

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: Oxford Westdel Centre Inc.
1919 and 1929 Oxford Street West

Public Participation Meeting on: June 22, 2020

Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of Oxford Westdel Centre Inc. relating to the property located at 1919 and 1929 Oxford Street West:

- (a) The proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting June 29, 2020 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** a Residential R1 (R1-14) Zone and a holding Convenience Commercial (h-17*CC3) Zone **TO** a holding Residential R1 (h-94*R1-14) Zone and a holding Community Shopping Area Special Provision (h-17*CSA1(_)) Zone.
- (b) **IT BEING NOTED** that the following site plan matters have been raised during the public participation process:
- i) Restrict the access along Oxford Street West to right-out only;
 - ii) Locate garbage facilities away from the Oxford Street West frontage;

Executive Summary

Summary of Request

The requested amendment is to redevelop and enlarge the existing gas station and add a restaurant and convenience store.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended action is to facilitate the redevelopment of the subject site for a new gas bar, take-out restaurant and convenience store with drive-throughs.

Rationale of Recommended Action

1. The recommended Zoning Amendment is consistent with the *Provincial Policy Statement (PPS), 2020*, which encourages an appropriate range and mix of uses to meet projected requirements of current and future residents;
2. The recommended amendment conforms to the in-force policies of The London Plan, including but not limited to, the Shopping Area Place Type, Our City, Our Strategy, and all other applicable London Plan policies;
3. The recommended amendment permits an appropriate range of commercial and automotive uses that conform to the in-force policies of the (1989) Official Plan, including but not limited to the Community Commercial Node designation; and,
4. The recommended Zoning By-law Amendment permits development that is appropriate for the site and compatible with the surrounding land uses.

Analysis

1.0 Site at a Glance

1.1 Property Description

The subject site is comprised of two properties and located at the intersection of Oxford Street West and Westdel Bourne. The corner property is currently used as a small gas bar and convenience store (Esso), and the property to the west is used as an existing single detached dwelling. The lands slope downhill to the north away from the intersection of Oxford Street West and Westdel Bourne. There are low density residential dwellings to the north and west, commercial uses to the east and future commercial and residential uses to the south.



Figure 1: 1919 & 1929 Oxford Street West – street view images

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

- Official Plan Designation – Community Commercial Node
- The London Plan Place Type – Shopping Area
- Existing Zoning – Residential R1 (R1-14) Zone and a holding Convenience Commercial (h-17*CC3) Zone

1.3 Site Characteristics

- Current Land Use – gas station and single detached dwelling
- Frontage – 60.2m
- Depth – 79.8m
- Area – 4,804m²
- Shape – rectangular

1.4 Surrounding Land Uses

- North – existing residential
- East – mixed use
- South – vacant lands future commercial
- West – existing residential

1.6 Location Map



2.0 Description of Proposal

2.1 Development Proposal

The request is to redevelop and enlarge the existing gas bar with a new gas station, convenience store and take-out restaurant. Access is proposed from both Westdel Bourne and Oxford Street West. A portion of the site to the north is outside of the lands designated for commercial uses and will be reserved for future development. Special provisions are requested to allow for a reduced setback from the drive-through facility to the west property boundary and for reduced building setbacks.



Figure 2: Site Concept Plan

3.0 Relevant Background

3.1 Planning History

There have been no recent planning applications for 1919 Oxford Street West, and the site has been historically and consistently used as a gas station. The site at 1929 Oxford Street West was purpose-built circa 1950 as a single detached dwelling and is currently used for the same purpose.

3.2 Requested Amendment

The initial request was for a Convenience Commercial Special Provision (CC3(_)) Zone. The Convenience Commercial zone variations are typically applied to suburban contexts within residential neighbourhoods and designations.

The revised request is for a Community Shopping Area Special Provision (CSA1(_)) Zone which more appropriately implements the Shopping Area Place Type and Community Commercial Node designation. A Residential R1 (R1-14) zone will continue to recognize the future residential uses on the northern portion of the site.

3.3 Community Engagement (see more detail in Appendix B)

There was one reply received to the circulation of the application, which requested the City mandate a joint access for the property to the west to utilize in the future. The lands to the west of the subject site are in the Neighbourhoods Place Type, Low Density Residential Designation and are zoned exclusively for one single detached dwelling. There is no commercial potential or application for a future commercial use of the property. Having a combined access for a commercial use and a residential use does not represent a harmonious or compatible access arrangement and would mix a sensitive and an intensive land use. Depending on the future proposal for the site, a

joint access arrangement may be warranted, however at this time there is no demonstrated need or benefit to having a mandatory arrangement for one access between the two different land uses.

3.4 Policy Context (see more detail in Appendix C)

Provincial Policy Statement 2020

The Provincial Policy Statement (PPS) 2020, 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 site is located within the Shopping Area Place Type which contemplates a broad range of commercial and retail uses.

1989 Official Plan

The subject site is located within the Community Commercial Node (CCN) designation in the (1989) Official Plan, which primarily permits a broad range of commercial and retail uses. The policies contemplate service uses such as gas bars as well as convenience and restaurant uses.

4.0 Key Issues and Considerations

Use

Provincial Policy Statement, 2020

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 with a smaller version of the use existing for over 40 years, and the redevelopment of the site appropriately maintains and contributes to a local mix of commercial and convenience 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 the small-scale commercial uses that serve the local area and passing motorists, and will create local employment opportunities for existing and future residents in the area. 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 Our Strategy policies of The London Plan implements the vision of the plan through the use of overarching key directions (54). Direction #5 - is 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, restaurant and convenience commercial uses provide a local service centre that will serve the travelling public as

well as providing some walkable amenities for the nearby existing and planned communities.

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, and is comprised of the following framework policy areas of: growth, green, mobility, economic and community (69). The economic framework establishes a high-level plan for key elements of the City that will drive economic success over the next 20 years, with Shopping Areas forming part of the economic framework that serve the regular needs of those who live near them as well as those who travel to them for goods and services (126* & 129). The site will support the day to day small-scale retail and service needs of residents and passing motorists in the area.

The subject site is within the Shopping Area Place Type which includes commercial centres that service their immediate neighbourhoods, provide a walkable focal point, or are large centres that serve a much broader population (874). A broad range of retail, service, office, entertainment, recreational, educational, institutional, and residential uses may be permitted (877_1). The service station, restaurant and convenience commercial uses provide services and associated uses that complement other existing and future commercial and retail uses in the same place type. Shopping areas will be nodal in configuration, and the site forms the northwest quadrant and the smallest allocation of the Shopping Area place type at the intersection of Oxford Street West and Westdel Bourne (876_6).

The corner site is currently zoned to permit convenience commercial uses and service station uses, and the amendment will extend this permission to the second property to the west as well. The additional uses will continue to provide services for the local community while also catering to the needs of passing motorists.

1989 Official Plan

The lands are within the Community Commercial Node designation which are intended to provide for a wide range of goods and services which are needed on a regular basis (4.3.7.1). Community Commercial Nodes are smaller in size and there is less emphasis on comparison shopping needs and more on community specialized services. The permitted uses include all types of retail outlets, convenience commercial uses, restaurants, and a limited range of automotive services (4.3.7.3). The proposed redevelopment of the site provides an appropriate range of uses for its size and location within the Community Commercial Node.

Intensity

Provincial Policy Statement, 2020

The subject site is located within the Urban Growth Boundary and within a settlement area which is consistent with the PPS direction 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, restaurant and service station uses efficiently utilize the existing infrastructure and public service facilities available, and are located at the intersection of a shopping area node that is adjacent to new and existing development and is intended for commercial uses.

The London Plan

The northwest quadrant of the intersection of Westdel Bourne and Oxford Street West represents one of the smallest portions of the Shopping Area place type which will result in a more modest development potential than a larger site. Sites within the Shopping Area Place Type will be a sufficient size and configuration to accommodate the proposed development and to help mitigate planning impacts on adjacent uses (878_5). The site is large enough to sufficiently accommodate the proposed uses, associated

parking, screening and buffering needed for functional operation. Reduced setbacks are requested for the building to be located closer to the street, and for the drive-through to be located closer to the west property boundary. The requested reductions are reasonable and will serve to improve the commercial presence on the streetscape and the movement of vehicles on site.

Where a Shopping Area Place Type abuts a Neighbourhoods Place Type consideration is given to ensure that a positive interface is created between the commercial and residential uses (877_4). The site is appropriately located and oriented to the corner of two major roads and provides adequate distance and buffering to the nearby residential uses to ensure there are no adverse impacts on the nearby sensitive uses.

Drive-Through and Noise Wall

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, along with a minimum landscape strip of 3m. The requested setback is at 10.5m from the property boundary to the west where the lands are zoned and used as residential, and is requesting a reduced landscape strip of 1.6m. A noise study was submitted that supports the reduction of the setback required with the provision of a 3.2m (10.5 ft) tall noise attenuation barrier located at the west boundary of the drive-through facility. The landscaping proposed within the reduced strip is adequate to provide for privacy screening. The noise mitigation and reduced landscape strip has demonstrated there is still the ability to provide adequate buffering between the drive-through and commercial uses and the adjacent residential uses.

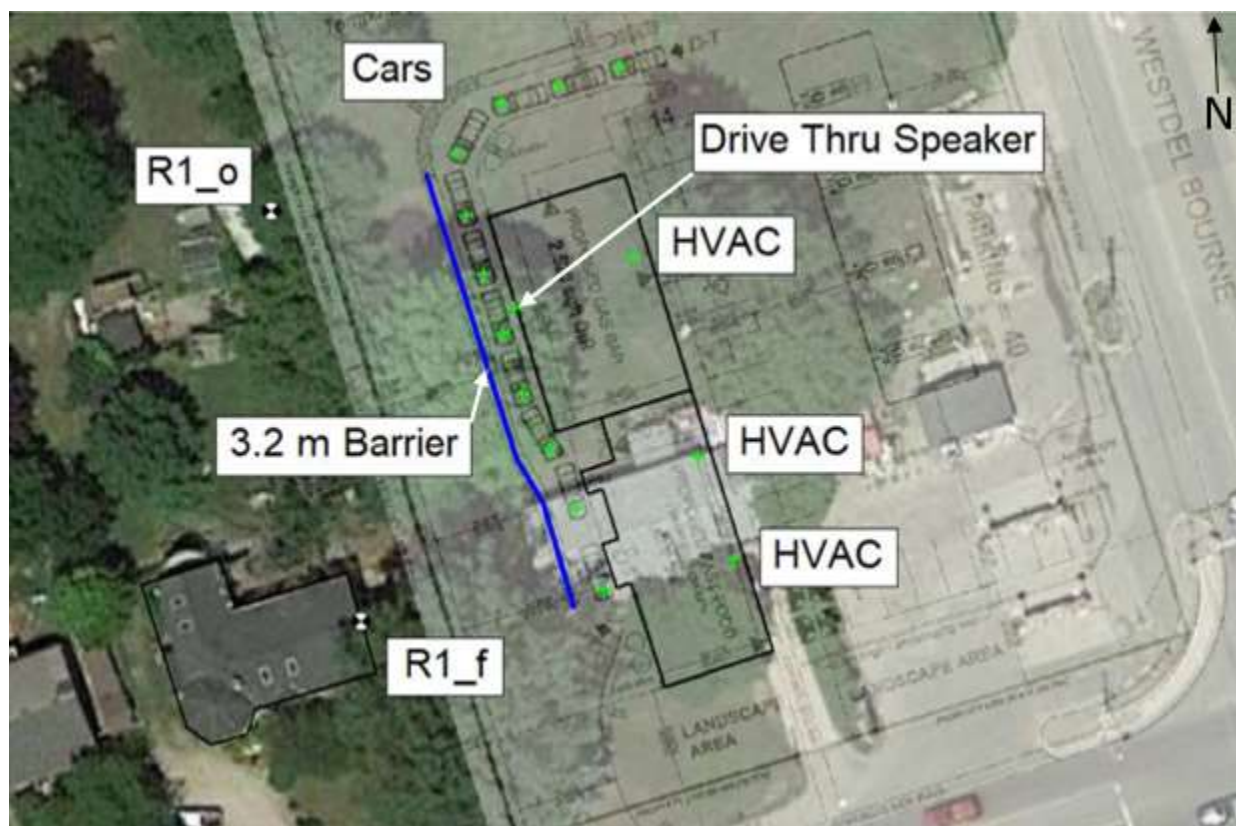


Figure 3: Location of Noise Sources and Mitigation

Servicing

The site currently has access to water from the municipal 300m PVC watermain on Oxford Street West. Presently there are no municipal sanitary sewers to serve the lands, and future servicing will be provided from Westdel Bourne. An "h-17" holding provision is proposed to form part of the zoning for the site which permits the continuation of dry uses on-site until sanitary services can be connected. The site is tributary to the Tributary "C" Stormwater Management Facility A for major and minor flows, and future stormwater management for the site will be required to conform to the

Tributary “C” Environmental Assessment. The gas station use and impact on the sensitive Tributary “C” environmental system and the infiltration design will be reviewed in detail through the Site Plan Approval Stage, including such measures as an oil/grit separators for the gas station, clay liners to isolate underground tanks, and a spill action plan for the site to prevent the migration of any hydrocarbons into City infrastructure and address the impacts of long-term leaching and spills.

1989 Official Plan

Commercial development within a Community Commercial node shall normally range in size from 13,000m² - 50,000m² of gross floor area. Any expansions to the existing zoned gross floor area are subject to a Zoning by-law Amendment (4.3.7.5). The redevelopment of the subject includes one additional property which represents a minor expansion of the node. The total commercial floor space proposed is 467m² (5,017 sq ft) which is well within the intended range for the commercial node in its entirety, and reflects the smaller size of the subject site.

Form

Provincial Policy Statement, 2020

The PPS encourages a sense of place by promoting well-designed built form (1.7.1 e) PPS). The restaurant, service station and convenience store uses will reinforce the commercial nature of the intersection and frame the street in a gateway location.

The London Plan

Site Layout should be designed to minimize and mitigate impacts on adjacent properties (253). The commercial building for the convenience store, restaurant and gas station are appropriately located along the street edge of Oxford Street West and away from sensitive adjacent uses. The buildings are sited so that they maintain and reinforce the prevailing street wall along Oxford Street West (256). Fencing and landscaping will further provide buffering to the adjacent residential uses to the west from the drive-through facility.

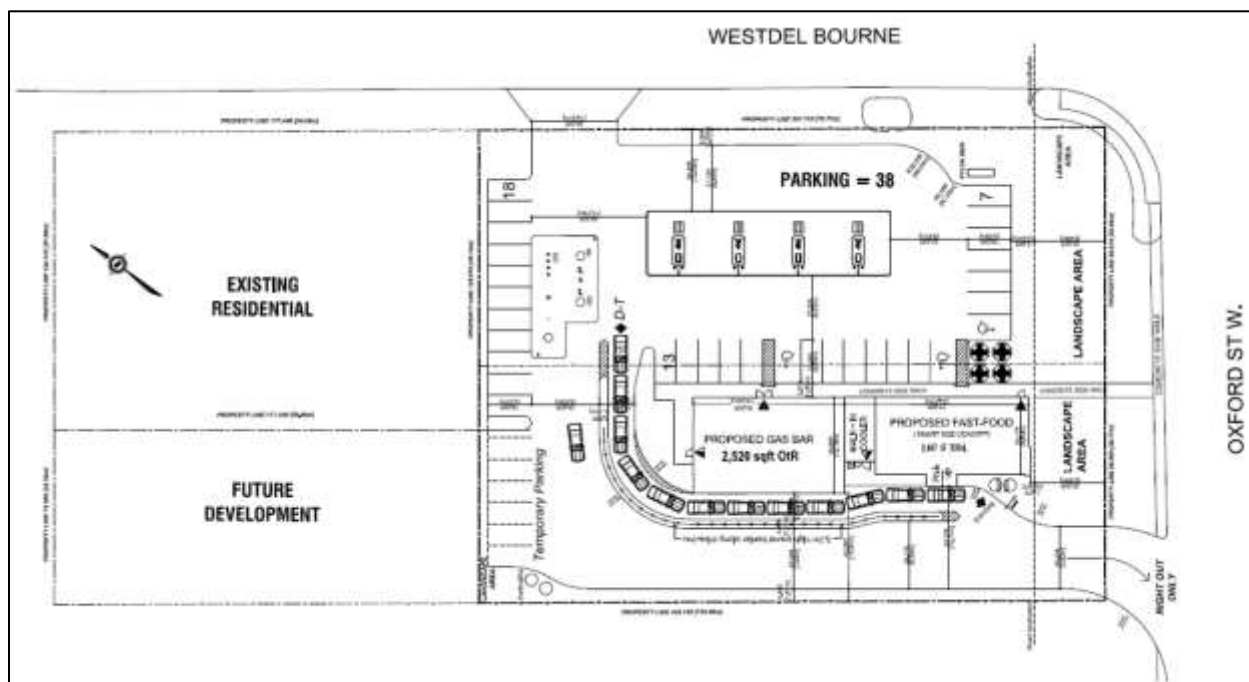


Figure 3: Site Concept Plan

Buildings should be sited with minimal setbacks from public rights of way to create a street wall and a sense of enclosure (259*). The main commercial building on site is requesting a reduced front yard setback of 0.6m to locate as close to Oxford Street West as functionally possible, which will provide convenient access to future pedestrian traffic and enhance the activity and commercial presence of the built form on the streetscape. Landscaping in the 3m parking area setback along Oxford Street West

shown on the concept plan will provide for effective on-site buffering to minimize the visual exposure of parking areas to the street and provide an appropriate treatment for this gateway location (269).

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 proposed drive through is not located between the building and the street/sidewalk, and is located around the building to the north which does not create a conflict for pedestrians accessing the building. 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 set back from Oxford Street West 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 between 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 Oxford Street West, and there is an entrance to the building at the southeast corner of the building which provides for convenient future pedestrian access from Oxford Street West.

Sites should be designed such that any large fields of parking are screened from the street, and that parking should not be permitted between these buildings and the street (879_4). The initial request included a reduced parking area setback from 3m to 0m which would not have provided any area for landscaping or screening of the parking area on the site. The revised design is providing the full 3m strip which is necessary to ensure parking is not the dominant feature from the street and allows for low rise masonry walls, shrub and tree plantings to screen the parking lot from the street.

1989 Official Plan

Community Commercial Nodes encourage free-standing structures along the street frontage to improve the design of the street edge, provide access to transit and reduce the impact of large open parking lots (4.3.7.4). The building is oriented to the street and provides an active built form along the streetscape and reinforces the commercial presence.

Evaluation Criteria

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 major roads which provides high carrying capacity of vehicles, with the Urban Thoroughfare (Oxford Street West) accommodating approximately 18,500 vehicles per day and the Neighbourhood Connector (Westdel Bourne) accommodating approximately 2,500 vehicles per day. Oxford Street West is proposed to have a rights-out access to minimize the conflicting traffic movements and potential for collisions at the south end of the drive-through between vehicles exiting the drive-through and heading north or south, vehicles departing the site at Oxford Street West and vehicles entering the site from Oxford Street West. Westdel Bourne is proposed to have full access into and out of the site.

Gas stations are typically not destination trips and the majority rely on pass by trips and diverted link trips for patronage. This 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 site is well located to serve passing motorists with access from both major roads and will not have an adverse impacts on the traffic-carry

capacity of the roads.

b. Noise

A noise study was undertaken to measure the noise generated from the proposed uses with specific attention for the noise generated from the drive-through facility. The closest points of reception for potential noise impacts on nearby sensitive uses include the adjacent dwelling and associated outdoor living space 30m from the dwelling to the west. The study recommended an acoustic barrier (noise wall) for the drive-through of a height of 3.2m (10.5 ft) which is proposed to be located directly to the west of the drive-through and not on the property boundary. The mitigation for noise impacts is reasonable to address the source generator of noise, and is an appropriate fit within the context of the abutting properties and surrounding neighbourhood. The visual impact of the noise wall will be similar to that of the proposed building.

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. The convenience service use requires 1 space per 15m² gross floor which equates to 16 spaces for a building of 234m², and the gas bar requires 3 spaces. The take-out restaurant requires 1 space per 8m² of gross floor area which equates to 29 spaces for a building with 232m², and the drive-through requires 12 stacking spaces. The total number of required parking spaces for all uses on site is 48 and there are a total of 49 parking spaces proposed which is appropriate for site function. If there is any change to the parking spaces identified as 'temporary' the parking situation and demand will need to be evaluated through a future Site Plan Application or Amendment.

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 commercial and residential designations as there is a low probability of odour emission generation that may be encountered offsite. The minimum setbacks from the gas station to the surrounding property boundaries have been met and exceeded providing sufficient separate distance.

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 is proposed at the south end of the drive-through facility that may contribute to conflicting traffic movements on site and will be evaluated in more detail during the Site Plan Approval Stage. 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. It is preferred to relocate the garbage elsewhere on site further from the Oxford Street frontage to minimize the visual impact and ensure that garbage removal trucks do not negatively impact the on-site maneuverability or block the egress.

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 Oxford Street West and Westdel Bourne away from the future residential dwellings to the north and west.

h. Shadowing

The convenience commercial building, restaurant and gas pump islands are all approximately 4.5m or one (1) storey in height and are not anticipated to be the source of any major shadows. The noise wall is slightly lower in height (3.2m) and located sufficiently off the property boundary to ensure shadow impacts are mitigated.

i. Visual impact

A portion of the site is currently used as a gas station and the proposal is to redevelop the site with an additional property for the same type and style of use. The proposed development is not anticipated to have any negative visual impact.

j. Loss of views

The site is not located in proximity to any significant view corridors associated with heritage or natural resources and the redevelopment of the site is not anticipated to have any negative interruption or loss of views.

k. Loss of trees and Canopy Cover

There are existing trees on the site and tree retention will be considered at the time of the Site Plan Approval to ensure only the minimum number of trees will be removed to facilitate the development proposed. New tree planting as determined through the landscape plan will also be dealt with at that stage.

l. Impact on Cultural Heritage Features and Areas

The site is located within an area of identified Archaeological Significance. An Archaeological Assessment has been prepared and accepted on November 21, 2019 which confirms 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. The site is within the Tributary C catchment and will be required to address stormwater management of the site through site plan approval to ensure there is no discharge or negative impact that affects the tributary.

5.0 Zoning By-law Amendment

The existing zone for the site is a Convenience Commercial (CC3) and a Residential R1 (R1-14) Zone that permits the existing gas bar and single detached dwelling uses. The initial amendment requested was for a Convenience Commercial Special Provision (CC3(_)) Zone, which is a zone that is typically found in residential designations as it does not allow for drive-through facilities as of right.

The recommended amendment is to a Community Shopping Area Special Provision (CSA1(_)) Zone which is suited and intended for the implementation of the Shopping Area Place Type and Community Commercial Node designation. Special provisions in the zone will permit a reduced building setback of 0.6m from Oxford Street West, and a reduced drive-through setback and associated noise wall height required for the west interior side yard. The h-17 holding provision will be applied to both sites to ensure that sufficient municipal servicing is available prior to site operation.

A portion of 1929 Oxford Street West is bisected by a difference in the place type/designation with the southern portion as commercial and the northern portion as residential. The residential portion of the site will remain in the residential R1-14 zone with an h-94 holding provision to ensure that future residential development occurs once the site is consolidated with adjacent lands that provides legal frontage on a public highway.

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

5.0 Conclusion

The recommended amendment for the service station, restaurant and convenience commercial uses is consistent with the Provincial Policy Statement, and conforms to the policies of The London Plan, and the (1989) Official Plan. The recommended amendment implements an appropriate range of uses for the site and is a compatible development for the surrounding lands. The Zoning By-law regulations adequately mitigate impacts from on-site uses to nearby sensitive land uses.

Prepared by:	Sonia Wise, MCIP, RPP Senior Planner, City Planning
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.	

June 12, 2020

cc: Michael Tomazincic, MCIP, RPP, Manager, Current Planning

Appendix A

Bill No. (number to be inserted by Clerk's Office)
2020

By-law No. Z.-1-20 _____

A by-law to amend By-law No. Z.-1 to
rezone an area of land located at 1919
and 1929 Oxford Street West.

WHEREAS Oxford Westdel Centre Inc. has applied to rezone an area of land located at 1919 and 1929 Oxford Street West, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 1919 and 1929 Oxford Street West, as shown on the attached map comprising part of Key Map No. A105, from a Residential R1 (R1-14) Zone and a holding Convenience Commercial (h-17*CC3) Zone to a holding Residential R1 (h-94*R1-14) Zone and a holding Community Shopping Area Special Provision (h-17*CSA1(_)) Zone.
- 2) Section Number 22.4 of the Community Shopping Area (CSA1) Zone is amended by adding the following Special Provision:

CSA1()	1919 Oxford Street West & 1929 Oxford Street West
a)	Regulations
i)	Front yard depth (Minimum) 0.6m (1.9ft)
ii)	Notwithstanding the provisions of Section 4.35.1) of the By-law Z.-1 to the contrary, the minimum separation distance, measured from the edge of the drive-through lane or speaker location, whichever is closer, to the closest residential/facility/institutional use, lot line and/or zone line shall be 10.5m (34.4ft) with a 3.2 metre (10.5ft) high noise attenuation barrier installed between the residential/facility/institutional use and the drive-through lane. A minimum 1.6 metre (5.2ft) wide landscaped strip is required along the west interior side yard consisting of new and/or existing vegetation.
iii)	Uses may be in stand-alone buildings that do not form part of a shopping centre.

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

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

PASSED in Open Council on June 29, 2020.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – June 29, 2020
Second Reading – June 29, 2020
Third Reading – June 29, 2020

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



Appendix B – Public Engagement

Community Engagement

Public liaison: On September 25, 2019 Notice of Application was sent to 16 owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on September 26, 2019. A “Planning Application” sign was also posted on the site.

1 reply was received

Nature of Liaison: Request to change to Zoning By-law Z.-1 **FROM** a Residential R1 (R1-14) Zone and a holding Convenience Commercial (h-17*CC3) Zone **TO** a Convenience Commercial Special Provision (CC3(_)) Zone to permit convenience stores with gas bars. Special provisions are requested to permit take-out restaurants with drive-throughs, a reduced front yard setback of 0m, a reduced parking area setback of 1m, a reduced number of stacked parking from 12 spaces to 11 spaces, a reduced setback from a drive-through facility from 15m to 13.8m, and a reduced west landscape strip from 3m to 1m.

Responses: The comment received expressed a request for the City to grant a future vehicular access for lands to the west on the subject site to be used mutually to eliminate a second access for 1941 Oxford Street West.

Nature of Revised Liaison: Request to change to Zoning By-law Z.-1 **FROM** a Residential R1 (R1-14) Zone and a holding Convenience Commercial (h-17*CC3) Zone **TO** a holding Community Shopping Area Special Provision (h-17*CSA1(_)) Zone to permit convenience stores, restaurants and gas bars with drive-throughs. Special provisions are requested to permit a reduced front yard setback of 0m, a reduced parking area setback of 0m along Oxford Street, a reduced number of stacked parking from 12 spaces to 11 spaces, a reduced setback from a drive-through facility from 15m to 10m, and a reduced landscape strip from 3m to 1.8m.

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

Telephone	Written
	York Developments c/o Sean Eden 303-201 Richmond Street, London ON N6B2H8



303-201 RICHMOND STREET
LONDON, ON
N6B 2H8

October 21, 2019

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

Attention: Sonia Wise, Planner

Re: Zoning By-Law Amendment at 1919 and 1929 Oxford Street West (Z-9115)

Dear Ms. Wise,

York Developments has recently acquired lands at 1941 Oxford Street West which abut this property to the west as shown on the attached sketch.

The site concept which the Applicant, Oxford Westdel Centre Inc., has submitted shows a Right-In/ Rights-Out only access to the property along Oxford Street West. In the future, we intend to develop our property and ask that as part of the City of London's review of the application they require Westdel to grant a future cross access to our lands for vehicular traffic. This will eliminate the need for another access to Oxford Street from our site as two access that close together would not be an appropriate use of land.

If you have any questions, please do not hesitate to contact me to discuss.

Best Regards,

A handwritten signature in blue ink, appearing to read 'SE', is written over a light blue horizontal line.

Sean Eden
Assistant Development Manager
519-709-8004



Agency/Departmental Comments

Development Services – Engineering: November 7, 2019

Transportation:

- Road widening dedication of 22.5m from centre line required on Oxford Street West.
- 6.0m x 6.0m daylight triangle is required.
- The construction of a northbound side by side left turn lane on Westdel Bourne will be required (designed and constructed in accordance with City Standards).
- Ensure sufficient drive-through stacking on site in conformity with the Zoning By-law.
- Access to Oxford Street West is to be restricted to right in/right out via the construction of a median in accordance with the City's Access Management Guidelines.
- Detailed comments regarding external works & access location and design will be made through the site plan process.

Water:

- Water is available for the subject site via the municipal 300mm PVC watermain on Oxford Street West.
- Due to the two existing buildings being demolished, each building's water service will be required to be abandoned to City of London Standards.
- Records appear to indicate that the 1929 Oxford Street West may not presently be serviced by a municipal water service. A requirement of any development would be to abandon existing on-site water wells in accordance with the applicable legislation.
- Will the two properties be merged on title? Water servicing for the site shall be configured in a way to avoid the creation of a regulated drinking water system.
- As part of any future site plan application, a water servicing design brief addressing domestic demands, fire flow and water quality would be required to be submitted.

Wastewater:

- Presently there are no municipal sanitary sewers to serve the subject lands. The subject lands are dependent on future servicing on Westdel Bourne. This sanitary sewer will commence to the north at the future Linkway extension and will flow southerly to the intersection at Oxford Street.

Stormwater:

- The site is tributary to the Tributary "C" SWM facility A, for minor and major flows and therefore the required SWM servicing report for the site shall be in accordance with the approved Tributary "C" Functional Stormwater Management Servicing Report and associated Tributary "C" EA. The report shall identify any storm sewer system required to be constructed to convey minor flows to the SWM Facility A.
- The report is to include the proposed major OLF route from the site to SWM Facility A, along with any required grading/drainage design. The grade differential between the site and the location of the SWM Facility A is to be noted.
- Considering the nature of the proposed development (gas station), the sensitivity of the Tributary 'C' environmental system and the infiltration design of SWM Facility A, the Owner shall be required to provide measures (e.g. OGS for the gas station area, clay liners to isolate underground tanks, a spill action plan for the site, etc.) to prevent migration of any hydrocarbons into City infrastructure (e.g. SWM facilities, sewers, roads), soil and groundwater to address both long-term leaching and spills. Example of similar City concerns can be found in SPA18-010 – 1231 Riverbend Road. Additionally, the Owner shall indicate/provide adequate measures to ensure that runoff from minor storm events coming from the gas station area does not reach the SWM facility A without adequate treatment for hydrocarbon contamination.
- The Owner shall incorporate adequate temporary measures to be implemented during construction (i.e. the excavation of soil and removal of existing underground

tanks) to ensure no contaminants reach the City SWM Facilities. Does the owner have a current well monitoring program in place or will one be developed as part of the site redevelopment?

- In addition to the OGS required in bullet point 3 above, the owner shall be required to have a consulting Professional Engineer address the water quality for the proposed 35 parking spaces to the standards of the Ministry of the Environment, Parks and Conservation (MEPC) and to the satisfaction of the City Engineer. Applicable options could include, but not be limited to the use of oil/grit separators, catchbasin hoods, bioswales, etc. along with the required inspection/sampling maintenance hole.
- Additional SWM related comments will be provided upon future review of this site.

London Hydro: February 24, 2020

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.

Urban Design: November 6, 2019

Urban Design staff reviewed the submitted conceptual site plan for the zoning by-law amendment at the above noted address and provide the following urban design comments consistent with the Official Plan, applicable by-laws and guidelines;

- The applicant has request to reduce the parking set back along Westel Bourne from 3m to 1m, and is showing a 0m setback from the Oxford Street frontage. In either case, a 3m setback should be maintained in order to provide for adequate landscaping and screening walls on-site, in particular along the Oxford Street frontage as this area is identified, in The London Plan, as a Gateway into the City.
- Furthermore, a maximum front yard setback of 2m should be considered in order to ensure that any proposed buildings are located along the street edge.
- The following comments are related to site and building design that would be further refined through the Site Plan process:
 - Ensure that the proposed building is oriented to the street by including a principle building entrance, canopies, signage, and a large amount of clear glazing on the south facade.
 - Locate the combination of low landscape walls and landscaping along the Oxford Street frontage on-site, in line with the front wall (south façade) of the building, in order to screen parking and define the street edge.
 - Remove any fences between the building and the street.
 - Locate all garbage bins away from all the street frontages, alternatively if a deep bin collection system is being considered ensure there is an appropriate buffer with landscaping between the bins and the street.

Urban Design Peer Review Panel (UDPRP): January 15, 2020

The Panel provides the following comments on the submission:

- The panel appreciates the design challenge of developing the corner of a gateway intersection with a limited kit of parts while also managing the vehicular movements within the site.
- The panel requested views and drawings of the proposed Oxford Street streetscape to properly evaluate the proposal.
- The panel suggested completing an audit of the asphalt area to see if it can be reduced to increase the amount of green space.

- The panel expressed concern with the potential collisions resulting from the interference of the drive-through and incoming traffic from Oxford Street.
- The panel recommended proper screening of the west property line from the neighbouring residential development.
- The panel recommended widening the walkway to the east of the building and adding a strip of landscaping to prioritize pedestrians.
- The panel questioned the location of the patio space adjacent to two parking spaces and encouraged the applicant to further develop this space with consideration for screening it from the parking and integrating it further with the proposed landscaping along Oxford Street.
- The panel encouraged the development of the building design to better achieve the appearance of two distinct buildings and add further relief of the vertical elements to avoid the appearance of them being tacked-on.
- The panel questioned if an option was reviewed to position the building with the long façade facing Oxford Street.

Concluding comments:

This UDPRP review is based on City planning and urban design policy, the submitted brief, and noted presentation. It is intended to inform the ongoing planning and design process. The panel has concerns with the proposed site plan concept and is of the opinion that it is not in keeping with the policy framework for a gateway intersection. The panel recommends that the site plan be developed further based on comments above and resubmitted with additional information and views for review. Due to the scale of the development, the requested review can be digital so that the applicant does not need to return to the panel.

Applicant's Response to UDPRP Comments: January 23, 2020

As per the Memo provided in conjunction with this letter, the Urban Design Peer Review Panel has the following comments regarding the above-referenced application. In the **Applicant Response** section of the text box, please provide a detailed response that explains how the Panel comments have been addressed.

Comment: The panel appreciates the design challenge of developing the corner of a gateway intersection with a limited kit of parts while also managing the vehicular movements within the site.

Applicant Response: Thank you. We have considered many options and variations with the City staff and the tenants. The new proposed Site Plan is figured to be optimal at this time.

Comment: The panel requested views and drawings of the proposed Oxford Street streetscape to properly evaluate the proposal.

Applicant Response: These will be provided at the Site Plan approval Stage

Comment: The panel suggested completing an audit of the asphalt area to see if it can be reduced to increase the amount of green space.

Applicant Response: The revised Site Plan increases the Landscaped Open Space from 18% to 21% and is 11 % more than the zoning regulation of 10% minimum. Specifically, the landscape open space has been increased to 2 m wide along Westdell Bourne, 3 m along Oxford Street, and 1.6 m along the west side of the site.

Comment: The panel expressed concern with the potential collisions resulting from the interference of the drive-through and incoming traffic from Oxford Street.

Applicant Response: The revised Site Plan removes the right turn in from Oxford movement, thereby permitting only a right turn out onto Oxford Street. The drive thru lane exist will be striped, painted, and signed to convey caution and safety for patrons. The Garbage bins have remained for the function of the restaurant, and knowing that pick up will be done in off hours.

Comment: The panel recommended proper screening of the west property line from the neighbouring residential development.

Applicant Response: The revised Site Plan shows an increase landscape strip from 1.17 m to 1.67 m and together with a 1.6 m high wooden privacy fence along the common property boundary will afford protection or the abutting westerly residence.

Comment: The panel recommended widening the walkway to the east of the building and adding a strip of landscaping to prioritize pedestrians.

Applicant Response: The revised Site Plan cannot directly accommodate this request, but the addition of a 3 m landscape strip along Oxford has resulted in a shorter walk way length. See next comment.

Comment: The panel questioned the location of the patio space adjacent to two parking spaces and encouraged the applicant to further develop this space with consideration for screening it from the parking and integrating it further with the proposed landscaping along Oxford Street

Applicant Response: The revised Site Plan shows the shifting of the patio into the site by 3 m – making it further away from the Oxford Street traffic. This together with the boulevard treatment of Oxford Street should present a proper setting for the patio. The patio is convenient and functional for the restaurant, and served by an adjacent barrier free parking space.

Comment: The panel encouraged the development of the building design to better achieve the appearance of two distinct buildings and add further relief of the vertical elements to avoid the appearance of them being tacked-on.

Applicant Response: The revised site plan cannot directly accommodate two buildings and believes it to be creating a non-defensible space. However, at the Site Plan approval stage, thought will be given to the two building approach though design, colour and articulation, such that each tenant is individualized but connected.

Comment: The panel questioned if an option was reviewed to position the building with the long façade facing Oxford Street.

Applicant Response: This point was considered but cannot be accommodated. However, consideration of street animation etc. was re-thought. The front elevation of the restaurant will be very glazed and in a boulevard landscape setting. The east side of the building will be abundantly glazed which is the strong view of westbound traffic on Oxford and also viewed from along Westdell Bourne.

Appendix C – 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

Provincial Policy Statement, 2020

- 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
- 1.7.1.e) – Well-designed built form

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
- 253 – Site Layout
- 256 – Buildings sited along street edge
- 259* - Buildings should have minimal setbacks
- 290* - Corner sites should address the corner
- 264 – Drive aisles not located between building and street
- 265 – Drive-through facilities
- 291* - Building entrances and windows
- 871 - 916_6 & _7* - Neighbourhoods Place Type
- 918_5* - Commercial, service and mixed-uses
- Table 10-12* - Permitted uses
- 919_4 – Major road frontages
- 1577* – Evaluation criteria for applications
- 1578_6* - Potential impacts on adjacent lands
- 1766 – Noise and vibration

1989 Official Plan

- Chapter 3 – Residential designations
- Chapter 4 – Commercial land use designations

Z.-1 Zoning By-law

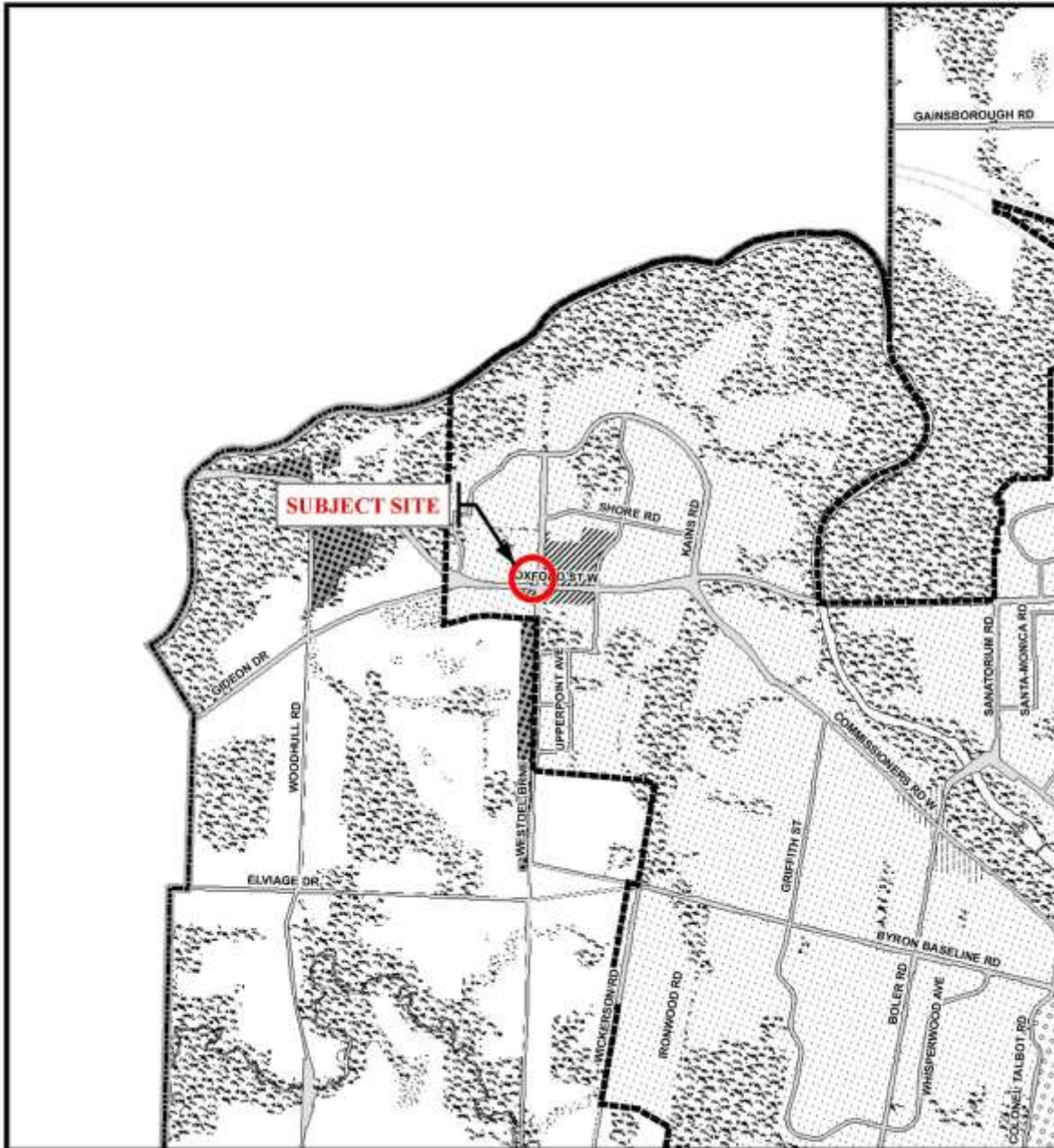
- Chapter 2 – Definitions
- Chapter 3 – Zones and Symbols
- Chapter 4 – General provisions

Chapter 5 – Residential R1 Zone
Chapter 22 – Community Shopping Area (CSA)

Appendix D – Relevant Background

Additional Maps





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.

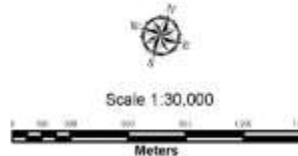
At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.

CITY OF LONDON

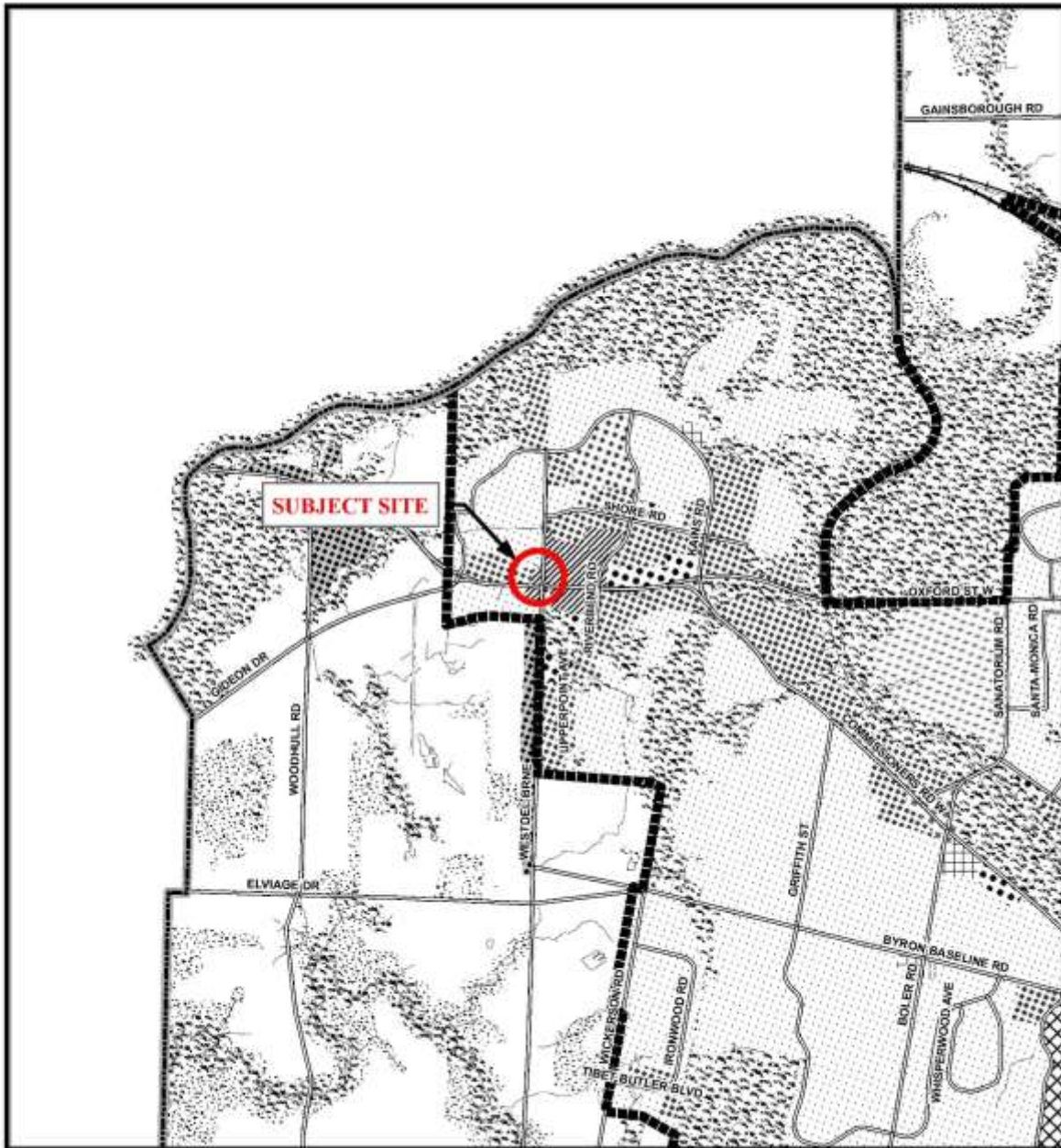
Planning Services /
Development Services

**LONDON PLAN MAP 1
- PLACE TYPES -**

PREPARED BY: Planning Services

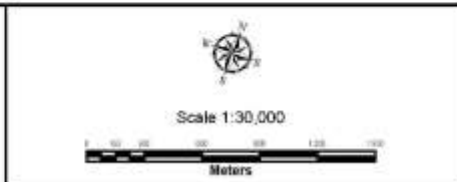


File Number: Z-9115
Planner: SW
Technician: RC
Date: February 24, 2020



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

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



FILE NUMBER: Z-9115
PLANNER: SW
TECHNICIAN: RC
DATE: 24/02/2020



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
 "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**



FILE NO:

Z-9115

SW

MAP PREPARED:

2020/02/24

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