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TO:	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING DIRECTOR LAND USE PLANNING, CITY PLANNER
SUBJECT:	APPLICATION BY: SEAN EDEN 73, 77, 81 AND 91 SOUTHDALE ROAD EAST 3021 AND 3033 WHITE OAK ROAD MEETING ON MAY 22, 2012

RECOMMENDATION

That, on the recommendation of the Director Land Use Planning, City Planner, the following actions be taken with respect to the application of Sean Eden relating to the property located at 73, 77, 81, and 91 Southdale Road East and 3021 and 3033 White Oak Road:

- a) the action of the Municipal Council at its meeting held on April 10 and 11, 2012, in having adopted parts a) and b) of clause 23 of the 8th report of the Planning and Environment Committee, **BE RECONSIDERED**;
- b) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on May 22, 2012 to amend the Official Plan to change the designation of the subject property **FROM** Auto Oriented Commercial Corridor and Multi Family Medium Density Residential **TO** Neighbourhood Commercial Node;
- c) the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on May 22, 2012 to amend Zoning By-law No. Z.-1 (in conformity with the Official Plan, as amended in part b) above) to change the zoning of the subject property **FROM** a Residential R1 (R1-10) Zone which permits single detached dwellings, a Neighbourhood Facility (NF) Zone which permits churches and an Urban Reserve (UR4) Zone which permits existing uses **TO** a Holding Neighbourhood Shopping Area (h*h-11*h-63*h-103*NSA4) Zone which permits retail commercial uses such as grocery stores, personal service establishments, restaurants, financial institutions to a maximum total gross floor area of 6000 m² and subject to holding provisions to ensure that a development agreement be entered into with the City, appropriate access arrangements are provided to the satisfaction of Council, implementation of all noise attenuation and design mitigating measures as recommended in a noise assessment report, acceptable to the City and to ensure that urban design matters are addressed at site plan review; and,
- d) 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-law as the proposed amendment was included in the description of the previous legal notice for this application.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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Item#23 – 8th Report of the Planning and Environment Committee – March 26, 2012
 City of London – North Longwoods Area Plan- 2003
 OPA438- 2006 City of London Official Plan Review
 Z-5304- 2008- Drive through zoning amendments

PURPOSE AND EFFECT OF RECOMMENDED ACTION

To permit the consolidation of the properties to allow for a future retail development to a maximum gross floor area of 6000 m² and include a grocery store use.

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RATIONALE

1. The recommended amendments are consistent with the policies of the Provincial Policy Statement (2005) PPS which states that land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources. The PPS also requires planning authorities to provide opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities.
2. The recommended amendments are consistent with the policies in the Official Plan and create the opportunity to add Neighbourhood Commercial Node (NCN) uses in this area. The change in land use from an Auto Oriented Commercial Corridor and Multi Family Medium Density Residential to a Neighbourhood Commercial Node designation is appropriate since there are adequate Auto Oriented Commercial land uses along the Wharnclyffe Road South corridor and adequate residential development south of the subject site.
3. The recommended amendments allow for the addition of a commercial retail use which will provide for the convenience shopping and service needs of nearby residents.
4. The recommended amendments will encourage the grouping of retail and service commercial uses that serve multi-purpose shopping trips. The site is located at the intersection of arterial roads and is of sufficient size to accommodate the building, parking, loading facilities, adequate buffering and setbacks from adjacent residential uses.

BACKGROUND

At the April 10 and 11, 2012 meeting of Municipal Council, the following resolution was adopted with respect to the subject application:

“23. That, notwithstanding the recommendation of the Director Land Use Planning and City Planner, the following actions be taken with respect to the application of Sean Eden relating to the property located at 73, 77, 81, and 91 Southdale Road East and 3021 and 3033 White Oak Road:

- a) the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting to be held on April 10, 2012 to amend the Official Plan **FROM** Auto Oriented Commercial Corridor and Multi Family Medium Density Residential **TO** Neighbourhood Commercial Node and a Neighbourhood Commercial Node Special Policy;
- b) the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting to be held on April 10, 2012 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 (R1-10) Zone which, permits single detached dwellings, a Neighbourhood Facility (NF) Zone, which permits churches and an Urban Reserve (UR4) Zone which permits existing uses **TO** a Holding Neighbourhood Shopping Area Special Provision (h*h-11*h-63*h-103*NSA4 (—)) Zone, which permits retail commercial uses such as grocery stores, personal service establishments, restaurants, financial institutions to a maximum total gross floor area of 6000 m² subject to holding provisions to ensure that a development agreement be entered into with the City, appropriate access arrangements are provided to the satisfaction of Council, implementation of all noise attenuation and design mitigating measures as recommended in a noise assessment report acceptable to the City, and to ensure that urban design matters are addressed at site plan review;
- c) the following design objectives be addressed through a site plan and development agreement before the h-103 holding provision is lifted:
 - higher design standard through the site plan approval process and through the application of the Commercial Urban Design Guidelines;
 - discouragement of large, front yard surface parking areas, and drive through locations;
 - encourage street-oriented development;
 - introduce a higher standard of landscaping;

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- incorporate accessible pedestrian connections to transit facilities and to adjacent neighbouring residential areas;
- massing and architecture within the node should provide for:
 - articulated facades and rooflines;
 - accented main entry points;
 - use of glazing and other façade treatments along sidewalk areas;
 - weather protection features; and,
- street setbacks be minimized by placing smaller, single or multi-tenant buildings near the sidewalk and along arterial roads and increasing, as much as possible, the street frontage of this nodal development to assist in framing the prominent corner of Southdale Road East and White Oak Road;

- d) 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-law as the proposed amendment was included in the description of the previous legal notice for this application; and
- e) consideration of a proposed special provision to allow for automobile sales and service uses along the Southdale Road East frontage to a maximum depth of 50m **BE REFERRED** back to the Director of Land Use Planning and City Planner to undertake the necessary steps to hold a further public participation meeting on this matter, with appropriate notice, with no additional application fee being required in connection with the special provision under consideration;

it being also noted that the Planning and Environment Committee received a communication, dated March 24, 2012, from A. Soufan, York Developments, with respect to this matter;

it being pointed out that at the public participation meeting associated with this matter, the following individual made an oral submission in connection therewith:

- Ali Soufan, York Developments, applicant – commending staff for their work on this matter, as he and staff have been back and forth on this application for quite a few months; advising that the gap has been narrowed to a specific use, rather than commercial use; advising that the property is located on the southwest corner of Southdale Road and White Oaks Road; indicating that west of the site is a used car dealership; indicating that the property located at 35 Southdale Road has been approved for a new Mercedes dealership; advising that he doesn't have a prospective client for this site and he would like to leave some flexibility for the ultimate user; maybe a combination of auto use and retail; expressing agreement with Mr. C. Smith on staff's position; indicating that he disagrees with staff trying to restrict the auto use special provision; indicating that it makes sense to keep the auto use relating to sales and service, but not a car wash; advising that the site plan stage will drill down the level of detail required. (2012-D11-02) (AS AMENDED) (23/8/PEC)"

Given that part e) of the above-noted clause refers consideration of the "special provision" request to a future Public Participation Meeting, clause a) should have been amended to remove the reference to the "special policy" provision. As a result, reconsideration of clause a) is required to correct the intent of the direction from Municipal Council.

Due to the amendments made to clause 23 at the Council Meeting, the By-laws before Council at the April 10 and 11, 2012 meeting did not reflect to removal of the "special provision". As a result the two By-laws before Council were not enacted on April 10, 2012 and clauses a) and b) require reconsideration to consider the revised by-laws at the May 22, 2012 meeting of Municipal Council.

Attached to this report as Appendix "A", is the revised by-law, to amend the Official Plan Plan to change the designation of the subject property **FROM** Auto Oriented Commercial Corridor and Multi Family Medium Density Residential **TO** Neighbourhood Commercial Node.

Also attached to this report, as Appendix "B", is the revised by-law to amend the Zoning By-law to change the zoning of the subject property **FROM** a Residential R1 (R1-10) Zone which permits single detached dwellings, a Neighbourhood Facility (NF) Zone which permits churches and an Urban Reserve (UR4) Zone which permits existing uses **TO** a Holding Neighbourhood Shopping Area (h-h-11-h-63-h-103-NSA4) Zone which permits retail commercial uses such as grocery stores, personal service establishments, restaurants, financial institutions to a maximum total gross floor area of 6000 m² and subject to holding provisions to ensure that a development agreement be entered into with the City, appropriate access arrangements are provided to the satisfaction of Council, implementation of all noise attenuation and design mitigating measures as recommended

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in a noise assessment report, acceptable to the City and to ensure that urban design matters are addressed at site plan review.

The Civic Administration will be bringing a report forward to the May 28, 2012 Planning and Environment Committee to address clause e) of the April 10 and 11, 2012 Council resolution to consider a proposed special provision to allow for automobile sales and service uses along the Southdale Road East frontage to a maximum depth of 50 metres.

PREPARED BY:	SUBMITTED BY:
CATHY SAUNDERS CITY CLERK	JIM YANCHULA, MCIP, RPP MANAGER OF COMMUNITY PLANNING AND URBAN DESIGN
RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP DIRECTOR OF LAND USE PLANNING	

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Appendix "A"

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

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

A by-law to amend the Official Plan for the City of London, 1989 relating to 73, 77, 81, and 91 Southdale Road East and 3021 and 3033 White Oak 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 May 22, 2012

Joe Fontana
Mayor

Catharine Saunders
City Clerk

First Reading – May 22, 2012
Second Reading – May 22, 2012
Third Reading – May 22, 2012

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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:

- i. change the designation from an Auto Oriented Commercial Corridor and Multi Family Medium Density Residential designation to a Neighbourhood Commercial Node designation on Schedule 'A' of the Official Plan for lands at 73, 77, 81, and 91 Southdale Road East and 3021 and 3033 White Oak Road;

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands located at 73, 77, 81, and 91 Southdale Road East and 3021 and 3033 White Oak Road in the City of London.

C. BASIS OF THE AMENDMENT

The basis of the amendment is the possible change to the Official Plan **from** an Auto Oriented Commercial Corridor and Multi Family Medium Density Residential Designation **to** a Neighbourhood Commercial Node Designation to permit the construction of a commercial retail development which includes a grocery store.

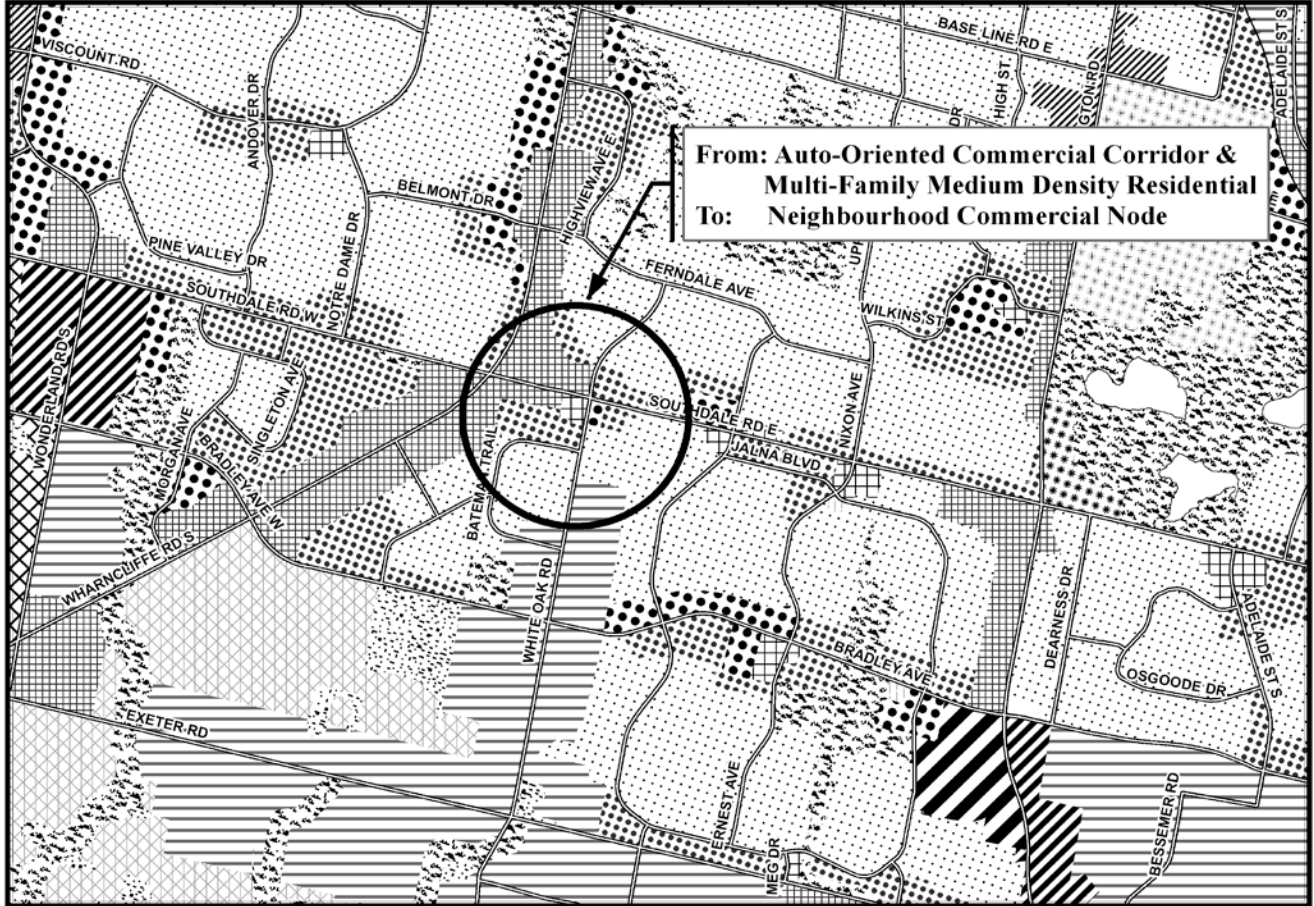
D. THE AMENDMENT

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

1. Schedule "A", Land Use, to the Official Plan for the City of London Planning Area is amended by designating those lands located at 73, 77, 81, and 91 Southdale Road East and 3021 and 3033 White Oak Road in the City of London, as indicated on "Schedule 1" attached hereto from an Auto Oriented Commercial Corridor and Multi Family Medium Density Residential to a Neighbourhood Commercial Node Designation.

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AMENDMENT NO:



Legend

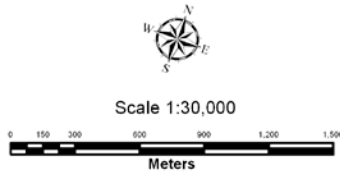
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|---|--|
| <ul style="list-style-type: none"> Downtown Area Enclosed Regional Commercial Node New Format Regional Commercial Node Community Commercial Node Neighbourhood Commercial Node Main Street Commercial Corridor Auto-Oriented Commercial Corridor Multi-Family, High Density Residential Multi-Family, Medium Density Residential Low Density Residential Office Area Office/Residential | <ul style="list-style-type: none"> 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 |
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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-7943

PLANNER: CS

TECHNICIAN: CK

DATE: 2012/03/01

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Appendix "B"

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

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 73, 77, 81, and 91 Southdale Road East and 3021 and 3033 White Oak Road.

WHEREAS Sean Eden has applied to rezone an area of land located at 73, 77, 81, and 91 Southdale Road East and 3021 and 3033 White Oak Road, as shown on the map attached to this by-law, as set out below;

AND WHEREAS upon approval of the Official Plan Amendment Number (number to be inserted by Clerk's Office) this rezoning will conform to the Official Plan.

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

Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 73, 77, 81, and 91 Southdale Road East and 3021 and 3033 White Oak Road, as shown on the attached map comprising part of Key Map No. 143 **FROM** a Residential R1 (R1-10) Zone, a Neighbourhood Facility (NF) Zone and a Urban Reserve (UR4) Zone **TO** a Holding Neighbourhood Shopping Area (h*h-11*h-63*h-103*NSA4) Zone.

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

This By-law shall come into force and be deemed to come into force in accordance with section 34 of the *Planning Act, R.S.O. 1990, c. P.13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on May 22, 2012

Joe Fontana
Mayor

Catharine Saunders
City Clerk

First Reading – May 22, 2012
Second Reading – May 22, 2012
Third Reading – May 22, 2012

