

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

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

Subject: York Developments
944 Hamilton Road

Public Participation Meeting on: June 22nd, 2020

Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of York Developments relating to the property located at 944 Hamilton Road:

- (a) Consistent with Policy 19.1.1. of the Official Plan, the subject lands, representing a portion of 944 Hamilton Road, **BE INTERPRETED** to be located in the Community Commercial Node designation; and,
- (b) The proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting June 29th, 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 Convenience Commercial/Service Station (CC/SS1) Zone and a Residential R1 (R1-6) Zone, **TO** an Associated Shopping Area Commercial Special Provision (ASA1(_)/ASA2(_)/ASA3(_)) Zone;

Executive Summary

Summary of Request

The requested amendment would permit an increased range of commercial uses on the subject site, including 2 restaurants with a drive-through.

Purpose and the Effect of Recommended Action

The purpose and effect of this zoning change is permit an increased range of commercial uses, facilitate the adaptive reuse of an existing commercial building and construction of a new commercial building, both with drive-through facilities.

Rationale of Recommended Action

1. The recommended amendment is consistent with the PPS 2020.
2. The recommended amendment conforms to the in-force policies of The London Plan, including but not limited to, Policy 253_, Policy 926_ and Policy 932_
3. The recommended amendment conforms to the in-force policies of the 1989 Official Plan policies, including but not limited to, Section 4.3.7.1., Section 4.3.7.2., Section 4.3.7.3., Section 4.3.7.4., Section 4.3.7.5. and Section 19.1.1i
4. The recommended amendment provides additional uses that are appropriate and compatible with the surrounding area and provides an increased opportunity to effectively utilize the existing building.
5. The existing and proposed built form and on-site parking is capable of supporting the requested commercial uses without resulting in any negative impacts on the abutting lands.

1.0 Site at a Glance

1.1 Property Description

The subject site is part of a long commercial corridor which runs along both sides of Hamilton Road, with low density residential uses located behind the commercial properties fronting the corridor. More specifically, the subject site is located on the northeast corner of the Hamilton Road and Highbury Avenue North intersection, where a commercial node exists. Surrounding uses include low density residential uses immediately to the north and northeast, and a financial institution immediately to the east. Currently, there is an existing 1-storey building located on the subject site.



Figure 1. Subject site facing northwest from Hamilton Road



Figure 2. Subject site facing north from the intersection at Hamilton Road and Highbury Avenue North

1.2 Location Map



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

- Official Plan Designation – Community Commercial Node (CCN) and Low Density Residential (LDR)
- The London Plan Place Type – Neighbourhoods
- Existing Zoning – Convenience Commercial/Automobile Service Station (CC/SS1), Residential R1 (R1-6)

1.4 Site Characteristics

- Current Land Use – Restaurant (Vacant)
- Frontage – 39.98 metres (131.2 feet)
- Depth – 41.1 metres (134.8 feet)
- Area – 3,427 square metres (0.34 hectares)
- Shape – Irregular

1.5 Surrounding Land Uses

- North – Low Density Residential
- East – Financial Institution/Commercial/Low Density Residential
- South – Service Station/Commercial
- West – Service Station/Commercial

2.0 Description of Proposal

2.1 Development Proposal

The proposed development includes a new building fronting onto Hamilton Road and an existing building located at the rear of the subject site, for a combined gross floor area of 433m². The recommended amendment would allow for an expanded range of commercial uses, with 2 restaurants with a drive-through being proposed for the existing and proposed buildings. The proposed development includes 46 parking spaces, with access to the subject site being provided by one entrance off Highbury Avenue North.



3.0 Relevant Background

3.1 Requested Amendment

The requested amendment would permit an expanded range of commercial uses on the subject site, including new restaurant permit uses with a drive-through. The amendment will require a change to the Zoning By-law Z.-1 from a Convenience Commercial/Service Station (CC/SS1) Zone and a Residential R1 (R1-6) Zone to an Associated Shopping

Area Commercial Special Provision (ASA1(_)/ASA2(_)/ASA3 (_)) Zone to permit Animal Hospitals, Brewing on Premises Establishment, Clinics, Convenience Service Establishments, Convenience Stores, Day Care Centres, Dry Cleaning And Laundry Plants, Duplicating Shops, Financial Institutions, Grocery Stores, Medical/Dental Offices, Laboratories, Offices, Personal Service Establishments, Pharmacies, Printing Establishments, Restaurants, Retail Stores, Repair And Rental Establishments, Service and Repair Establishments, Studios, Supermarkets, and Video Rental Establishments.

Special Provisions are required to permit the following: a reduced number of parking spaces of 46 spaces whereas a minimum of 55 spaces is required; a reduced lot frontage of 40m, whereas a minimum of 45m is required, a reduced lot depth of 41m, whereas a minimum of 60m is required; a reduced landscaped buffer of 0.9m between the edge of the drive-through lane and the ultimate road allowance, whereas a minimum of 3.0m is required for drive-through facilities located in the front or exterior side yards; a reduced parking area setback of 0m, whereas a minimum of 3m is required; a reduced landscaped strip of 1.5m immediately adjacent to any noise barrier whereas a minimum of 3.0m is required; and to recognize a reduced rear yard setback of 2.1m for the existing building, whereas a minimum of 10m is required.

3.2 Community Engagement (see more detail in Appendix B)

Through the circulation process, Staff received one (1) written response from a neighbouring property owner citing concerns about traffic impacts resulting from the proposed rezoning. Public comments will be addressed later in this report.

3.3 Policy Context (see more detail in Appendix C)

Provincial Policy Statement, 2020 (PPS)

The Provincial Policy Statement (PPS) 2020 provides policy direction on matters of provincial interest related to land use planning and development. All decisions affecting land use planning matters shall be “consistent with” the policies of the PPS.

Section 1.1 of the PPS encourages healthy, livable and safe communities which are sustained by accommodating an appropriate affordable and market-based range and mix of residential, employment and institutional uses to meet long-term needs. Within settlement areas, sufficient land shall be made available through intensification and redevelopment (Section 1.1.2).

Section 1.3.1 of the PPS directs planning authorities to promote economic development and competitiveness by providing opportunities for a diversified economic base, and encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities.

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, and include many of the *Neighbourhoods Place Type policies pertinent to this planning application. It should be noted that *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 site is located within the *Neighbourhoods Place Type on a Civic Boulevard (Hamilton Road) and an Urban Thoroughfare (Highbury Avenue North), as identified on *Map 1 – Place Type and *Map 3 – Street Classifications. The *Neighbourhoods Place Type permits a range of low to medium-high density residential uses. Secondary uses permitted at this location include mixed-use buildings and standalone retail, service, and office uses (*Table 10 – Range of Permitted Uses in Neighbourhoods Place Type). Service uses may include neighbourhood-oriented services such as, but not limited to,

personal services, restaurants, small-scale recreational uses, and public services (Policy 926_).

Furthermore, drive-through facilities are permitted on properties located at the intersection of streets classified as either Civic Boulevard and/or Urban Thoroughfare 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 (Policy 932_).

1989 Official Plan

The subject site is split designated Community Commercial Node (CCN) and Low Density Residential (LDR) in the 1989 Official Plan.

Areas designated CCN are intended to provide for a wide range of goods and services which are needed on a regular basis, with an emphasis on community specialized services (Section 4.3.7.1.). Permitted uses in the CCN designation include all types of retail outlets including department stores, home improvement and furnishings stores, supermarkets, food stores and pharmacies; convenience commercial uses; personal services; restaurants; commercial recreation establishments; financial institutions and services; a limited range of automotive services; service-oriented office uses; community facilities; professional and medical/dental offices; and commercial and private schools (Section 4.3.7.3.).

In the LDR designation, the primary permitted uses include single-detached, semi-detached and duplex dwellings (Section 3.2.1.). The policies of the Plan recognize existing convenience commercial uses that are appropriately located in Residential designations, including eat-in restaurants (Section 3.2.1., Section 3.6.5.). New convenience commercial uses are permitted within the Residential designations by Official Plan amendment and zone change subject to criteria in Section 3.6.5. (Section 3.2.1.)

However, it should be noted that the boundaries between land use designations as shown on Schedule "A" - the Land Use Map, are not intended to be rigid, except where they coincide with physical features (such as streets, railways, rivers or streams). As such, Council may permit minor departures from such boundaries if it is of the opinion that the general intent of the Plan is maintained and that the departure is advisable and reasonable (Section 19.1.1i).

Zoning By-law Z.-1

The subject site is zoned Convenience Commercial/Automobile Service Station (CC/SS1) and Residential R1 (R1-6).

Under the existing zones, restaurant uses with drive-throughs are not permitted. The CC zone permits convenience stores, financial institutions, and personal service establishments, all without drive-throughs. The SS1 zone permits automobile service stations and gas bars, and the R1-6 Zone permits residential uses in the form of single detached dwellings.

The applicant is requesting to rezone the lands to Associated Shopping Area Commercial Special Provision (ASA1(_)/ASA2(_)/ASA3(_)). The ASA Zone is intended to implement the Commercial land use designation policies in the 1989 Official Plan and provides for and regulates a wide range of retail, personal service, community facility, automotive and office uses.

Special provisions are being requested for the following:

1. To permit a reduced number of parking spaces of 46 spaces, whereas a minimum of 55 spaces is required;
2. A reduced lot frontage of 40.0m, whereas a minimum of 45.0m is required;
3. A reduced lot depth of 41.0m, whereas a minimum of 60.0m is required;

4. A reduced parking area setback of 0m, whereas a minimum of 3.0m is required;
5. A reduced landscaped buffer of 0.9m between the edge of the drive-through lane and the ultimate road allowance, whereas a minimum of 3.0m is required;
6. A reduced landscaped strip of 1.5m immediately adjacent to any noise barrier, whereas a minimum of 3m is required; and
7. To recognize a reduced rear yard setback of 2.1m for the existing building, whereas a minimum of 10.0m is required.

4.0 Key Issues and Considerations

4.1 Issue and Consideration # 1 – Use & Intensity

Provincial Policy Statement, 2020 (PPS)

The PPS requires municipalities to accommodate an appropriate affordable and market-based range and mix of land uses and needs, and encourages efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term (Policy 1.1.1 a), 1.1.1 b)). Within settlement areas, land use patterns shall be based on densities and a mix of land uses which efficiently use land and resources, and are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available (Policy 1.1.3.2 a), 1.1.3.2 b)). As well, sufficient land shall be made available through intensification and redevelopment, and appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form (Policy 1.1.2, 1.1.3.4). The PPS defines intensification as “*the development of a property, site or area at a higher density than currently exists through: a) redevelopment, including the reuse of brownfield sites; b) the development of vacant and/or underutilized lots within previously developed areas; c) infill development; and d) the expansion or conversion of existing buildings*”.

The PPS also requires municipalities to promote economic development and competitiveness by providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses (Policy 1.3.1b).

The recommended amendment represents a form of intensification, as defined by the PPS, as it will facilitate the development of an underutilized lot within an established settlement area and provide an increased opportunity to effectively utilize the existing building, thereby ensuring that compact, mixed-use development is maintained. No new roads or infrastructure are required to service the site, therefore the development makes efficient use of existing services. The recommended amendment also provides for additional uses on the subject site that are appropriate and compatible with the surrounding area and that contribute to an appropriate range and mix of employment uses, helping meet long-term needs.

London Plan

The subject site is located in the Neighbourhoods Place Type at the intersection of an Urban Thoroughfare (Highbury Avenue North) and a Civic Boulevard (Hamilton Road). Within the Neighbourhoods Place Type, *Tables 10-12 provide a range of permitted uses and intensities based on street classification (Policy *935_1, *935_2, *921_).

At this location, *Table 10 – Range of Permitted Uses in the Neighbourhoods Place Type permits a number of Secondary, non-residential uses including mixed-use buildings and standalone retail, service, and office uses. Service uses may include neighbourhood-oriented services such as, but not limited to, personal services, restaurants, small-scale recreational uses, and public services (Policy 926_). The range of retail, service and office uses that may be permitted in this Place Type will only be

permitted if they are appropriate and compatible within a neighbourhood context (Policy *924_-).-Furthermore, drive-through facilities are permitted on properties located at the intersection of streets classified as either Civic Boulevard and/or Urban Thoroughfare 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 (Policy 932_-).

The requested amendment to permit an increased range of commercial uses on the subject site, including 2 restaurants with drive-throughs, is in keeping with the uses permitted in the Neighbourhoods Place Type at this location. Additionally, the proposed uses permitted under the ASA1/ASA2/ASA3 Zones would bring the subject site into greater conformity with The London Plan, as they provide for a range of neighbourhood-scale uses which are primarily intended to provide for the convenience shopping and service needs of nearby residents. The new drive-through facility will be located away from the street, screened by the proposed building fronting onto Hamilton Road, thereby creating a more pedestrian-oriented street frontage. The proposed development will be subject to Site Plan Approval in conformity with the City Design policies of this Plan.

In accordance with *Table 11 – Range of Permitted Heights in the Neighbourhoods Place Type, the minimum height permitted at the intersection of a Civic Boulevard and Urban Thoroughfare is 2-storeys, up to a maximum height of 4-storeys. Both the existing and proposed buildings are 1-storey in height. The applicant submitted an Urban Design Brief as part of a complete application, which demonstrates that the proposed 6.35m building is intended to be designed in a manner that gives the appearance of a second storey by incorporating 7.0m-high parapets to convey more massing and building height. The existing 1-storey building is located in the rear of the lot, away from the streetscape.

It should be noted that the height provisions in *Table 11 are currently under appeal and are not in force and effect. Accordingly, these policies are informative but are not determinative and cannot be relied on for the review of the requested amendment. Until such time that the City Building policies of The London Plan are fully in effect, and Site Plan Approval is required for the redevelopment of the site, it is reasonable to allow for a minimum height of 1-storey as the proposed building is intended to convey a greater height through massing and design elements, and the existing building is located away from the street.

Finally, *Table 12 - Retail, Service, and Office Floor Area Permitted in the Neighbourhoods Place Types limits the total floor area for retail, service and office use at the intersection of a Civic Boulevard and an Urban Thoroughfare to a maximum 2000m². Within the ASA2 Zone, a maximum gross floor area of 1000m² is permitted for restaurants (Z.-1-96435). The applicant is proposing a gross floor area of 433m², which complies with both *Table 12 and the Zoning By-law Z.-1.

1989 Official Plan

The Community Commercial Node (“CCN”) designation is intended to provide for a wide range of goods and services which are needed on a regular basis, including: all types of retail outlets including department stores, home improvement and furnishings stores, supermarkets, food stores and pharmacies; convenience commercial uses; personal services; restaurants; commercial recreation establishments; financial institutions and services; a limited range of automotive services; service-oriented office uses; community facilities; professional and medical/dental offices; and commercial and private schools (Section 4.3.7.1., 4.3.7.3.). The recommended amendment to permit an expanded range of commercial uses on the subject site, including new restaurant uses with a drive-through, is permitted.

Section 4.3.7.5 of the Official Plan states that “*Commercial development within a Community Commercial Node shall normally range in size from 13,000 m² to 50,000 m² gross floor area. Zoning of individual Community Commercial Nodes will normally be restricted to the existing zoned gross floor area*”. As previously mentioned, the

recommended ASA Zone variation permits a maximum gross floor area of 1,000m² for restaurants. The recommended zoning brings the subject site into greater conformity with the Official Plan policies, as the existing CC/SS1 Zone restricts the maximum gross floor area to 500m² and significantly narrows the range of permitted uses. Given the total area of the subject site, being 3,427m², a maximum gross floor area of 1,000m² for restaurants is reasonable and consistent with the policies of the 1989 Official Plan.

Within the LDR designation, the primary permitted uses include single-detached, semi-detached and duplex dwellings (Section 3.2.1.). While the LDR policies contemplate new convenience commercial uses as a secondary use, subject to specific locational and land use compatibility criteria, the full range of uses permitted within the ASA1/ASA2/ASA3 Zones would not be permitted on lands designated LDR (Section 3.6.5.). Furthermore, the preferred location for convenience commercial uses is within the various Commercial land use designations (Section 3.2.1., Section 3.6.5.).

Chapter 19 of the Official Plan states that the boundaries between land use designations as shown on Schedule "A" - the Land Use Map, are not intended to be rigid, except where they coincide with physical features such as streets, railways, rivers or streams (19.1.1i)). Policy 19.1.1i) further states that the exact determination of boundaries that do not coincide with physical features will be the responsibility of Council and that Council may permit minor departures from such boundaries if it is of the opinion that the general intent of the Plan is maintained and that the departure is advisable and reasonable.

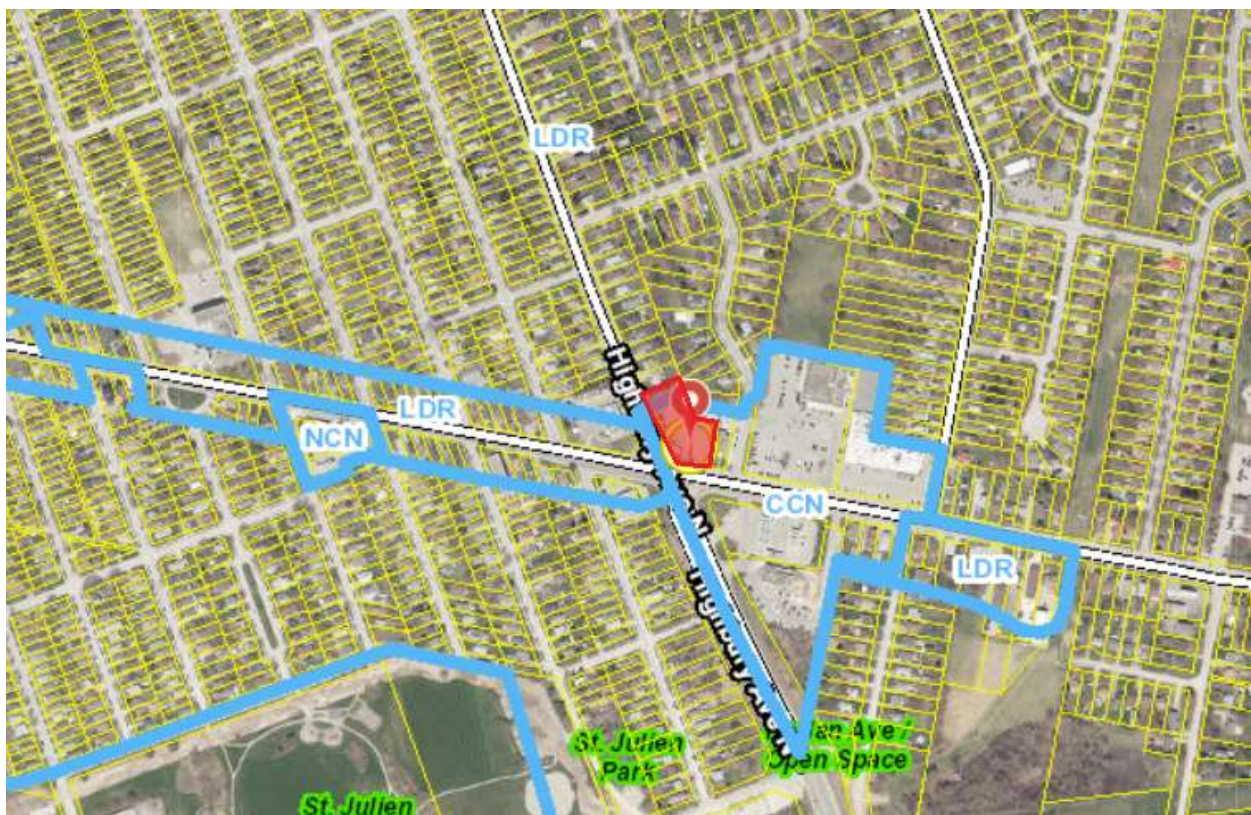


Figure 3. 1989 OP Schedule "A" - Land Use Designations

As there are no physical boundaries between the LDR and CCN designations, it is recommended that Council interpret the site to be designated CCN. The existing parking lot, located on the northerly portion of the subject site, is designated LDR and has existed for an extended period of time and has achieved a general level of acceptance in the neighbouring area. The proposed development has been designed in a manner that is appropriate and sympathetic to the surrounding neighbourhood. Since the new uses are considered to be of similar intensity as compared to the existing range of uses, no new impacts are anticipated. As such, the recommended minor departure from the boundary meets the general intent of the Plan and is advisable and reasonable.

4.2 Issue and Consideration # 2 – Form & Zoning Provisions

The London Plan/1989 Official Plan

Within the Neighbourhoods Place Type in The London Plan, non-residential uses may be permitted only when it is demonstrated that the proposed form of development can fit well within the context of the residential neighbourhood (Policy *936_3). The Neighbourhoods Place Type ensures that all planning and development applications will conform to the City Design policies of this Plan, which includes (but is not limited to) the following policies:

- *Site layout should be designed to minimize and mitigate impacts on adjacent properties (Policy 253_)*
- *Buildings should be sited with minimal setbacks from public rights-of-way and public spaces to create a street wall/edge and establish a sense of enclosure and comfortable pedestrian environment (Policy *259_)*
- *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. These facilities should not interfere with direct pedestrian access to the building from the sidewalk, compromise pedestrian safety, reduce the ability to provide on-site landscaping adjacent to the street, or have a negative impact on the pedestrian amenity of the streetscape (Policy 264_)*

Similarly, the CCN policies in the 1989 Official Plan require that lands be located “on a site large enough to accommodate all buildings plus parking, loading facilities and measures to provide to provide adequate buffering and setbacks from adjacent residential uses” (Section 4.3.7.2. iv)). Free-standing structures are encouraged along the street frontage to improve the design of the street edge and reduce the visual impact of large open parking spots (Section 4.3.7.4.).

Section 4.3.7.4. states that “Community Commercial Nodes can have either an enclosed shopping centre or a strip plaza focus with either a supermarket or food store as an integral part of the centre”. Given the existing area (3,427m²) and configuration of the subject site, it could not accommodate an enclosed shopping centre or a strip plaza with a supermarket or food store . However, the broader CCN designation encompasses lands on the north and south sides of the intersection, including lands to the east of the subject site containing a grocery store (No Frills). Therefore, the broader CCN fulfills the planned intent of the policy and the subject site supports the broader CCN with complementary commercial uses. The proposed development, which includes a new building fronting onto Hamilton Road and an existing building located at the rear of the subject site, is reasonable and brings the site into greater conformity than the previous existing uses, being a coffee shop and a service station.

Additionally, as part of a complete application, the applicant submitted an Urban Design Brief to identify how the building design and form would be in keeping with the City Design policies of The London Plan and Chapter 11 Urban Design Policies of the 1989 Official Plan. Urban Design staff and members of the Urban Design Panel were supportive of the conceptual design as it locates the building along Hamilton Road, establishing a built edge and activating the street, while screening the drive-through and addressing the corner of the intersection.

Further refinement of the site and building design will occur at the Site Plan Approval stage, with consideration of design principles established through the re-zoning including: building location and orientation; building massing and height; and general site layout (setbacks, parking location, vehicular access, and pedestrian circulation). The following Special Provisions will be evaluated based on the Neighbourhoods Place Type policies and City Building policies in The London Plan, as well as the CCN land use designation policies and the Urban Design policies in the 1989 Official Plan:

1. To permit a reduced lot frontage of 40m, whereas a minimum of 45m is required;
2. A reduced lot depth of 41m, whereas a minimum of 60m is required;
3. A reduced parking area setback of 0m, whereas a minimum of 3m is required;
4. A reduced landscaped buffer of 0.9m between the edge of the drive-through lane and the ultimate road allowance, whereas a minimum of 3m is required;
5. A reduced landscaped strip of 1.5m immediately adjacent to any noise barrier, whereas a minimum of 3m is required; and
6. To recognize a reduced rear yard setback of 2.1m for the existing building, whereas a minimum of 10m is required.

Special Provisions: Reduced Lot Frontage and Lot Depth

The depth and size of the existing lot has proven capable of accommodating the previous uses on the subject site, being a restaurant and a servicing station. As the proposed uses are considered to be of similar intensity to the existing range of permitted uses, no new impacts are anticipated as a result of the recognizing the existing lot frontage and lot depth.

Special Provisions: Reduced Landscaped Buffer and Rear Yard Setback

A Special Provision is required to recognize a reduced rear yard setback of 2.1m for the existing building, whereas a minimum rear yard setback of 10.0m is required for lands abutting a Residential Zone within the ASA Zone variation (Zoning By-law Z.-1, Table 24.3). The 2.1m rear yard setback represents an existing condition that has existed on the subject site for an extended period of time. Retention of the existing fencing along the north and northeast side of the subject site provides sufficient buffering between the existing building and abutting residential neighbourhood. As such, no new impacts are anticipated.

Section 4.35 1) of the Zoning By-law requires “a minimum separation distance from the edge of a drive-through lane to the closest residential/facility/institutional use lot line of 15m if a 2.4m high noise attenuation barrier is installed between the residential/facility/institutional use and the drive-through lane. A minimum 3.0m wide landscaped strip is required consisting of new and/or existing vegetation immediately adjacent to any noise barrier”. The proposed minimum separation distance is 15.5m from the edge of the drive-through lane to the closest residential/institutional use; as such, a noise attenuation barrier is required to be installed along the rear lot line. In order to accommodate a noise attenuation barrier, the applicant is requesting a Special Provision to permit a reduced landscaped strip width of 1.5m due to the limitations resulting from the existing 2.1m rear yard setback for the existing building. Site Development Staff are supportive of the reduced landscape strip width of 1.5m given the existing conditions, and further refinement of the site and building design will occur at the Site Plan Approval stage.

Additionally, Section 4.35 2) of the Zoning By-law requires a minimum 3.0m landscaped buffer between the edge of the drive-through lane and the ultimate road allowance for drive-through facilities located in the front and/or interior side yard. A Special Provision to permit a reduced landscaped buffer of 0.9m between the edge of the drive-through lane and the ultimate road allowance is required due to the proposed 22.0m road widening from centreline along Highbury Avenue North, resulting in a small portion of the drive-through lane being located within the required 3.0m landscaped buffer. Reconfiguring the drive-through would result in the reduction of additional parking spaces and obstruct the proposed fire route. As such, Site Development Staff are

supportive of the reduced landscape buffer of 0.9m.

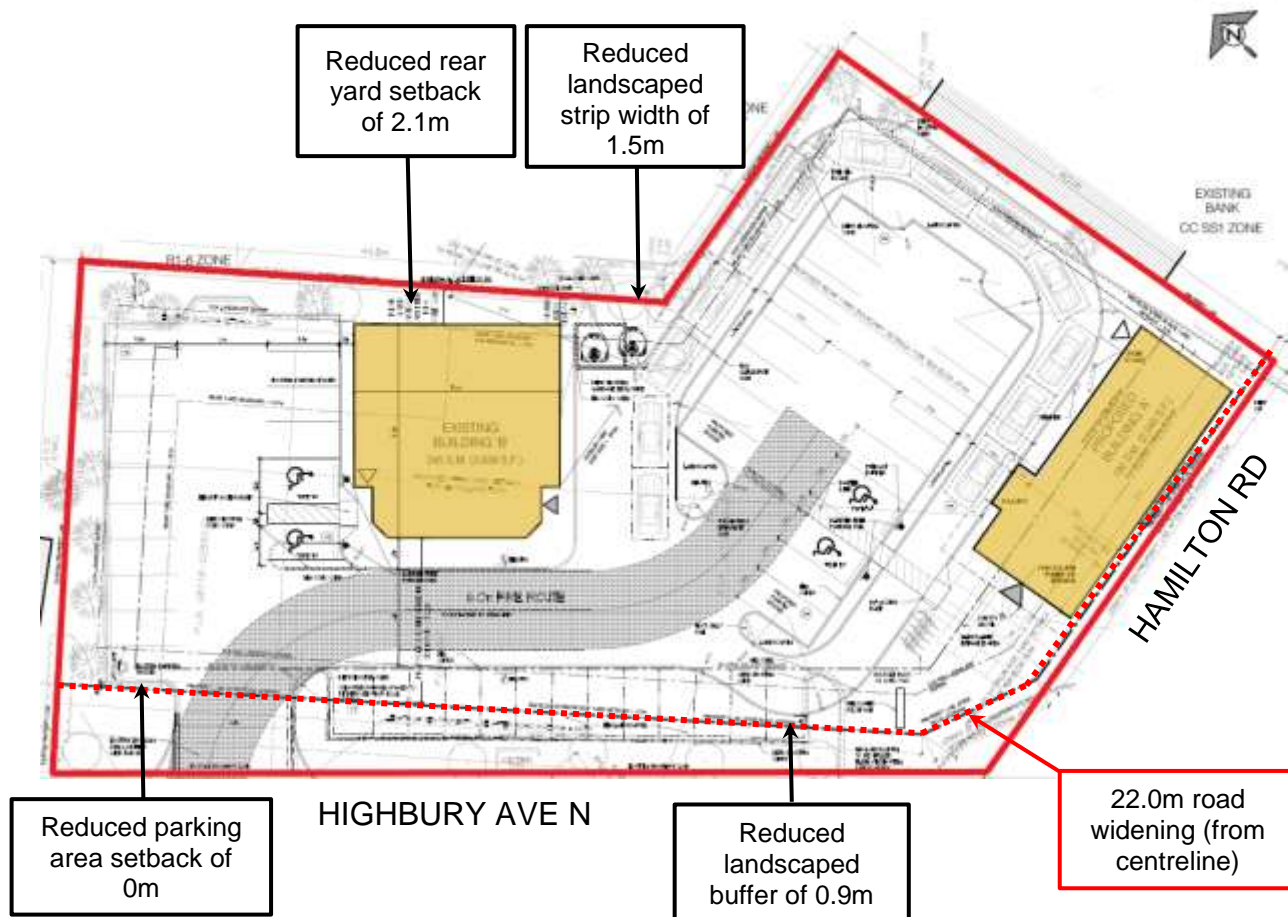


Figure 4. Conceptual Site Plan (above)

Special Provision: Reduced Parking Area Setback

Section 4.19 4) c) of the Zoning By-law requires that “no part of any parking area [...] is located close than 3.0m to any required road allowance.” The applicant is requesting a reduced parking area setback of 0m from the ultimate road allowance on Highbury Avenue North as a result of the proposed road widening of 22.0m from the centreline. Staff are concerned that the proposed reduction in the parking area setback will negatively impact the streetscape along Highbury Avenue North. Further, the proposed reduction does not comply with Section 6.2 (b) of the Site Plan Control By-law, which requires that “parking areas be no closer than 3m to the street line and 1.5m to a property line”.

Applying the as-of-right zoning, rather than approving the requested special provision, would result in the loss of 1 parking space for a total of 46 parking spaces. As Transportation Engineering Staff are supportive of the reduction in the number of parking spaces to 46 spaces, the requested Special Provision for a reduced parking area setback of 0m is not necessary to facilitate the proposed development. It is recommended that the requested Special Provision not be approved, as it is not consistent with the PPS and does not conform to the policies of The London Plan or the 1989 Official Plan.

4.3 Issue and Consideration # 3: Parking, Traffic, and Noise

Through the circulation of the application, a concern was raised by a neighbouring resident regarding increased traffic at the intersection of Hamilton Road and Highbury Avenue North and noise issues caused by the proposed development.

Transportation staff have reviewed the requested amendment and cited no concerns with respect to traffic. The development of the subject site into a nodal configuration rather than strip configuration ensures that impact on traffic and adjacent land uses is

minimized. It should also be noted that the subject site is currently zoned to accommodate a modest range of commercial uses and had previously accommodated commercial uses in the past. Therefore, it had been anticipated that this site will result in some traffic impacts not unlike those proposed by way of the recommended uses.

Access to the subject site will be provided by one entrance off Highbury Avenue North. Existing fencing and landscaping located along the north and northeast property boundary provides sufficient buffering between the parking areas and abutting residential neighbourhood. As per Section 4.35 of the Zoning By-law, a 2.4m high noise attenuation barrier is required to be installed along the rear property line to mitigate noise from the drive-through lane. Site-level details, such as access location and design, will be reviewed and addressed through a future site plan approval application.

Section 4.19 (10)(b) of Zoning By-law Z.-1 provides standard parking rates for specific uses based on building area. Based on a total gross floor area of 433m², the required number of parking spaces is 55 spaces (1 per 6m²). The applicant is requesting a Special Provision to permit 46 parking spaces for all permitted uses in the ASA1/ASA2/ASA3 Zone. This figure includes the loss of 1 parking space at the northwest corner of the site to accommodate the required 3.0m parking area setback as discussed in the previous section (4.2 – Issue and Consideration #2).

Additionally, Section 4.35 3) of the Zoning By-law requires that drive-through facilities provide a minimum of 15 stacking parking spaces for coffee shops; in this instance, the applicant is proposing 12 spaces. Uses that request a lower stacking lane capacity are required to submit a queuing study to the City to identify the stacking capacity required. Given that the parking rate is based on the most restrictive rate for all permitted uses in the proposed zone, Staff are satisfied the requested reduction of 46 spaces is appropriate. The reduction in the number of proposed parking spaces did not warrant submission of a Traffic Impact Study as part of the complete application, and City Transportation Staff have reviewed the application and have no concerns with respect to the reduction in stacking parking spaces.

5.0 Conclusion

The requested amendment to expand the range of permitted commercial uses on the subject site and to allow for 2 restaurants and a drive-through is considered appropriate as the recommended ASA1/ASA2/ASA3 Zone is consistent with the PPS 2020 and conforms to The London Plan and the 1989 Official Plan.

The recommended zone provides additional uses that are appropriate and compatible with the surrounding area and provides an increased opportunity to effectively develop the underutilized site. This is in greater conformity with The London Plan and the 1989 Official Plan policies, both of which encourage intensification and redevelopment in existing commercial areas within the built-up area of the City. The requested Special Provisions for reduced parking spaces, reduced landscape buffers, and to recognize the rear yard setback, and lot depth and frontage have also been determined to be appropriate in this instance, as they will not result in any negative impacts on abutting residential lands. However, Staff are not supportive of a Special Provision to reduce the minimum parking area setback to 0m on the basis that it would negatively impact the streetscape along Highbury Avenue North, and recommend Council refuse the request as it does not conform to The London Plan or the 1989 Official Plan. This will result in the loss on 1 parking space for the applicant (included in the parking reduction Special Provision) while allowing for improved access and maneuverability within the site.

Prepared by:	Monica Wu, Planner I Current 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
MT/mt

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 944
Hamilton Road

WHEREAS York Developments has applied to rezone an area of land located at 944 Hamilton Road, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 944 Hamilton Road, as shown on the attached map comprising part of Key Map No. A.107, from a Convenience Commercial/Service Station (CC/SS1) and Residential R1 (R1-6) Zone to an Associated Shopping Area Special Provision (ASA1(_)/ASA2(_)/ASA3(_)) Zone.
- 2) Section Number 24.4 of the Associated Shopping Area (ASA1) Zone is amended by adding the following Special Provisions:
 -) ASA1() 944 Hamilton Road
 - a) Regulations
 - i) Rear Yard Setback from the existing building (Minimum) 2.1 metres (6.9 feet)
 - ii) Lot Frontage (m) (Minimum) 40.0 metres (131.2 feet)
 - iii) Lot Depth (m) (Minimum) 41.0 metres (134.5 feet)
 - iv) Parking Spaces (Minimum) 46 spaces for all uses permitted in the zone
 - v) Landscaped strip width adjacent to any noise barrier (Minimum) 1.5 metres (4.9 feet)
 - vi) Landscaped buffer between the edge of the drive-through lane and the ultimate road allowance along Highbury Avenue North (Minimum) 0.9 metres (3.0 feet)
- 3) Section Number 24.4 of the Associated Shopping Area (ASA2) Zone is amended by adding the following Special Provisions:
 -) ASA2() 944 Hamilton Road

- a) Regulations
- | | | |
|------|------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|
| i) | Rear Yard Setback from the existing building (Minimum) | 2.1 metres (6.9 feet) |
| ii) | Lot Frontage (m) (Minimum) | 40.0 metres (131.2 feet) |
| iii) | Lot Depth (m) (Minimum) | 41.0 metres (134.5 feet) |
| iv) | Parking Spaces (Minimum) | 46 spaces for all uses permitted in the zone |
| v) | Landscaped strip width adjacent to any noise barrier (Minimum) | 1.5 metres (4.9 feet) |
| vi) | Landscaped buffer between the edge of the drive-through lane and the ultimate road allowance along Highbury Avenue North (Minimum) | 0.9 metres (3.0 feet) |

- 4) Section Number 24.4 of the Associated Shopping Area (ASA3) Zone is amended by adding the following Special Provisions:

-) ASA3() 944 Hamilton Road

- a) Regulations
- | | | |
|------|------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|
| i) | Rear Yard Setback from the existing building (Minimum) | 2.1 metres (6.9 feet) |
| ii) | Lot Frontage (m) (Minimum) | 40.0 metres (131.2 feet) |
| iii) | Lot Depth (m) (Minimum) | 41.0 metres (134.5 feet) |
| iv) | Parking Spaces (Minimum) | 46 spaces for all uses permitted in the zone |
| v) | Landscaped strip width adjacent to any noise barrier (Minimum) | 1.5 metres (4.9 feet) |
| vi) | Landscaped buffer between the edge of the drive-through lane and the ultimate road allowance along Highbury Avenue North (Minimum) | 0.9 metres (3.0 feet) |

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.

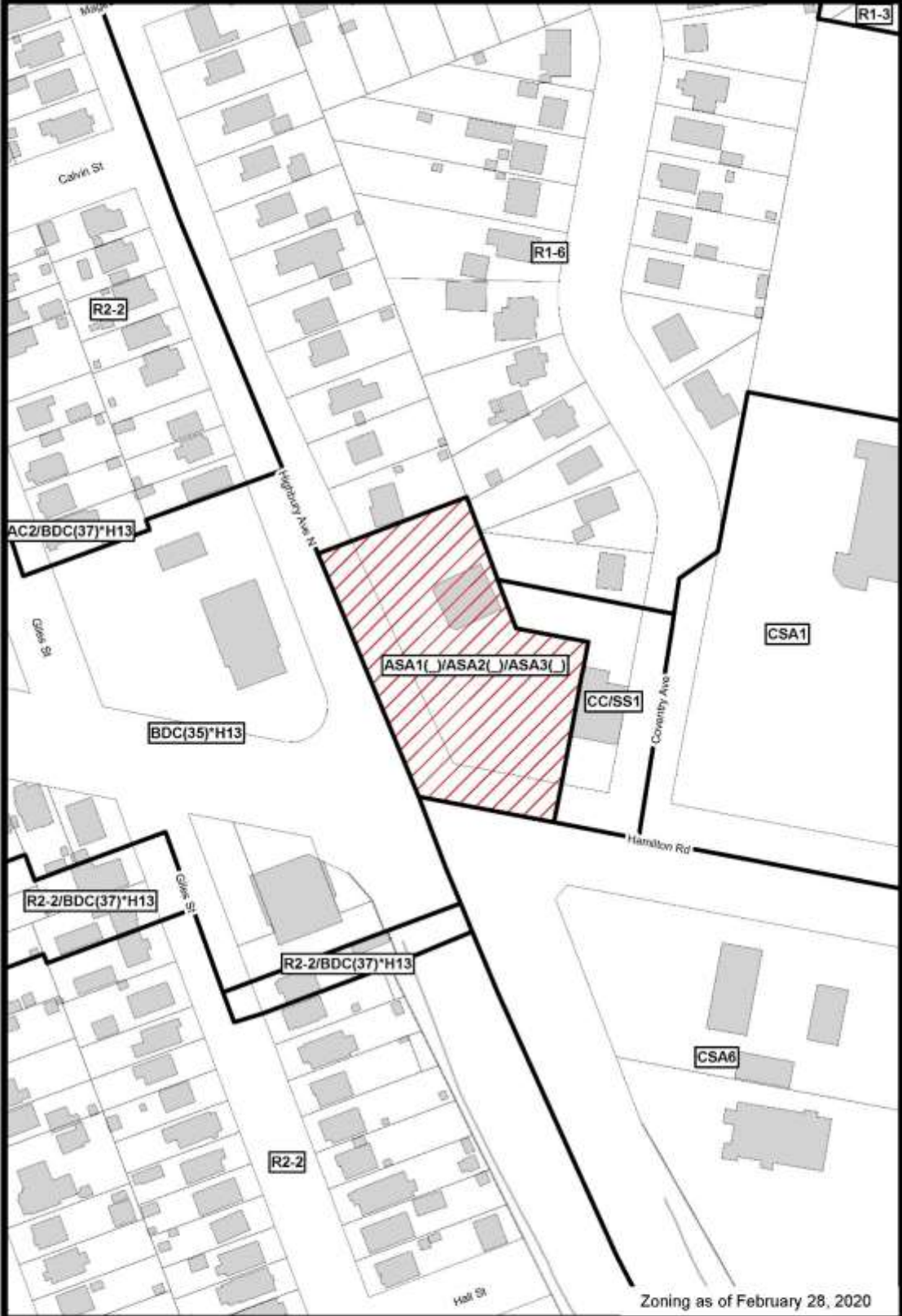
PASSED in Open Council on June 29, 2020.


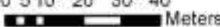

Ed Holder
Mayor

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)



<p>File Number: Z-9151 Planner: MW Date Prepared: 2020/03/11 Technician: rc By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:1,500</p> <p>0 5 10 20 30 40 Meters </p> <p></p>
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Appendix B – Public Engagement

Community Engagement

Public liaison: On December 4, 2019, Notice of Application was sent to 72 property owners in the surrounding area. A Revised Notice of Application was subsequently sent out on December 23, 2019, January 22, 2020, and March 11, 2020. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on December 5, 2019. A Revised Notice of Application was subsequently published on December 26, 2019, January 23, 2020, and March 12, 2020. A “Planning Application” sign was also posted on the site.

Nature of Liaison: The purpose and effect of this zoning change is to permit an increased range of uses on the subject site. Possible change to Zoning By-law Z.-1 FROM a Convenience Commercial/Service Station (CC/SS1) and Residential R1 (R1-6) Zone to an Associated Shopping Area Special Provision (ASA1()/ASA2()/ASA3()) Zone to permit Animal Hospitals, Brewing on Premises Establishment, Clinics, Convenience Service Establishments, Convenience Stores, Day Care Centres, Dry Cleaning And Laundry Plants, Duplicating Shops, Financial Institutions, Grocery Stores, Medical/Dental Offices, Laboratories, Offices, Personal Service Establishments, Pharmacies, Printing Establishments, Restaurants, Retail Stores, Repair And Rental Establishments, Service and Repair Establishments, Studios, Supermarkets, and Video Rental Establishments.

Responses: one (1) response was received from member of the public citing concerns relating to:

- Traffic speeds on Highbury Ave N
- Accidents at the intersection of Highbury Ave N and Hamilton Rd
- On the Hamilton Rd side, the traffic trying to get in and out of the Scotiabank, the No Frills Plaza and the McDonald’s across Hamilton Rd is complete chaos with turning lanes that are trying to turn to Highbury Ave S.
- Noise from construction

Agency/Departmental Comments

UDPRP -

- The panel supports the location of the building along Hamilton Road, complete with a landscaped patio space, to screen the drive-through and address the corner of the intersection
- The panel questioned the need for an east and south entrance and encouraged the applicant to develop the southwest corner of the building to further address the intersection.
- The panel recommended further development of the proposed forecourt and encouraged the applicant to think holistically about the patio, landscaping, and signage to soften the edge along Hamilton Road for patrons using the patio while not impeding views of the building and signage.
- The panel expressed concern with the snow removal and storage on the site and suggested the applicant give further consideration as to how it will be maintained.
- The panel questioned the proximity of the pedestrian crossing to the drive-through window and suggested it be moved further east.
- The panel questioned the need to keep the existing building as it reduces the number of design opportunities with the site.

Development Services –

Archaeology:

- I have reviewed the following and find the report's (analysis, conclusions and recommendations) to be sufficient to fulfill the archaeological assessment requirements for complete application (9151-Z):
 - Lincoln Environmental Consulting Corp. Stage 1-2 Archaeological Assessment of 944 Hamilton Road and 120 Highbury Avenue North [...] London, Ontario (P344-0362-2019), October 2019.

Forestry & Parks:

- Parkland dedication CIL at site plan

Transportation:

- Road widening dedication of 22.0m from centre line required on Highbury Avenue North Road widening dedication of 19.0m from centre line required on Hamilton Road
- Revised 6.0m x 6.0m daylight triangle required
- Coffee shops require stacking for 15 vehicles, fast food requires 12
- Transportation has no concerns with the proposed parking reduction

Water:

- Water is available to service the site via the 400mm PVC watermain on Hamilton Road or 400 CI watermain on Highbury Avenue North.

Wastewater:

- The sanitary sewer outlets for the proposed site are 350mm diameter sanitary sewer on Hamilton Rd and 300mm diameter sanitary sewer on Highbury Ave North.
- Additional comments may be forthcoming as part of a future application.

Stormwater:

- As per City as-constructed 11707, the site at C=0.90 (Commercial) is tributary to the existing 600mm storm sewer on Highbury Ave.
- For the proposed 39 parking spaces, the owner shall be required to have a consulting Professional Engineer addressing water quality to the standards of the MECP 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. as well as an inspection manhole (and benching details) prior to the sites outlet.
- As-constructed 9139 indicates four PDCs to the existing 600mm storm sewer on Highbury Ave (between 118 & 120 Highbury Ave and 944 Hamilton Rd). The applicant is to confirm which existing PDC are to be used, or if multiple will be utilized, and if one or more of them will be removed/decommissioned/abandoned. If any PDC removal/decommissioning/abandonment occurs, site plan drawings should reflect so accordingly.
- As per City as-constructed 11707, the site at C=0.90 (Commercial) is tributary to the existing 600mm storm sewer on Highbury Ave.
- For the proposed 39 parking spaces, the owner shall be required to have a consulting Professional Engineer addressing water quality to the standards of the MECP 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. as well as an inspection manhole (and benching details) prior to the sites outlet.
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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, 2020

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1 a), b)

1.1.2

1.1.3 Settlement Areas

1.1.3.2 a), b)

1.1.3.4

1.3 Employment

1.3.1 b)

The London Plan

Place Type Policies

Neighbourhoods Place Type

Use – 926_, 932_

Intensity – *935_1, *935_2

Form – *936_3

City Building Policies

Site Layout – 253_, *259_, 264_

1989 Official Plan

4.4.7. Community Commercial Node (CCN)

4.3.7.1. Function

4.3.7.2. iv) Location

4.3.7.3. Permitted Uses

4.3.7.4. Form

4.3.7.5. Scale

3.2. Low Density Residential (LDR)

3.2.1., 3.2.1. v) Permitted Uses

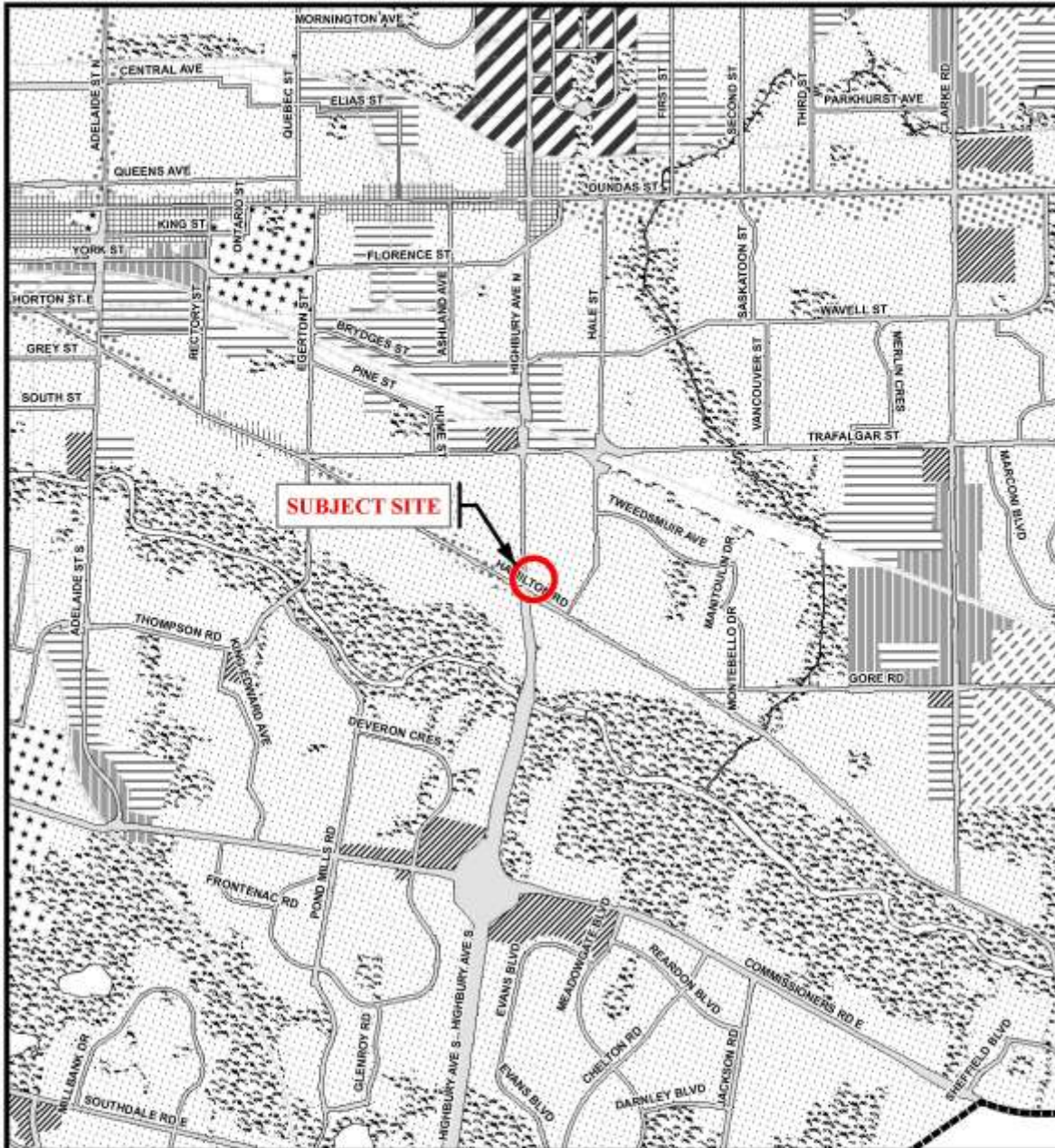
3.6.5., 3.6.5. ii) (a) Convenience Commercial and Service Stations

19.1. Interpretation

19.1.1. i)

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.

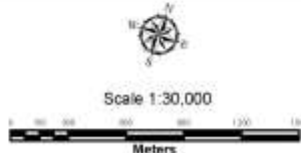
At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.

CITY OF LONDON

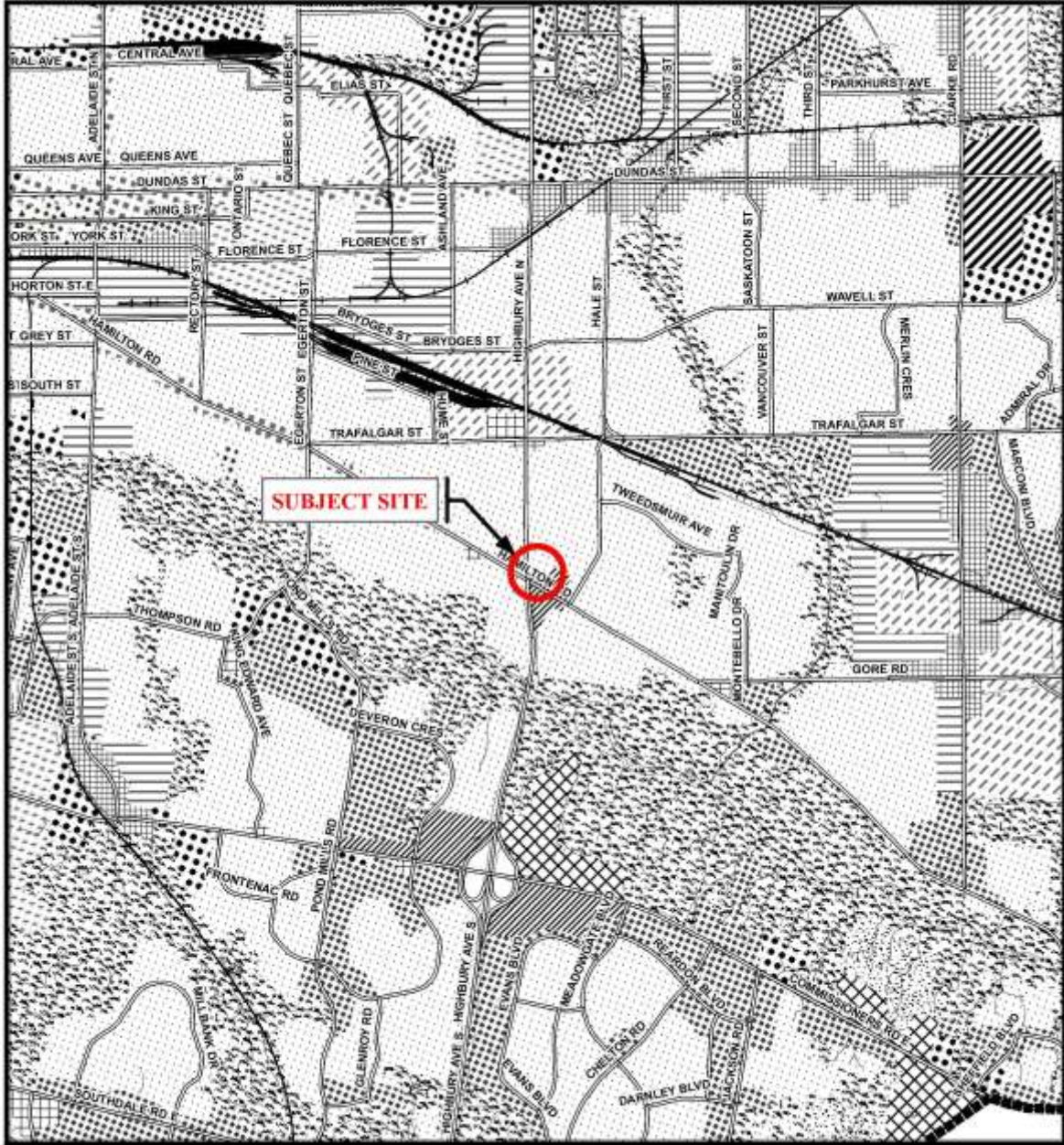
Planning Services /
 Development Services

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

PREPARED BY: Planning Services

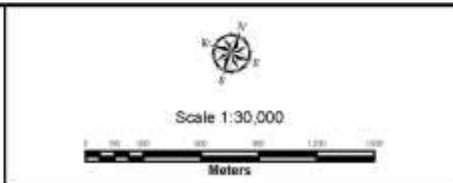


File Number: Z-9151
Planner: MW
Technician: RC
Date: March 11, 2020



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

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



FILE NUMBER: Z-9151
 PLANNER: MW
 TECHNICIAN: RC
 DATE: 11/03/2020



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-9151 MW

MAP PREPARED:
 2020/03/11 RC

1:1,500
 0 5 10 20 30 40
 Meters

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