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File: OZ-8047
Planner: Craig Smith

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING DIRECTOR, LAND USE PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: THE CITY OF LONDON 73, 77, 81 AND 91 SOUTHDAL ROAD EAST 3021 AND 3033 WHITE OAK ROAD PUBLIC PARTICIPATION MEETING ON MONDAY, MAY 28, 2012

RECOMMENDATION

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

- a) the request to amend the Official Plan by **ADDING** a special policy in Chapter 10- "Policies for Specific Areas" to maintain the existing Neighbourhood Commercial Node land use designation and to permit automobile sales and services use along the frontage of the Southdale Road East corridor to a maximum depth of 50m **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;

- 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 reasons as listed above;

- c) should Council wish to approve the request to amend the Official Plan, notwithstanding the recommendation of the City Planner, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on June 12, 2012 to amend the Official Plan by **ADDING** a special policy in Chapter 10- "Policies for Specific Areas" to maintain the existing Neighbourhood Commercial Node land use designation adopted by Council on May 22, 2012 to permit automobile sales and services use along the frontage of the Southdale Road East corridor to a maximum depth of 50m;

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- d) should Council wish to approve the request to amend Zoning By-law No. Z.-1, notwithstanding the recommendation of the City Planner, the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on June 12, 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 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 **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 with a special provision to allow for automobile sales and service uses along the Southdale Road East frontage to a maximum depth of 50m 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
- e) 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
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OZ-7943-March 26, 2012 – Report to the Planning and Environment Committee –73, 77, 81, and 91 Southdale Road East and 3021 and 3033 White Oak Road.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of the proposed amendment is to allow neighbourhood commercial uses that serve the needs of the abutting residential uses.

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RATIONALE

- 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.
- 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 Wharncliffe Road South corridor and adequate residential development south of the subject site.
- 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.
- 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.
- The proposed Official Plan and Zoning By-law amendment to permit automobile sales and services establishments is not in conformity with the Official Plan policies of the Neighbourhood Commercial Node designation.
- 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 proposed Official Plan and Zoning By-law amendment will result in an inappropriate mix of land uses on the site.

BACKGROUND

On April 10, 2012 Municipal Council resolved:

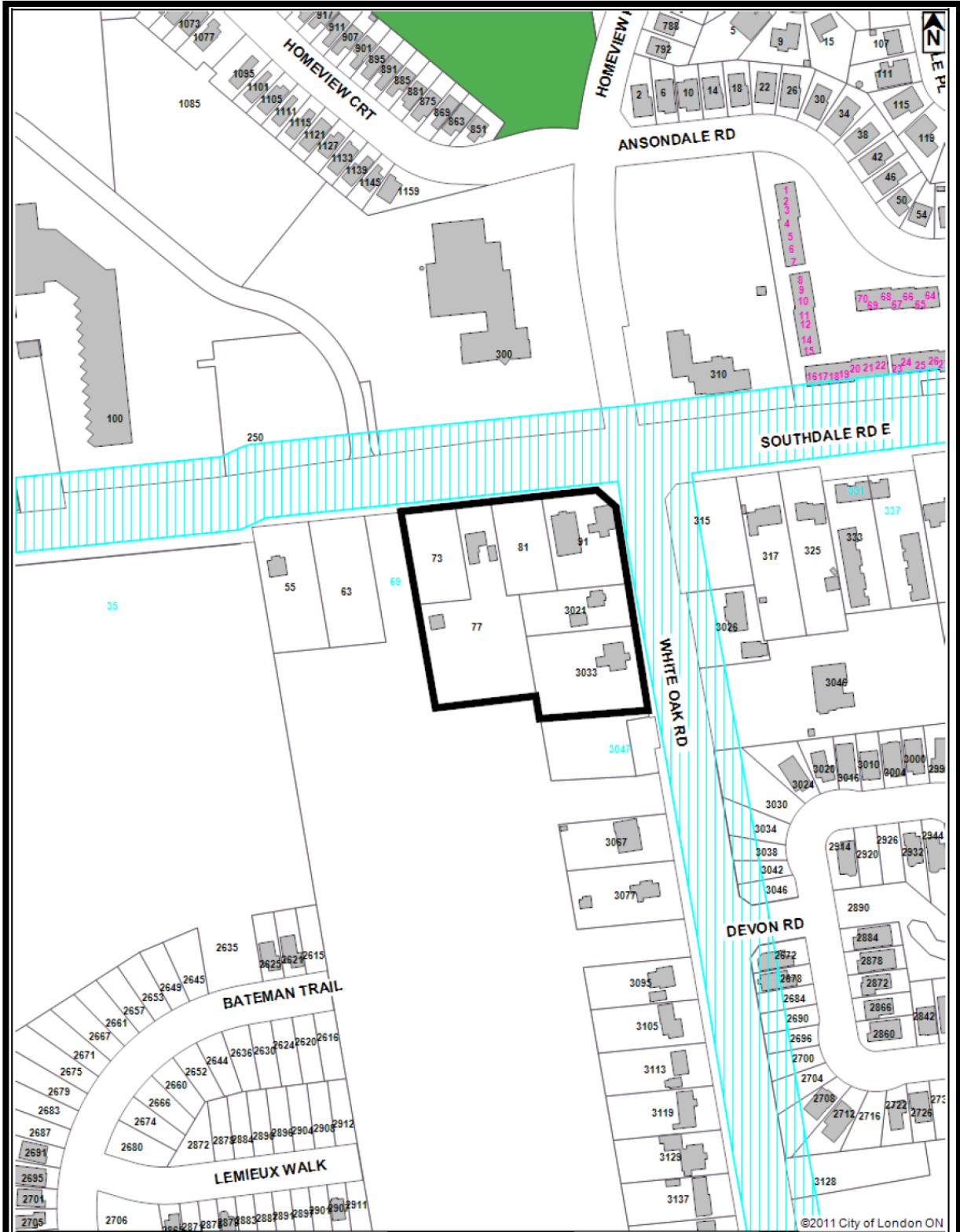
I hereby certify that the Municipal Council, at its session held on April 10 and 11, 2012 referred clause 23 of the 8th Report of the Planning and Environment Committee to a future public participation meeting of the Planning and Environment Committee, with appropriate public notice, for the purpose of receiving public input regarding the proposed by-laws.

Clause 23 read as follows

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*

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0 100 200 300 400 500 metres

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
- 123 Address Numbers



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*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;*
 - *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.*

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PUBLIC LIAISON:	On April 20, 2012 a Notice of Application and Notice of Public Participation meeting was sent to 65 property owners in the surrounding area. Notice of Application and Notice of Public Participation Meeting was also published in the "Living in the City" section of the London Free Press on April 21, 2012. A "Possible Land Use Change" sign is also posted on the site.	One telephone reply was received.
Nature of Liaison: The purpose and effect of the proposed amendment is to allow automobile sales and service as a permitted use. Possible amendment to the Official Plan, Chapter 10 Policies for Specific Areas to allow for automobile sales and service uses notwithstanding the existing designation. Possible change to Zoning By-law Z.-1 FROM Holding Neighbourhood Shopping Area (h*h-11*h-63*h*103*NSA4) Zone which permits retail commercial uses that serve the needs of the adjacent residential areas to a maximum total gross floor area of 6000 m ² adopted by on Council April 10, 2012 TO a Holding Neighbourhood Shopping Area Special Provision (h*h-11*h-63*h*103*NSA4 (□)) Zone to allow for commercial uses that serve the needs of the adjacent residential areas and to permit automobile sales and service uses.		
Response: There are already enough automobile sales and service use in the area and additional automobile sales establishment will create further impacts from noise, lighting and traffic.		

DISCUSSION

The subject lands consist of 6 properties, 73, 77, 81 and 91 Southdale Road East and 3021 and 3033 White Oak Road. 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. 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 too many existing and future planned neighbouring residential areas.

Planning Staff's March 26, 2012 recommendation (OZ-7843) was to amend the Official Plan and Zoning By-law Z.-1 to allow for a Neighbourhood Commercial Node designation and a Neighbourhood Shopping Area (NSA4) zone variation to permit commercial development on this site.

The Neighbourhood Commercial Node designation is appropriate at this location as it:

- allows for commercial retail use which will provide for the convenience shopping and service needs of nearby residents; and
- encourages 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.

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During the public participation process Council was requested to consider a special provision to “maintain” the automobile sales and service use on these lands. The lands are currently designated Auto Oriented Commercial Corridor along the Southdale Road East frontage. Auto Oriented Commercial Corridor designation permits auto oriented development to serve the needs of the larger municipal and regional public that travels on the arterial corridor, which includes automobile sales and service uses.

Typically, Auto Oriented Commercial Corridor uses 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

Official Plan Amendment

The recommended Official Plan amendment to consider an amendment to Chapter 10- “Policies for Specific Areas” was initiated by the City Staff as per Council’s April 10, 2012 resolution. Council directed staff to hold a future public participation meeting with proper notice to consider a special policy to allow the automobile sales and service use to continue to be permitted along the Southdale Road East corridor.

Chapter 10 of the Official Plan allows Council to consider policies for specific areas where one or more of four criteria apply. The applicable criterion in this case is found in Section 10.1.1. ii) which indicates that “*The change in land use is site specific and is located in an area where Council wishes to maintain existing land use designations, while allowing for a site specific use.*”

The proposed Official Plan amendment to include a Chapter 10 policy for a specific area would permit the Neighbourhood Commercial Node land use designation and maintain the site specific use of automobile sales and service at this location as recommended by Council on April 10, 2012.

Zoning By-law Amendment

The proposed Holding Neighbourhood Shopping Area Special Provision (h*h-11*h-63*h-103*NSA4 (_)) Zone will permit retail commercial uses such as grocery stores, personal service establishments, restaurants, financial institutions to a maximum total gross floor area of 6000 m² and the special provision to allow for automobile sales and service uses along the Southdale Road East frontage to a maximum depth of 50m.

The proposed amendment will allow for the site specific use of automobile sales and service establishment at this location which is defined in Zoning By-law Z.-1 as: *premises where new and used vehicles are stored or displayed for the purpose of sale, lease or hire and shall include the storage and sale of automotive accessories together with the repair and service of the vehicles. For the purpose of this definition, vehicle shall not include motorized construction equipment, farm equipment, truck bodies, truck tractors, or tractor trailers.*

The holding provisions will continue to apply to the subject site to ensure:

- a development agreement will be entered into with the City of London prior to development of the site;
- to address transportation and access;
- to address noise attenuation; and
- 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.

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

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CONCLUSION

The proposed Official Plan amendments to allow a Neighbourhood Commercial Node and for a special policy in Chapter 10 "Policies for Specific Areas" to maintain the existing automobile sales and service use and the Zoning By-law amendment to allow a Neighbourhood Shopping Area Special Provision (NSA4 (□)) Zone implements Council's April 10, 2012 resolution, provided consideration is given to address urban design, noise mitigation and access.

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

May 8, 2012
CS/
"Attach"

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File: OZ-8047
Planner: Craig Smith

**Bibliography of Information and Materials
OZ-8047**

All reports from the Director of Land Use Planning Division to the Planning and Environment Committee and related Council Resolutions related to files OZ-7843.

All correspondence received in respect to files OZ-7943 and OZ-8047

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

Phone

Nasser Abdul-Hamid
317 Southdale Road East

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File: OZ-8047
Planner: Craig Smith

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*.

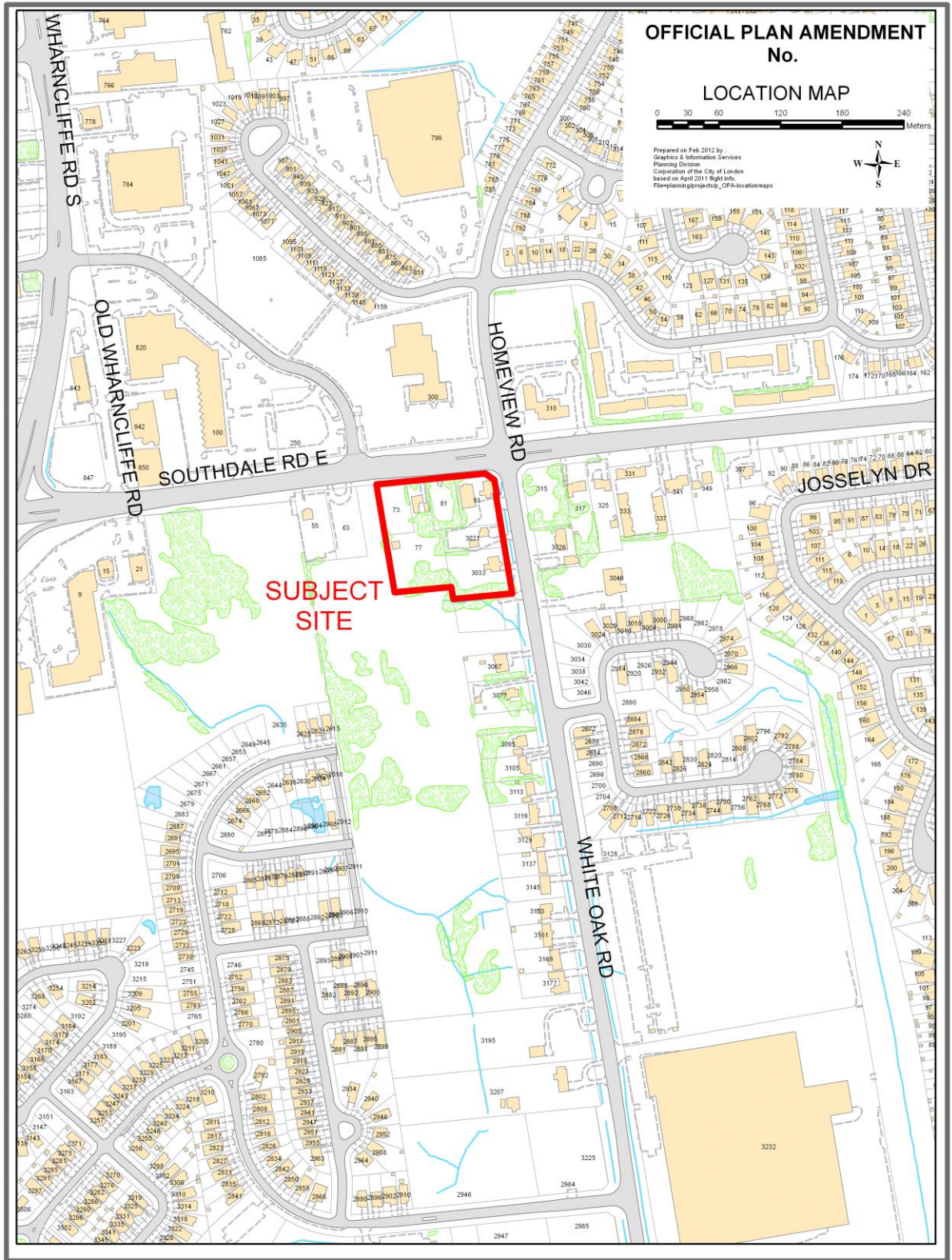
PASSED in Open Council on June 12, 2012

Joe Fontana
Mayor

Catharine Saunders
City Clerk

First Reading – June 12, 2012
Second Reading – June 12, 2012
Third Reading – June 12, 2012

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File: OZ-8047
Planner: Craig Smith

AMENDMENT NO.

to the

OFFICIAL PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is:

1. To add a policy in Section 10.1.3 of the Official Plan for the City of London for the Neighbourhood Commercial Node designation at the intersection of Southdale Road East and White Oak Road to permit automobile sales and service uses.

B. LOCATION OF THIS AMENDMENT

1. This Amendment applies to lands located at 73, 77, 81, and 91 Southdale Road East and 3021 and 3033 White Oak Road.

C. BASIS OF THE AMENDMENT

The recommended Official Plan amendment to add a Specific Area Policy (Chapter 10) conforms to the criteria for the adoption of site specific policies under Section 10.1.1 in the Official Plan. Policies for Specific Areas may be applied where the policy is required where the change in land use is site specific and is located in an area where Council wishes to maintain existing land use designations, while allowing for a site specific use.

The recommended Official Plan Policy for Special Areas is intended to permit the construction of a commercial retail development which serves the needs of the adjacent residential neighbourhood which includes a grocery store and to maintain automobile sales and service use along the frontage of the Southdale Road East corridor to a maximum depth of 50m

D. THE AMENDMENT

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

1. Section 10.1.3 – Policies for Specific Areas of the Official Plan for the City of London is amended by adding the following:

73, 77, 81, and 91 Southdale Road East and 3021 and 3033 White Oak Road

In the Neighbourhood Commercial Node designation at Southdale Road East/ White Oak Road automobile sales and service use along the frontage of the Southdale Road East corridor to a maximum depth of 50m may also be permitted.

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File: OZ-8047
Planner: Craig Smith

Appendix "B"

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

By-law No. Z.-1-12_____

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 the City of London 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 this rezoning conforms 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 Holding Neighbourhood Shopping Area (h*h-11*h-63*h-103*NSA4) Zone **TO** a Holding Neighbourhood Shopping Area Special Provision (h*h-11*h-63*h-103*NSA4(_)) Zone.

1. Section 23.4 of the Neighbourhood Shopping Area Zone of By-law No. Z.-1 is amended by adding the following Special Provision:

23.4__ NSA4 ()

- a) Additional Permitted Use:
 - i) Automobile Sales and Service along the Southdale Road East frontage only
- b) Regulations for additional permitted use:
 - i) Maximum depth of automobile sales and service use from Southdale Road East road allowance. 50 metres

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

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

PASSED in Open Council on June 12, 2012.

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File: OZ-8047
Planner: Craig Smith

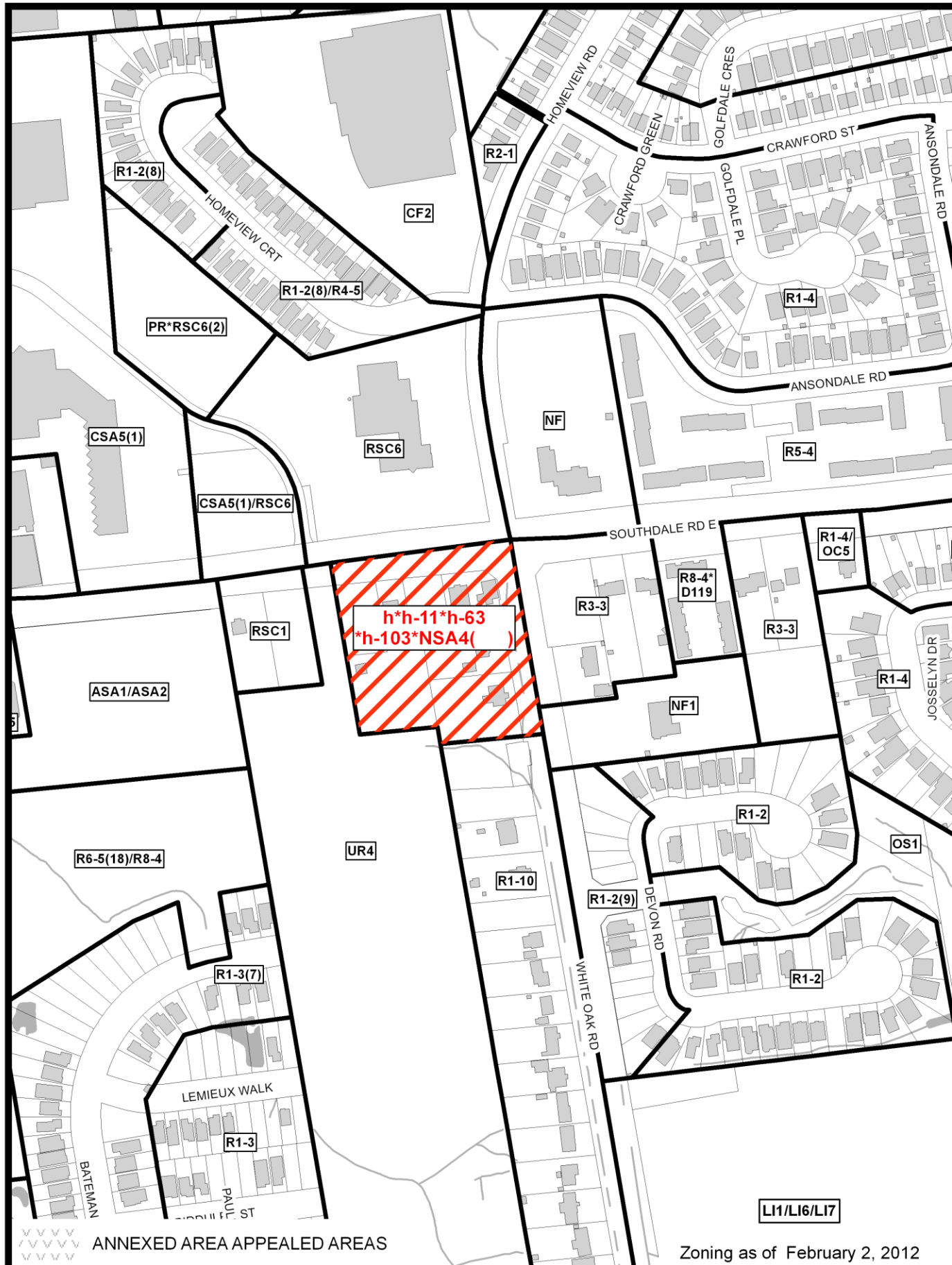
Joe Fontana
Mayor

Catharine Saunders
City Clerk

First Reading - June 12, 2012
Second Reading – June 12, 2012
Third Reading - June 12, 2012



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



File Number: OZ-7943/OZ-8047

Planner: CS

Date Prepared: 2012/04/25

Technician: CK

By-Law No: Z.-1-

SUBJECT SITE



1:3,500

0 15 30 60 90 120 Meters

