

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: John M. Fleming
Managing Director, Planning and City Planner

Subject: 1331 Hyde Park Holdings Inc. and The Corporation of the City of London
1331 Hyde Park Road

Public Participation Meeting on: October 29, 2018

Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of 1331 Hyde Park Holdings Inc. and The Corporation of the City of London relating to the property located at 1331 Hyde Park Road

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on November 6, 2018 to amend the Official Plan **BY ADDING** a policy to Section 10.1.3 – Policies for Specific Areas;
- (b) the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on November 6, 2018 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 Business District Commercial Special Provision (BDC2(4)) Zone, **TO** a Business District Commercial Special Provision (BDC2(_)) Zone.

Executive Summary

Summary of Request

The requested Official Plan Amendment to the 1989 Official Plan is to permit an expanded range of uses in the Main Street Commercial Corridor designation on the subject site. The requested Official Plan Amendment was initiated by the City of London to add a Specific Area Policy to Chapter 10 of the 1989 Official Plan to allow a range of residential, retail, service and office uses on the subject site, consistent with the range of permitted uses that apply to the subject site under the Main Street Place Type in The London Plan.

The requested Zoning By-law Amendment is to permit an Automobile Sales Boutique, in addition to the other uses already permitted on the subject site. The applicant is also seeking special provisions to include a service area as an accessory use and to continue to retain the special provision under the existing zoning that no maximum front yard setback provision apply to the subject site.

Purpose and the Effect of Recommended Action

The purpose and effect of the amendment to the 1989 Official Plan is to permit an expanded range of uses, including residential, retail, service, and office uses, that are consistent with the uses permitted on the subject site in The London Plan.

The recommended Zoning By-law Amendment would permit an Automobile Sales Boutique, in addition to the other uses already permitted on the subject site. A special provision is included to permit the repair and service of vehicles as an accessory use. However, regulations are included that would limit the area of these activities to a maximum of 50 square metres, require it to be fully enclosed, and only permit the service of motorcycles. The requested continuation of the special provision that

currently applies to the subject site that removes the maximum front yard setback provision is not recommended to continue to apply to the subject site.

Rationale of Recommended Action

The recommended Official Plan Amendment is intended to bring the policies of the 1989 Official Plan in-line with The London Plan for the subject site, allowing for an expanded range of permitted uses. This is intended to contribute to the further development of Hyde Park Road as a main street.

The recommended Zoning By-law Amendment is also expected to contribute to the development of Hyde Park Road as a main street, allowing for a new retail use to occupy a vacant site. The Automobile Sales Boutique is a unique form of retail, similar to a standard storefront, which would be fully enclosed. A small area for the service and repair of vehicles would support this use, however requirements to limit the size, limit its use to the service and repair of motorcycles, and ensure full enclosure are intended to allow flexibility for the needs of the user while not detracting from the vibrancy of the main street or creating negative impacts on adjacent residential uses. The requested continuation of an existing special provision that would allow for no maximum front yard setback is not recommended to continue to be included in the Zoning By-law provisions for the subject site. This provision is contrary to policies in the 1989 Official Plan and The London Plan that encourage reduced front yard setbacks on main streets to encourage pedestrian-oriented development.

Analysis

1.0 Site at a Glance

1.1 Property Description

The subject site is located on the east side of Hyde Park Road, south of Gainsborough Road and north of the CP Rail tracks. The subject site is rectangular in shape and relatively flat in grade. The total site area is 0.56 hectares (1.38 acres). The subject site is currently vacant and was previously occupied by a food and artisan market. A Site Plan Control application to permit a one-storey commercial building based on the existing zoning was recently approved for the subject site.



Figure 1 - Subject site

1.2 Current Planning Information (see more detail in Appendix E)

- 1989 Official Plan Designation – Main Street Commercial Corridor
- The London Plan Place Type – Main Street Place Type
- Existing Zoning – Business District Commercial Special Provision (BDC2(4)) Zone

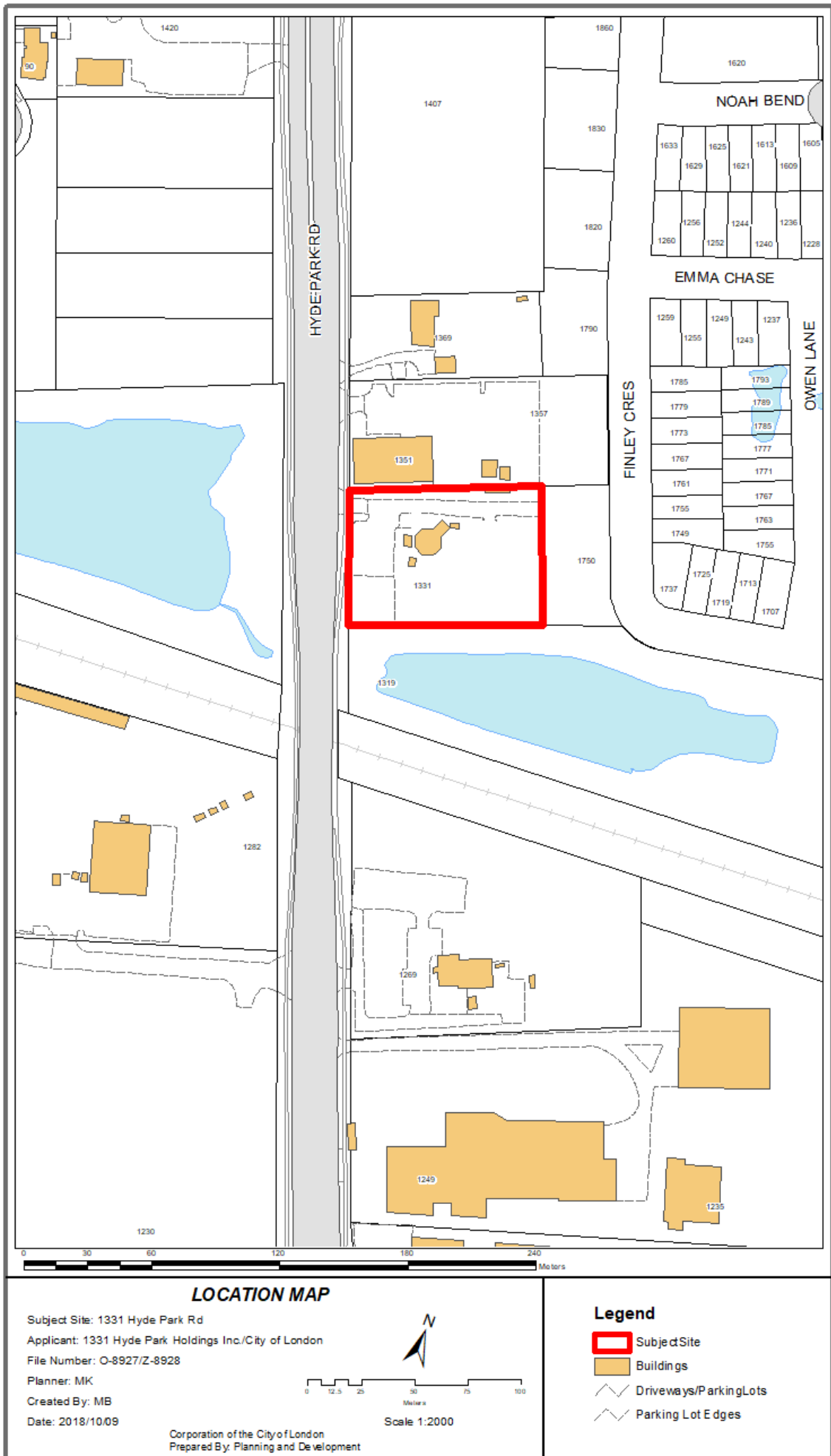
1.3 Site Characteristics

- Current Land Use – Vacant (formerly a food store)
- Frontage – 62.6 metres (205.4 feet)
- Depth – 90.2 metres (295.9 feet)
- Area – 0.56 hectares (1.38 acres)
- Shape – Rectangular

1.4 Surrounding Land Uses

- North – An automotive use is located immediately north of the subject site (Fanshawe Motors) and further north is a mixture of residential, retail, office, and office conversion uses. The lands north of the subject site are designated Multi-Family Medium Density Residential and Main Street Commercial Corridor in the 1989 Official Plan and are in the Main Street Place Type in The London Plan.
- East – The lands immediately east of the subject site are currently vacant but have zoning permissions for street townhouses. The lands further east are also vacant and are zoned to permit a mixture of residential dwelling types as part of a draft-approved plan of subdivision. The lands immediately east of the subject site are designated Low Density Residential in the 1989 Official Plan and are in the Neighbourhoods Place Type in The London Plan.
- South – Immediately south of the subject site is the Hyde Park Stormwater Management Pond. Further south are the CP Rail tracks. A variety of commercial uses are located south of the CP Rail tracks. In the 1989 Official Plan, the lands immediately south of the subject are designated Multi-Family Medium Density Residential and the lands further south, on the south side of the CP Rail tracks, are designated Auto Oriented Commercial Corridor. In The London Plan, the lands immediately south of the subject site are in the Green Space Place Type, and the lands south of the CP Rail track are in the Shopping Area Place Type.
- West – The lands west of the subject site are occupied by a stormwater management pond and the lands northwest of the subject site are currently vacant. These lands are designated Multi-Family Medium Density Residential in the 1989 Official Plan. The lands west of the subject site are in the Green Space Place Type in The London Plan while the lands northwest of the subject site are in the Neighbourhoods Place Type in The London Plan.

1.5 Location Map



2.0 Description of Proposal

2.1 Development Proposal

The development proposal is to add “Automobile Sales Boutique” as a permitted use. The applicant has identified that the intended facility would be comprised of two fully-enclosed motorcycle dealerships that would sell and service motorcycles and that the proposal would include restaurant and office components.

The existing special provision that applies to the subject site, which removes the maximum front yard depth requirement from the subject site, is requested to continue to apply to the subject site.

A Site Plan Control application was recently approved for a one storey commercial building on the subject site, with the Site Plan Approval based on the existing zoning. The requested use is proposed to occupy this building, however a Zoning By-law Amendment is required to allow an Automobile Sales Boutique as it is not a use permitted under the existing zoning that applies to the site.

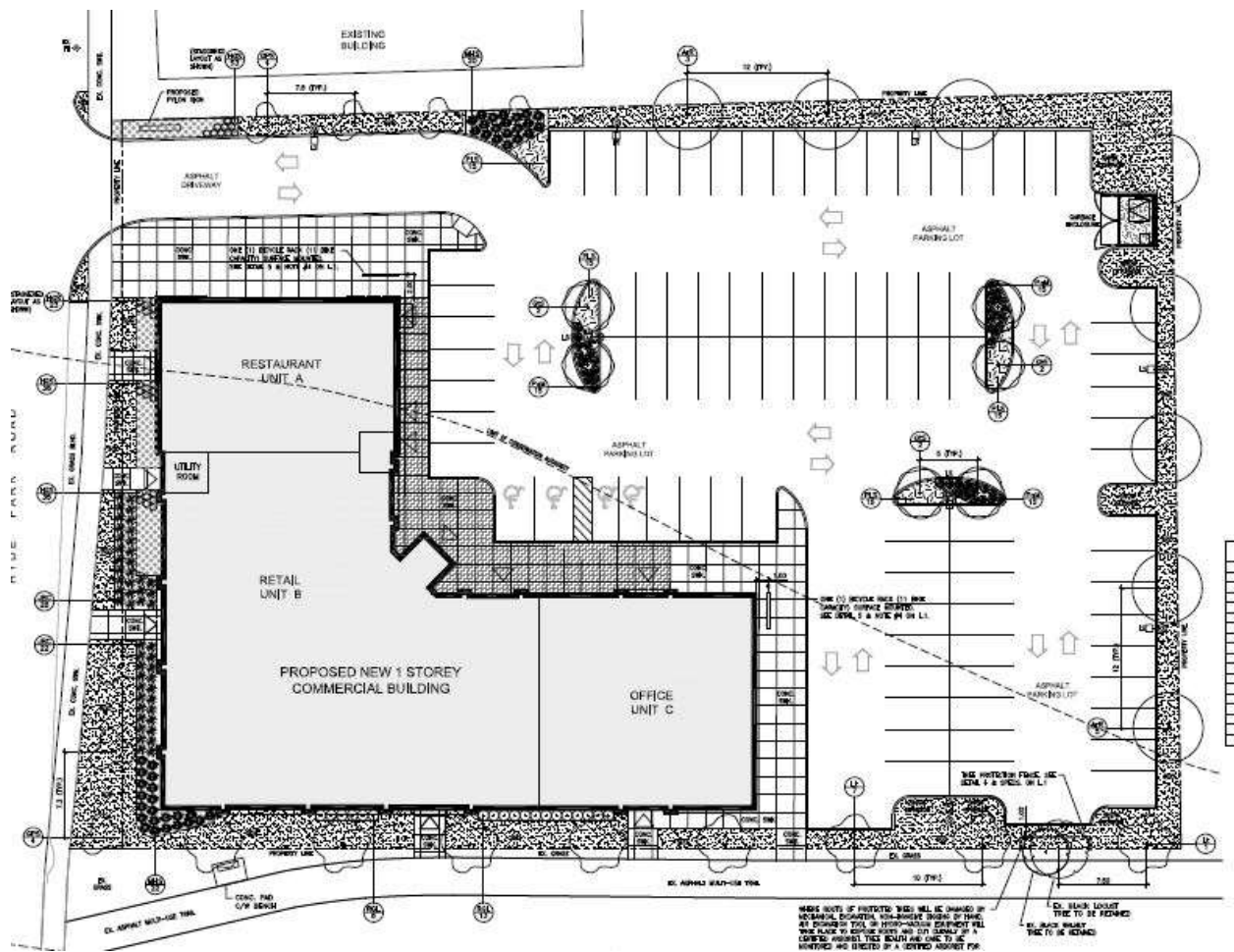


Figure 2 - Landscape Plan of new building provided by applicant



Figure 3 - West Elevation of new building provided by applicant

3.0 Relevant Background

3.1 Planning History

April, 2000 – City Council adopts the Hyde Park Community Plan and Urban Design Guidelines pursuant to Section 19.2.1 of the Official Plan as a guideline document for the review of Official Plan amendments, Zoning By-law amendments, plans of subdivision and other Planning Act development applications within the Hyde Park Community. Associated amendments to the Official Plan to apply appropriate land use designations consistent with the Community Plan were also approved at that time. An updated Hyde Park Community Plan was adopted by City Council in 2002.

March, 2012 – Report to Planning and Environment Committee recommending approval of a red-lined draft plan of subdivision for 225 South Carriage Road and 1331 Hyde Park Road. The report also recommended refusal of a requested Official Plan Amendment for the property at 1331 Hyde Park Road to change the designation of the property from Multi-Family Medium Density Residential to Main Street Commercial Corridor. It also recommended refusal of a Zoning By-law Amendment application to rezone 1331 Hyde Park Road from a Urban Reserve (UR3) Zone to a Holding Business District Commercial Special Provision (h•BDC2(4)) Zone. (File: 39T-08502/Z-7489/OZ-7510)

Another Report to the Planning and Environment Committee on the Hyde Park Commercial Official Plan and Zoning Review for 1331-1369 and 1364-1420 Hyde Park Road was also considered at the same Municipal Council meeting. This report recommended that no action be taken to amend the Official Plan land use designation and Zoning By-law to expand permissions for commercial land uses to the sites.

At its meeting of April 10, 2012, Municipal Council referred back both reports so that staff could further consult with the applicant and the neighbourhood.

June, 2012 – Following the referral back to staff to further consult with the applicant and the neighbourhood, information reports on both the Draft Plan of Subdivision, Official Plan Amendment, and Zoning By-law Amendment for 225 South Carriage Road and 1331 Hyde Park Road and on the Hyde Park Commercial Official Plan and Zoning Review for 1331-1369 and 1364-1420 Hyde Park Road were provided to the Planning and Environment Committee in June, 2012 detailing this further consultation.

City Council subsequently resolved that notwithstanding the recommendation of the Managing Director, Land Use Planning and City Planner, the Civic Administration be directed to initiate an Official Plan Amendment to change the designation of 1331 Hyde Park Road from Multi-Family, Medium Density Residential to Main Street Commercial Corridor. Council also directed that the site be rezoned to a Holding Business District Commercial Special Provision (h•BDC2(4)) Zone.

April, 2013 - Consent application approved to sever the front 0.5 hectares from the balance of the subdivision lands for a Food and Artisan Market (File: B.05/13). This severed portion of land is the subject site.

October and November, 2013 – Reports to the Planning and Environment Committee recommending the removal of the holding provision from 1331 Hyde Park Road to permit the development of a Food and Artisan Market. The holding provision was removed.

3.2 Requested Amendment

The requested Zoning By-law Amendment, which was initiated by the applicant 1331 Hyde Park Holdings Inc., is to permit an Automobile Sales Boutique with an enclosed automobile service and repair component and to retain the existing special provision that applies to the subject site which removes the maximum front yard depth requirement.

The requested Official Plan Amendment was initiated by the City of London to add a

Specific Area Policy to Chapter 10 of the 1989 Official Plan to allow a range of residential, retail, service and office uses on the subject site. This Official Plan Amendment was initiated by the City of London as the requested Automobile Sales Boutique use is not among the range of permitted uses in the 1989 Official Plan designation that applies to the subject site, but is among the range of permitted uses for The London Plan Place Type policies that apply to the subject site. The City-initiated Official Plan Amendment would align the range of permitted uses in the 1989 Official Plan with the range of permitted uses for the subject site that are identified in The London Plan. While The London Plan policies that permit this range of uses are currently in-force and effect, they were not in-force and effect when this application was submitted.

3.3 Community Engagement (see more detail in Appendix C)

A Notice of Application was sent to property owners within a 120 metre radius of the subject site on July 18, 2018 and was published in *The Londoner* on July 19, 2018.

One sign detailing the development application was placed on the site, fronting Hyde Park Road.

As of the date of this report, no interested parties have contact Planning Services about this application.

3.4 Policy Context (see more detail in Appendix D)

Provincial Policy Statement, 2014

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development, setting the policy foundation for regulating the development and use of land. The subject site is located within a settlement area as identified in the PPS. The PPS identifies that planning authorities shall promote economic development and competitiveness by providing for an appropriate range of employment and institutional uses to meet long term needs (Policy 1.3.1). It also states that long-term economic prosperity should be supported by promoting opportunities for economic development and community readiness and by maintaining the vitality and viability of main streets (Policy 1.7.1). Policy 4.7 indicates that the Official Plan is the most important vehicle for implementing the PPS.

All decisions of Council affecting land use planning matters are required to be consistent with the PPS.

City of London 1989 Official Plan ("Official Plan")

The City of London 1989 Official Plan ("Official Plan") implements the policy direction of the PPS and contains objectives and policies that guide the use and development of land within the City of London. The Official Plan assigns specific land use designations to lands, and the policies associated with those land use designations provide for a general range of permitted uses.

The subject site is located within the "Main Street Commercial Corridor" land use designation in the Official Plan. Main Street Commercial Corridors take the form of either long-established, pedestrian-oriented business districts or newer mixed-use areas. Uses are encouraged that provide for and enhance the pedestrian nature of the Main Street Commercial Corridor (Policy 4.4.1.2). Main Street Commercial Corridors are intended to provide for the redevelopment of vacant, underutilized or dilapidated properties within Main Street Commercial Corridors with one or more of a broad range of permitted uses at a scale which is compatible with adjacent development (Policy 4.4.1.1).

Permitted uses in Main Street Commercial Corridors include small-scale retail uses; service and repair establishments, food stores; convenience commercial uses; personal and business services; pharmacies; restaurants; financial institutions; small-scale offices; small-scale entertainment uses; galleries; studios; community facilities such as

libraries and day care centres, correctional and supervised residences; residential uses (including secondary uses) and units created through the conversion of existing buildings, or through the development of mixed-use buildings (Policy 4.4.1.4).

The London Plan

The London Plan is the new Official Plan for the City of London and has been adopted by City Council and approved by the Ministry with modification. The majority of The London Plan is in-force and effect, while a portion of the Plan continues to be under appeal at the Local Planning Appeals Tribunal.

The subject site is located within the Main Street Place Type in The London Plan. The London Plan envisions both the creation of new Main Streets and the regeneration of historic Main Streets throughout the City (Policy 905). The Main Street Place Type allows for appropriate forms of intensification at suitable locations to support the sustainability of Main Streets (Policy 907). The Main Street Place Type permits a broad range of residential, retail, service, and office uses (Policy 908).

Hyde Park Community Plan

In 2000, City Council adopted the Hyde Park Community Plan and the associated Community and Urban Design Guidelines pursuant to Section 19.2.1 of the Official Plan as a guideline document for the review of Official Plan amendments, Zoning By-law amendments, plans of subdivision and other Planning Act development applications within the Hyde Park Community. An updated Hyde Park Community Plan was adopted by City Council in 2002.

The subject site was designated Medium Density Residential in the Hyde Park Community Plan, however this designation was amended through an Official Plan Amendment application in 2012 to a Main Street Commercial Corridor designation.

4.0 Key Issues and Considerations

4.1 Issue and Consideration # 1: Use – Automobile Sales Boutique

The applicant has requested the addition of Automobile Sales Boutique as a permitted use. An Automobile Sales Boutique is defined as, “an enclosed retail store where vehicles are displayed in a showroom internal to the premises, for the purpose of sale, hire or lease but shall not include the outside display or storage of vehicles or the repair and service of vehicles”. The applicant has submitted a Zoning By-law Amendment requesting this use be added as a permitted use.

The use is not permitted in the Main Street Commercial Corridor in the 1989 Official Plan but is permitted in the Main Street Place Type in The London Plan. As City Council has adopted The London Plan, the City of London has initiated an Official Plan Amendment application to the 1989 Official Plan for the subject site to align the policies with those of The London Plan, recognizing the City’s intention to move towards implementing The London Plan.

Provincial Policy Statement, 2014 (PPS)

The Provincial Policy Statement identifies that long-term economic prosperity should be supported by promoting opportunities for economic development and community investment-readiness (Policy 1.7.1). Further, it also speaks to maintaining and, where possible, enhancing the vitality and viability of main streets (Policy 1.7.1). The Automobile Sales Boutique requested by the applicant would contribute to the development of Hyde Park Road as a main street, given that while the store would sell automobiles, it would be fully enclosed and designed to function as a standard retail storefront.

1989 Official Plan and The London Plan

An Official Plan Amendment has been initiated by the City of London to amend the 1989 Official Plan to add a Specific Area Policy for the subject site to bring the policies for the site in-line with the policies of The London Plan. The subject site is designated Main Street Commercial Corridor in the 1989 Official Plan, which permits small-scale retail uses; service and repair establishments, food stores; convenience commercial uses; personal and business services; pharmacies; restaurants; financial institutions; small-scale offices; small-scale entertainment uses; galleries; studios; community facilities such as libraries and day care centres, correctional and supervised residences; residential uses (including secondary uses) and units created through the conversion of existing buildings, or through the development of mixed-use buildings (Policy 4.4.1.4). The range of permitted uses in the 1989 Official Plan would not permit the Automobile Sales Boutique use which is a new form of automobile retail that is fully enclosed and operates as a storefront.

While the Automobile Sales Boutique use is not among the range of permitted uses for Main Street Commercial Corridors, this new format for automobile sales provides a form of retail that is expected to contribute to many of the goals associated with the development of Main Street Commercial Corridors. It also contributes to the redevelopment of vacant properties in Main Street Commercial Corridors at a scale compatible with adjacent development.

The site is in the Main Street Place Type in The London Plan which has an in-force policy that permits a broader range of residential, retail, service and office uses that would permit the requested use (Policy 908). The City of London has initiated an Official Plan Amendment to add a Specific Area Policy to Chapter 10 of the 1989 Official Plan that would bring the 1989 Official Plan policies for the subject site in-line with The London Plan, recognizing the intention to move towards implementing the Council-adopted, Ministry-approved, London Plan.

Should Municipal Council adopt the Official Plan Amendment for the subject site to expand the range of uses for the subject site in-line with The London Plan policies for the Main Street Place Type, the addition of the requested Automobile Sales Boutique would be in conformity with the Official Plans, including both the 1989 Official Plan and The London Plan.

4.2 Issue and Consideration # 2: Use – Special provision to permit vehicle service and repair

The applicant has requested the service and repair of vehicles be permitted in a fully enclosed area. This use is limited in size, with a maximum of 50 square metres requested, and does not have any outdoor activities. The requested Automobile Sales Boutique use does not permit the repair and service of vehicles, which would be a use akin to an Automobile Sales and Service Establishment.

Recognizing the limited scale and complete enclosure of the automobile repair and service component of the applicant's proposal, this use is not intended to generate the compatibility issues often associated with an Automobile Sales and Service establishment. The recommended Zoning By-law Amendment includes a special provision to permit the repair and service of vehicles as an accessory use on the subject site, however it limits the size of this component to a maximum of 50 square metres, requires it to be fully enclosed, and limits the use to the repair and service of motorcycles. This is intended to minimize the negative externalities often associated with automobile service and repair establishments, and contribute to the development of Hyde Park Road as a Main Street.

4.3 Issue and Consideration # 3: Form – Maintain Existing Front Yard Depth Provision

The existing Zoning By-law provisions that apply to the subject site include a special provision that removes the requirement for a maximum front yard depth, allowing a

building to be constructed further away from the street than would normally be permitted in the Business District Commercial (BDC2) Zone. The standard Business District Commercial (BDC2) Zone has a maximum front yard depth of 3 metres, requiring buildings to be constructed within 3 metres of the front lot line. The applicant has requested to retain the provision removing the requirement for a maximum front yard depth through the current Zoning By-law Amendment application.

The applicant has Site Plan Approval for a building on the subject site. The applicant has identified that the requested Automobile Sales Boutique use is intended to occupy this building. The approved plans for this building show a maximum front yard depth of 3 metres, complying with the standard Business District Commercial (BDC2) Zone permission.

Provincial Policy Statement, 2005 (PPS)

The Provincial Policy Statement identifies that appropriate development standards should be promoted which facilitate intensification, redevelopment, and compact form, while avoiding or mitigating risks to public health and safety (Policy 1.1.3.4). The Provincial Policy Statement identifies that long-term economic prosperity should be supported by maintaining and, where possible, enhancing the vitality and viability of main streets (Policy 1.7.1).

Constructing buildings close to the street, to have a positive pedestrian relationship, is crucial to the development of main streets. The use of zoning by-law standards, such as maximum front yard depth, are critical to ensure that buildings are constructed close to the street to foster this positive pedestrian environment. The continued inclusion of a provision that allows for no maximum front yard depth is not consistent with the Provincial Policy Statement as it detracts from the vitality and viability of main streets.

1989 Official Plan

The 1989 Official Plan identifies that Main Street Commercial Corridors take the form of either long-established, pedestrian-oriented business districts or newer mixed-use areas and that they have a street-oriented form with buildings close to the street. Development is intended to provide for and enhance the pedestrian nature of the Main Street Commercial Corridor (Policy 4.4.1.2). The 1989 Official Plan also indicates that Main Street Commercial Corridors are pedestrian-oriented and that the Zoning By-law may allow new structures to be developed with zero front yard setback to promote a pedestrian streetscape.

The inclusion of a Zoning By-law standard that does not require a maximum front yard setback is not supportive of the policies in the 1989 Official Plan for Main Street Commercial Corridors that intend for buildings to be built close to the street to enhance the pedestrian nature of main streets. The inclusion of a Zoning By-law standard for no maximum front yard depth does not conform to the policies of the 1989 Official Plan as it does not encourage a street-oriented form on main street.

The London Plan

The London Plan encourages buildings to be sited with minimal setbacks from public rights-of-way to create a streetwall edge and establish a sense of enclosure and a comfortable pedestrian environment (Policy 259). In Main Street Place Types, a policy in The London Plan that is in-force and effect identifies that buildings should be located at or along the front property line in order to create a street wall that sets the context for a comfortable pedestrian environment (Policy 911).

The continuation of a special provision in the Zoning By-law that removes the maximum front yard depth requirement does not conform to The London Plan policies as it does not create a streetwall that sets the context for a comfortable pedestrian environment.

While the existing zoning for the subject site includes a provision that there is no maximum front yard depth requirement, as a Zoning By-law Amendment is being

considered it provides an opportunity to reconsider the existing zoning based on current policy. Recognizing the direction in The London Plan for buildings to relate to the street and encouraging buildings to be constructed close to the street, having no maximum front yard depth requirement is not supportive of this goal. The Site Plan Approval that has been issued for the new building on the property that the requested use is proposed to occupy has a front yard setback of 3 metres, complying with the standard provisions of the Business District Commercial (BDC2) Zone. The requested special provision for no maximum front yard depth is not necessary for the construction of this new building. It is recommended that the requested Zoning By-law standard for no maximum front yard depth not be included in the recommended Zoning By-law, as this provision is not consistent with the Provincial Policy Statement and does not conform to the 1989 Official Plan or The London Plan as it is not supportive of the development of Hyde Park Road as a main street.

Hyde Park Community Plan

The Hyde Park Community Plan includes Community and Urban Design Guidelines which identify that buildings should generally be oriented to the street to define the public space of the streets and achieve a more urban development character (Section 3.2.1). Including a Zoning By-law standard that does not limit the maximum front yard depth is not supportive of this guideline.

4.4 Issue and Consideration # 4: Intensity - Height

The Main Street Place Type in The London Plan requires development to be constructed at a minimum height of 2 storeys or 8 metres (Policy 910). The applicant's proposal would incorporate the requested Automobile Sales Boutique use into a 1-storey building with a height of 5.8 metres (19 feet). While this does not meet the height requirement of The London Plan, this is acceptable in this instance as the building has already received Site Plan approval with the height permitted based on the existing zoning. The City of London's Zoning By-law is currently in the process of being updated to reflect The London Plan through the City's ReThink Zoning project, which is currently underway. Any future development of the subject site would be required to implement the regulations that will apply at that time.

More information and detail is available in Appendix D and E+ of this report.

5.0 Conclusion

The recommended Official Plan and Zoning By-law Amendments would permit the development of an Automobile Sales Boutique, along with the range of uses already permitted for the subject site.

The Official Plan Amendment to the 1989 Official Plan would allow for a broad range of residential, retail, service and office uses on the subject site, consistent with the provisions in The London Plan. This expanded range of uses is intended to contribute to the vibrancy of Hyde Park Road as a main street, allowing for greater flexibility for uses that can occupy the site provided the form of the development is supportive of a main street. This is consistent with the Provincial Policy Statement which encourages the vitality and viability of main streets be maintained and enhanced.

The Zoning By-law Amendment would allow an Automobile Sales Boutique to be included in the range of permitted uses for the subject site. An accessory automobile repair and service area would also be permitted, supportive of the Automobile Sales Boutique use, subject to special provisions limiting the size to a maximum of 50 square metres, the use to the service of motorcycles, and requiring it to be fully enclosed as to not detract from the vibrancy of the main street and to mitigate the negative externalities of noise and fumes often associated with automobile service establishments. With the recommended Official Plan Amendment to the 1989 Official Plan, the recommended Zoning By-law Amendment would be consistent with the Provincial Policy Statement and in conformity with both the 1989 Official Plan and The London Plan.

Prepared by:	Michelle Knieriem, MCIP, RPP Current Planning
Submitted by:	Michael Tomazincic, MCIP, RPP Manager, Current Planning
Recommended by:	John M. Fleming, MCIP, RPP Managing Director, Planning and City Planner
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Planning Services	

October 18, 2018
MT/mt

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Appendix A

Bill No. (number to be inserted by Clerk's Office)
2018.

By-law No. C.P.-1284-
A by-law to amend the Official Plan for
the City of London, 1989 relating to 1331
Hyde Park 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 November 6, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – November 6, 2018
Second Reading – November 6, 2018
Third Reading – November 6, 2018

AMENDMENT NO.
to the
OFFICIAL PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to add a policy to Section 10.1.3 of the Official Plan for the City of London to allow broad range of residential, retail, service and office uses.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands located at 1331 Hyde Park Road in the City of London.

C. BASIS OF THE AMENDMENT

The recommended amendment is consistent with the *Provincial Policy Statement, 2014* and implements the policy for an expanded range of uses that would be permitted in the Main Street Place Type in The London Plan and are compatible with surrounding land uses. The recommended amendment will contribute to a diversity of retail uses in creative formats and the continued development of Hyde Park Road as a main street.

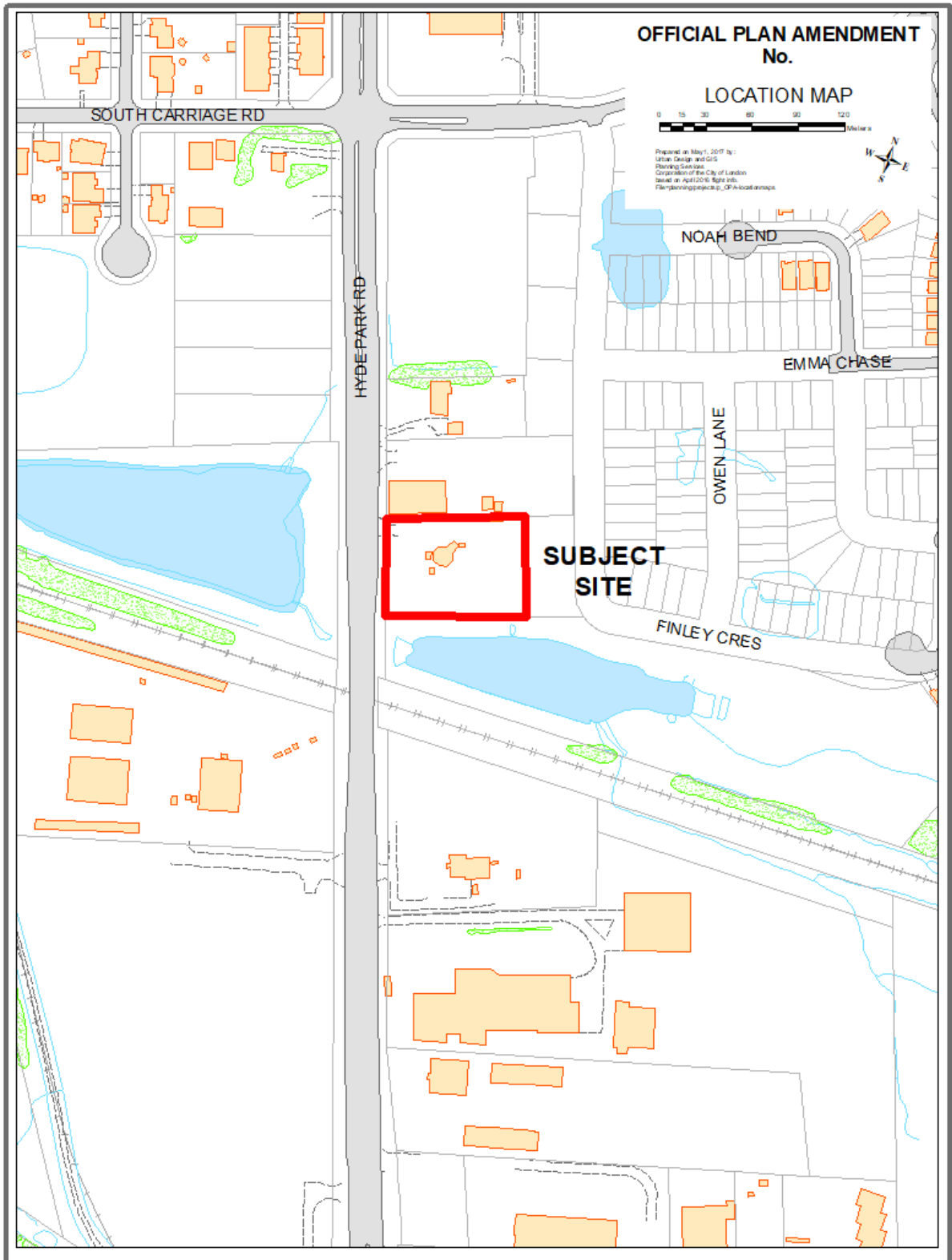
D. THE AMENDMENT

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

1. Section 10.3.1 of the Official Plan for the City of London is amended by adding the following:

1331 Hyde Park Road

In the Main Street Commercial Corridor designation at 1331 Hyde Park Road, a broad range of residential, retail, service and office uses including Automobile Sales Boutiques may be permitted.



Appendix B

Bill No. (number to be inserted by Clerk's Office)
2018

By-law No. Z.-1-18_____

A by-law to amend By-law No. Z.-1 to
rezone an area of land located at 1331
Hyde Park Road

WHEREAS 1331 Hyde Park Holdings Inc. has applied to rezone an area of land located at 1331 Hyde Park Road, as shown on the map attached to this by-law, as set out below;

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

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

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 1331 Hyde Park Road, as shown on the attached map comprising part of Key Map No. A101, from a Business District Commercial Special Provision (BDC2(4)) Zone to a Business District Commercial Special Provision (BDC2(_)) Zone.
- 2) Section Number 25.4 of the Business District Commercial (BDC2) Zone is amended by adding the following Special Provision:
 -) BDC2() 1331 Hyde Park Road
 - a) Additional Permitted Use: Automobile Sales Boutique
 - b) Regulations
 - i) The repair and service of vehicles may be permitted as an accessory use to an Automobile Sales Boutique provided it is limited in size to a maximum area of 50 square metres, is fully enclosed, and is used exclusively for the service of motorcycles.

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.

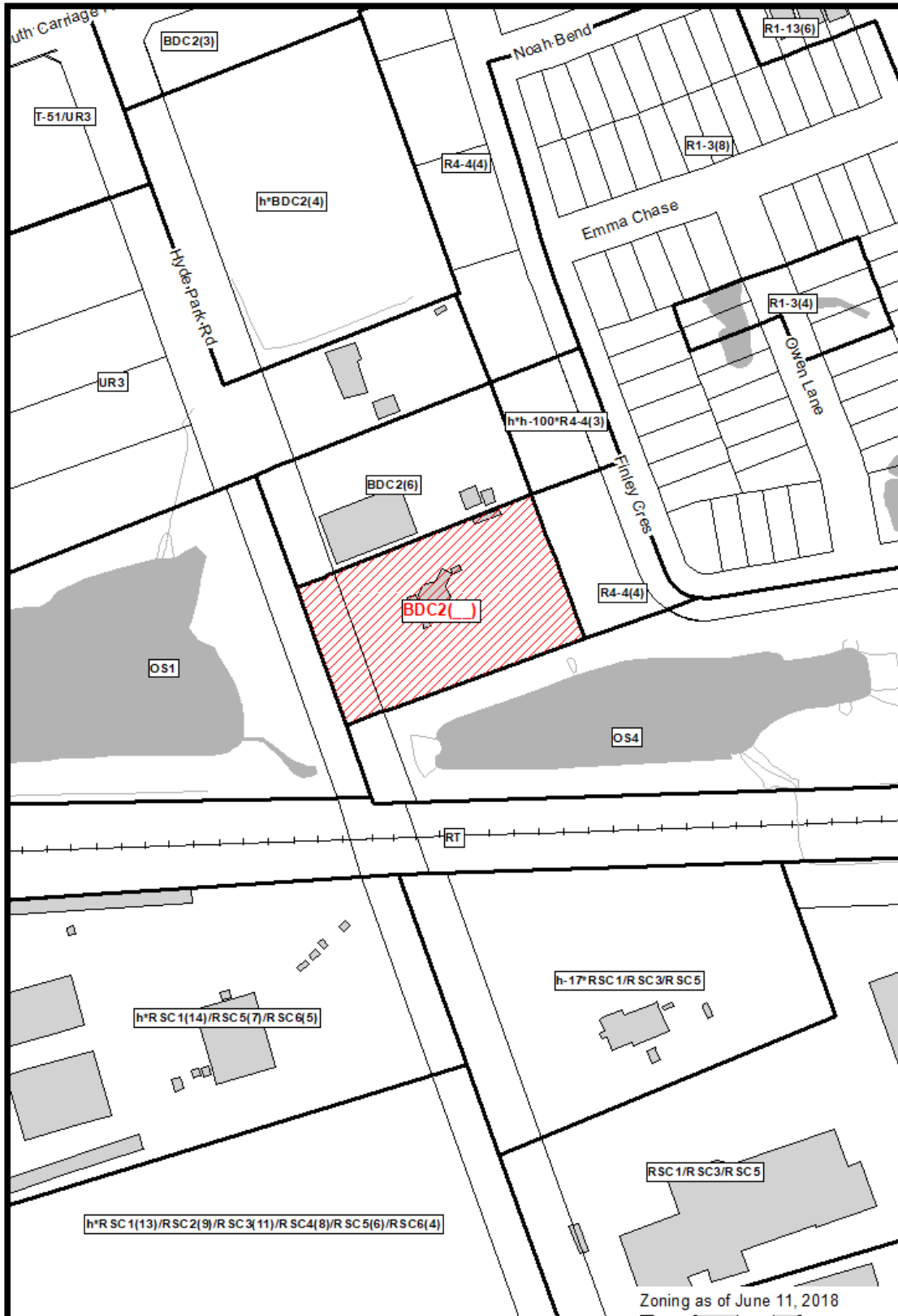
PASSED in Open Council on November 6, 2018.

Matt Brown
Mayor


Catharine Saunders
City Clerk

First Reading – November 6, 2018
Second Reading – November 6, 2018
Third Reading – November 6, 2018

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




File Number: O-8927/Z-8928
Planner: MK
Date Prepared: 2018/10/01
Technician: MB
By-Law No: Z.-1-

SUBJECT SITE 

1:2,000

0 10 20 40 60 80 Meters



Appendix C – Public Engagement

Community Engagement

Public liaison: On July 18, 2018, Notice of Application was sent to 9 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on July 19, 2018. A “Planning Application” sign was also posted on the site.

No replies were received.

Nature of Liaison: The purpose and effect of this Official Plan and zoning change is to permit an automobile sales boutique with an automobile service area as an accessory use in addition to the other uses already permitted on the subject site. Possible amendment to the Official Plan to add a Specific Area Policy to Chapter 10 to permit an expanded range of residential, retail, service and office uses in alignment with The London Plan policies for the Main Street Place Type. Possible change to Zoning By-law Z.-1 from a Business District Commercial Special Provision (BDC2(4)) Zone to a Business District Commercial Special Provision (BDC2(_)) Zone to permit an Automobile Sales Boutique, in addition to the uses already permitted on the subject site. Special provisions are also being requested to permit an automobile service area enclosed within the building as an accessory use and for the existing special provision for no maximum front yard depth requirement to continue to apply to the site.

Responses: No comments were received from the public on this application.

Agency/Departmental Comments

Upper Thames River Conservation Authority

The Upper Thames River Conservation Authority (UTRCA) has reviewed this application with regard for the policies in the *Environmental Planning Policy Manual for the Upper Thames River Conservation Authority (June 2006)*. These policies include regulations made pursuant to Section 28 of the *Conservation Authorities Act*, and are consistent with the natural hazard and natural heritage policies contained in the *Provincial Policy Statement (2014)*. The *Upper Thames River Source Protection Area Assessment Report* has also been reviewed in order to confirm whether the subject lands are located in a vulnerable area. The Drinking Water Source Protection information is being disclosed to the Municipality to assist them in fulfilling their decision making responsibilities under the Planning Act.

Proposal

The applicant is proposing to add an additional permitted in the form of an automobile sales boutique with special provisions and a Specific Area Policy.

Conservation Authorities Act

As shown on the enclosed mapping, the subject lands **are** regulated by the UTRCA in accordance with Ontario Regulation 157/06 made pursuant to Section 28 of the *Conservation Authorities Act*. The regulation limit is comprised of a riverine flooding hazard associated with the connection of Snake Creek and the Heard Drain. The UTRCA has jurisdiction over lands within the regulated area and requires that landowners obtain written approval from the Authority prior to undertaking any site alteration or development within this area including filling, grading, construction, alteration to a watercourse and/or interference with a wetland.

UTRCA Environmental Planning Policy Manual (2006)

The UTRCA's Environmental Planning Policy Manual is available online at: <http://thamesriver.on.ca/planning-permits-maps/utrca-environmental-policy-manual/> Policies which are applicable to the subject lands include:

3.2.2 General Natural Hazard Policies

These policies direct new development and site alteration away from hazard lands. No new hazards are to be created and existing hazards should not be aggravated.

3.2.3 Riverine Flooding Hazard Policies

These policies address matters such as the provision of detailed floodplain mapping, floodplain planning approach, and uses that may be allowed in the floodplain subject to satisfying UTRCA permit requirements.

Drinking Water Source Protection, *Clean Water Act*

The *Clean Water Act* (CWA), 2006 is intended to protect existing and future sources of drinking water. The Act is part of the Ontario government's commitment to implement the recommendations of the Walkerton Inquiry as well as protecting and enhancing human health and the environment. The CWA sets out a framework for source protection planning on a watershed basis with Source Protection Areas established based on the watershed boundaries of Ontario's 36 Conservation Authorities. The Upper Thames River, Lower Thames Valley and St. Clair Region Conservation Authorities have entered into a partnership for The Thames-Sydenham Source Protection Region.

The Assessment Report for the Upper Thames watershed delineates three types of vulnerable areas: Wellhead Protection Areas, Highly Vulnerable Aquifers and Significant Groundwater Recharge Areas. Mapping which identifies these areas is available at: http://maps.thamesriver.on.ca/GVH_252/?viewer=tsrassessmentreport

Upon review of the current assessment report mapping, we wish to advise that the subject lands **are not** identified as being within a vulnerable area.

Recommendation

The UTRCA has no objections to this application, however we remind the applicant to contact the UTRCA regarding the Section 28 permit requirements which may be required for the proposed development.

Consistent with UTRCA Board of Directors approved policy, Authority Staff are authorized to collect fees for the review of Planning Act applications. Our fee for this review will be reduced by 50% due to the recent review of a Site Plan application. The applicant will be invoiced an amount of \$125.00 under separate cover.

London Hydro

London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. Any new or relocation of the existing service will be at the expense of the owner.

Appendix D – Policy Context

The following policy and regulatory documents were considered in their entirety as part of the evaluation of this requested land use change. The most relevant policies, by-laws, and legislation are identified as follows:

Provincial Policy Statement, 2014 (PPS)

1.1.1 Healthy, liveable and safe communities are sustained by:

- a. promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b. accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- e. promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;

1.1.3.4 Appropriate development standards should be promoted which facilitate *intensification*, *redevelopment* and compact form, while avoiding or mitigating risks to public health and safety.

1.3.1 Planning authorities shall promote economic development and competitiveness by:

- a. providing for an appropriate mix and range of employment and institutional uses to meet long-term needs;
- b. 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 and ancillary uses, and take into account the needs of existing and future businesses;
- c. encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities; and
- d. ensuring the necessary *infrastructure* is provided to support current and projected needs.

1.7.1 Long-term economic prosperity should be supported by:

- a. promoting opportunities for economic development and community investment-readiness;
- c. maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets;

4.7 The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans.

Official plans shall identify provincial interests and set out appropriate land use designations and policies. To determine the significance of some natural heritage features and other resources, evaluation may be required.

Official Plan (1989)

4.4.1.1. Planning Objectives

- i) Provide for the redevelopment of vacant, underutilized or dilapidated properties within Main Street Commercial Corridors for one or more of a broad range of permitted uses at a scale which is compatible with adjacent development;
- ii) Encourage development which maintains the scale, setback and character of the existing uses;

4.4.1.2. Urban Design Objectives

- i) Encourage the rehabilitation and renewal of Main Street Commercial Corridors and the enhancement of any distinctive functional or visual characteristics;
- ii) Provide for and enhance the pedestrian nature of the Main Street Commercial Corridor;
- iii) Enhance the street edge by providing for high quality façade design, accessible and walkable sidewalks, street furniture and proper lighting;
- v) Design development to support public transit;
- v) Create high quality public places;
- vi) Maintain and create a strong organizing structure;
- vii) Maintain or create a strong identity and place;
- viii) Maintain the cultural heritage value or interest of listed buildings and ensure through the application of the Commercial Urban Design Guidelines that new development is consistent with the form of existing development; and
- ix) Encourage the transition and connection between the gateway Main Street Commercial Corridors and the Downtown through pedestrian, transit and design linkages.

4.4.1.4. Permitted Uses

Permitted uses in Main Street Commercial Corridors include small-scale retail uses; service and repair establishments, food stores; convenience commercial uses; personal and business services; pharmacies; restaurants; financial institutions; small-scale offices; small-scale entertainment uses; galleries; studios; community facilities such as libraries and day care centres, correctional and supervised residences; residential uses (including secondary uses) and units created through the conversion of existing buildings, or through the development of mixed-use buildings. Zoning on individual sites may not allow the full range of permitted uses.

In specified Main Street Commercial Corridors identified in Section 4.4.1.13 the primary and secondary permitted uses and/or other policies relating to the nature and scale of development have been varied to meet specific policy objectives for these areas.

4.1.13.4. Hyde Park

The Main Street Commercial Corridor extending along Gainsborough Road and Hyde Park Road in the Hamlet of Hyde Park is currently comprised of a mixture of pedestrian and auto-oriented commercial uses. It is the long term intent of the Official Plan policies to foster and encourage the development of a pedestrian/street-oriented commercial area for Hyde Park similar to Richmond Row. This development will be guided by the Official Plan policies, by urban design guidelines included in the Hyde Park Community Plan and other guidelines/standards prepared by the City and/or Business Association. When Hyde Park Road and Gainsborough Road are widened some on-street parking in off-peak periods may be permitted, however, over time as traffic volumes increase, on-street parking may be restricted or removed and the businesses should plan for individual and/or grouped parking facilities.

The London Plan

259_ Buildings should be sited with minimal setbacks from public rights-of-way and public spaces to create a street wall/edge and establish a sense of enclosure and comfortable pedestrian environment.

905_ The London Plan envisions both the creation of new Main Streets and the regeneration of historic Main Streets throughout our city. The important cultural heritage resources of these streets are to be conserved, while allowing for sensitive repurposing, intensification and infill. These streets will contribute significantly to our image and identity as a city and will support the regeneration and continued vitality of the neighbourhoods that surround them. (in force)

907_ We will realize our vision for Main Streets by implementing the following in all the planning we do and the public works we undertake: (in force)

3. Allow for appropriate and sensitive infill and intensification within our Main Streets.
7. Allow for appropriate forms of intensification at suitable locations to support the sustainability of our Main Streets.
9. In new Main Streets encourage a mix of uses with active ground floor uses and forms.

908_ The following uses may be permitted in the Main Street Place Type:

1. A broad range of residential, retail, service and office uses may be permitted within the Main Street Place Type.

910_ The following intensity policies will apply within the Main Street Place Type: (in force)

1. Buildings in Main Street Place Types will be designed to fit in scale and character with the surrounding streetscape, while allowing for appropriate infill and redevelopment.
4. Buildings will be a minimum of either two storeys or eight metres in height and will not exceed four storeys in height. Type 2 Bonus Zoning beyond this limit, up to six storeys, may be permitted in conformity with the Our Tools policies of this Plan.

911_ The following form policies will apply within the Main Street Place Type:

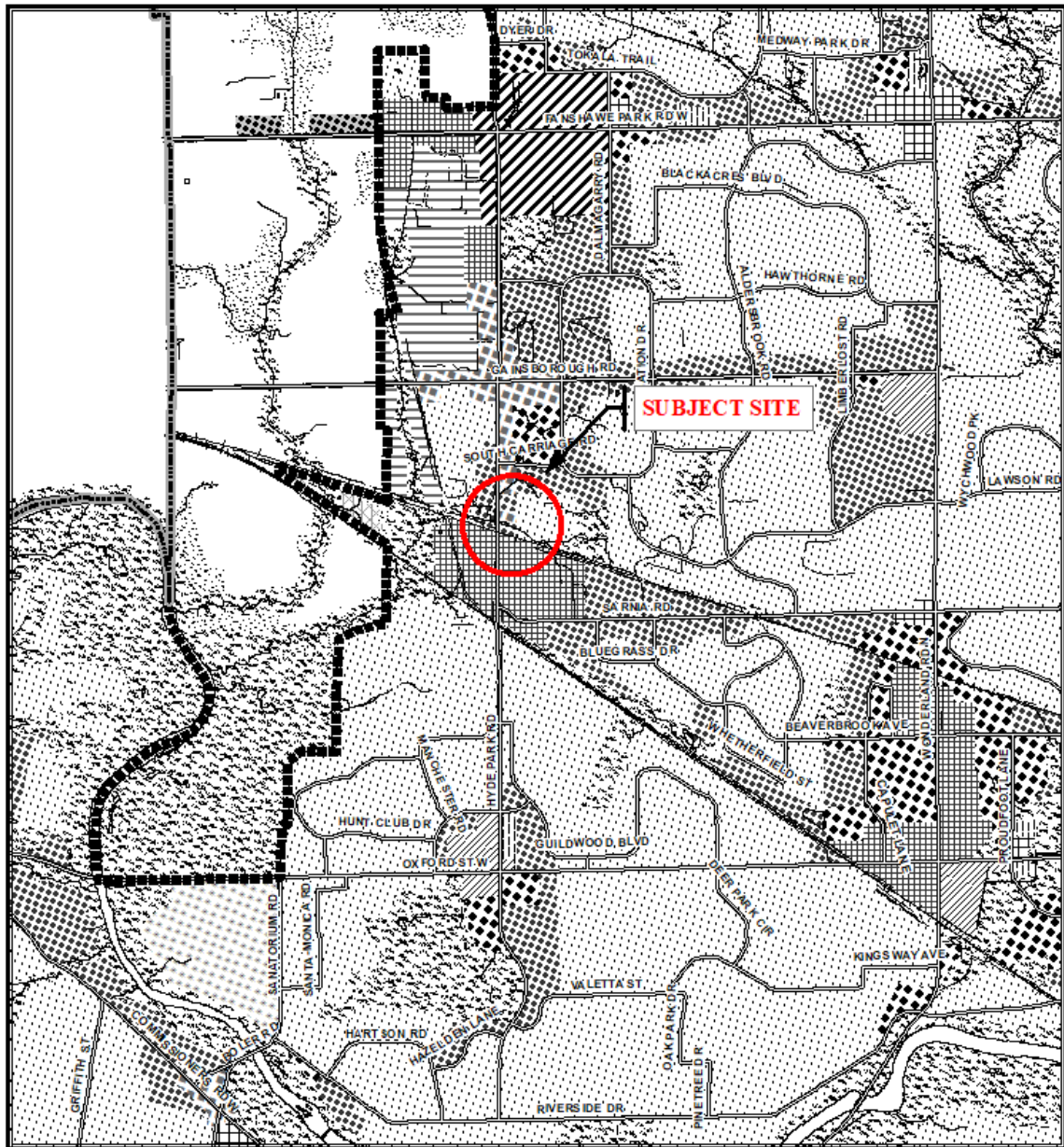
1. All planning and development applications will conform with the City Design policies of this Plan, any existing heritage conservation district plan, the Ontario Heritage Act, and any other applicable guidelines.
2. All new development will be designed to be well integrated with the character and design of the associated Main Street.
3. Design guidelines may be prepared to provide guidance for development, streetscape improvements, and public works for a specific main street.
4. Buildings should be located at or along the front property line in order to create a street wall that sets the context for a comfortable pedestrian environment. Exceptions may be made where guidelines suggest an alternative form of development along a specific main street.
5. All the planning and design that is undertaken in the Main Street Place Type will place a priority on the pedestrian experience through site layout, building location, and a design that reinforces pedestrian comfort and safety.
6. The public realm should be of a highly urban character and pedestrian and cycling amenities should be integrated into all public works undertaken along main streets.
7. Enhanced street tree planting should be incorporated into new development proposals to provide for a comfortable pedestrian environment.
8. Signage should be integrated with the architecture of the buildings, fixed to the building, and its size and application should be appropriate for the character of the area.
9. Surface parking will be located to the rear or interior side yard of a building. Parking facilities will not be located between the building and the street.

Hyde Park Community Plan – Community and Urban Design Guidelines

3.2.1 Buildings should generally be oriented to the street to define the public space of the streets and achieve a more urban development character. In some circumstances, prominent public buildings could be setback from the street to create public open spaces.

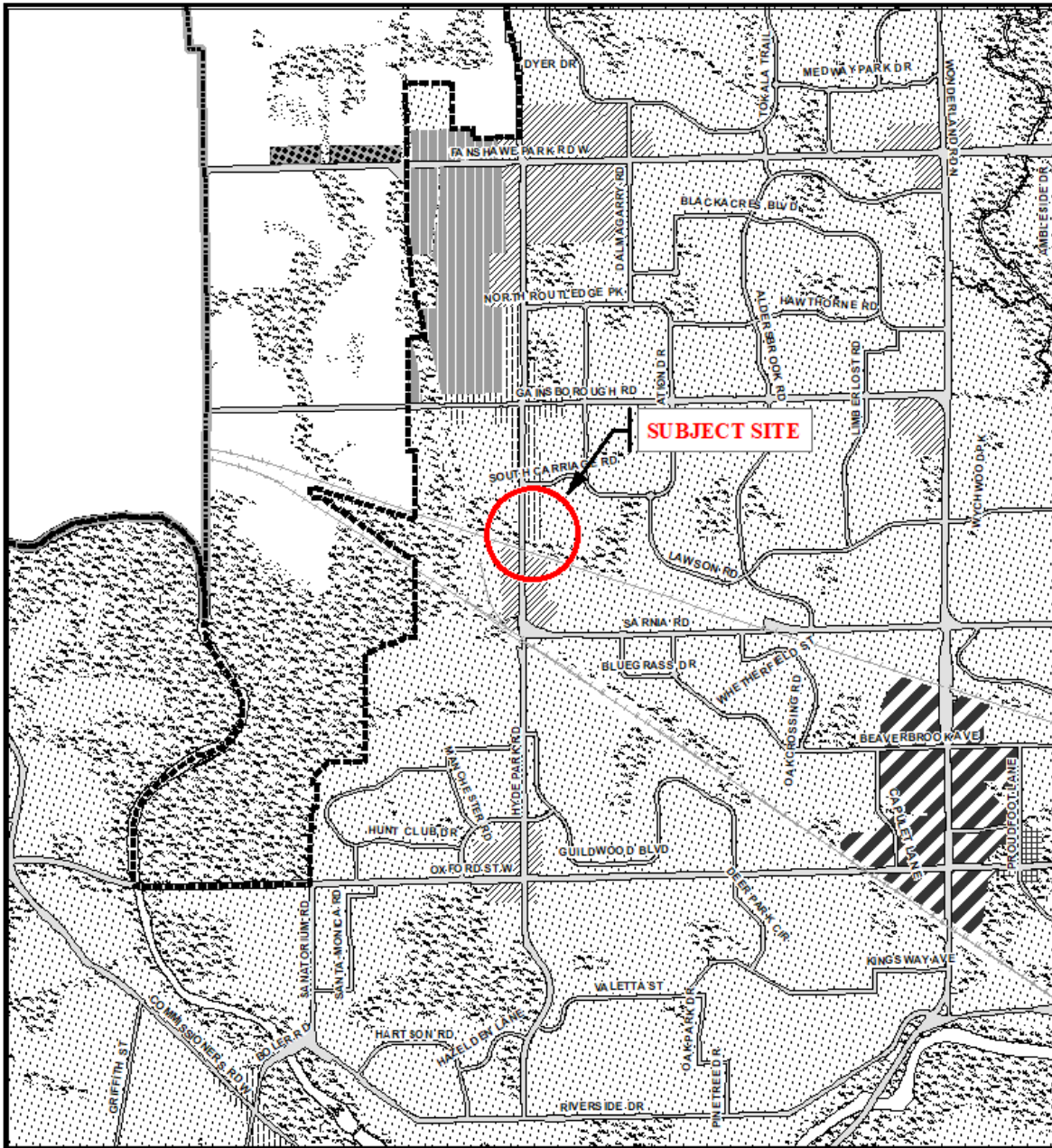
Appendix E – Relevant Background

Additional Maps



Legend		
Downtown	Multi-Family, Medium Density Residential	Office Business Park
Wonderland Road Community Enterprise Corridor	Low Density Residential	General Industrial
Enclosed Regional Commercial Node	Office Area	Light Industrial
New Format Regional Commercial Node	Office/Residential	Commercial Industrial
Community Commercial Node	Regional Facility	Transitional Industrial
Neighbourhood Commercial Node	Community Facility	Rural Settlement
Main Street Commercial Corridor	Open Space	Environmental Review
Auto-Oriented Commercial Corridor	Urban Reserve - Community Growth	Agriculture
Multi-Family, High Density Residential	Urban Reserve - Industrial Growth	Urban Growth Boundary

<p>CITY OF LONDON Planning Services / Development Services OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p><small>PREPARED BY: Graphics and Information Services</small></p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: O-8927/Z-8928</p>
		<p>PLANNER: MK</p> <p>TECHNICIAN: MB</p> <p>DATE: 2018/10/01</p>



Legend

- | | | |
|------------------------|--------------------------|---|
| Downtown | Future Community Growth | Environmental Review |
| Transit Village | Heavy Industrial | Farmland |
| Shopping Area | Light Industrial | Rural Neighbourhood |
| Rapid Transit Corridor | Future Industrial Growth | Waste Management Resource Recovery Area |
| Urban Corridor | Commercial Industrial | Urban Growth Boundary |
| Main Street | Institutional | |
| Neighbourhood | Green Space | |

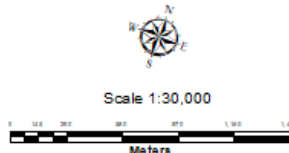
This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.

At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.

CITY OF LONDON
 Planning Services /
 Development Services

LONDON PLAN MAP 1
- PLACE TYPES -

PREPARED BY: Planning Services

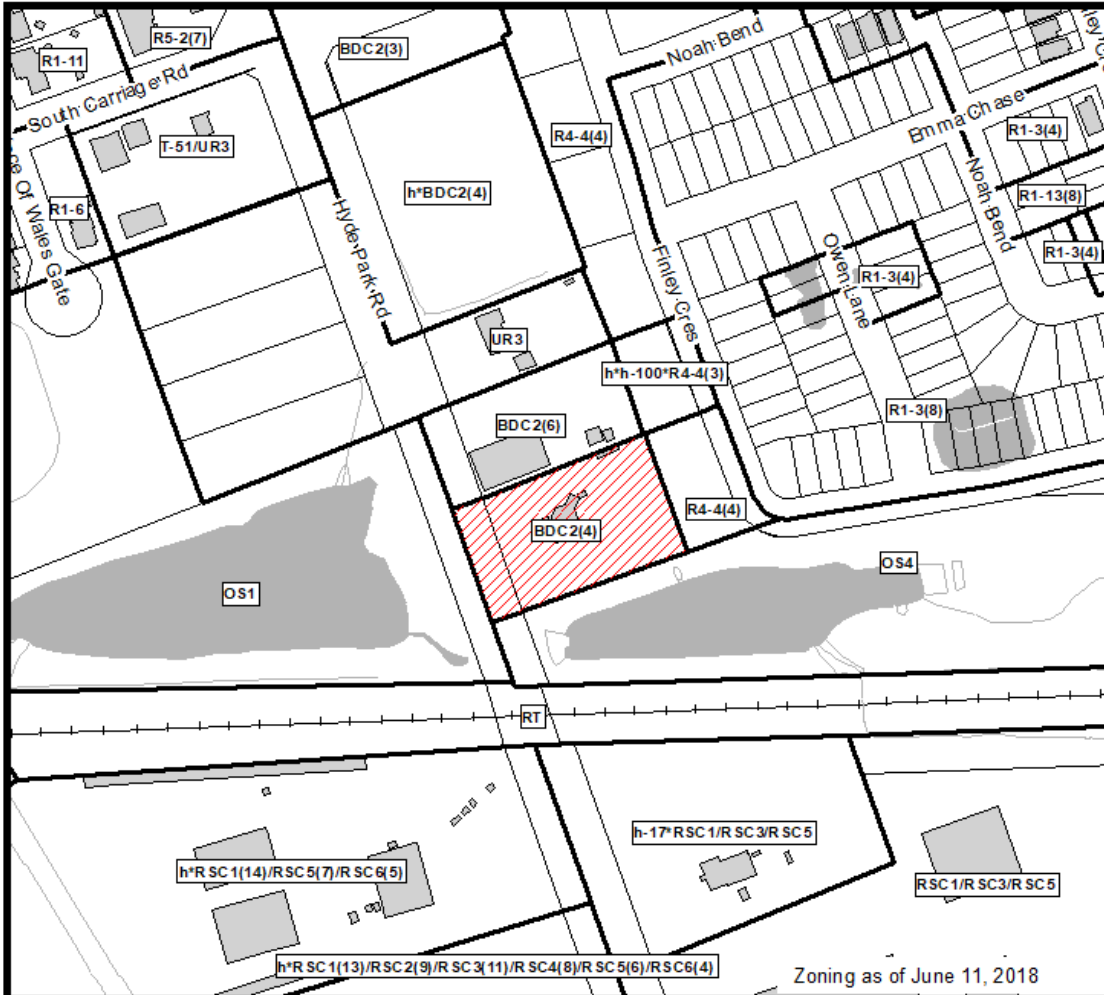


File Number: O-8927/Z-8928

Planner: MK

Technician: MB

Date: October 1, 2018



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: BDC2(4)

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

- | | |
|--|---|
| <ul style="list-style-type: none"> R1 - SINGLE DETACHED DWELLINGS R2 - SINGLE AND TWO UNIT DWELLINGS R3 - SINGLE TO FOUR UNIT DWELLINGS R4 - STREET TOWNHOUSE R5 - CLUSTER TOWNHOUSE R6 - CLUSTER HOUSING ALL FORMS R7 - SENIOR'S HOUSING R8 - MEDIUM DENSITY/LOW RISE APTS. R9 - MEDIUM TO HIGH DENSITY APTS. R10 - HIGH DENSITY APARTMENTS R11 - LODGING HOUSE
 DA - DOWNTOWN AREA RSA - REGIONAL SHOPPING AREA CSA - COMMUNITY SHOPPING AREA NSA - NEIGHBOURHOOD SHOPPING AREA BDC - BUSINESS DISTRICT COMMERCIAL AC - ARTERIAL COMMERCIAL HS - HIGHWAY SERVICE COMMERCIAL RSC - RESTRICTED SERVICE COMMERCIAL CC - CONVENIENCE COMMERCIAL SS - AUTOMOBILE SERVICE STATION ASA - ASSOCIATED SHOPPING AREA COMMERCIAL
 OR - OFFICE/RESIDENTIAL OC - OFFICE CONVERSION RO - RESTRICTED OFFICE OF - OFFICE | <ul style="list-style-type: none"> RF - REGIONAL FACILITY CF - COMMUNITY FACILITY NF - NEIGHBOURHOOD FACILITY HER - HERITAGE DC - DAY CARE
 OS - OPEN SPACE CR - COMMERCIAL RECREATION ER - ENVIRONMENTAL REVIEW
 OB - OFFICE BUSINESS PARK LI - LIGHT INDUSTRIAL GI - GENERAL INDUSTRIAL HI - HEAVY INDUSTRIAL EX - RESOURCE EXTRACTIVE UR - URBAN RESERVE
 AG - AGRICULTURAL AGC - AGRICULTURAL COMMERCIAL RRC - RURAL SETTLEMENT COMMERCIAL TGS - TEMPORARY GARDEN SUITE RT - RAIL TRANSPORTATION
 "h" - HOLDING SYMBOL "d" - DENSITY SYMBOL "H" - HEIGHT SYMBOL "B" - BONUS SYMBOL "T" - TEMPORARY USE SYMBOL |
|--|---|

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

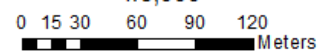
FILE NO:

O-8927/Z-8928 MK

MAP PREPARED:

2018/10/01 MB

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Additional Reports

Planning and Environment Committee – March 26, 2012 – Hyde Park Road Commercial Review Official Plan and Zoning Review 1331-1369 and 1364-1420 Hyde Park Road (11 COM h)

Planning and Environment Committee – March 26, 2012 – Application By: Kenmore Homes (London) Inc. 225 South Carriage Road & 1331 Hyde Park Road (39T-08502/Z-7489/OZ-7510)

Planning and Environment Committee – May 28, 2012 – Hyde Park Road Commercial Review Official Plan and Zoning Review 1331-1369 and 1364-1420 Hyde Park Road (11 COM h)

Planning and Environment Committee – May 28, 2012 – Application By: Kenmore Homes (London) Inc. 225 South Carriage Road & 1331 Hyde Park Road (39T-08502/Z-7489/OZ-7510)

Planning and Environment Committee – October 8, 2013 – Application By: Hyde Park Crossing Ltd. 1331 Hyde Park Road (H-8226)

Planning and Environment Committee – November 26, 2013 – Application By: Hyde Park Crossing Ltd. 1331 Hyde Park Road (H-8226)