are to be applied to each situation.

Section 1.1.1 of the PPS encourages *“....healthy, livable and safe communities which are sustained by accommodating an appropriate range and mix of residential, employment, institutional (including places of worship, cemeteries), recreation, park and “Open Space”, and other uses to meet long-term needs.”* The requested Zoning By-law amendment would provide for an appropriate mix of land uses that are complimentary to, and compatible with, each other. The proposed location for this complimentary and compatible use, situated as it is on a previously developed portion of the site, will not detract from the function or aesthetics of the cemetery. The proposed location for the new use, when combined with appropriate landscaping elements and treatments, is further viewed as being compatible with the surrounding low density residential uses to the east and the high density residential uses to the south and west.

Section 1.7.1 of the PPS states that *“...Long-term economic prosperity should be supported by...encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes.”* Further, Section 2.6.1 of the PPS states that *“...Significant built heritage resources and significant cultural heritage landscapes shall be conserved.”*

Planning staff have reviewed the Archaeological Assessment, Heritage Impact Assessment and Urban Design Brief submitted in support of the requested Zoning By-law amendment (see Official Plan Review below). The location of the proposed development along Springbank Drive ensures that many of the identified heritage attributes, including historic burial areas and notable mausoleums/buildings located within the interior of Woodland Cemetery, remain unaffected. Planning staff is satisfied that the proposal (with design modifications as recommended to the Site Plan Approval Authority) is consistent with, and will serve to implement, the policies of Sections 1.7.1 and 2.6.1 of the PPS.

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**Official Plan**

The Official Plan contains Council's objectives and policies to guide the short-term and long-term physical development of the municipality. The policies promote orderly urban growth and compatibility among land uses.

The Requested Use:

The subject lands are designated Open Space on Schedule A – Land Use to the City of London Official Plan. Permitted Uses in Open Space designation include: public open-space uses including district, city-wide, and regional parks; and private *open space uses such as cemeteries*. Recreational and community facilities are also permitted uses in the Open Space designation.

Community facilities are not specifically defined in the Official Plan and/or the Z.-1 Zoning By-law. The Z.-1 Zoning By-law does however include a Community Facility (CF) Zone which provides for, and regulates, uses serving “a city-wide or community service function.” The Community Facility (CF4) Zone variation, for example, recognizes a cemetery and a funeral home as permitted uses.

Given that the Community Facility Zone permits Funeral Homes, and the Open Space designation contemplates Community Facilities, the requested Zoning By-law amendment may be viewed as serving to implement the policies of the Official Plan which provide for community facilities in the Open Space land use designation.

The Urban Design Policies of the Official Plan:

The development proposal is consistent with, and will serve to implement, the Urban Design Principles and Policies of the City of London Official Plan. The proposal will be subject to a future Site Plan Approval process. The following design matters are advanced to inform this process and to further implement the policies of the Official Plan:

- It is recommended that the orientation of the building be towards the public street by providing a high proportion of windows along Springbank Drive and, including high quality materials, human-scale rhythm, and articulation and material changes to break up blank facades;
- Minimizing the building setback from the street will help to enclose the public realm and create a comfortable pedestrian streetscape; and,
- Locating parking and drive aisles no closer to the street than the front of the building will help strengthen the street wall.

The Heritage and Archaeological Resource Policies of the Official Plan:

The Official Plan states that Council will, through the approval process, discourage new development or redevelopment that detracts from the integrity, or results in the destruction of, heritage resources.

The Cultural Heritage Objectives of Section 13.1 of the City of London Official Plan serve to:

- Protect in accordance with Provincial policy those heritage resources which contribute to the identity and character of the City;
- Encourage the protection, enhancement, restoration, maintenance, and utilization of buildings, structures, areas or sites within London which are considered to be of cultural heritage value or interest to the community; and,

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- Encourage new development, redevelopment, and public works to be sensitive to, and in harmony with, the City’s heritage resources.

The Archaeological Resource polices of Section 13.4.3 of the Official Plan note that applications for planning approvals (including Zoning By-law amendments) will be subject to review for their potential impact on archaeological resources. The policies of the Official Plan continue noting that City initiated development projects involving ground disturbance on public lands will be reviewed to determine their potential impact on archaeological resources and that assessment requirements will be imposed where warranted.

Staff’s Review of the Heritage Impact Statement (HIS):

A HIS was prepared by Zelinka Priamo Ltd. (July 2016) and submitted as part of the complete application. It was intended to ensure that the potential cultural heritage value or interest of Woodland Cemetery did not suffer adverse impact as a result of the proposed additional use and resulting development.

The HIS included a brief history, identified some notable features, described the proposed development, and undertook an analysis of the proposed development on potential heritage attributes identified. It determined there would be no adverse impact on any identified potential heritage attributes, or the adjacent heritage listed property at 285 Wonderland Road South (Wonderland Gardens).

The HIS concluded that *“The introduction and development of a funeral home on a cemetery property is a natural step in the ongoing evolution of cemeteries in Ontario. A funeral home at Woodland [Cemetery] would be a part of that historical development without having a negative impact on the established historic fabric of the potential heritage attributes of the cemetery.”*

Planning staff concurs with the conclusion of the HIS that the introduction and development of a funeral home could be considered, from a cultural heritage perspective, a complimentary secondary use to the historic cemetery, and contribute to the continued evolution of cemeteries in London noted in the HIS (e.g. styles of burial). The location of the proposed development (funeral home) along Springbank Drive ensures that many of the potential heritage attributes identified, including historic burial areas and notable mausoleums/buildings located within the interior of Woodland Cemetery remain unaffected.

The HIS however did not consider the potential impacts of the proposed use on the broader landscape of Woodland Cemetery which is believed to have potential cultural heritage value. The description of Woodland Cemetery’s historical context included within the HIS includes references to its *“elegant and majestic monuments of the mid-Victorian era, to the pragmatic and conservative stones of the post-World War I Edwardian era, the “Park Style” trends of flat markers and monuments following World War II, to the columbarium and cremation garden projects marking the increasing popularity of cremation from the 1960’s to modern times, all of which have landscape components that contribute to Woodland Cemetery.*

Significance derives not only from physical resources but also from their context and setting. Noting the above, Planning staff would recommend that opportunities to integrate the proposed development into the broader landscape of Woodland Cemetery be addressed. These opportunities would have consideration for: the existing landscape and “rolling” topographical features (including the existing mature vegetation and the curvilinear circulation network); and, those structural elements of existing architectural inspiration.

Staff’s Review of the Archaeological Assessment:

The As a registered cemetery, Woodland Cemetery demonstrates high potential for archaeological resources. As a result, the City as Approval Authority is obliged to ensure that “development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have

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been conserved” (*Provincial Policy Statement* 2014, 2.6.2). To achieve this, evidence demonstrating that no archaeological resources (including burials) would be disturbed by the proposed undertaking was required.

Ground penetrating radar (GPR) was submitted (prepared by Geophysics GPS International Inc., January 26, 2016) for the proposed maintenance yard and proposed funeral home location. The GPR identified several anomalies which were suspected grave shafts. Representative samples were selected for verification. The sample determined the anomalies identified by the GPR were the result of previous fill added to the grade of the property.

Staff is in agreement with the conclusions of the Archaeological Assessment.

**The Requested Zoning By-law Amendment:**

The Z.-1 Zoning By-law serves to implement the policies of the Official Plan. The Open Space (OS3) Zone variation, which applies to the subject lands, provides for cemeteries but does not provide for funeral homes. Cemeteries, and funeral homes, are specifically defined uses in the Z.-1 Zoning By-law.

The applicant contends, given the changes to the *Funeral, Burial and Crematorium Services Act* noted above, that a funeral home should be considered a use associated with a cemetery. In making this assertion, the applicant has noted that complimentary or associated uses, are already provided for, and embedded in, the City’s Z.-1 Zoning By-law definition of a cemetery which means:

*“that land which is set apart or used as a place for the internment of the deceased or in which human bodies have been buries and may include a crematorium, mausoleum and a columbarium”.*

As noted above, the applicant is seeking a Zoning By-law amendment to add a funeral home use to the list of permitted uses in the Open Space (OS3) Zone. The applicant is seeking to do this through a site specific, special provision to the Open Space (OS3) Zone rather than a City-wide amendment to the Z.-1 Zoning By-law definition of a cemetery.

The requested special provision zone also seeks a front yard setback of 5 metres in lieu of the 8 metres required under the Open Space (OS3) Zone. The reduced front yard setback is required to allow the positioning of the proposed building between Springbank Drive and existing graves immediately north of the proposed funeral home.

The applicant has submitted a Planning Justification Report in support of their requested Zoning By-law amendment. The Planning Justification Report concluded that the addition of a funeral home use to the list of permitted uses in the Open Space (OS3) is consistent with, and will serve to implement, the Open Space and Cultural Heritage polices of the City of London Official Plan.

Planning staff would agree with the conclusions of the Planning Justification Report as they pertain to the appropriateness of a new funeral home use at this location. The request to provide for a reduced front yard setback, given the development constraints noted in the Planning Justification Report, would also be appropriate.

**The London Plan:**

The London Plan notes that the policies of the Plan allow for a reasonable amount of flexibility through interpretation provided that such interpretation represents good planning and is consistent with the policies of the Plan.

The subject site is identified in the City Wide Place Types as a Green Space. Anticipated uses in the Green Space Place Type include private open space uses such as cemeteries and golf

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courses.

Funeral Homes are not identified as a permitted use in the Green Space Place Type. Funeral Homes, for that matter, are not identified as a permitted use in any of the City-wide or Urban Place Types.

The Woodland Cemetery, a permitted use in the Green Space Place Type, has been identified on the City of London Inventory of Heritage Resources. Planning staff concurred with the findings of the HIS that the introduction and development of a funeral home could be considered, from a cultural heritage perspective, a complimentary secondary use to the historic cemetery. The proposed location for the funeral home works to ensure that many of the historic burial areas and structures (located within the interior of the site) remain unaffected. In the case of the Woodland Cemetery it would be reasonable to interpret the Green Space Place Type policies as permitting an associated Funeral Home use. This interpretation would also be consistent with the new *Funeral, Burial and Crematorium Services Act* which permits cemetery owners to have an option of being licensed to operate funeral establishments directly on cemetery lands.

<b>CONCLUSION</b>
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The recommended action is consistent with, and will serve to implement, the policies of the Provincial Policy Statement (2014) and the City of London Official Plan. There are no impacts to the identified built heritage resources. No negative impacts are anticipated on abutting lands or the City's infrastructure. Changing Provincial legislation now permits the development of funeral homes on cemetery lands as proposed in this application.

<b>PREPARED BY:</b>	<b>SUBMITTED BY:</b>
<b>BRIAN TURCOTTE SENIOR PLANNER, 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 2, 2016

/BT

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**Z-8611  
B. Turcotte**

**Responses to Public Liaison Letter and Publication in “The Londoner”**

<b><u>Telephone</u></b>	<b><u>Written (e-mail)</u></b>
	Cornelia Verwer 441 Randol Drive London ON N6J 1C5
	Brandon Francis Realstar management 77 Bloor Street West Suite 2000 Toronto ON M5S 1M2



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**Z-8611**  
**B. Turcotte**

**Bibliography of Information and Materials**  
**Z-8611**

**Request for Approval:**

City of London Zoning Amendment Application Form, completed by Zelinka Priamo Ltd, April 18, 2016

**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.

Planning Justification Report, prepared by Zelinka Priamo, April 15, 2016.

Urban Design Brief, prepared by Zelinka Priamo, April 15, 2016.

Heritage Impact Assessment, prepared by Zelinka Priamo, July 2016

Tree Assessment Report, prepared by R. Koudys Architects Inc., March 2016.

**Correspondence: (all located in City of London File No. Z-8611)**

**Departments and Agencies - (all located in City of London File No. Z-8611)**

**Other:**

Site visit

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**Z-8611  
B. Turcotte**

**Attachment 1 – E-mail Received May 29, 2016, in response to Notice of Application:**

As a resident of the Kensal Park neighbourhood for 35 years, I have seen many changes to the area that have increased the flow of traffic on Springbank Drive and on Wonderland Road.

Although both roads have been upgraded to 4 lanes, traffic is usually congested in the morning and afternoon rush hours. It has become increasingly difficult to make a left turn out of my subdivision onto Springbank Drive to head east at any time of day without a delay of typically more than five minutes while the engine of my car is idling.

Traffic on Wonderland Road is usually backed up from south of Oxford Street to Springbank Drive, often even to Teeple Terrace and Commissioners Road in the morning and afternoon rush hours. Emergency vehicles use this route day and night and frequently have difficulty getting through.

The proposed addition of a funeral home at 493 Springbank Drive suggests a pending traffic nightmare for those who regularly travel the above routes and for those trying to get in and out of the cemetery for services.

Where does the cemetery propose to have its entrances for the funeral home? Currently there is only one point of entry and exit to this large area, on Springbank Drive, which is hardly suitable for the increased numbers of cars that will have to be accommodated, and will add to already existing congested driving conditions.

A traffic light had to be installed to allow patients using the Springbank Medical clinic a chance to enter and exit its parking lot. This light was added as an after-thought because the amount of traffic to the clinic seemed to catch the city by surprise. Will another set of traffic lights have to be placed at the entrance to the cemetery?

Further, the only existing point of entrance to the cemetery is in the Woodland Heights school zone which requires extra vigilance for the safety of students and parents who walk, cross the street, and drive along Springbank Drive.

Frankly, given the location of Woodland Cemetery - in a school zone and at one of the most congested intersections in the city, I am quite surprised that the idea of situating a funeral home here is even being considered.

The zoning by-law amendment should not be permitted by the City of London.

Thank you for considering my opinion,  
Cornelia Verwer  
441 Randol Drive  
London, Ontario N6J 1C5

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**Z-8611  
B. Turcotte**

**Attachment 2 – E-mail Received May 19, 2016, in response to Notice of Application:**

The group here has reviewed the document,

The only concern we have be related to traffic in the area. As it would seem that this larger funeral home would attract more guests. Currently we experience issues with traffic on this street and increasing the amount of users in the area will only amplify the issue. Maybe this would an opportunity to address this issue by added a turning lane along the length of the street to help curb an future congestion. We would envision this third land from Bershire all the to the strip plaza at Kernahan pkwy.

Please let me know your thoughts, otherwise it looks like a great addition to the community.

B

Brandon Francis | Asset Manager

**realstar** management

77 Bloor Street West | Suite 2000 | Toronto | ON | M5S 1M2

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Z-8611  
B. Turcotte

**Attachment 3 – Consultant’s Response to the Required Road Widening Dedication**



Mr. Brian Turcotte  
City of London  
Planning and Development  
206 Dundas Street  
London, ON  
N6A 1G7

Dear Mr. Turcotte

RE: Zoning By-law Amendment Application Z-8611 – Road Widening Comments  
Woodland Cemetery - 493 Springbank Drive  
Our File: WDL/LON/15-01

We are the planning consultants for the applicant in the above noted Zoning By-Law Amendment. We are in receipt of comments from the City of London Geomatics Division and Transportation Planning stating that road widening is required for both the Springbank Drive and Wonderland Road frontages of the above noted lands (the ‘subject lands’). While we recognize that road ultimate road widths are generally identified in the Zoning By-Law, specific issues relating to the cemetery lands warrant additional consideration prior to the road widening requirements being decided at the site plan stage.

Woodland Cemetery contains grave sites along both the Wonderland Road and the Springbank Drive frontages. It is our understanding that there are grave sites within and adjacent to the proposed road widening identified for Springbank Drive and for Wonderland Road. In addition to known graves, undocumented graves may also exist in these locations. As such, the City of London would be required to undertake an archaeological assessment to determine that there are no grave sites within the lands requested to be dedicated for road widening, and within a sufficient buffer to the road allowance. Under the provisions of the *Funeral, Burial, and Cremation Services Act*, all grave sites within the vicinity of site works are required to be identified. We note this type of assessment was undertaken for the proposed development of a funeral home on the subject lands.

There may also be unoccupied plots whose interment rights have previously been sold.

As the subject lands are listed on the City of London Inventory of Heritage Resources, we expect that the City of London will undertake a Heritage Impact Assessment to determine the impact of the proposed road widening on the potential heritage attributes of the subject lands. We note that a Heritage Impact Assessment was required for the proposed development of a funeral home on a small portion of the subject lands. The proposed road widenings could have more significant impacts on the potential heritage attributes of the subject lands.

We trust that these matters will be fully addressed before any final determination on the taking of road widening from the subject lands at the site plan approval stage.

Yours very truly,

**ZELINKA PRIAMO LTD.**

Mathew Campbell, BA, CPT  
Planner

cc. Myk Wasytko, Wasytko Architect Inc.

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**Z-8611  
B. Turcotte**

**Appendix "A"**

Bill No. (number to be inserted by Clerk's Office)  
2016

By-law No. Z.-1-16\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 493 Springbank Drive.

WHEREAS the Incorporated Synod of the Diocese of Huron has applied to rezone an area of land located at 493 Springbank Drive, 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 493 Springbank Drive, as shown on the attached map comprising part of Key Map No. A106, from an Open Space (OS3) Zone to an Open Space Special Provision (OS3(\*)) Zone.
- 2) Section Number 36.4 c) of the Open Space (OS3) Zone Variation is amended by adding the following Special Provisions:

- OS3(\*)      493 Springbank Drive
- a)          Additional Permitted Use:
  - i)          A Funeral Home
- b)          Regulations
  - i)          Front Yard Setback      5 metres  
(Minimum)

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 August 30, 2016.

Matt Brown  
Mayor

Agenda Item # Page #

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**Z-8611**  
**B. Turcotte**

Catharine Saunders  
City Clerk

First Reading - August 30, 2016  
Second Reading – August 30, 2016  
Third Reading - August 30, 2016

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Z-8611  
B. Turcotte

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

