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OZ-7943
C. Smith

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 PUBLIC PARTICIPATION MEETING ON MARCH 26, 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 proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on April 10, 2012 to amend the Official Plan **FROM** Auto Oriented Commercial Corridor and Multi Family Medium Density Residential **TO** Neighbourhood Commercial Node.

- b) the request to amend Zoning By-law No. Z.-1 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, pharmacies and automobile sales and service uses to a maximum total gross floor area of 6000 m2 with a special provision to: reduce the minimum interior side yard and rear yard setback; increase the maximum permitted gross floor area for retail uses, increase maximum lot coverage, reduce the minimum landscape buffer width; reduce the minimum parking requirements; and, eliminate the setback of a drive-through lane located in the front yard from the ultimate road allowance 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 **BE REFUSED** for the following reasons:
 - the requested amendment is not consistent with the policies of the Provincial Policy Statement, 2005 pertaining to promoting appropriate mix of land uses;
 - the requested amendment is not consistent with the Official Plan policies as the full range of requested uses, specifically automobile sales and service use is not permitted in the Neighbourhood Commercial Node designation; and
 - the special provisions requested from the requirements of the Zoning By-law are premature pending completion of the site plan approval process that implements urban design, access, and noise mitigating measures as recommended through the requested holding provisions.

- c) the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting 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

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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;

d) The following design objectives will 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;
- 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; and
 - weather protection features;
- 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.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

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.

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

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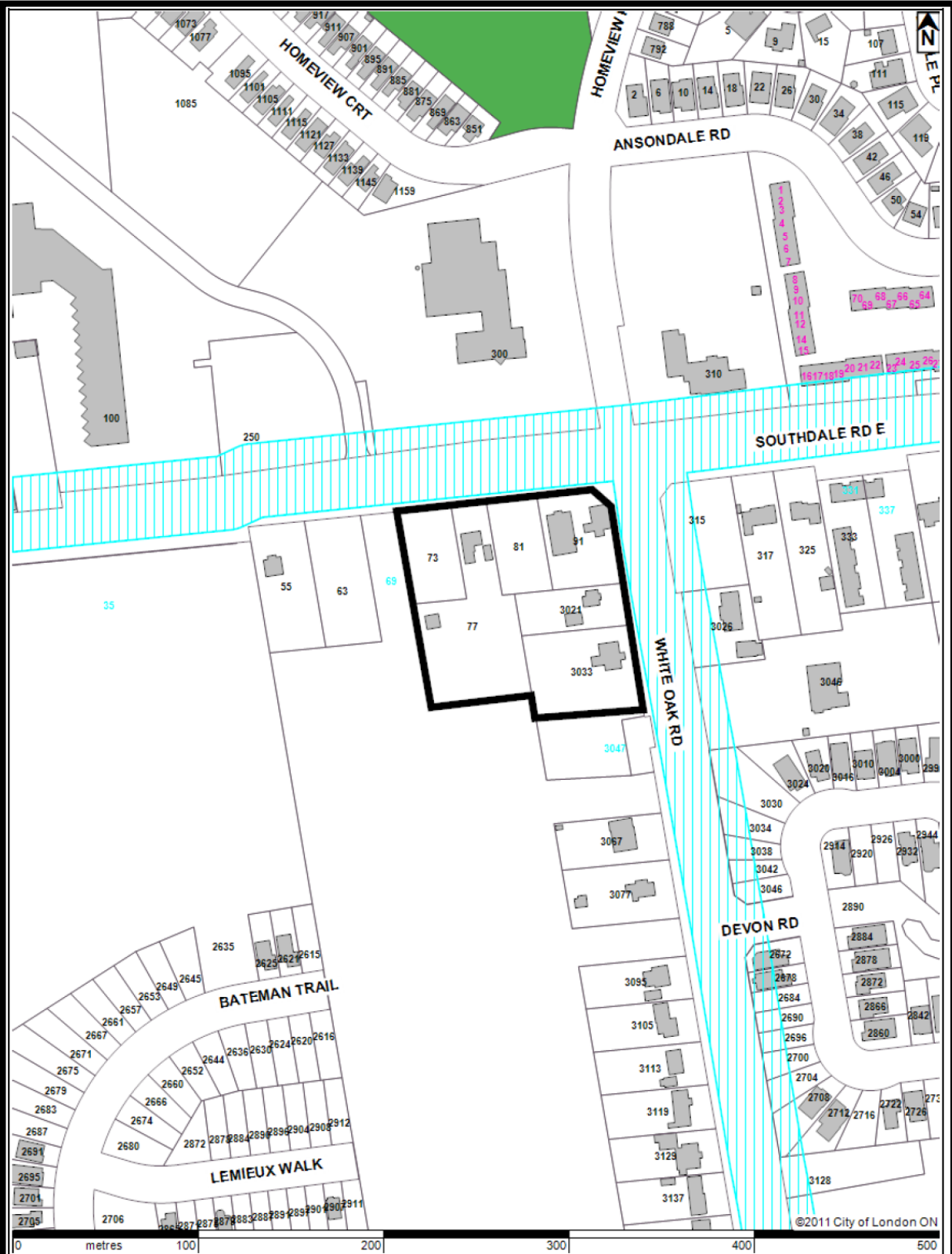
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Wharncliffe Road South corridor and adequate residential development south of the subject site.

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.
5. The applicant's requested zoning amendment to permit automobile sales and services establishments is not in conformity with the Official Plan policies of the Neighbourhood Commercial Node designation.
6. Auto Oriented Commercial lands uses permit auto oriented development to serve the needs of the larger municipal and regional public that travels on the arterial corridor, and are not compatible with Neighbourhood Commercial uses which are intended to serve the day to day needs of the abutting residential neighbourhoods. Auto oriented uses often include large areas of open storage and loading, and often are in stand-alone, single purpose structures. Retail uses are limited in the Auto Oriented Commercial Corridor designation. The applicant's proposed zoning amendment will result in an inappropriate mix of land uses on the site.
7. The applicant's requested special provisions to allow for additional relief from the requirements of the Neighbourhood Shopping Area (NSA4) Zone variation is premature pending completion of the site plan approval process that implements urban design, access, and noise mitigating measures as recommended through the requested holding provisions.

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0 metres 100 200 300 400 500

LOCATION MAP

Subject Site: 73 Southdale Rd E
 Applicant: Sean Eden
 File Number: OZ-7943
 Planner: Craig Smith
 Created By: Craig Smith
 Date: 2011-07-20
 Scale: 1:2500

LEGEND

- Subject Site
- Parks
- Assessment Parcels
- Buildings
- Address Numbers



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BACKGROUND

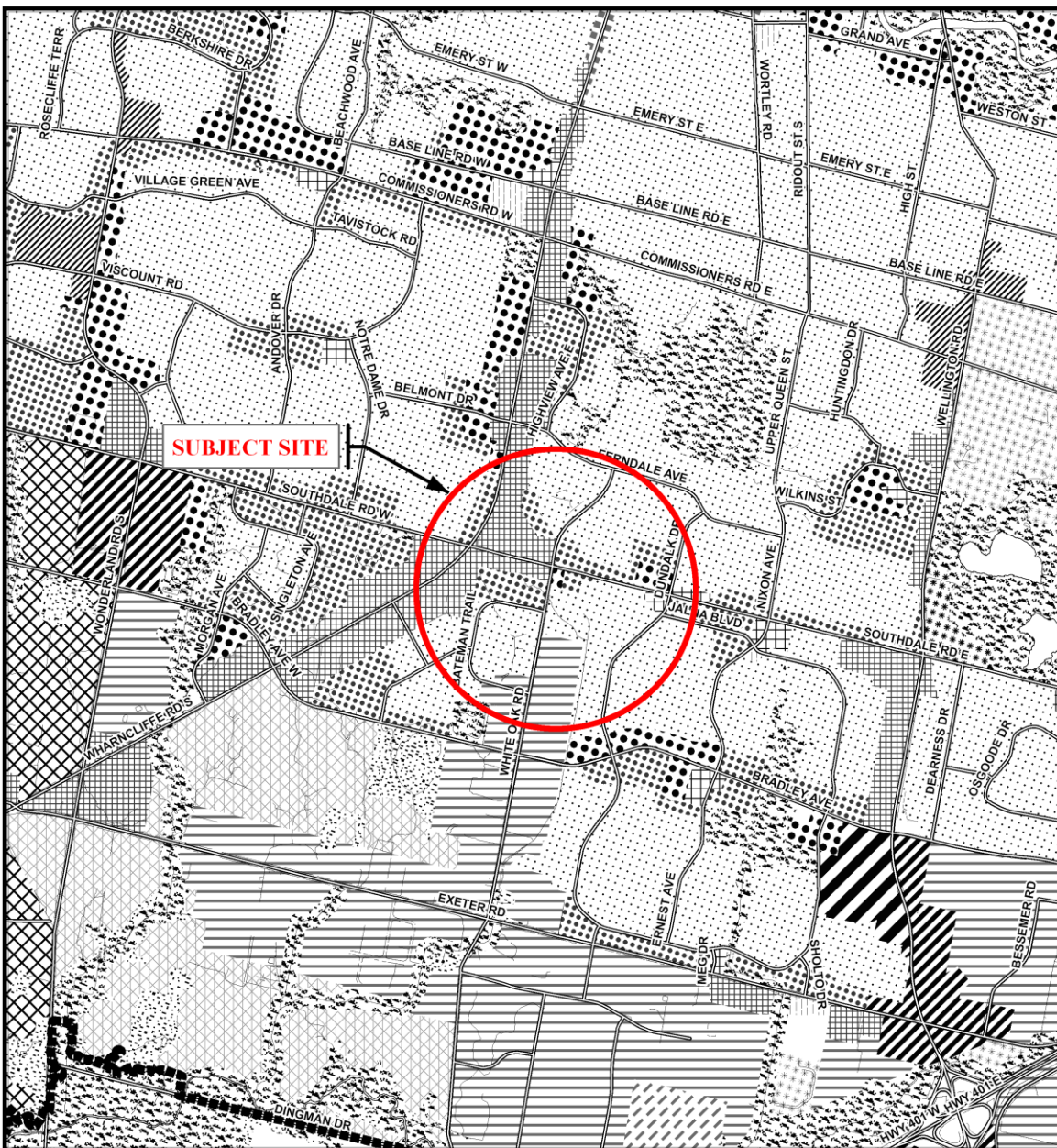
Date Application Accepted: July 11, 2011	Agent: Sean Eden
<p>REQUESTED ACTION: Is to permit the consolidation of the properties to allow for future retail development. Change the Official Plan land use designation from "Auto Oriented Commercial Corridor and Multi Family Medium Density Residential" to "Neighbourhood Commercial Node". Change the Zoning By-law Z.-1 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 Neighbourhood Shopping Area (NSA4) Zone which permits retail commercial uses such as grocery stores, personal service establishments, restaurants, and financial institutions to a maximum total gross floor area of 6000 m².</p>	

<p>SITE CHARACTERISTICS:</p> <ul style="list-style-type: none"> • Current Land Use – Church and single detached dwellings • Frontage – 113m • Depth – 106m • Area – 1.2ha • Shape - Rectangular
<p>SURROUNDING LAND USES:</p> <ul style="list-style-type: none"> • North – Auto dealership • South – Residential. • East – Multi Family residential • West – Auto dealership

<p>OFFICIAL PLAN DESIGNATION: (refer to map) Auto Oriented Commercial Corridor and Multi Family Medium Density Residential</p>
<p>EXISTING ZONING: (refer to map) Residential R1 (R1-10), Neighbourhood Facility (NF), Urban Reserve (UR4)</p>

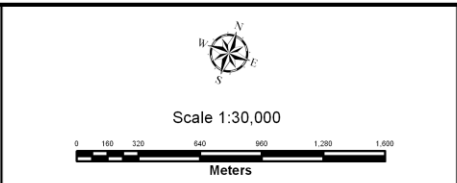
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Legend	
	Downtown Area
	Enclosed Regional Commercial Node
	New Format Regional Commercial Node
	Community Commercial Node
	Neighbourhood Commercial Node
	Main Street Commercial Corridor
	Auto-Oriented Commercial Corridor
	Multi-Family, High Density Residential
	Multi-Family, Medium Density Residential
	Low Density Residential
	Office Area
	Office/Residential
	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

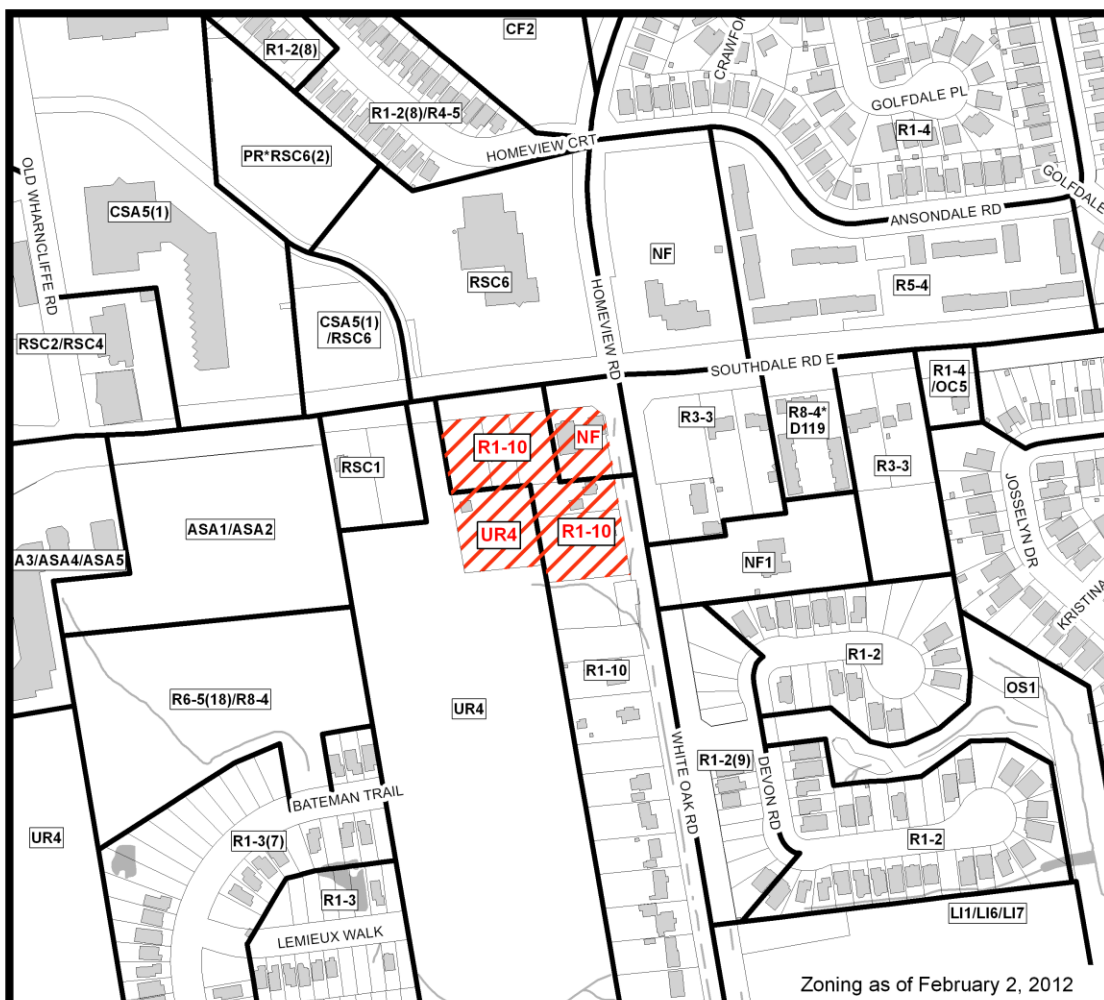
CITY OF LONDON
 Department of
Planning and Development
 OFFICIAL PLAN SCHEDULE A
 - LANDUSE -
 PREPARED BY: Graphics and Information Services



FILE NUMBER: OZ-7943
 PLANNER: CS
 TECHNICIAN: CK
 DATE: 2012/02/29

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Zoning as of February 2, 2012



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: R1-10, NF & UR4

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

- 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

- 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

2) ANNEXED AREA APPEALED AREAS

CITY OF LONDON

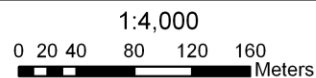
PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES

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



FILE NO:
OZ-7943 CS

MAP PREPARED:
2012/02/29 CK



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PLANNING HISTORY

North Longwoods Area Plan

June 2003- The North Longwoods Area Plan designated the properties on the south side of Southdale Road East from Wharncliffe Road South to White Oak Road Restricted Service Commercial.

OPA438

City of London 2006 Official Plan Review. The property was designated from the Restricted Service Commercial designation to Auto Oriented Commercial Corridor (AOCC). AOCC is intended to provide commercial retail and service uses to the neighbouring residential uses and to the travelling public on the arterial roads.

Z-5304- 2008- Drive through zoning amendments, intended to minimize the impacts of drive-through facilities if adjacent to sensitive land uses such as residential and facility/institutional uses, improve public safety around these uses, and improve the aesthetics of uses with drive-through facilities.

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

Environmental and Engineering Services Department

The City of London's Environmental and Engineering Services Department offers the following comments with respect to the aforementioned Official Plan and Zoning By-Law amendments application:

- *The Transportation Planning & Design Division has reviewed the Traffic Impact Study (TIS), included as part of this application, and has the following comments:*
- *The proposed site plan included with the application shows a full turn access on Southdale Road East opposite the private drive identified as Glendale Avenue in the TIS. We have no concern with the location or type of access but, based on the preliminary site plan, the lands required for this access do not appear to be part of this site. The study did not analyze an interim access arrangement if this access were not part of the site plan.*
- *The access on White Oak Road is proposed to be located approximately 105 m south of Southdale Road East. As indicated in the study, the queue of vehicles during the pm peak hour will extend beyond the site access locking vehicles from exiting the site.*
- *The queue of vehicles exiting the White Oak Road access location will be approximately 40 m in length during the Saturday peak hour and will block parking spaces on the site. The queue during the am peak and pm peak hours will be 19 m and 15 m respectively. A redesign of the access with a clear throat distance will be required so vehicles do not interfere with parking.*

Based on the above, Transportation Planning & Design Division requests a holding provision for access so these issues can be resolved prior to site plan approval.

The above comments, among other engineering and transportation issues, will be addressed in greater detail when/if these lands come in for site plan approval.

Urban Design Peer Review Panel

Thank you for taking the time to meet with the Urban Design Peer Review Panel to discuss your company's proposal for a new commercial development at 91 Southdale Road East. The Panel notes that this is an Official Plan Amendment and Zoning Bylaw Amendment submission, the subject property falls within the boundary of the North Longwoods Area Plan, and that while not formally reviewed, the Panel had offered comments to the applicant dated 21 September 2011 regarding the subject property.

The Panel commends the applicant on taking the initiative to engage a professional design consultant to produce an Urban Design Brief that conforms to the City's Urban Design Brief's January 2009 Terms of Reference (see recommendation 1 below).

The Panel has the following comments regarding the proposed development based on the above noted Urban Design Brief dated 1 December 2011 and circulated to the Panel:

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1. *Provide a revised Site Plan within the Urban Design Brief at an appropriate scale which illustrates how the proposed commercial retail units orient to the existing street edge and municipal sidewalk to be provided by the project developer. NOTE: The proposed Site Plan (Figure 5) does not illustrate the municipal sidewalk and its relation to the proposed commercial retail units adjacent the street edge;*
2. *Provide a Site Plan within the Urban Design Brief at an appropriate scale which illustrates the location of building entrances and how they relate to the internal pedestrian sidewalk system. NOTE: The proposed Pedestrian Access Routes (Figure 6) drawing does not illustrate complete sidewalk pathways including crosswalks;*
3. *Provide a Site Plan within the Urban Design Brief at an appropriate scale which illustrates the location of barrier free vehicular stalls in conformance with the City of London FADS standard. NOTE: Two of the five illustrated barrier free vehicular stalls do not comply as drivers must cross roadways to access the pedestrian sidewalk system;*
4. *Provide a Site Plan within the Urban Design Brief at an appropriate scale which illustrates how the design relates to the neighbouring properties located within the Multi-Family, Medium Density Residential OP areas immediately south of the proposed development;*
5. *Re-align the majority if not all of the commercial retail building mass to the municipal street edge as defined by the ultimate road allowance with the prioritized focus on a) reinforcing the intersection of Southdale Road East and White Oak Road, b) reinforcing the Southdale Road East street edge moving westerly along Southdale Road East from the intersection with White Oak Road, and finally c) reinforcing the White Oak Road street edge moving southerly along White Oak Road from the intersection with Southdale; and*
6. *Relocate the commercial retail units designated to receive drive-thrus to ensure that the vehicular drive-thru's are located behind or beside the building as has been done with the north-westerly commercial retail unit. NOTE: Placement of the drive-thru parallel to the property line is not in conformance with the Official Plan Chapter 11 Urban Design Principles.*

In summary, the Panel is of the opinion that the applicant has not demonstrated that the proposed project is in conformance with the Official Plan's Urban Design Principles. The Panel requests that the applicant re-submit a revised conceptual design Site Plan for review and recommendation. Alternatively, the Panel recommends that the Official Plan and Rezoning Submission only be granted if zoning special provisions incorporating the spirit of the above recommendations are attached to the approval.

On behalf of the Panel, I thank you for your submission. Due to the significance and extent of the Panel's recommendations, the Panel requests that the project be resubmitted at the time of Site Plan application.

Noise

The City has reviewed the Noise Assessment for 91 Southdale Road East(attached) prepared by EngPlus and offer the following comments:

- *The proposed mitigation may not be feasible(location of A/C not confirmed, site plan not approved, all subject to change which will affect the distance between noise source and receptors)*
- *Study did not account for any potential impacts of truck traffic on lands to the east/south*
- *Impacts from A/C on lands to the west not studied.*
- *Tables 2 and 3 (on pages 6 and 7)do not seem to be accurate(mitigation appears to result in higher sound levels for Receptor R3)*

Based on our review, I would recommend that if the applicant wishes to proceed on the basis of this study, then a peer review of the noise study should be carried out (at the applicants

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expense). If you do decide to have the noise study peer reviewed, please contact me and I can provide you with information on qualified noise consultants to carry out the review.

PUBLIC LIAISON:	On September 30, 2010 a Notice of Application was sent to 18 property owners in the surrounding area. Notice of Application was also published in the "Living in the City" section of the London Free Press on October 2, 2010. A "Possible Land Use Change" sign was also posted on the site.	No. of replies: one reply, no concerns listed.
Nature of Liaison:		
Is to permit the consolidation of the properties to allow for future retail development. Change the Official Plan land use designation from "Auto Oriented Commercial Corridor and Multi Family Medium Density Residential" to "Neighbourhood Commercial Node".		
Change the Zoning By-law Z.-1 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 Neighbourhood Shopping Area (NSA4) Zone which permits retail commercial uses such as grocery stores, personal service establishments, restaurants, and financial institutions to a maximum total gross floor area of 6000 m ² .		
Response: Looking for clarification and to be notified of the public meeting.		

ANALYSIS

Subject Site

The subject lands consist of 6 properties. 73, 77, 81 Southdale Road East and 3021 and 3033 White Oak Road are zoned Residential R1 (R1-10). Single detached dwellings currently exist on 77 Southdale Road East and at 3021 and 3033 White Oak Road. The property at 77 Southdale Road East continues southerly and the rear portion is zoned Urban Reserve (UR4). The properties along Southdale Road East are currently designated Auto Oriented Commercial Corridor and the properties along White Oak Road and the rear portion of 77 Southdale Road East is designated Multi Family Medium Density. The property at 91 Southdale Road East is the former location of St. Elias Church. A demolition permit (12004745) was issued on February 22, 2012 to demolish the church and the assembly hall from this property. Consolidation of the properties will result in a frontage along Southdale Road East of 113m and frontage along White Oak Road of 106m. The total developable area will be 1.2ha.

The proposed development is surrounded by automobile dealerships to the north and west. The lands to the east and south are designated for future Multi Family Medium Density Residential development. The subject site is suitably located for commercial development with frontages on White Oak Road (approximately 16,500 vehicles/day) and Southdale Road East (approximately 32,000 vehicles/day); both are classified as arterial roads in the City of London Zoning By-law Z.-1. This corner is a high-traffic area that links to many existing and future planned neighbouring residential areas.

Provincial Policy Statement

The *Provincial Policy Statement, 2005* (PPS) provides policy direction on matters of provincial interest related to land use planning and development. It is intended to be read in its entirety and the relevant policies are to be applied in each situation. As it relates to this application, the PPS provides some direction to this matter.

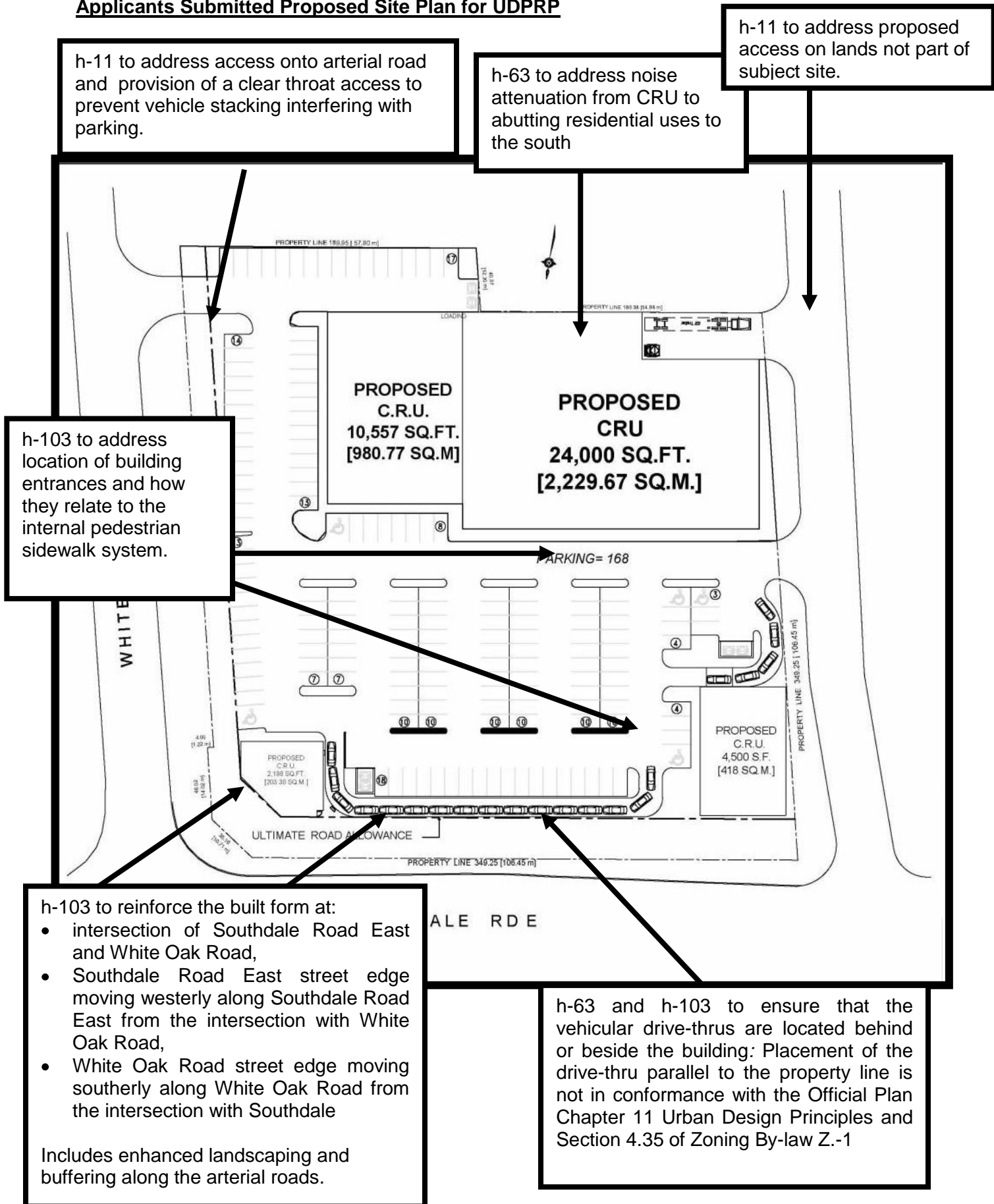
This application is in accordance with Section 1.1.3.2 a) of the Provincial Policy Statement which states that land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources. The proposed zoning by-law amendment will conform to the Neighbourhood Commercial Node designation and creates the opportunity to provide neighbourhood commercial uses in this area.

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The PPS requires planning authorities to promote economic development and competitiveness by providing 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. Auto Oriented Commercial uses within the Neighbourhood Commercial Node is not an appropriate mix of use and is not consistent with the PPS or the Policies of the City's Official Plan.

Applicants Submitted Proposed Site Plan for UDPRP



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North Longwoods Area Plan

In the commercial recommendation section of the Plan it states: *In summary, future commercial needs of the residents of the White Oak Area lands will be accommodated by a readily accessible and already established range of commercial developments and activities. Accordingly, the White Oak Plan will not allow for additional community shopping areas. Convenience commercial needs can be accommodated through infill of the lands to be designated RSC Restricted Service commercial along Southdale or Wharncliffe roads as the community begins to take shape. The City may wish to consider a potential NSA (Neighbourhood Shopping Area) zone at the south side of Legend drive, and the east side of Wharncliffe.*

The applicant prepared a Commercial Justification report. In the applicants commercial justification report it states: *There are approximately 71,000 people living within the study area at present which equates to 8,900 people per store. Planned development within the study area will add an additional 8,500 people and does not include lands that will be identified with the completion of the Southwest Area Plan. This equates to a 12% population increase. The proposed grocery store on the subject site is 2,230 sq.m which is a mere 6% increase to the 35,133 sq.m of gross floor area found within the existing operations.*

The North Longwoods Area Plan did contemplate the potential of a future neighbourhood shopping area to be located within the boundary of the plan. The plan had indicated a site located along the Wharncliffe Road South corridor. The applicant has submitted a commercial study that indicates that there is sufficient proposed residential in the area and that new sites that could accommodate a grocery store, are limited in this area. The proposed location of the neighbourhood commercial node is at the intersection of two arterial roads and is consistent with the Area study and the Official Plan.

Official Plan

Section 4.37 Neighbourhood Commercial Node

The proposed Official Plan amendment is consistent with Section 4.3.7:

Function

It is intended, through the Commercial Policies in the Official Plan, that the development of commercial land uses minimize their impact on adjacent land uses, promotes the grouping of service commercial uses into integrated forms of development, encourages the infilling and consolidation of permitted uses within the existing limits of commercial strip development and do so at locations removed from residential or other sensitive land uses that may be adversely affected by noise, odour, traffic, visual, or other nuisance impacts associated with the commercial use. The proposed use will be located at the intersection of two arterial roads. The proposed residential lands to the south are designated Multi Family Medium Density Residential. Through the Site Plan approval process and the proposed holding provision (h-63) that requires the implementation of any mitigation measures required by a completed noise attenuation study acceptable to the City, adequate buffering to mitigate possible adverse impacts on the abutting lands can be provided.

Permitted Uses

Permitted uses include small retail stores; food stores, pharmacies, convenience commercial uses, personal services; financial institutions, service-oriented office uses such as real estate, insurance and travel agencies; community facilities such as libraries or day care centres; professional and medical/dental offices; small-scale restaurants; commercial recreation establishments; and similar uses that draw customers from a neighbourhood-scale trade area.

The proposed Neighbourhood Commercial Node development is of a scale that will draw customers from the existing Longwoods subdivision to the south, the existing low density residential uses to the north and future residential uses contemplated in the City of London's Southwest Area Plan.

The requested Neighbourhood Commercial Node does not permit auto oriented uses. Auto oriented uses should be directed to locations along arterial commercial corridors on lands designated Auto Oriented Commercial. There is an adequate amount of Auto Oriented

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Commercial Corridor designated lands along Wharncliffe Road South immediately west of this site. Uses that are permitted in the Neighbourhood Commercial Node serve the retail needs of the abutting residential neighbourhoods, allowing automobile sales and service use would result in an inappropriate mix of uses on this site. An Official Plan amendment to Chapter 10 to create a special policy would be required to allow for a mix of Auto Oriented Commercial Corridor uses and Neighbourhood Commercial Node uses.

Location

Within the City Structure Policies of the Official Plan, "service commercial development", such as a grocery store shall be directed to arterial roads and shall be carefully controlled to discourage the unwarranted extension of strip development, to promote the integration of uses, and to minimize the disruption to traffic and surrounding residential and commercial areas. The proposed site is located at the intersection of two arterial roads and is not an unwarranted extension of strip commercial development.

Scale

"Commercial development within a Neighbourhood Commercial Node shall normally range in size from 1,000 square metres to 13,000 square metres gross floor area". The proposed development is 6000m² in size and is within the range contemplated in the designation.

Further, Section 4.3.10.1 Applications to Add, Expand or Upgrade Commercial Nodes-General Evaluation Criteria states:

Major expansions to existing nodes or the creation of new nodal areas will require an amendment to the Official Plan. Council shall encourage infilling and the consolidation of existing commercial nodes and limit the extension or introduction of new nodes. Where new nodes and expansions are proposed, amendments to permit such expansions or new nodes shall be evaluated on the basis of:

Compliance with the size, function, and form criteria of this Plan for the specific nodal area;

- 1. consideration of traffic impacts through the preparation of a traffic study which identifies and addresses the timing of proposed future road infrastructure improvements relative to the proposed expansion or new area and ensures that there is adequate capacity in the road system to accommodate new commercial development or expansion to existing nodes;*
- 2. consideration of noise impacts on abutting sensitive land uses;*
- 3. completion of a commercial justification report which addresses the availability of other designated lands to accommodate the uses proposed, the effect of the change in designation on the supply of commercial lands; and to determine the need for new commercial floor space in this area;*
- 4. submission of an overall design concept and design guidelines;*
- 5. consideration of design improvements contained in the Commercial Design Guidelines including enhanced street edge landscaping, street-oriented buildings, limited and joint access and pedestrian connections to the street and transit;*
- 6. conceptual site plan which identifies how the proposed expansion or new area relates to the existing node and surrounding areas with respect to land use, privacy, noise, signage, lighting, appropriate building height, location and height of parking areas and structure, the location and function of delivery routes and bays as well as site access and circulation including pedestrian and transit access and connections; and,*
- 7. the availability of municipal services to accommodate the proposed use.*

The applicant has provided as part of their planning amendment application a Transportation Impact Study (TIS), dated June 2011, a Commercial Justification Report (CJR), dated November 2011 and an Urban Design Brief (UDB), dated December 1, 2011. All three reports were submitted by Stantec Consulting Ltd. The applicant has also provided an Environmental Noise Analysis (ENA) dated April, 2011 and prepared by Eng Plus Ltd. All submitted studies have been reviewed by City Staff or the Urban Design Peer Review Panel.

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Transportation

The City's Transportation Planning & Design Division has reviewed the (TIS), and has indicated concern with access on Southdale Road East opposite the private drive identified as Glendale Avenue as the lands required for this access do not appear to be part of this site, the study did not analyze an interim access arrangement if this access were not part of the site plan and the queuing of vehicles from the access onto White Oak Road and a redesign of the access with a clear throat distance will be required so vehicles do not interfere with parking.

Holding provision h-11 is proposed, requiring that prior to the removal of the holding provision appropriate access arrangements are provided to the satisfaction of Council.

Noise Attenuation

The City has reviewed the Environmental Noise Analysis report submitted by the applicant. City staff noted concern that the proposed mitigation measures may not be feasible, the report did not account for any potential impacts of truck traffic on lands to the east/south, the impacts from A/C on lands to the west not studied and has questions regarding the accuracy of the submitted table analysis.

Holding provision h-63 is proposed, which will require that prior to the removal of the holding provision, implementation of all noise attenuation and design mitigating measures as recommended in a noise assessment report, be acceptable to the City.

Commercial Justification Report

The applicant submitted a commercial justification report that provides analysis of all lands currently zoned to permit a grocery store use within a 3 km radius of the subject site. The report identifies existing undeveloped but zoned properties as well as vacant buildings to determine the availability of a suitable location other than that of the subject site. The report concludes that: *Of the sites currently zoned to permit a grocery store or related use (i.e. food store, supermarket), the only undeveloped one sits immediately to the west of the subject site. There are two existing and available structures that have been identified as a potentially suitable alternative location. One has been dismissed due to its location and building structure while the other is restricted by a no-compete clause imposed by an adjacent competitor.*

According to the submitted report, there are limited opportunities to provide for commercial retail use in the form of a grocery store in the 3 km study area. The subject site would provide for a use that would serve the needs of the abutting existing and future planned residential uses.

Commercial Land Use and Urban Design

Section 4.2.2 Urban Design Objectives for all Commercial Designations and Section 4.3.2 of the Official Plan addresses Urban Design in a commercial context. This section states that "Commercial Nodes be developed in accordance with the general principles of urban design as noted in Chapter 11 and in the Commercial Urban Design Guidelines". In commercial nodal areas, attention should be provided to the following general design principles; massing and architecture, street setbacks, improving the design of the street edge, parking in the rear or side yards, the use of landscaping and pedestrian connections.

The Urban Design Peer Review Panel has reviewed the Urban Design Brief submitted by the applicant. The URPRP notes their concern: *the Panel is of the opinion that the applicant has not demonstrated that the proposed project is in conformance with the Official Plan's Urban Design Principles. The Panel requests that the applicant re-submit a revised conceptual design Site Plan for review and recommendation. Alternatively, the Panel recommends that the Official Plan and Rezoning Submission only be granted if zoning special provisions incorporating the spirit of the above recommendations are attached to the approval.*

Holding provision h-103 is proposed requiring that prior to the removal of the holding provision, the following commercial urban design objectives as per Section 4.2.2 and 4.3.2 will be considered:

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- an aesthetically pleasing form of commercial development that conforms to the City's Commercial Urban Design Guidelines;
- a higher design standard through the site plan approval process and through the application of the Commercial Urban Design Guidelines;
- the discouragement of large, front yard surface parking areas; encourage street-oriented development; introduce a higher standard of landscaping; incorporate accessible pedestrian connections to transit facilities, to adjacent neighbouring residential areas;
- the massing and architecture within the node should provide for articulated facades and rooflines, accented main entry points, generous use of glazing and other façade treatments along sidewalk areas and weather protection features;
- improved pedestrian access within the node;
- street setbacks should be minimized by placing smaller, single or multi-tenant buildings near the sidewalk and along arterial roads and by increasing, as much as possible, the street frontage of nodal developments. This will assist in framing prominent nodal corners;
- improve the design of the street edge by including enhanced landscaping, encouraging buildings at or close to the street line and discouraging the inclusion of blank walls along major roads;
- development within the commercial nodes is encouraged to meet the requirements for L.E.E.D. certification. Building design that can reinterpret and integrate corporate design standards into the node's existing urban conditions should be considered;
- parking should be provided in rear or side yards and/or structured parking areas. Street edge parking should be provided where conditions are suitable. Parking courts and larger parking areas which are broken up with landscaped pedestrian walkways and crossings should be developed;
- the provision of signage supportive of the commercial node's character and consistent throughout the node should be encouraged;
- the use of landscaping to improve and enhance the pedestrian environment within the commercial node as well as to screen and buffer unsightly uses should be an integral part of the commercial node;
- lighting should be provided that enhances the nodal area, ensures safety and reinforces the pedestrian environment;
- improve pedestrian connections from transit stops, from adjacent residential neighbourhoods and within commercial nodes;
- linkages and access to public transit within each node should be established and maintained;
- encourage combined access points and joint access between neighbouring properties to minimize traffic impacts on adjacent road and maximize the traffic carrying capacity of those roads; and,
- address urban design issues such as noise, landscaping, privacy fencing at the interface of the Commercial Node and adjacent sensitive land uses.

In summary the requested Official Plan amendment from an Auto Oriented Commercial Corridor and Multi Family Medium Density Residential designation to a Neighbourhood Commercial Node (NCN) designation is appropriate since the site is located at the intersection of two arterial roads, is in a nodal configuration, and is of sufficient size to accommodate the building, parking, loading facilities, adequate buffering and setbacks from adjacent residential uses.

Zoning By-law

Neighbourhood Shopping Area

Function

The Neighbourhood Shopping Area zone provides for and regulates a range of neighbourhood scale commercial retail, service and office uses which are primarily intended to provide for the convenience shopping and service needs of nearby residents. All uses in the proposed Neighbourhood Shopping Area (NSA4) Zone shall be within a shopping centre building or a stand-alone building which is part of a shopping centre.

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Permitted Uses

The permitted uses in a Neighbourhood Shopping Area (NSA4) Zone are: Bake shops; Catalogue stores; Clinics; Convenience service establishments; Day care centres; Duplicating shops; Financial institutions; Food stores; Libraries; Medical/dental offices; Office; Personal service establishments; Restaurants; Retail stores; Service and repair establishments; Studios; Video rental establishments; Brewing on Premises Establishment; Animal hospitals; Commercial recreation establishments; Funeral homes; Grocery stores; and Private clubs.

The maximum gross floor area for specific individual uses in the Neighbourhood Shopping Area (NSA4) Zone shall be as follows:

- Food stores- 3,200.0 m²
- Restaurants- 500.0 m²
- All other uses-500.0 m²

Drive Through

In 2008, through a comprehensive public participation process which included the public, the City of London development community and representatives of the drive-through industry, Municipal Council amended the Official Plan and Zoning By-law Z.-1. The drive through zoning amendments were intended to minimize the impacts of drive-through facilities if adjacent to sensitive land uses such as residential and facility/institutional uses, improve public safety around these uses, and improve the aesthetics of uses with drive-through facilities.

Zoning By-law Z.-1 Section 4.35 states: *Setback from Ultimate Road Allowance. The City's preferred location for drive-through facilities is in the rear and/or interior side yard. Drive-through facilities may only be permitted in the front and/or exterior side yard if there are no other design alternatives and/or to address safety considerations. If the drive-through facility is located in the front yard, a landscape plan and building elevation plan is required to illustrate a minimum 3 metre landscaped buffer between the edge of the drive-through lane and the ultimate road allowance all to the satisfaction of the Manager of Site Plan Control.*

The proposed location of the drive-through lane along Southdale Road East does not conform to Council's 2008 Official Plan and Zoning By-law Amendment. Through the site plan process and the requirements of the proposed holding provision (h-103) for urban design measures, the intent is that the location of proposed drive through lanes will become more in conformity with Council 2008 amendments.

Holding Provision(s)

The holding (h-) provision will continue to apply to the subject site to ensure that a development agreement will be entered into with the City of London prior to development of the site.

A holding provision has been proposed to address transportation and access. The h-11 shall not be deleted until access arrangements have been made to the satisfaction of the City Engineer.

A holding provision has been proposed to address noise attenuation. The holding h-63 provision is to ensure that implementation of all noise attenuation and design mitigating measures as recommended in a noise assessment report is implemented and is included in the final development agreement.

The holding (h-103) provision has been proposed for urban design, recognizing the importance of urban design for this use within the context of the Neighbourhood Commercial Node and to ensure that the frontages onto Southdale Road East and White Oak Road are appropriate within this context. The holding (h-103) provision has been recommended "to ensure that urban design is addressed at site plan, a site plan will be approved and a development agreement will be entered into which, to the satisfaction of the General Manger of Planning and Development, incorporates the design objectives as identified in the Council resolution. Through the review of any application to lift holding (h-103) provision for urban design, the specific considerations established by Planning Staff and listed above will have to be addressed by the applicant.

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Is the Development Appropriate?

The recommended amendment to permit a Neighbourhood Shopping Area (NSA4) zone is appropriate and compatible with the surrounding land uses as the site is located at the intersection of two arterial roads, is close to pedestrian and bicycle pathways and transit services; is a site large enough to accommodate all buildings plus parking, loading facilities and measures to provide adequate buffering and setbacks from adjacent residential uses. Holding provisions have been added to ensure that Urban Design requirements, appropriate access arrangements and noise attenuation measures are implemented to the satisfaction of the City of London.

The applicant’s proposed Holding Neighbourhood Shopping Area Special Provision (h*h-11*h-63*h-103*NSA4 ()) Zone would permit retail commercial uses such as grocery stores, personal service establishments, restaurants, financial institutions, pharmacies and automobile sales and service uses to a maximum total gross floor area of 6000 m2 with a special provision to: reduce the minimum interior side yard and rear yard setback; increase the maximum permitted gross floor area for retail units, increase maximum lot coverage, reduce the minimum landscape buffer width adjacent to a noise attenuation wall; reduce the minimum parking requirements; and, eliminate the setback of a drive-through lane located in the front yard from the ultimate road allowance 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.

This request is not recommended for the following reasons:

- the requested amendment is not consistent with the Official Plan policies as the full range of requested uses, specifically automobile sales and service use is not permitted in the Neighbourhood Commercial Node designation; and
- the special provision requested from the requirements of the Neighbourhood Shopping Area (NSA4) Zone variation is premature pending completion of a final site plan that implements urban design, access, and noise mitigating measures as recommended through the requested holding provisions.

Through the site plan approval process to meet Urban Design requirements, access location and noise mitigation, further relief from the required regulations of the Neighbourhood Shopping Area (NSA4) Zone may be required.

CONCLUSION

The application for a Neighbourhood Commercial Node designation and the Neighbourhood Shopping Area (NSA4) Zone are appropriate given the evaluation of the policies of the Provincial Policy Statement, the Official Plan provided consideration is given to address urban design, noise mitigation and access.

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PREPARED BY:	SUBMITTED BY:
C SMITH – PLANNER COMMUNITY PLANNING AND URBAN DESIGN	JIM YANCHULA, MCIP, RPP MANAGER OF COMMUNITY PLANNING AND URBAN DESIGN
RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP DIRECTOR OF LAND USE PLANNING	

May 18, 2012
CS/
"Attach"

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Bibliography of Information and Materials – OZ-7943

The following documents were used in the review of this development proposal:

- Provincial Policy Statement, 2005;
- City of London Official Plan;
- Zoning By-law Z.-1;
- Urban Design Review Panel – Memo – January 19, 2012;
- Applicant's Official Plan and Zoning by-law amendment application; and
- All internal and external correspondence sent to C. Smith as contained in the City of London file OZ-7943.

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

Phone

Alan Hammond
19 Scottsdale Street
London ON N6P 1E5

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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 April 10, 2012

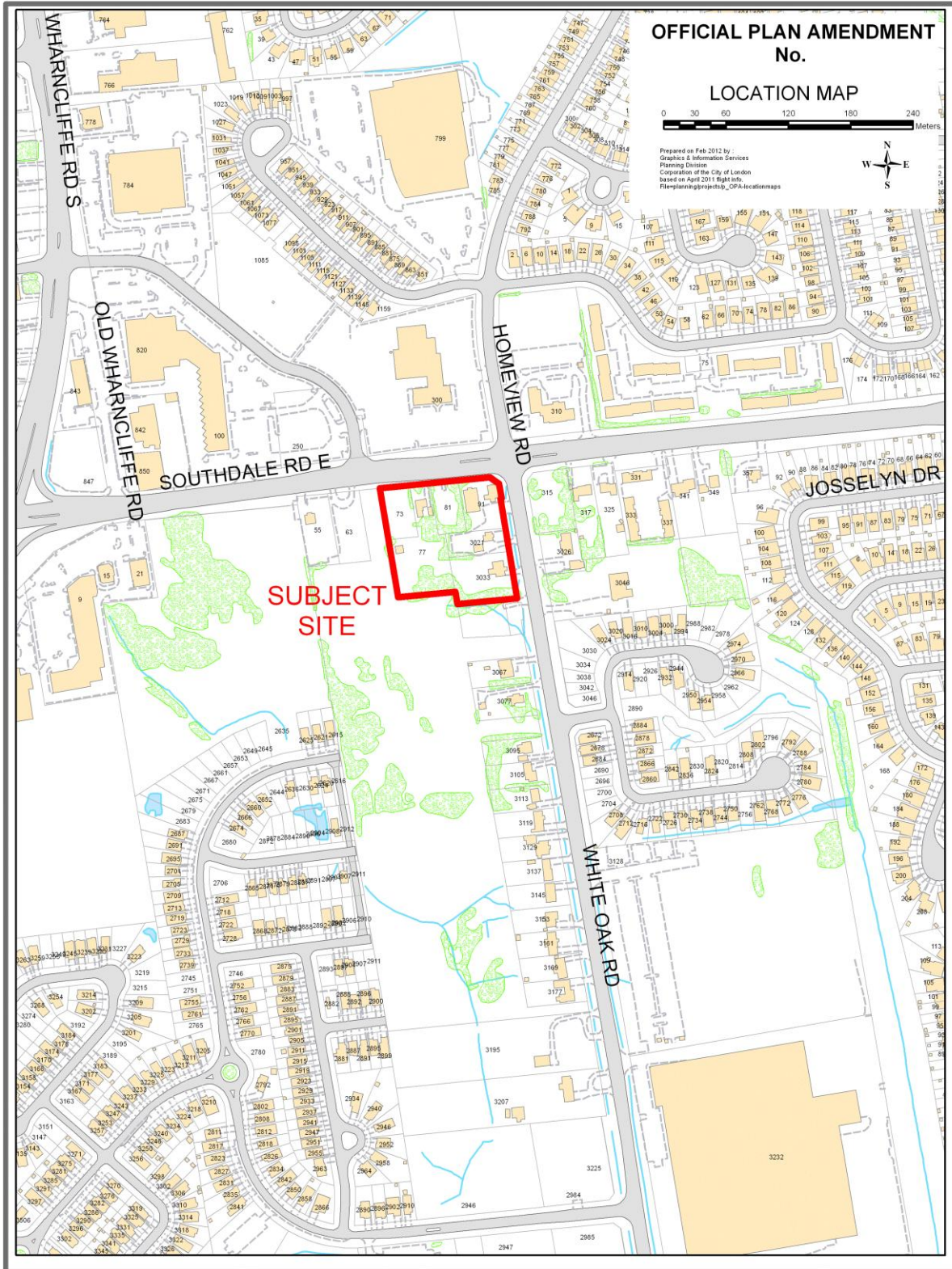
Joe Fontana
Mayor

Catharine Saunders
City Clerk

First Reading – April 10, 2012
Second Reading – April 10 , 2012
Third Reading – April 10 , 2012

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OZ-7943
C. Smith



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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.

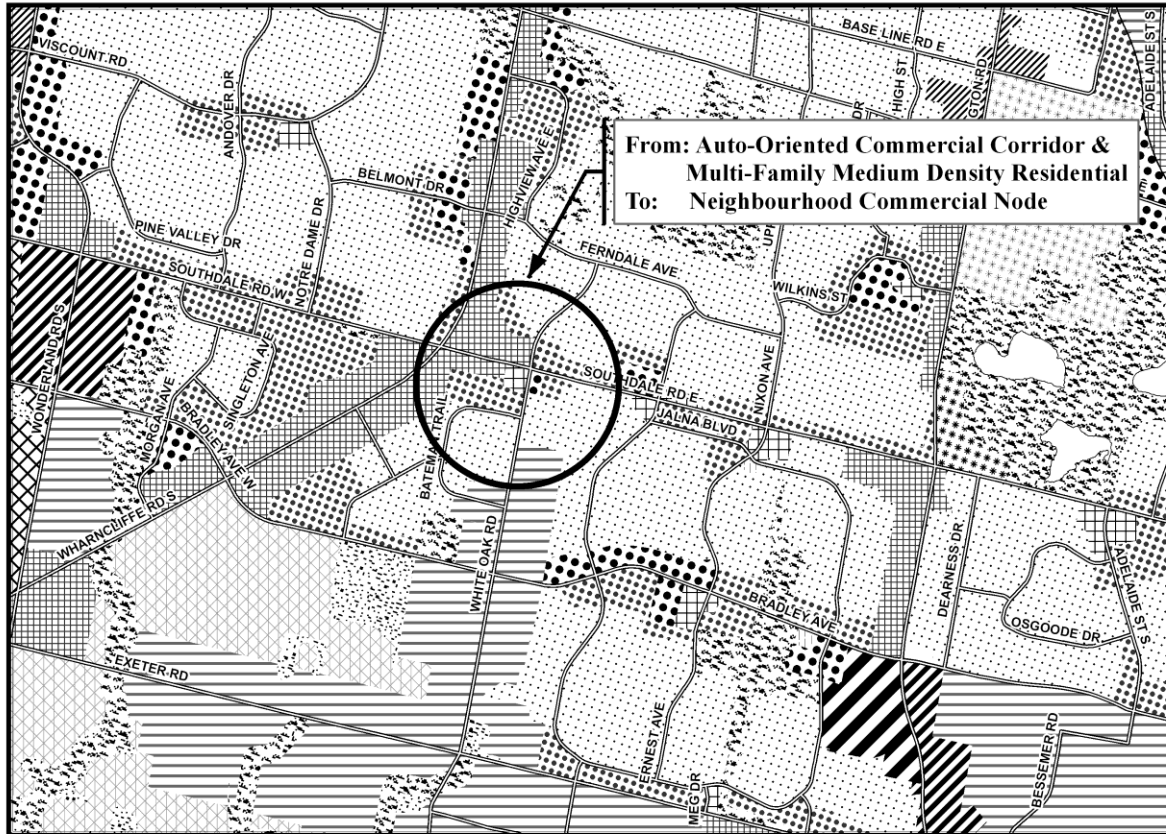
D. THE AMENDMENT

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

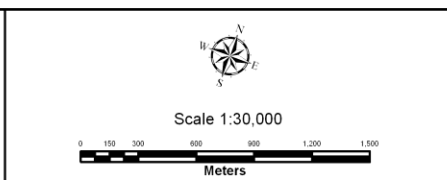
Downtown Area	Office Business Park
Enclosed Regional Commercial Node	General Industrial
New Format Regional Commercial Node	Light Industrial
Community Commercial Node	Regional Facility
Neighbourhood Commercial Node	Community Facility
Main Street Commercial Corridor	Open Space
Auto-Oriented Commercial 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
Office/Residential	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-7943

PLANNER: CS

TECHNICIAN: CK

DATE: 2012/03/01

PROJECT LOCATION: e:\planning\projects\p_officialplan\work\consolid00\amendments\oz-7943\mxd\oz-7943_amendment.mxd

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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 April 10, 2012

Joe Fontana
Mayor

Catharine Saunders
City Clerk

First Reading – April 10, 2012
Second Reading – April 10, 2012
Third Reading – April 10, 2012

