

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: George Kotsifas P. Eng.,
Managing Director, Development & Compliance Services and
Chief Building Official

Subject: 2219008 Ontario Ltd (York Developments)
3493 Colonel Talbot Road

Public Participation Meeting on: September 9, 2019

Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of 2219008 Ontario Ltd relating to the property located at 3493 Colonel Talbot Road:

- (a) The proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on September 17, 2019 to amend section 3.6.5, vi), of the 1989 Official Plan, by **ADDING** the subject site to the list of Locations of Convenience Commercial and Service Station uses, to permit Service Station and Convenience Commercial Uses; and,
- (b) The proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on September 17, 2019 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 Residential R6 Special Provision/Residential R8 Special Provision/Convenience Commercial (h*h-100*h-198*R6-5(46)/R8-4(30)/CC6) Zone, **TO** holding Residential R6 Special Provision/Residential R8 Special Provision/Convenience Commercial Special Provision/Service Station Special Provision (h*h-100*h-198*R6-5(46)/R8-4(30)/CC6(_)/SS2(_)) Zone.

Executive Summary

Summary of Request

The requested amendment would introduce service station uses to the site to be used for a car wash and gas bar and to expand the convenience commercial uses to allow for restaurants, take-out use.

Purpose and the Effect of Recommended Action

The recommended action would allow the site to develop as a gas station with a car wash, convenience store and drive-through, take-out restaurant uses.

Rationale of Recommended Action

- i) The recommended draft plan and zoning amendments are consistent with the *Provincial Policy Statement (PPS), 2014*, which encourages an appropriate range and mix of uses to meet projected requirements of current and future residents;
- ii) The recommended amendment conforms to the in-force policies of The London Plan, including but limited to, the Neighbourhoods Place Type, Our City, Our Strategy, and all other applicable London Plan policies;
- iii) The recommended amendment permits an appropriate range of secondary uses that conform to the in-force policies of the (1989) Official Plan and Southwest Area Secondary Plan, including but not limited to the Multi-Family, Medium Density

Residential designation, and the Convenience Commercial and Service Station polices; and,

- iv) The recommended Zoning By-law Amendment allows development that is compatible with the surrounding land uses and appropriately mitigates impacts.

Analysis

1.0 Site at a Glance

1.1 Property Description

The subject site is located at the Pack Road and Colonel Talbot Road intersection and forms a portion of lands within the Silverleaf Subdivision. Part of the plan has been registered as plan 33M-742 which is currently under construction, and part of the plan, including the subject lands, have been draft approved but not yet registered. The subdivision provides for a range of dwellings types and sizes with some convenience commercial uses planned. The property is within the City of London's Southwest Area Secondary Plan and forms part of the North Lambeth Residential Neighbourhood.

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

- The London Plan Place Type – Neighbourhoods
- Official Plan Designation – Low Density Residential and Multi-Family, Medium Density Residential
- Existing Zoning – holding Residential R6 Special Provision/Residential R8 Special Provision/Convenience Commercial (h*h-100*h-198*R6-5(46)/R8-4(30)/CC6) Zone

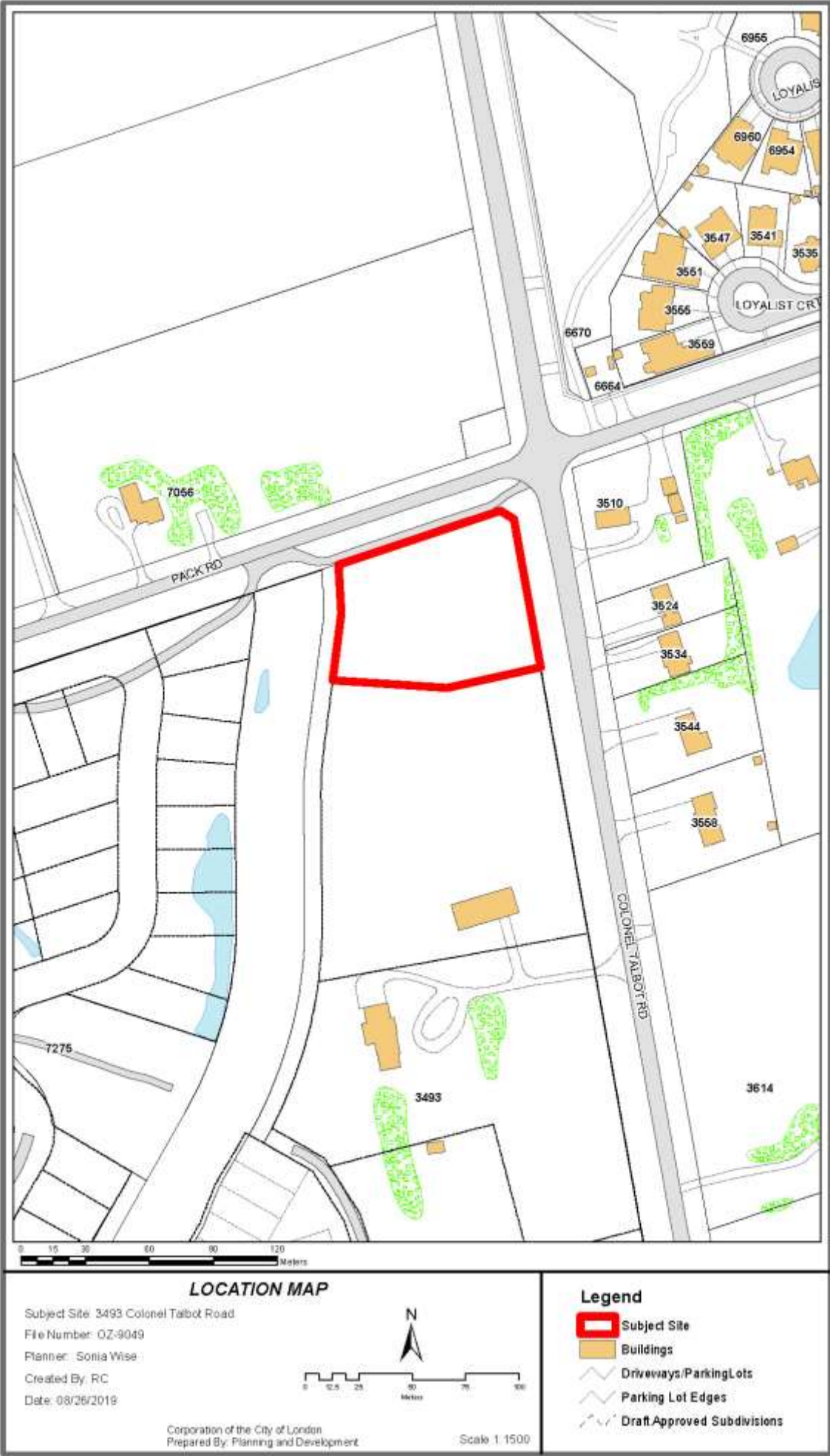
1.3 Site Characteristics

- Current Land Use – Vacant
- Frontage – 71m (Colonel Talbot Road)
- Depth – 84.6m
- Area – 6,527m²
- Shape – Irregular

1.4 Surrounding Land Uses

- North – Agricultural
- East – Existing Residential
- South – Planned Residential
- West – Planned Residential

1.5 Location Map



2.0 Description of Proposal

2.1 Development Proposal

The requested amendment will allow for a service station including gas bar and car wash as well as an expanded range of convenience commercial uses such as restaurants. The proposed layout included the primary building accommodating the restaurant and convenience store located at the corner of Pack Road and Colonel Talbot Road, with the gas bar in the middle of the site, and a secondary building for a car wash located towards the southwest corner of the site.

2.2 Requested Amendment

The requested amendment is to add the Service Station Special Provision (SS2(_)) Zone to the lands, and add a new special provision to the Convenience Commercial (CC6(_)) Zone to allow for the service station, car wash and restaurant uses. Special provisions were requested to allow for a reduced setback from the car wash to the residentially zoned lands.



Figure 1: Conceptual Site Plan

2.3 Recommended Amendment

The recommended amendment is to add the Service Station Special Provision (SS2(_)) Zone to the lands, and add a new special provision to the Convenience Commercial (CC6(_)) Zone to allow for the service station, car wash and restaurant uses. The recommended amendment will allow for the primary building location as proposed, but will include additional setbacks for the car wash building and any required noise walls to be located further away from the open space and residential zoned lands.

3.0 Relevant Background

3.1 Silverleaf Subdivision

The subject site is part of the Silverleaf Subdivision (39T-14504) which is situated in the southwest quadrant of the City, and at the southwest corner of Colonel Talbot Road and Pack Road. The total subdivision area is approximately 40.5 ha (100ac) in size and is situated entirely within the City's Urban Growth Boundary with frontage along Colonel Talbot Road and Pack Road (both identified as arterial roads).



Figure 2: Silverleaf Subdivision

The application for Draft Plan of Subdivision was received on September 15, 2014, and was granted draft approval on March 24, 2016. The draft approval included: 172 single detached dwellings lots, three (3) medium density residential blocks, one (1) mixed use block, five (5) walkway blocks, one (1) future development block, two (2) park blocks, two (2) open space blocks, and a stormwater management block; serviced by Pack Road, and six (6) local public streets (including the extension of Isaac Drive to the north).

Phase 1 of the subdivision has been registered as plan 33M-742, which consists of 108 single family detached lots, the Stormwater Management Facility Dingman Tributary B4, six (6) park blocks, one (1) medium density block and several road widening's and 0.3 m (one foot) reserve blocks. Future phase(s) will include the balance of the lands which are draft approved but have not yet received final approval.

3.2 Community Engagement (see more detail in Appendix C)

There were 4 replies received to the circulation of the application, which have been reviewed, incorporated or addressed through this report where possible. A summary of concerns expressed include the following:

- No need for a gas bar in this location (x2)
- Does not fit with residential character

- Currently difficult to turn left from Pack Road to Colonel Talbot Road (x2)
- Negative impacts on traffic flow, traffic volume, noise and collisions (x3)
- Negative impact on property values (x2)
- There are already 20 gas bars within 5km of the site
- Environmental impact of buried and leaky gas tanks (x3)
- Soil Contamination
- Less need for gas stations with more electric cars
- Concern for future reuse of site when/if gas station ceases operation
- Negative impact of commercial uses on pathway ambience
- Not in keeping with what was originally requested
- Lot coverage is too high
- Drive throughs are prohibited
- Should be located in a commercial area

3.3 Policy Context (see more detail in Appendix C)

Provincial Policy Statement

The Provincial Policy Statement (PPS) 2014, provides policy direction on matters of provincial interest related to land use planning and development. These lands are located within the City's Urban Growth Boundary and in an area of the City where growth is planned and appropriate.

The London Plan

The London Plan is the new Official Plan for the City of London (Council adopted, approved by the Ministry with modifications, and the majority of which is in force and effect). *The London Plan* policies under appeal to the *Local Planning Appeals Tribunal* (Appeal PL170100) and not in force and effect are indicated with an asterisk (*) throughout this report. *The London Plan* policies under appeal are included in this report for informative purposes indicating the intent of City Council, but are not determinative for the purposes of this planning application. The subject lands are located within the Neighbourhoods Place Type in The London Plan, and front the Civic Boulevards of Pack Road and Colonel Talbot Road.

(1989) Official Plan

The subject site is located within the Low Density Residential (LDR), and Multi-Family, Medium Density Residential (MFMDR) designations in the (1989) Official Plan, which primarily permits a range of low to mid-rise residential uses. The policies contemplate service stations and convenience commercial uses in the residential designations where appropriate.

Southwest Area Secondary Plan

Both The London Plan and the (1989) Official Plan recognize the need and role of a Secondary Plan to provide more detailed policy guidance for a specific area that goes beyond the general policies. The Southwest Area Secondary Plan (SWAP) forms part of The London Plan and the (1989) Official Plan, and its policies prevail over the more general Official Plan policies if there is a conflict (1556 & 1558*). The subject site is within the North Lambeth Residential Neighbourhood, and within the Low Density Residential (LDR) and Medium Density Residential (MDR) designations. The Secondary Plan serves as a basis for the review of planning applications, which will be used in conjunction with the other policies of the Official Plan.

4.0 Key Issues and Considerations

Provincial Policy Statement, 2014

The subject site is located within the Urban Growth Boundary and within an area of designated residential growth, which is consistent with the PPS which identifies that

settlement areas “shall be the focus of growth and development” (1.1.3.1). New development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form and mix of uses that allows for the efficient use of land (1.1.3.6). The proposed convenience commercial and service station uses efficiently utilize the existing infrastructure, public service facilities and are located at the exterior of the neighbourhood providing adequate separation from residential uses.

The PPS encourages healthy, livable and safe communities that are sustained by accommodating an appropriate range and mix of residential, employment and recreational uses to meet long-term needs (1.1.1.b). The site is within an existing settlement area and appropriately contributes to a local mix of commercial uses.

The PPS requires planning authorities to promote economic development and competitiveness by providing for an appropriate mix and range of employment uses, and providing opportunities for a diversified economic base (1.3.1.b). The site is suitable for small-scale commercial employment uses and will serve the local area and passing motorists. The additional uses being recommended will allow the subject site the ability to offer an appropriate mix and range of local employment uses and moderately diversify its economic base.

The London Plan

The London Plan includes criteria for evaluating Applications for Official Plan and Zoning By-law Amendments through policy 1577* that requires consideration of:

1. Our Strategy
2. Our City
3. City Building policies
4. The policies of the place type
5. Our Tools
6. Relevant Secondary Plans and Specific Policies

Our Strategy

The Our Strategy policies of The London Plan implements the vision of the plan through the use of overarching key directions (54).

Direction #5 - to build a mixed-use compact City that mixes “stores, restaurants, clean industry, live-work arrangements and services in ways that respect the character of neighbourhoods while enhancing walkability” (59_6). The proposed service station and convenience commercial uses provide a local service centre that will serve the travelling public as well as providing walkable services for the nearby existing and planned communities.

Direction #8 - to make wise planning decisions ensures that new development is a “good fit within the context of an existing neighbourhood” (62_9). The proposed uses are located at the intersection of two Civic Boulevards at the periphery of the subdivision which will maintain the residential integrity in the interior of the subdivision, while providing beneficial access to small-scale commercial services.

Our City

The City Structure Plan in the Our City section of The London Plan provides a framework for London’s growth and change in the future (69). The City Structure Plan is comprised of the following framework policy areas: growth, green, mobility, economic and community. The community framework establishes a high-level structure for defining neighbourhoods and planning districts. Neighbourhoods are described as often including places where people shop, work, worship, go to school and recreate (143). The proposed uses provide a modest amount of new local employment and shopping needs that serve the nearby neighbourhood.

Rural-Urban Interface

The site is located south of Pack Road, which forms the extent of the Urban Growth Boundary and lands on the north side of Pack Road are actively utilized for Agricultural uses. Development proposals at this interface are required to utilize design measures to mitigate conflicts between the urban and rural uses (99_1). The proposed service station and convenience commercial uses are not considered to be sensitive uses and do not represent a conflict from any impacts of agricultural practices such as noise, odours, dust or other nuisances. The provision of the gas bar, restaurant and convenience store will serve the nearby agricultural community much in the same way as the existing and future residential neighbourhoods within the Urban Growth Boundary and are considered to be complementary in function and layout.

City Building

The policies of the City Building section provide the over-arching direction for how the City will grow over the next 20 years (184).

Crime Prevention Through Environmental Design (CPTED)

Neighbourhood streets and all infrastructure will be planned and designed to enhance safety by implementing the principles of *Crime Prevention Through Environmental Design*, encouraging greater levels of passive surveillance (228). The proposed noise wall will interrupt clear views to the pathway from the site as well as from the site to the pathway. The wall will also reduce the sight lines interrupting visual connection to a predictable route, and can create an isolating effect and concealment of that portion of the pathway. The natural and passive surveillance would also be substantially reduced with the wall as opposed to a wrought iron fence that provides visibility into and out of the site. In order to address these negative impacts, setbacks are proposed to increase the distance from residential and open space zoned lands to reduce or eliminate the need and/or height required for noise attenuation barriers.

Site Layout

Site Layout should be designed to minimize and mitigate impacts on adjacent properties (253). The commercial building for the convenience store and restaurant are appropriately located along the street edge, as buildings should be sited so that they maintain and reinforce the prevailing street wall (256). The car wash facility as proposed has requested a reduced 5m setback to the adjacent residential zoned lands, which requires a 3.0 - 4.5m noise attenuation barrier to be erected which impacts residential amenity. Fencing and landscaping will further provide buffering and amenity for the site, though any fencing or noise walls would need to be as minor as possible to ensure they do not create an unnecessary obstruction.

Buildings should be sited with minimal setbacks from public rights of way to create a street wall and sense of enclosure (259*). The main commercial building on site is located and oriented towards the intersection of Colonel Talbot Road and Pack Road which will provide convenient access to future pedestrian facilities and establishes the commercial presence, and also minimizes the visual exposure of parking areas to the street (269). Further, buildings located on corner sites should address the corner through building massing, location of entrances, and architectural elements (290*). The building location at the corner of Pack Road and Colonel Talbot Road is oriented to, and addresses the intersection and provides the commercial presence on both streets providing direct pedestrian connections and patio space for activation.

The siting of buildings and layout of sites should create and preserve views of landmarks and natural features (257*). A pedestrian pathway is located to the west of the site along the Mathers Stream corridor which provides access to Pack Road and active transportation options to the site. The noise attenuation wall proposed for the residential interface along the southern property boundary is also proposed for a portion (35m) of the southwest corner of the site along the Mathers Stream corridor, which will obstruct views to and from the pathway and detract from the natural features and

setting. The interface with the pathway will require thoughtful integration to ensure there is adequate connection to the site and obvious sightlines are maintained.

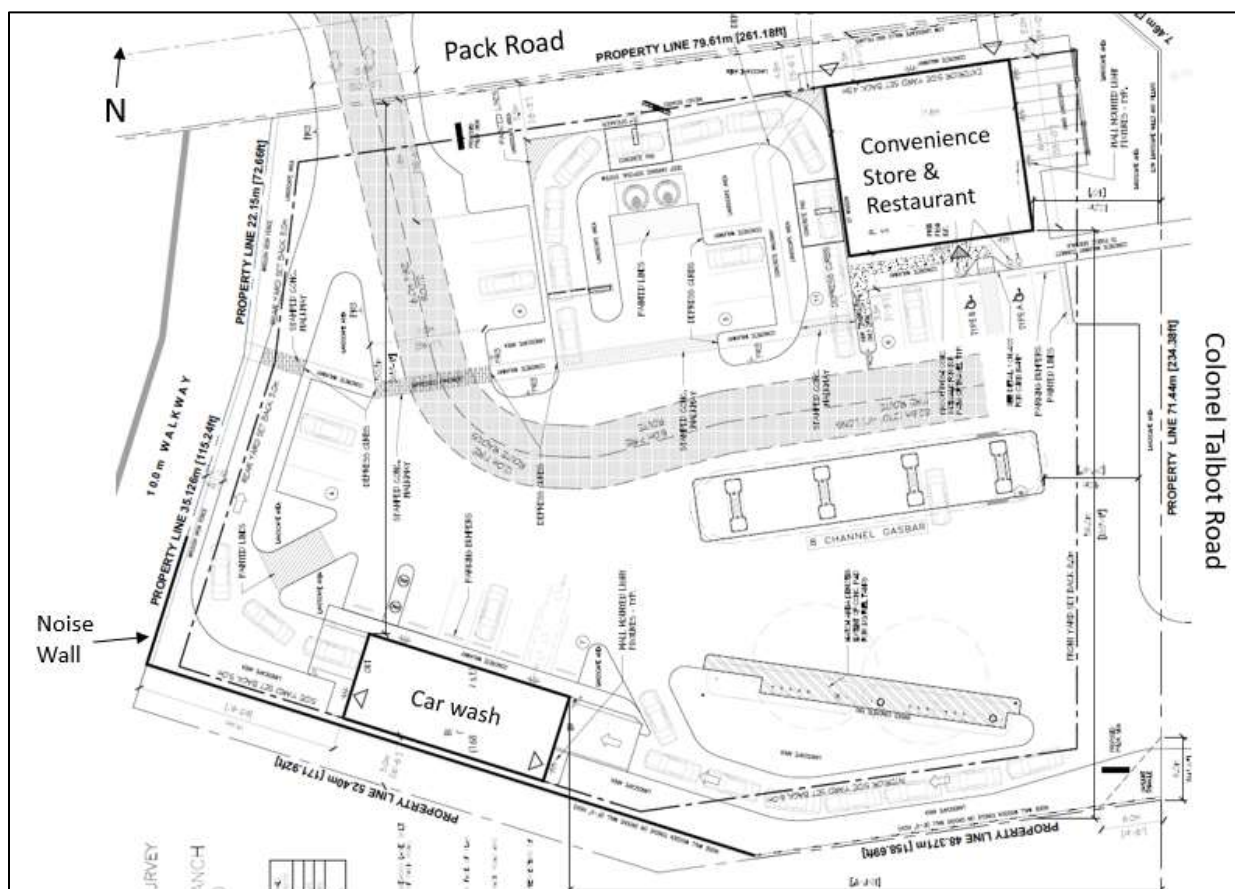


Figure 3: Conceptual Site Plan

The drive aisles for drive through facilities should not be located between the street and the face of the building in the front or exterior side yard, and these facilities should not interfere with direct pedestrian access to the building from the sidewalk (264). The drive through proposed is not located between the building and the street/sidewalks, and is located to the west of the building along the Pack Road frontage. Drive through facilities shall address matters such as pedestrian circulation, vehicular circulation, access and parking, built form, streetscape and landscaping (265). The drive through aisle is proposed to be setback from Pack Road to allow for tree planting and landscaping to buffer the visual impact of queuing vehicles. There are clear pedestrian connections to access the building that do not require crossing through vehicles in the drive through. Principle building entrances and transparent windows should be located to face the public right of way to reinforce the public realm and establish an active frontage (291*). Clear glazing is proposed along Pack Road, and there are entrances from Colonel Talbot Road and Pack Road to the building which provides for convenient future pedestrian access.

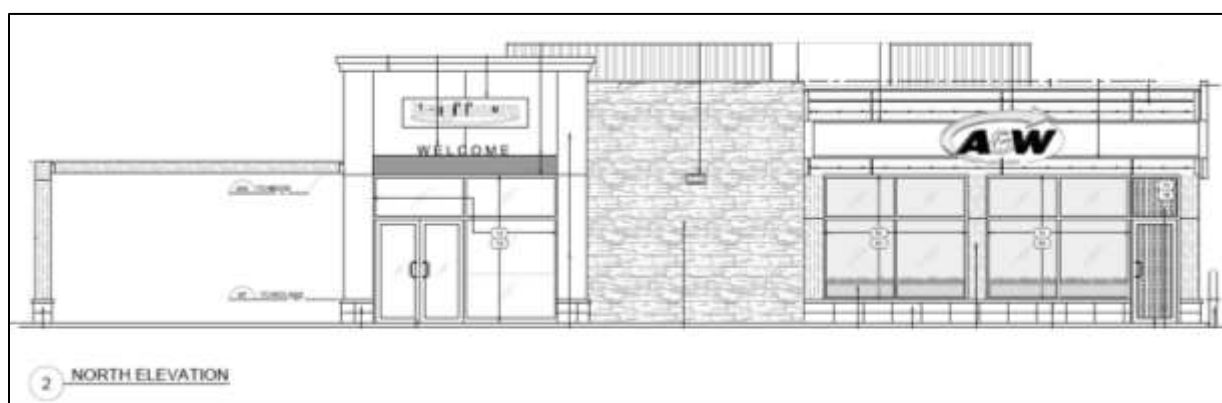


Figure 4: North Elevation – Main Building

Place Type

The subject site is within the Neighbourhoods Place Type which primarily allows for low

and mid-rise residential uses. Neighbourhoods are intended to be vibrant, exciting places to live which will be delivered through: easy access to daily goods and services within walking distance and employment opportunities close to where people live (916_6 & 7*). The requested amendment is proposed to provide additional secondary uses at the periphery of a future neighbourhood that will serve future residents for day to day needs.

Mixed-use, commercial and service uses will be permitted at appropriate locations within neighbourhoods to meet the daily needs of neighbourhood residents (918_5*). The site is currently zoned to permit convenience commercial uses and the addition of service station uses will provide additional services for the daily needs of local residents as well as catering to passing motorists.

In conformity with tables 10 – 12* if a property is located at the intersection of two major streets the range of permitted uses is broader and the intensity of development may increase (919_4). The site has frontage on two civic boulevards which allows for stand-alone retail, service and office uses in addition to the general permitted uses in the Neighbourhoods Place Type.

The form of development for a site at the intersection of two civic boulevards ranges from a minimum of 2 storeys with a maximum of up to 4 storeys, and potential to bonus up to 6 storeys (table 11*). The proposal is for a one storey building which is less than the minimum required height, but still achieves the objectives of framing the street and creating a strong built form edge.

New drive through facilities may be permitted in the Neighbourhoods Place Type only on properties located at the intersection of streets classified as either Civic Boulevards and/or Urban Thoroughfare; and where it can be clearly demonstrated that they will not detract from the vision and role of the Place Type and the quality and character of the pedestrian-oriented street environment (932). The site is located at the intersection of two Civic Boulevards and at the edge of the residential subdivision which preserves the residential nature of the Neighbourhoods Place Type. The main drive-through for the primary building is appropriately separated from Pack Road which allows adequate space for the screening and buffering through landscaping. The drive-through is not located between the building and the street which ensures pedestrians have clear and unobstructed access to the building from Pack Road without having to walk through queuing vehicles in the drive-through to access the building. The secondary drive-through associated with the car wash is at the rear or interior of the site which will serve vehicles only and will not have any conflicts with pedestrians accessing any of the on-site services.

Our Tools

The development of sensitive land uses on lands in close proximity to commercial, industrial or institutional uses will have regard for potential impacts from noise and vibration (1766). The Z.-1 Zoning By-law has minimum setback requirements from drive through facilities to residentially zoned lands which requires 30m as a minimum. Where a noise wall is proposed of 2.4m, the setback can be reduced to 15m minimum. The requested setback is at 5m from the property boundary to the south where the lands are zoned residential. Such a reduced setback can only mitigate the noise generated from the car wash with a 3.0m - 4.5m (9.8 ft - 14.7 ft) tall noise attenuation wall, which creates an unreasonably large, towering obstruction between the commercial and residential interface and the commercial pathway interface along the Mathers Stream. The noise mitigation for the car wash in the proposed location results in a negative impact for the future residential lands, as well as the Mathers Stream corridor which would have sight lines obstructed, creating concerns from a *Crime Prevention Through Environmental Design (CPTED)* perspective.

The evaluation criteria for planning and development applications in addition to consideration for use, intensity and form include potential impacts on adjacent lands and nearby properties, and the degree to which the impacts can be managed and mitigated (1578_6*). An analysis of potential impacts on nearby properties may include

such things as:

a. Traffic and Access Management

The site has access to two Civic Boulevards (arterial roads) which provides high carrying capacity of vehicles, with Colonel Talbot Road accommodating approximately 13,000 vehicles per day and Pack Road accommodating approximately 2,500 vehicles per day. The site is well located to serve passing motorists with access from both Pack Road and Colonel Talbot Road.

b. Noise

A noise study was undertaken to measure the noise generated from the proposed uses. The focus of the report was on the car wash building, vacuum systems, commercial retail units and their rooftop HVAC units for their potential noise impact on the neighbourhood. The points of reception for potential noise impacts included the future townhouse and apartment building to the south, an existing bungalow to the east, future single detached dwellings to the west, and existing single detached dwellings to the northwest of the site.

The study recommended an acoustic barrier (noise wall) for the car wash that would range from 3.0m – 4.5m in height forming an L-shape at the exit location of the car wash. The barrier height along the southern extent of the car wash would be 3.0m and then would wrap to the north along the western boundary where the Mathers Stream is located increasing to 4.5m in height for 35m. If there were to be habitable space in the townhouses to the south, the barrier height would need to increase to 4.5m in height along the southern boundary as well. The mitigation for noise impacts must be reasonable to address the source generator of noise, but also be an appropriate fit within the context of the abutting properties and surrounding neighbourhood.

c. Parking on streets or adjacent properties

The uses on site have adequate parking provided and are unlikely to generate any off-site parking demands.

d. Emissions generated by the use such as odour, dust or other airborne emissions

The Province's D-Series Guidelines contain measures for land use proposals to prevent or minimize adverse effects from the encroachment of incompatible land uses on one another. There are guidelines for Gas or Oil pipelines, but not for gas bars or fuel stations. The Official Plan allows for the consideration of these uses within the residential designations and there is a low probability of odour emission generation that may be encountered offsite.

e. Lighting

At the time of Site Plan, a photometric plan will be required to show the various lighting sources proposed on site. The Site Plan process will ensure that all lighting of the site will be oriented to the interior and have its intensity controlled to prevent glare on adjacent roadways and residential properties.

f. Garbage Generated by the Use

The garbage generated by the uses will be required to be contained in accordance with the Site Plan Control By-law which requires interior storage or exterior enclosure. Garbage storage that is not located within a building will be located, constructed, used and maintained to ensure that odour, noise from use, noise from collection, accessibility by animals, and containment of debris are controlled; and that view from adjoining streets and properties to the storage facility is screened.

g. Loss of Privacy

There is no anticipated loss of privacy associated with the proposed uses. The commercial uses are oriented towards the corner of Pack Road and Colonel Talbot Road away from the future residential dwellings to the south and west, and are buffered from the existing residential dwellings by the major roads of Pack Road and Colonel Talbot Road.

h. Shadowing

The convenience commercial building, gas pump islands, and car wash buildings are all approximately one (1) storey in height and are not anticipated to be the source of any major shadows. The noise wall in the proposed location will cast shadows on the Mathers Stream to the west, which is proposed to be managed through additional setbacks along the stream corridor.

i. Visual impact

The proposed noise wall along the south and west property boundaries will have a negative visual impact on the character and nature of the residential neighbourhood located to the south. Noise mitigation walls along arterial roads have been strongly discouraged in residential neighbourhoods due to the loss of residential amenity and reduced streetscape activity. Similar impacts are to be expected for a noise wall in this location as noise walls are not common features in residential neighbourhoods and are discouraged unless there are no other alternatives to design and mitigation.

j. Loss of views

There will be an associated loss of views from the Mathers Stream corridor to the site and similarly from the site to the Mathers Stream due to the proposed noise wall. Having easily visible view corridors assists with way-finding for pedestrians or cyclists and makes the connection to pathways obvious and convenient. Obstructing views to these public pathways results in difficulty navigating and also creates blind corners and edges that can affect the perception of safety and subsequently usability.

k. Loss of trees and Canopy Cover

There are no existing trees on the site that will be lost due to the development proposed, as the site is currently vacant.

l. Impact on Cultural Heritage Features and Areas

There are no cultural heritage features that will be lost due to the development of the site, and no nearby features that would be impacted.

m. Impact on natural resources

There are no natural resources on site, and no anticipated impacts to nearby natural resources. A portion of the site is located within the UTRCA's regulated area and Dingman Creek Screening Area. The development of the lands will require a Section 28 permit from the authority, and the UTRCA has expressed 'no objections' to the application.

Southwest Area Secondary Plan

The Southwest Area Secondary Plan contains general policies that are applicable for all designations within the plan area. Section 20.5.3.9 contains the plan's urban design policies which emphasize a strong reliance on a high quality public realm delivered by buildings and public spaces.

Public safety, views and accessibility, both physically and visually to the Open Space System, as well as to parks, school and other natural and civic features will be an

important consideration in community design (20.5.3.9.i.e). The noise wall extending along the west boundary unnecessarily and unreasonably obstructs the views to the Mathers Stream and will be addressed by an increased minimum setback requirement for the car wash and associated drive-through to eliminate the need for the noise wall obstructing the visual access to this feature.

Safe community design to promote safety, security and accessibility in public spaces is achieved through urban design including the design and siting of buildings and structures that: provides opportunities for “visual connections and ease of public access to adjacent streets, parks and other public areas” (20.5.3.9.i.l). The noise attenuation wall that would be required to support the location of the car wash in the location requested would be 4.5m or 14.7ft along a portion of the property boundary that is shared with the Mathers Stream and would impede visual connection to the corridor. The site is sufficiently large that the car wash and drive-through could be relocated further from the nearby sensitive uses that require the additional mitigation.

Buildings and Site Design

Commercial development is intended to be oriented to the street creating a pleasant, pedestrian shopping environment where the principal public entrance shall provide direct access onto the public sidewalk (20.5.3.9.iii.b). The main building with the restaurant and convenience store is located close to the intersection of Pack Road and Colonel Talbot Road. There is a door from the convenience store that leads to Pack Road which provides direct pedestrian access to the building without having to go through the parking or drive-through areas. There is also a patio space located along the Colonel Talbot Road frontage at the intersection which will positively activate the space along the road.

General Policies

Residential areas will develop as traditional suburban neighbourhoods reflecting compact development and walkable amenities to enhance the day to day living experience (20.5.4.1.ii). The site will be walkable to the future and existing residents to the south and east and will provide local services and convenience shopping.

North Lambeth Neighbourhood

The site is located within the North Lambeth Neighbourhood, primarily within the medium density residential designation with a small portion within the low density residential designation. The Southwest Area Secondary Plan allows the primary permitted uses within the Medium Density Residential Designations to be permitted in the Low and Medium Density Residential Designations, including a limited range of convenience and personal service commercial uses, small-scale eat-in restaurants, civic and institutional uses within the medium density residential designation (20.5.10.1.ii). The site has existing permission for convenience commercial uses, and is seeking to broaden the range of uses with the addition of a take-out restaurant and to add the service station use through an Official Plan Amendment. The requested uses are regulated by policy 3.6.5 in the 1989 Official Plan for convenience commercial and service station uses in the residential designations.

1989 Official Plan

3.6.5 Convenience Commercial and Service Stations

The preferred location for convenience commercial and service station uses is within the commercial designations, however it is recognized that on some sites in the residential designations these uses may be appropriate. New convenience commercial and service stations within the residential designations require an Official Plan and Zone change, based on the following criteria:

- i) *Convenience commercial uses should be designed to function at a neighbourhood scale while providing services to surrounding residential areas and the travelling public*

The site has existing convenience commercial zoning which permits a range of small-scale, local commercial and retail uses, and the additional uses of service station and take-out restaurant will further serve the local community while also providing services to passing motorists.

- ii) *Convenience commercial and service station uses permitted within the residential designations including the following:*
- a. *Variety stores, video rental outlets, film processing depots, financial institutions, medical/dental offices, small take-out restaurants and small food stores.*
 - b. *Service stations, gas bars, and service stations in combination with car washes.*

The total gross floor area for the site is under 500m² which provides a limited range of commercial and service uses. The proposed convenience store, take-out restaurant, gas bar and car wash are appropriate for the site and will serve the local area as well as the travelling public. The small-scale nature of the site ensures the proposed uses are not intended, or more appropriate for, a commercial designation instead.

- iii) *Convenience commercial uses and service stations will be located on arterial or primary collector roads where it can be demonstrated that such uses are compatible with surrounding land uses and will not have a serious adverse impact on the traffic-carrying capacity of roads in the area. The preferred locations for convenience commercial uses and service stations are at the intersections of major roads.*

The site has frontage on both Colonel Talbot Road and Pack Road which are arterials (civic boulevards) in this location. The site is located towards the edge of the Silverleaf Subdivision along the periphery of the community which retains the interior of the community as uninterrupted residential uses. The access to the arterial roads provides convenient access into and out of the site and will not have adverse impacts on the traffic-carry capacity of the roads.

- iv) *The size of individual convenience commercial uses and service stations will be specified in the Zoning By-law, and will be at a scale which is compatible with surrounding land uses.*
- a. *Convenience commercial centres or stand-alone uses should not exceed 1,000m of gross leasable area.*
 - b. *Service stations which are part of a convenience commercial centre shall be considered part of the gross leasable area of the centre.*

The total gross floor area of the proposed uses includes the service station area, and is under 500m², which is less than half of the contemplated maximum for convenience commercial centres within residential designations of up to 1,000m² on appropriate sites. The small-scale nature of the site is appropriate to serve both the local community and travelling public.

- v) *Convenience commercial uses and service stations will be permitted as stand-alone uses or as part of a convenience commercial centre. It is not the intent of convenience commercial policies to permit large free-standing uses that should be located in other commercial designations.*

The site is appropriately located to support small-scale, stand-alone convenience commercial and service station uses which will provide services to the surrounding community in a walkable distance to much of the Silverleaf

Subdivision. The limited gross floor area of less than 500m² combined with the moderate range of uses ensures the site maintains a local function, and does not compete with other commercial sites in commercial designations for destination commercial trips.

5.0 Key Issues and Considerations

5.1 Car Wash and Noise Wall

There is a car wash proposed towards the southerly property boundary of the site with a requested reduced interior side yard setback of 5m. The Z.-1 Zoning By-law governs the location of drive-through facilities in section 4.35, and requires a minimum setback of 30m from residential zoned lands from the edge of the drive-through lane or speaker location, whichever is closer. This setback may be reduced to 15m if a 2.4m high noise attenuation barrier is installed between the residential use and the drive-through lane.

Further reductions to the setback may be considered upon the City's review and acceptance of mitigation measures identified by a noise study prepared by a qualified noise consultant. The requested 5m setback was accompanied by a Noise Study that identified the need for a 3m to 4.5m acoustic noise barrier forming an L-shape along the southern property boundary and western boundary with the Mathers Stream to mitigate noise produced by the car wash on nearby sensitive residential uses. The height of the noise wall is considered to be excessive and unreasonable as a response to mitigating noise produced by the car wash and is not an acceptable solution. The car wash use itself is not a fundamental concern for the site, however the location and setback of the car wash is a significant concern given the intensive mitigation required to manage noise on nearby future and existing residential uses.

An alternative location for the car wash on site away from the residential zoned lands or green space associated with the Mathers Stream would better protect the residential and open space lands from noise impacts and avoid the need for the unreasonably sized noise mitigation wall. A second alternative is to increase the size of the property to provide additional setbacks from the requested 5m to 15m, as there are no set property boundaries at this time. The requested 5m setback is considered to be too great of a reduction based on the intensive mitigation response required.

The 3m-4.5m noise wall would also create a visual barrier along the Mathers Stream pathway and corridor and will detract from the natural setting and amenity along the corridor. The recommended response is to require a minimum setback of 15m from the residential zoned lands along the southerly boundary for the building and drive-through, and for a minimum setback of 30m for the building along the rear yard for the westerly boundary from the open space zoned Mathers Stream corridor. Any required noise walls would need to be less than 2.4m in height, and setback 15m from the open space zone. The car wash location, and associated noise mitigation would be further addressed and implemented through the Site Plan Application review.

5.2 Transportation and Traffic Impacts

There were concerns raised by the community about the impacts of the uses proposed on the area roads, as well as the existing transportation network surrounding the site. There is a 2 lane upgrade identified in the 2019 Development Charges Background Study for Colonel Talbot Road from James Street to Southdale Road in 2023, and on Pack Road from Colonel Talbot Road to Bostwick Road in 2032. There are currently north and southbound left turn lanes on Colonel Talbot Road and traffic signals are currently scheduled for construction in 2021 as part of a large road project. Transportation also identified the need for the construction of a left turn lane on Pack Road, as well as the extension of the left turn lane on Colonel Talbot Road to support safe and efficient access to the site while minimizing impact to the adjacent transportation network.

Gas stations and car washes are typically not destination trips and rely in the most part on pass by trips and diverted link trips, which means these uses typically do not

generate 'new' vehicle trips, but instead draw from existing adjacent street volumes and existing vehicles passing by the site. The proposed uses will cater to commuters, residents and motorists that are generally already in the area and are unlikely to draw patrons from further away. The site has access to the Mathers Stream pathway which provides connections to the future community to the south, for walkable and active transportation trips for the convenience service needs of residents utilizing the restaurant or convenience store.

5.3 Impact to Nearby Natural Area

Concern was expressed by the community regarding the proximity of the service station and the Mathers Stream corridor regarding possible contamination. The zoning of the lands to permit the service station use would still require the licencing of the facility through the Province which would regulate the operation and construction.

The Technical Standards and Safety Authority TSSA in accordance with the *Technical Standards and Safety Act, 2000* regulates the transportation, storage, handling and use of fuels in Ontario. The TSSA licences fuel facilities, registers contractors, and certifies tradespeople who install and service equipment, including the operation of fuel stations and liquid fuels through Ontario Regulation 217/01 – Liquid Fuels. The regulations are in place to ensure that the operator or licence holder ensures that every container, equipment and facility in the handling of gasoline is maintained in a safe operating condition. A licence is required under the authority for the operation of a facility which includes inspection and review of the details for the:

- location of all storage tanks;
- location of pump islands;
- details of the storage tanks, including their capacity and material of construction;
- location of property lines, buildings, kiosks, and wells located within 30m of the storage tanks and pumps;
- distance from storage tanks and dispensers to property lines, buildings and wells;
- location of vent pipes; and,
- location of the control equipment for self-serve stations.

The *Environmental Protection Act, R.S.O. 1990* (EPA) governs any fuel spillage through the Ontario Regulation 675/98, Classification and Exemption of Spills and Reporting of Discharges, under Class VIII – Petroleum Sector. A Class VIII spill is a spill of gasoline or an associated product at a location such as a bulk plant, marina, private outlet or retail outlet of not more than 25L in areas with public access, or of not more than 100L in areas restricted from public access.

Spills and notices of spills are defined and required under Part X section 91 (1) and 92 (1) of the *Environmental Protection Act R.S.O. 1990* to the Ministry, any municipality within the boundaries of the spill, the owner of the pollutant, and the person having control of the pollutant. A Class VIII spill is exempt from clauses 92 (1) if:

- a. the spill does not enter and is not likely to enter any waters, as defined in the *Ontario Water Resources Act*, directly or through drainage structures;
- b. the spill does not cause and is not likely to cause any adverse effects, other than those that are already remediated through cleanup and restoration of paved, gravelled or sodded surfaces; and,
- c. arrangements for the remediation referred to in clause b. are made and carried out immediately.

Further, a Spill Prevention and Spill Contingency Plan is required under section 91.1 of the EPA, which is required to be developed and implemented to:

- a. prevent or reduce the risk of spills of pollutants; and
- b. prevent, eliminate or ameliorate any adverse effects that result or may result from spills of pollutants, including,
 - i) plans to notify the Ministry, other public authorities and members of the public who may be affected by a spill, and
 - ii) plans to ensure that appropriate equipment, material and personnel are available to respond to a spill.

Fuel facilities and operations are comprehensively and appropriately regulated by the Provincial government with regards to their operation, as well as the prevention and response to fuel spillage. At the time of Site Plan Approval quality measures will be required such as an oil/grit separator, as well as an Environmental Compliance Approval (ECA) which will address on-site controls for stormwater management.

6.0 Zoning By-law Amendment

The recommended amendment is to add the Service Station Special Provision (SS2(_)) Zone to the lands, and to amend the existing Convenience Commercial zoning through a Convenience Commercial Special Provision (CC6(_)) Zone. The Service Station Special Provision (SS2(_)) Zone will allow for the gas bar and car wash uses, with increased setbacks from residential and open space zoned lands for the car wash and any noise walls that may be required. A special provision will also address the maximum height of any noise attenuation wall on site to be no more than 2.4m. The Convenience Commercial Special Provision (CC6(_)) Zone will allow for the take-out restaurant use and associated drive-through facility.

The residential zones are appropriate to remain on the lands in the event the service station use does not eventuate, to allow a residential or mixed residential and commercial form. If residential uses are proposed after service station uses operated and ceased on the site, the assessment and remediation of the site through a Record of Site Condition would be required.

More information and detail is available in the appendices of this report.

5.0 Conclusion

The recommended amendment for the service station and convenience commercial uses is consistent with the Provincial Policy Statement, and conforms to the policies of The London Plan, the Southwest Area Secondary Plan and the (1989) Official Plan. The recommended amendment implements an appropriate use for the site and a compatible development for the surrounding lands. The Zoning By-law regulations adequately address the car wash location and mitigate impacts from any associated noise walls.

Prepared by:	Sonia Wise, MCIP, RPP Senior Planner, Development Services
Recommended by:	Paul Yeoman, RPP, PLE Director, Development Services
Submitted by:	George Kotsifas, P.ENG Managing Director, Development and Compliance Services and Chief building Official
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 Development Services.	

August 30, 2019

cc: Matt Feldberg, Manager, Development Services (Subdivisions)
Ismail Abushehada, Manager, Development Engineering
Lou Pompili, Manager, Development Planning

Appendix A

Bill No. (number to be inserted by Clerk's Office)
2019

By-law No. C.P.-1284()-_____
A by-law to amend the Official Plan for
the City of London, 1989 relating to 3493
Colonel Talbot 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 September 17, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – September 17, 2019
Second Reading – September 17, 2019
Third Reading – September 17, 2019

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 new policy in Section 3.6.5 vi) of the Official Plan for the City of London to add a portion of 3493 Colonel Talbot Road to list of locations that permit convenience commercial and service station uses.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to the northeast portion of 3493 Colonel Talbot Road in the City of London.

C. BASIS OF THE AMENDMENT

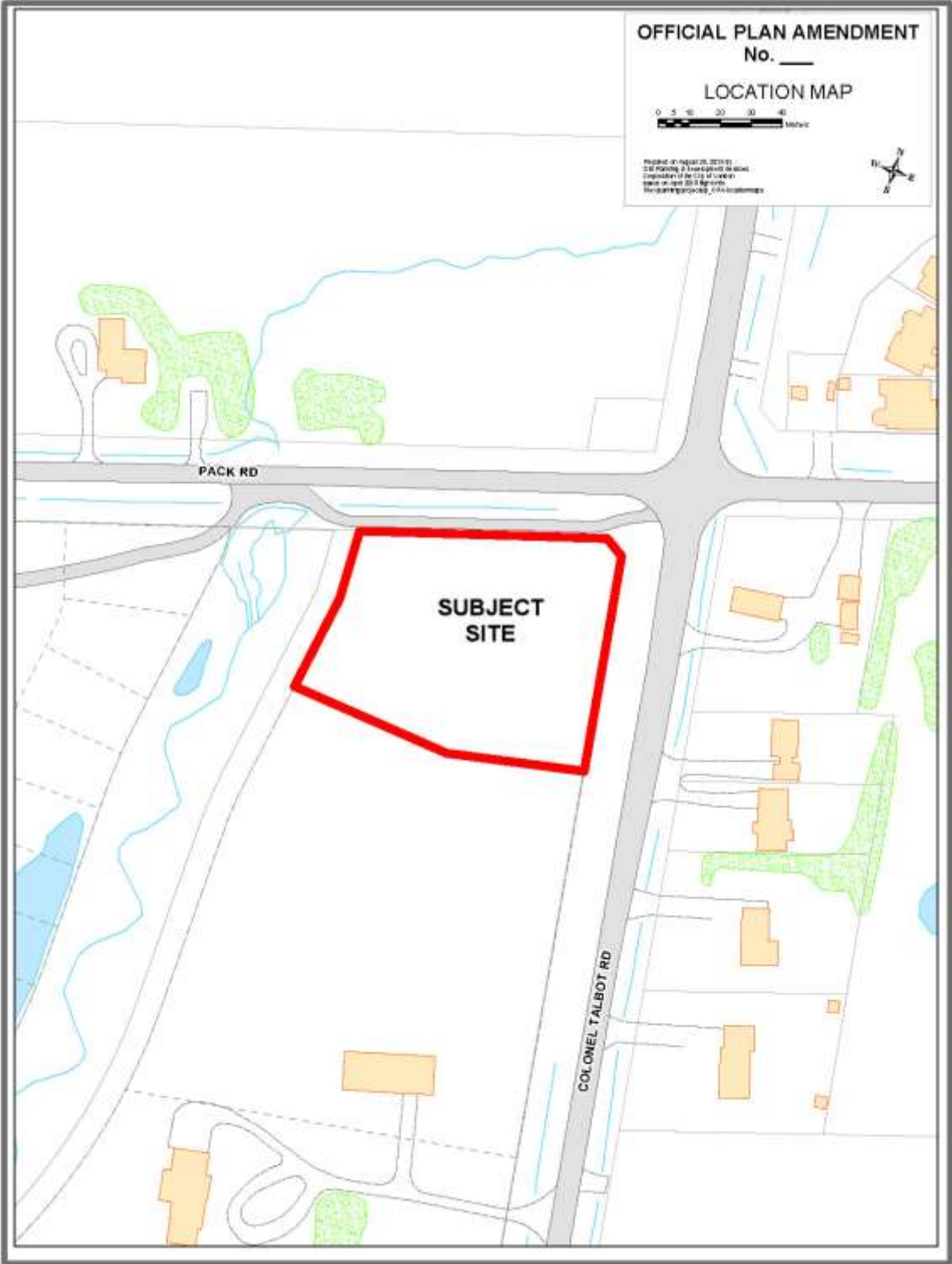
The recommended amendment will add a portion of 3493 Colonel Talbot Road to the list of locations that permit convenience commercial and service station uses to allow for a new gas bar and convenience service uses.

D. THE AMENDMENT

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

Section 3.6.5.vi) "Locations of Convenience Commercial and Service Stations" is amended by adding the following:

() 3493 Colonel Talbot Road: southwest corner of Colonel Talbot Road and Pack Road intersection – convenience commercial and service station uses



Appendix B

Bill No. (number to be inserted by Clerk's Office)
2019

By-law No. Z.-1-19 _____

A by-law to amend By-law No. Z.-1 to
rezone an area of land located at 3493
Colonel Talbot Road.

WHEREAS 2219008 Ontario Ltd has applied to rezone an area of land located at 3493 Colonel Talbot 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 3493 Colonel Talbot Road, as shown on the attached map comprising part of Key Map No. A110, from a holding Residential R6 Special Provision/Residential R8 Special Provision/Convenience Commercial (h*h-100*h-198*R6-5(46)/R8-4(30)/CC6) Zone, to holding Residential R6 Special Provision/Residential R8 Special Provision/Convenience Commercial Special Provision/Service Station Special Provision (h*h-100*h-198*R6-5(46)/R8-4(30)/CC6(_)/SS2(_)) Zone.
- 2) Section Number 29.4 of the Convenience Commercial (CC6) Zone is amended by adding the following Special Provision:
 -) CC6() 3493 Colonel Talbot Road
 - a) Additional Permitted Use
 - i) Restaurant, take-out with or without a drive-through facility
 - b) Regulations
 - i) Exterior side yard depth 4.5m (14.7 ft)
(Minimum)
- 3) Section Number 30.4 of the Service Station (SS2) Zone is amended by adding the following Special Provision:
 -) SS2() 3493 Colonel Talbot Road
 - a) Regulations
 - i) Exterior side yard depth 4.5m (14.7 ft)
(Minimum)
 - ii) Rear and Interior Side Yard 30m (98ft)
Depth abutting an
Open Space Zone
(Minimum)
 - iii) Noise attenuation barriers prohibited within 15m (49ft)
of an Open Space Zone
 - iv) Notwithstanding the provisions of 15m (49ft)

section 4.35.1) of the By-law Z.-1 to the contrary, the Rear and Interior Side Yard Depth for a drive-through Facility from the edge of the drive-through lane or speaker location abutting a Residential Zone (Minimum)

- | | | |
|----|--|---------------|
| v) | Notwithstanding the provisions of Section 4.35.1) of the By-law Z.-1 to the contrary, Noise attenuation barrier height (Maximum) | 2.4m (7.8 ft) |
|----|--|---------------|

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.

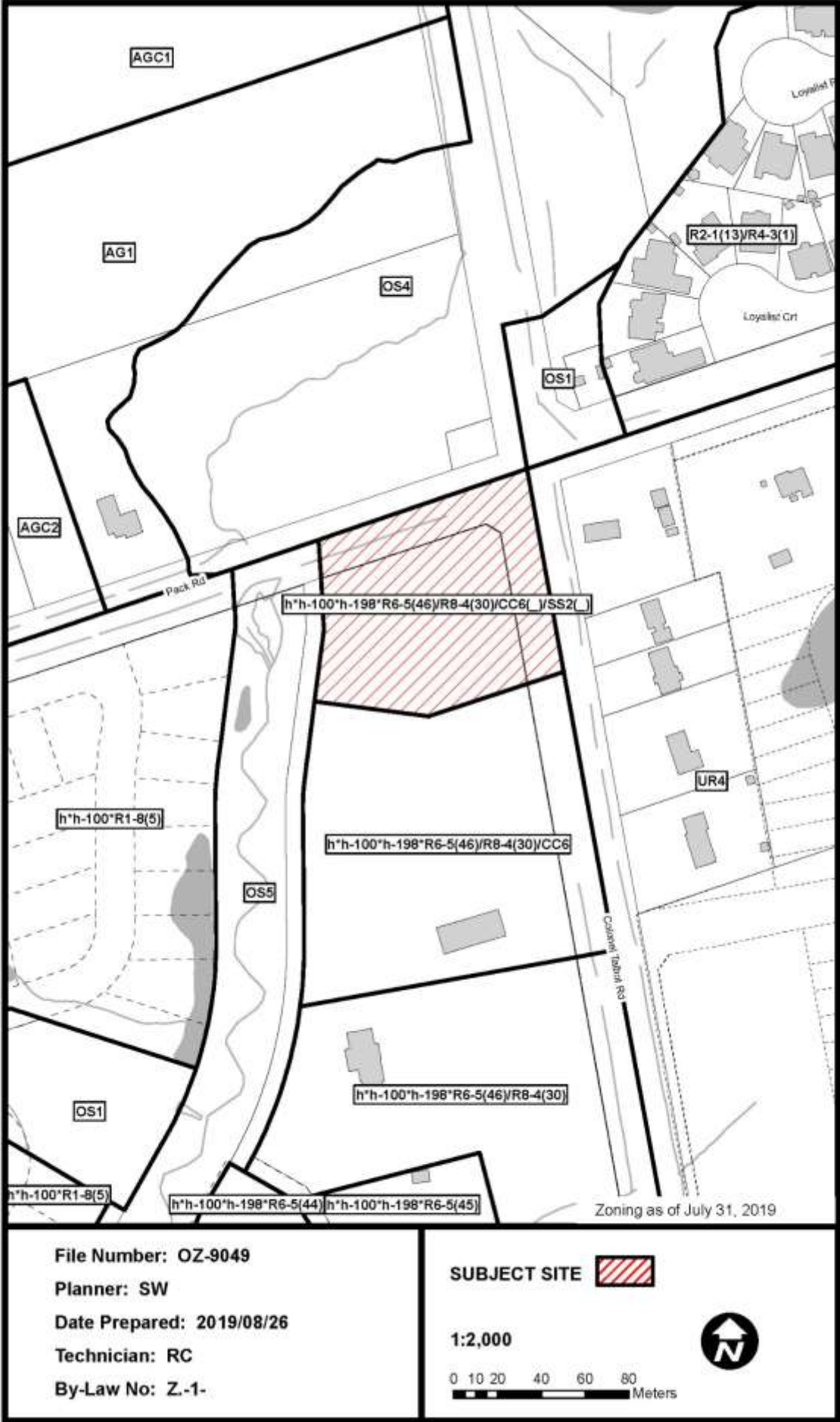
PASSED in Open Council on September 17, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – September 17, 2019
Second Reading – September 17, 2019
Third Reading – September 17, 2019

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



Appendix C – Public Engagement

Community Engagement

Public liaison: On May 8, 2019, Notice of Application was sent to 17 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on May 9, 2019. A “Planning Application” sign was also posted on the site.

4 replies were received

Nature of Liaison: Official Plan and Zoning change is to permit a new gas bar, car wash, convenience store and take-out restaurant. Possible amendment to the Official Plan to add the site to the Locations of Convenience Commercial and Service Station Uses in section 20.5.17.3 - 3.6.5.vi of the Southwest Area Secondary Plan to permit the additional use of service station (automotive uses - restricted). Possible change to Zoning By-law Z.-1 **FROM** a holding Residential R6 Special Provision/Residential R8 Special Provision/Convenience Commercial (h*h-100*h-198*R6-5(46)/R8-4(30)/CC6) Zone **TO** a holding Residential R6 Special Provision/Residential R8 Special Provision/Convenience Commercial Special Provision/Service Station Special Provision (h*h-100*h-198*R6-5(46)/R8-4(30)/CC6(_)/SS2(_)) Zone to permit the automotive uses restricted, in addition to the existing permitted uses. Special Provisions are requested to permit drive-thru facilities, a reduced interior side yard setback of 5m and a reduced exterior side yard setback of 4.5m.

Responses: A summary of the various comments received include the following:

Concern for:

- No need for a gas bar in this location (x2)
- Does not fit with residential character
- Currently difficult to turn left from Pack Road to Colonel Talbot Road (x2)
- Negative impacts on traffic flow, traffic volume, noise and collisions (x3)
- Negative impact on property values (x2)
- There are already 20 gas bars within 5km of the site
- Environmental impact of buried and leaking gas tanks (x3)
- Soil Contamination
- Less need for gas stations with more electric cars
- Concern for future reuse of site when/if gas station ceases operation
- Negative impact of commercial uses on pathway ambience
- Not in keeping with what was originally requested
- Lot coverage is too high
- Drive throughs are prohibited
- Should be located in a commercial area

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

Telephone	Written
	Berend Hovius 7191 Clayton Walk London ON N6P 1V3
	Glen Dietz 3559 Loyalist Court London ON N6P 0A5
	Ron and Sharon Wimperis 3785 Settlement Trail London ON N6P 0A6
	Harry Steiner 3555 Loyalist Court London ON N6P 0A5

From: Berend Hovius <[REDACTED]>
Sent: Saturday, May 18, 2019 9:27 PM
To: Hopkins, Anna
Subject: [EXTERNAL] Proposed Gas Station at Pack and Colonel Talbot Roads

Ms Hopkins:

We don't need gas station on this corner. Moreover, it hardly fits with the surrounding residential neighbourhoods that already exist and are being developed. It would also add to the congestion that already exists at this corner. Have you tried to turn left from Pack Rd onto Colonel Talbot between 4 and 6 PM? It is already almost impossible. This problem will get worse once traffic starts to head east on Pack Road and cross Colonel Talbot.

B. Hovius

Part 1

From: Glen Dietz [mailto:[REDACTED]]
Sent: Sunday, May 12, 2019 7:10 PM
To: Wise, Sonia <swise@london.ca>
Cc: Hopkins, Anna <ahopkins@london.ca>
Subject: [EXTERNAL] Objection to zoning bylaw amendment - 3493 Colonel Talbot Road - File: OZ-9049

Sonia Wise
Development Services
City of London
300 Dufferin Avenue, 6th Floor
London, Ontario – PO Box 5035 N6A 4L9

Sonia:

I was surprised and disappointed when I read the Notice of Planning Application for an amendment to the Official Plan and Zoning bylaw filed by 2219008 Ontario Ltd (York Development) – File: OZ-9049. The application for amendment would re-zone 3493 Colonel Talbot Road to allow a gas station and car wash to be built on the property.

My property (located at 3559 Loyalist Court) is diagonally across from the property in question, and I have major concerns about allowing this amendment to the zoning. I believe that allowing for a gas station, convenience store, and car wash to be built in this location will have negative effects on traffic volume, traffic flow, noise pollution, and increased numbers of motor vehicle collisions. I am also concerned that allowing a gas station to be built so close to residential properties will have a negative effect on property values and tax revenue for the city. Buried gas tanks are well known to be a potential source of soil contamination when they leak, so I am also concerned about the environmental impact. In addition, I have concerns about the economic impact the potential environmental hazards from buried gas tanks will have on property values in the community (Simons, Bowen, and Sementelli; 1997), (Page and Rabinowitz; 1993).

My concern about traffic volume is related to increased traffic from vehicles being driven to the gas station for refueling and for car washes. Colonel Talbot Road is already a busy street at peak traffic periods, and this will increase substantially as addition homes are built in newly developed sub-divisions, and as additional vacant land are developed in the future.

My concern about traffic flow is related to vehicles traveling north slowing or stopping before turning into the gas station when there is oncoming traffic. There have already been numerous motor vehicle collisions in this area and creating additional traffic hazards and increased traffic will certainly increase the number of collisions.

My concern about noise pollution stems from the increase in traffic that will occur, as well as the disruption of traffic flow, and vehicles accelerating again after they are stopped by vehicles turning into the gas station. My property backs onto Colonel Talbot Road, and the increased noise pollution will directly impact my quality of life.

It is well documented that gas stations and convenience stores have a negative impact on property values (Zhao, Liu and Chen; 2017). Property values for residences close to a gas station are often decreased by 4 to 8% (Boxall, Chan, and McMillan; 2005), and this will also have a similar impact on the tax revenue collected by the city. This is less of an issue when a gas station is built prior to residential development in close proximity since the negative impact of the gas station will be factored into the purchase price for the property. However, when there are established properties in the area, allowing a gas station to be built nearby will drive down the property value, affecting the land owner and eventually the city when the property value is re-assessed.

There is no need for a gas bar to be located in the proposed location. There are over 20 gas stations within a 5 Km radius with the majority located on major traffic arteries along routes motorists are likely to travel. None are located in predominately residential areas. There is even one located further down Colonel Talbot Road (close to the Highway 402 exchange). This gas station has low traffic in spite of having the additional traffic from Highway 401 and 402. An additional gas station was previously located on the corner of Colonel Talbot Road and Main Street, but it closed due to low demand.

Gas stations in residential areas often do poorly, and many close leaving derelict buildings that have a negative impact on the fabric of the community. With the increasing popularity of electric vehicles, there will be even less demand for gas stations in residential communities (electric and hybrid vehicles will be charged at home). I am concerned that when the proposed gas station fails and sits empty, this will adversely affect the aesthetics and safety of my community. It will also create further uncertainty about the type of business that might replace the gas station in the future.

I would like to be kept informed about any public meetings about this bylaw amendment. I plan to attend and to make my objections part of the public record. I will also be encouraging my neighbours who are equally affected by this proposed bylaw change to voice their opinions, both in writing and at the public meetings.

Glen Dietz
3559 Loyalist Court
London, Ontario N6P 0A5

Cc Anna Hopkins – ahopkins@london.ca

References:

Boxall, P.C., W.H. Chan and M.L. McMillan. (2005). The Impact of Oil and Natural Gas Facilities on Rural Residential Property Values: A Spatial Hedonic Analysis. *Resource and Energy Economics*: 27, 248–269.

Page, G.W. and H. Rabinowitz. (1993). Groundwater Contamination: Its Effects on Property Values and Cities. *Journal of the American Planning Association*: 59, 473–482.

Qinna Zhao, Mengling Liu, and Qi Chen. (2017). The Impacts of Gasoline Stations on Residential Property Values: A Case Study in Xuancheng, China. *JorseL*:9: 66-85.

Simons, R.A., W. Bowen, and A. Sementelli. (1997). The Effect of Underground Storage Tanks on Residential Property Values in Cuyahoga County, Ohio. *Journal of Real Estate Research*: 14:1/2, 29–42.

Glen Dietz
3559 Loyalist Court
London, Ontario N6P 0A5
[REDACTED] – home

— cell

Part 2

From: Glen Dietz [mailto:]
Sent: Saturday, August 24, 2019 7:33 PM
To: Wise, Sonia <swise@london.ca>
Cc: Hopkins, Anna <ahopkins@london.ca>
Subject: RE: [EXTERNAL] RE: Objection to bylaw change - File: OZ-9049

Sonia:

Thanks for sending the notice of the public meeting to discuss the File: OZ-9049 application to amend the bylaw. I have blocked my calendar and intend to attend the meeting.

During the meeting, I plan to ask to see the road plan for the area immediately surrounding the corner of Colonel Talbot Road and Pack Road. Specifically, I am interested in seeing if and when there is a plan to install a traffic light at the corner of Pack Road and Colonel Talbot Road. I am also interested in learning if there are plans to install a median to prevent traffic traveling north on Colonel Talbot Road to turn into the southbound lane to enter the proposed gas station, and to prevent cars leaving the proposed gas station from crossing over the southbound lane to turn into the northbound lane.

My concern is that if there are no plans to install a median or some form of barrier, traffic flow will be slowed and there will be increased frequency of accidents as cars turn into the proposed gas station, or exit from the proposed gas station. If there are plans to install a median, then I am interested in seeing what is planned for turning lanes, since this will potentially create a bottleneck in traffic as cars queue to turn onto Pack Road to enter the proposed gas station.

I also plan to ask for current traffic flow data for different times of day and any projections the city has prepared of traffic flow as the area surrounding Colonel Talbot Road and Pack Road continues to develop.

I believe this information will be important for the public attending the meeting to understand the scale and scope of traffic flow interruption that could occur at different times of day, and the risk of motor vehicle collision that might occur if traffic is allowed to cross multiple lanes of busy traffic.

I wanted to provide you with my intended list of questions prior to the public meeting so you have an opportunity to prepare the information in advance of the meeting (or to wait until the meeting to receive the request, then distribute the information following the public meeting).

I am looking forward to meeting you in person on September 9th at the public meeting.

Glen

Glen Dietz
3559 Loyalist Court
London, Ontario N6P 0A5

— home
— cell

Part 1

From: Ron & Sharon Wimperis [mailto:██████████]
Sent: Wednesday, May 8, 2019 6:29 PM
To: Wise, Sonia <swise@london.ca>; Hopkins, Anna <ahopkins@london.ca>; Holder, Ed <edholder@london.ca>
Subject: [EXTERNAL] 3493 Colonel Talbot

I just saw the public notice on this property.

In the transportation section of the notice, there is reference to traffic control by adding left turn lanes. There is no reference to traffic lights in the description and the drawings of the intersection do not indicate lights.

Is this true? I tried to make a left turn there today at approx. 5pm and sat for 5 minutes before I could turn.

Anna, I again will say the foresight here is poor. What about the feeder roads? PACK ROAD CONTINUES TO BE A MESS and the planners keep putting additional strain on the area roads by adding infrastructure that has not been supported by adequate roads. I am not impressed to see the watering down of the residential plan for the area and the fragmenting of commercial property. I thought this was your stance on the Wonderland Rd development. Keep it in one area by expanding the available property for commercial. Are you flipping on your stance to this or just going with the flow?

Ed, I know your campaign talked about better infrastructure and transportation for the city. Here is a great example of the problems created by changing things over and over, without the thoughts of creating better surrounding road systems to support the work. I am told the city cannot improve the road capacity and conditions until the property is developed and the city collects their development fees. I feel this is backwards. The city needs to get ahead of the curve. Plan for it, budget for it and build out. The city has a great credit rating and it would only take a couple years to get ahead of the snowball that is becoming bigger and bigger. Alternatively use my taxes to support the ward versus those bike lanes downtown, that get very little usage. Please put the right people and strategic thinkers in place, to make this happen.

Concerned Londoners

Part 2

From: Ron & Sharon Wimperis [mailto:██████████]
Sent: Monday, May 13, 2019 11:32 AM
To: Wise, Sonia <swise@london.ca>; Hopkins, Anna <ahopkins@london.ca>; Holder, Ed <edholder@london.ca>
Subject: RE: [EXTERNAL] 3493 Colonel Talbot

Yes this is the notice I am referring to.

I did think in this day of environmental concerns and our city's commitment to improve awareness, that putting a gas station immediately adjacent to a creek in an environmentally sensitive area is not a wise decision. We all know gas stations have will have spillage and it will flow into this creek. Records show that gas stations have continually contaminated soil. Why is this different?

I did notice the changes to the planned pathways. It was going to be a nice walk through a residential area to get to the nice bridge and into the Silverleaf subdivision. Now it will be a walk by a pylon sign and commercial property that bypasses the bridge and natural area. What a waste of time, money and the ambience of walking in a more natural setting.

What about intersection control at Pack Road and Colonel Talbot. Its needed and maybe the developer could pay part of this.

Also to the comments about Pack Road being identified as a 2032 project, THAT'S OVER 12 YEARS AWAY. The road is bad now. Go drive it today and see how many potholes you need to dodge.

I am all for growth and development, when its effectively planned and executed. Sorry to be cynical here, but I don't think anyone gets the concerns about the main roadways. Also now the changes to the SWAP are starting and the highly residential and non-commercial look will be starting to change and other developers will want their changes to the zoning as well.

Hope you are listening.

Part 3

From: Ron & Sharon Wimperis [mailto:██████████]

Sent: Monday, June 10, 2019 4:09 PM

To: Lewis, Shawn <slewis@london.ca>; van Holst, Michael <mvanholst@london.ca>; Salih, Mo Mohamed <msalih@london.ca>; Helmer, Jesse <jhelmer@london.ca>; Cassidy, Maureen <mcassidy@london.ca>; Squire, Phil <psquire@london.ca>; Morgan, Josh <joshmorgan@london.ca>; Lehman, Steve <slehman@london.ca>; Van Meerbergen, Paul <pvanmeerbergen@london.ca>; Turner, Stephen <sturner@london.ca>; Peloza, Elizabeth <epeloza@london.ca>; Kayabaga, Arielle <akayabaga@london.ca>; Hillier, Steven <shillier@london.ca>; City of London, Mayor <mayer@london.ca>

Cc: Wise, Sonia <swise@london.ca>; Hopkins, Anna <ahopkins@london.ca>

Subject: [EXTERNAL] 3493 Colonel Talbot Rd, File: OZ-9049

Sometime in the near future you will be asked to vote on amending the zoning bylaw regarding 3493 Colonel Talbot Rd, in order to allow a Service Station in a zoned CC6 zone.

The lay of the land, to this property, is sensitive to it's surrounding environmental assets. Dingman Creek is feed directly by Mather's Stream and the two meet less than 500 m away from this property. This stream and its spillway are most importantly, within 25 meters of this property. Conceptual Site Plans, seem to conveniently overlook this key piece of information. Imagine any overflow or spills of oil and/or gasoline entering this environmentally sensitive area. The impact downstream would be disastrous on the local environment and vast wildlife.

As a council that has stated a definitive stance to climate change and environmental concerns, I urge you to vote down this request and maintain the current zoning. The present residential zoning is best. Re-zoning for light commercial is ok, but commercial that includes a Service Station is unquestionably against what city council has said you stand for. Here's a chance to stand up for what you have said you believe in.

A concerned area resident and Londoner.

Ron Wimperis

May 13, 2019

May 29, 2019

City of London, Development Services

6th Floor - 300 Dufferin Avenue

PO Box 5035

London, Ontario.

N6A 4L9

Attention: Ms. Sonia Wise, Senior Planner

Re: File #OZ-9049

Dear Ms. Wise,

We received the notice of the requested change to zoning by York Developments of the Silver Leaf site.

My initial objections centered on the obvious ones of traffic congestion, air pollution (running engines for the car wash and drive through), noise pollution, visual pollution (signs), potential soil contamination, (on site as well as the surrounding area), not to mention the negative impact on nearby residential property values.

The inclusion of a small convenience store that is permitted in the present zoning and planning agreement is a far cry from what the developer is now asking for.

The proposed use of the site far exceeds the permitted lot coverage of 30% and the installation of a car wash and gas station (especially a 24 hour per day operation) as well as a drive through fast food restaurant are specifically prohibited so why are they now being considered.

The location at an already very busy intersection will only exasperate the dangerous situation that already exists, as evidenced by the frequent number of collisions that occur there.

In my opinion the proposed services would be much better suited to an area that is already primarily commercial, for instance at the corner of Colonel Talbot and Southdale, where the environmental impact would be better absorbed.

The land use review concluded that the proposed use posed no concern...to whom?

It is my understanding that a change of Zoning to this extent would only be considered if the property in question were located at the intersection of two Civic Blvds. Has Pack Road been reclassified from an neighborhood connector?

In closing I would appreciate being advised of any public meetings regarding this application so that I may voice my concerns in person.

Regards



Hardy M. Steiner

3555 Loyalist Court

London, Ontario. N6P 0A5

/HMS

Agency/Departmental Comments

London Hydro – May 14, 2019

No objection

Upper Thames River Conservation Authority Memo Excerpt – May 29, 2019

As indicated, the subject lands are regulated by the UTRCA and are located within the Dingman Screening Area. A Section 28 Permit will be required for development on these lands. As part of the detailed design stage through the Site Plan process with the City, the UTRCA will require cross sections for the associated channel works along Mathers Stream and for grading/elevation between the site and Mathers Stream these cross sections should include the location of the proposed pathway.

The UTRCA has no objections to this application.

Development Services – Heritage Email Excerpt: June 3, 2019

This e-mail is to confirm that I have reviewed the following Archaeological Assessments for the above property and application:

- Stage 1-2 Archaeological Assessment: Courtney Property Subdivision, 3493 Colonel Talbot Road, Jul 4, 2014, PIF# P389-0003-2013.
- Stage 3 Site Specific Assessments of the Silverleaf Subdivision Location 1 (**AfHh-415**) and Location 2 (**AfHh-416**), Nov 19, 2018, PIF# P344-0174-2017, P344-0175-2017.
- Stage 3 Archaeological Assessment: Location 8 (**AfHh-417**), Courtney Property Subdivision, 3493 Colonel Talbot Road, Oct 29, 2014, PIF# P256-0277-2014.
- Stage 4 Archaeological Mitigation of Development Impacts for the Silverleaf Subdivision Location 2 (**AfHh-416**), Feb 25, 2019, PIF# P344-0275-2019.
- Stage 4 Archaeological Mitigation: Location 8 (**AfHh-417**), Courtney Property Subdivision, 3493 Colonel Talbot Road, Nov 2, 2015, PIF# P256-0315-2014.
- Stage 3 Site Cemetery Assessment of the Mathers Family Cemetery – Part of Lot 75, Concession West of the North
 - Branch of Talbot Road, Geographic Township of Westminster, now City of London, Middlesex , November 18, 2018, PIF# P344-0196-2018.

I find the reports (analysis, conclusions and recommendations) to be sufficient to fulfill the requirements for the above OZ-9049 application.

Development Services – Engineering: August 23, 2019

Transportation

- Road widening dedication of 18.0m from centre line required on Pack Road & Colonel Talbot Road
- 6.0m x 6.0m daylight triangle required
- Construction of a left turn lane on Pack road is required as well as the extension of the left turn lane on Colonel Talbot Road
- Detailed comments regarding external works and access design and location will be made through the site plan process

Development Services – Urban Design: August 26, 2019

Urban design staff have reviewed the site plans, elevations, and the urban design brief that form part of the Zoning By-law Amendment application for the above noted address and provide the following urban design related comments consistent with the Official Plan, applicable by-laws and guidelines:

- Explore opportunities to include maximum front yard setbacks for the carwash function in order to avoid the requirement for noise walls located along the Open Space lands to the west of the site.
- Further design related issues that will be dealt with through the Site Plan Process include;
 - - The inclusion of a combination of low masonry walls (max. 0.7m in height) and landscaping in areas where asphalt areas are adjacent to the street in order to screen this function and provide a built edge;
 - Exploring opportunities to reduce the amount of asphalt proposed on the site, in particular any areas that are shown with asphalt and painted lines as well as areas not required for movement or parking of vehicles
 - Ensure all asphalt areas are setback 3m from any street frontage
 - Ensuring the parking area is designed to meet the Parking Lot design requirements of the Site Plan Control By-Law in particular as it relates to landscape islands;

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

- 1.1.3.1 – settlement areas
- 1.1.3.6 – compact form and mix of uses
- 1.1.1.b) – range and mix of uses
- 1.3.1.b) – economic development and competitiveness

Environment Protection Act, R.S.O. 1990

- 91 (1) Spills
- 91.1 Spill Prevention and Spill Contingency Plans
- 92 (1) Notice of Spill

O.Reg 675/98: Classification and Exemption of Spills and reporting of Discharges Class VIII – Petroleum Sector

O.Reg 217/01: Liquid Fuels

- 4 – Licences and Registration
- 6 – Authorization required for handling
- 20 – Licences

Technical Standards and Safety Act, 2000

The London Plan

- 54 – Our Strategy
- 59_6 – mixed-use compact city
- 62_9 – development as a good fit
- 69 – City Structure Plan
- 99_1 – Rural Urban Interface
- 143 – Community Framework – Neighbourhoods
- 184 – City Building
- 228 – Crime Prevention Through Environmental Design
- 253 – Site Layout
- 256 – buildings sited along street edge
- 259* - buildings should have minimal setbacks
- 290* - corner sites should address the corner
- 257* - buildings should preserve views of natural features
- 264 – drive aisles not located between building and street
- 265 – drive through facilities
- 291* - building entrances and windows
- 916_6 & _7* - Neighbourhoods Place Type
- 918_5* - commercial, service and mixed-uses
- Table 10-12* - permitted uses
- 919_4 – major road frontages
- 932 – drive-through facilities in Neighbourhoods
- 1556 – Secondary Plans Status
- 1577* – evaluation criteria for applications
- 1578_6* - potential impacts on adjacent lands
- 1766 – noise and vibration

Southwest Area Secondary Plan

- 20.5.3.9 – urban design policies
- 20.5.3.9.i.e – open space physical and visual access
- 20.5.3.9.i.l – visual connection and access to parks
- 20.5.3.9.iii.b – principle entrance location
- 20.5.4.1.ii – walkable amenities
- 20.5.10.1.ii – limited range of commercial uses

1989 Official Plan

Chapter 3 – residential designations

3.6.5 – convenience commercial and service station uses

Z.-1 Zoning By-law

Chapter 2 – definitions

Chapter 4 – general provisions

Chapter 10 – Residential R6 Zone

Chapter 12 – Residential R8 Zone

Chapter 29 – Convenience Commercial

Chapter 30 – Automobile Service Station

Appendix D – Relevant Background

Additional Maps



LOCATION MAP

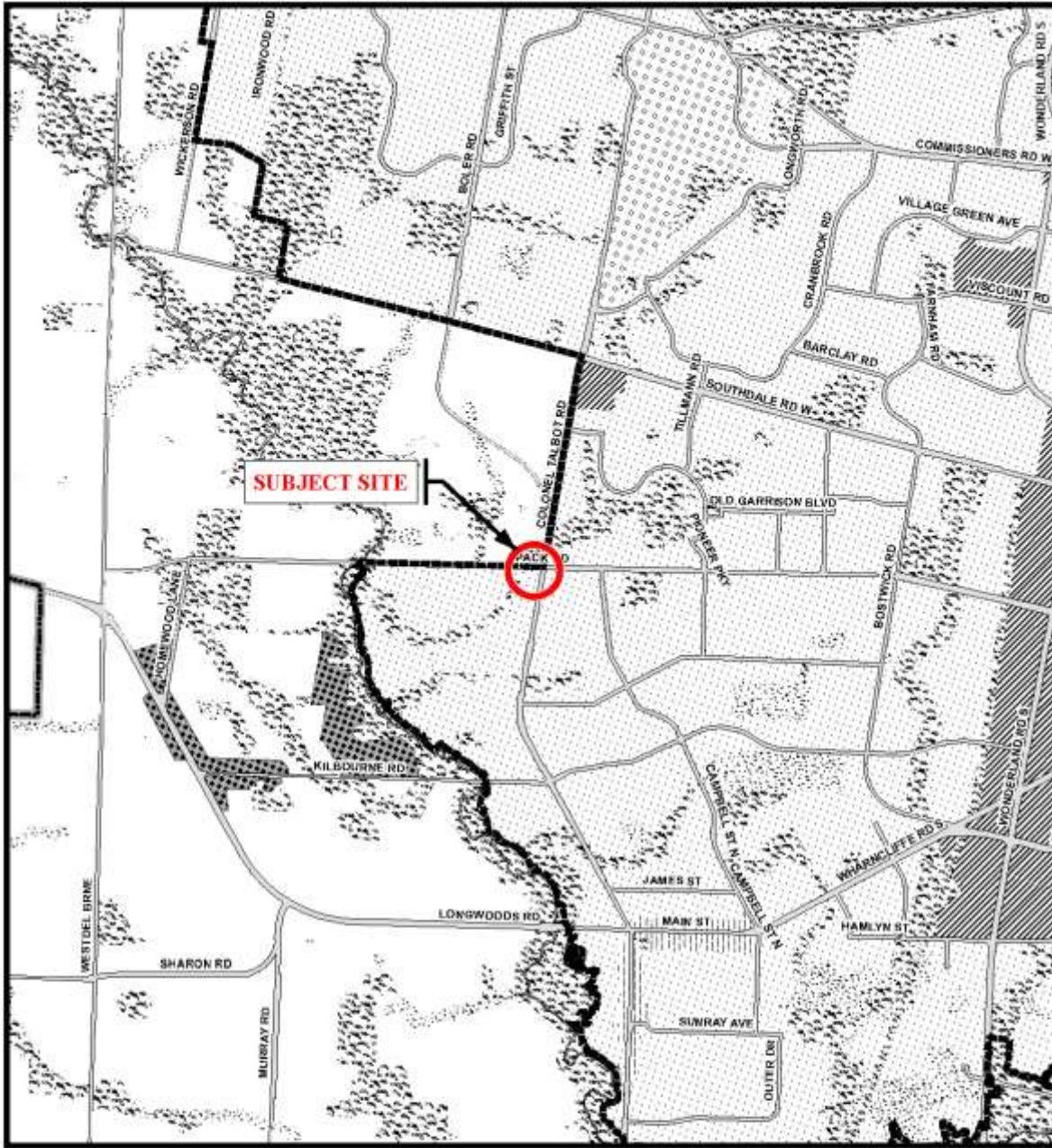
Subject Site: 3493 Colonel Talbot Road
File Number: OZ-9049
Planner: Sonia Wise
Created By: RC
Date: 08/26/2019

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

Legend

 Subject Site

Scale 1:1500



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



Scale 1:30,000

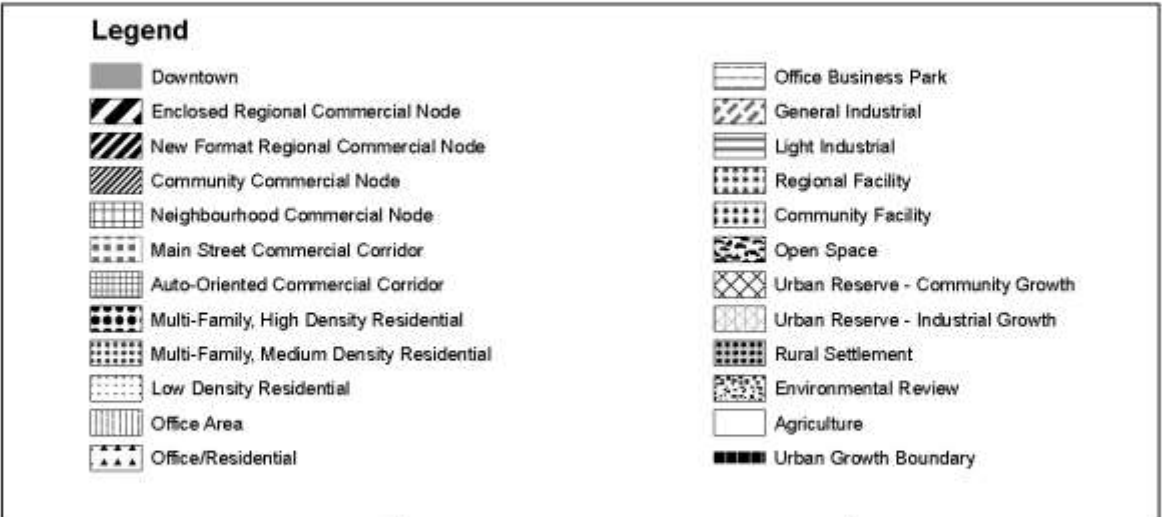
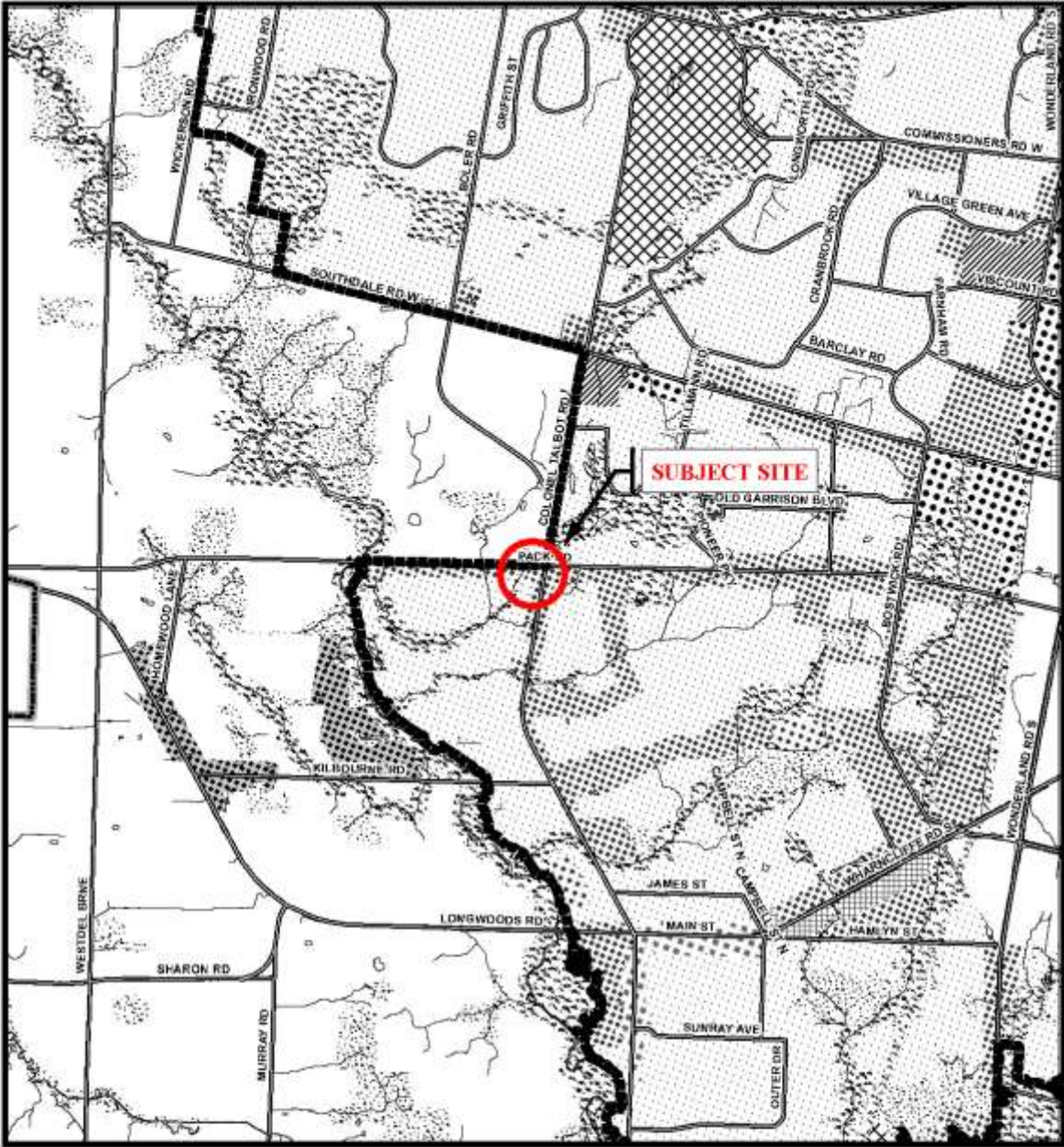


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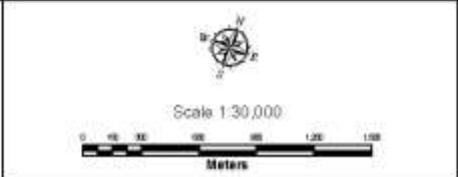
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Technician: RC

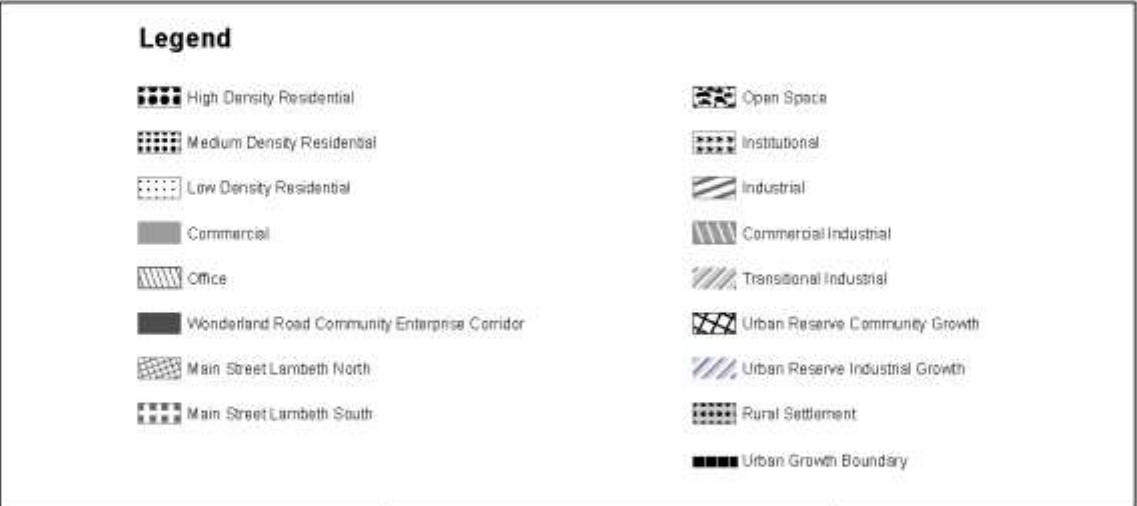
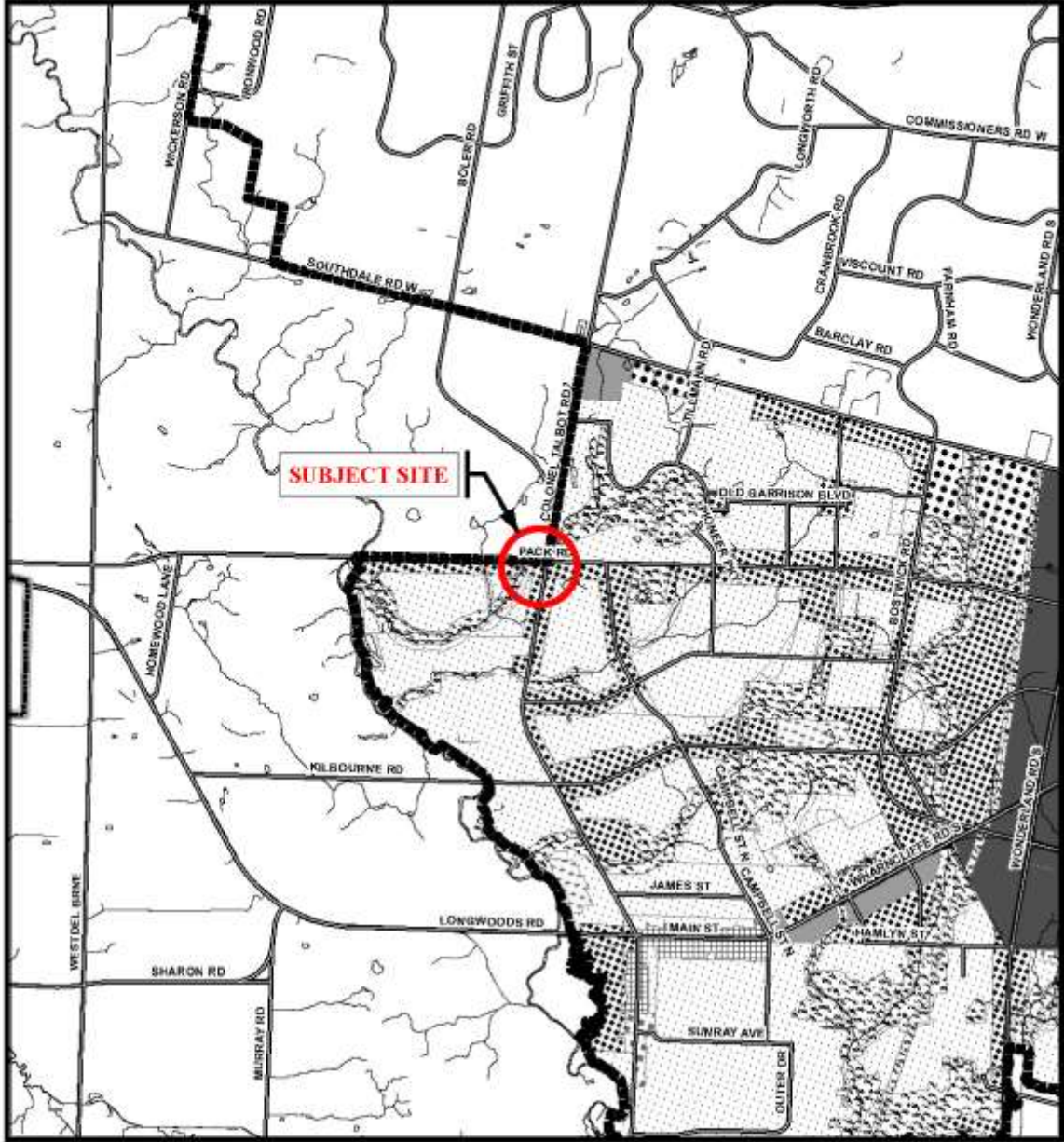
Date: August 26, 2019



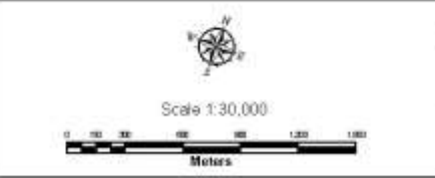
CITY OF LONDON
 Department of
 Planning and Development
 OFFICIAL PLAN SCHEDULE A
 - LANDUSE -
 PREPARED BY: Graphics and Information Services



FILE NUMBER: OZ-9049
 PLANNER: SW
 TECHNICIAN: RC
 DATE: 2019/08/26



CITY OF LONDON
Planning Services /
Development Services
 SOUTHWEST AREA STUDY SECONDARY PLAN
 - LANDUSE -
 PREPARED BY: Graphics and Information Services



FILE NUMBER: OZ-9049
PLANNER: SW
TECHNICIAN: RC
DATE: 2019/08/26



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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
 "N" - 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**



FILE NO:
OZ-9049 SW

MAP PREPARED:
2019/08/26 RC

1:2,000

0 12.5 25 50 75 100 Meters

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