# **Report to Planning and Environment Committee**

To: Chair and Members

**Planning & Environment Committee** 

From: Scott Mathers, MPA, P. Eng.,

**Deputy City Manager, Planning and Economic Development** 

Subject: Maverick Real Estate Inc.

**600 Oxford Street West** 

**Public Participation Meeting** 

**Date:** March 7, 2022

# Recommendation

That, on the recommendation of the Director, Planning & Development, the following actions be taken with respect to the application of Maverick Real Estate Inc. relating to the property located at 600 Oxford Street West:

(a) the proposed by-law <u>attached</u> hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on March 22, 2022 to amend The London Plan to **ADD** a Specific Area Policy to permit "automotive uses, restricted" within existing buildings, in addition to the uses permitted in the Transit Village Place Type, and by **ADDING** the subject lands to Map 7 - Specific Area Policies – of The London Plan:

**IT BEING NOTED THAT** the amendments will come into full force and effect concurrently with Map 7 of The London Plan;

- (b) the proposed by-law <u>attached</u> hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on March 22, 2022 to amend the Official Plan (1989) to **ADD** a policy to Section 10.1.3 "Policies for Specific Areas" to permit "office", "retail" and "commercial recreation establishments" within existing buildings, in addition to the uses permitted in the Auto-Oriented Commercial Corridor designation;
- (c) the proposed by-law <u>attached</u> hereto as Appendix "C" **BE INTRODUCED** at the Municipal Council meeting on March 22, 2022 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan as amended in part (a) and (b) above, to change the zoning of the subject property **FROM** a Highway Service Commercial/Restricted Service Commercial (HS/RSC1) Zone, **TO** a Highway Service Commercial Special Provision (HS()) Zone.

# **Executive Summary**

# **Summary of Request**

The owner has requested amendments to the 1989 Official Plan, The London Plan and Zoning By-law to permit "office", "retail", "commercial recreation establishments" and "automotive uses, restricted" within existing buildings.

# **Purpose and Effect of Recommended Action**

The purpose and effect of the recommended action is to permit the office, retail, commercial recreation establishments and automotive uses, restrictive within the existing buildings on site. The following special provisions would facilitate the proposed uses and recognize existing conditions however, future developments would be subject to standard zoning requirements or additional planning approvals would be required:

 a reduced minimum westerly interior side yard depth of 1.25m, whereas 4.5m is required;

- a reduced minimum easterly side yard depth of 4.05m, whereas 4.5m is required;
- a reduced landscaped open space of 8%, whereas 15% is required;
- a reduced minimum parking setback of 0m from the ultimate road allowance, whereas 3m is required; and
- · existing number of parking spaces.

#### **Rationale of Recommended Action**

- 1. The recommended amendment is consistent with the Provincial Policy Statement, 2020, which promotes economic development and competitiveness by providing for an appropriate mix and range of employment uses;
- 2. The recommended amendment conforms to the in-force policies of the 1989 Official Plan, including but not limited to the criteria for Specific Area Policies and Planning Impact Analysis;
- 3. The recommended amendment conforms to the in-force policies of The London Plan, including but not limited to the Key Directions, City Design policies.
- 4. The recommended amendment facilitates uses of a site within the Built-Area Boundary and the Primary Transit Area until such time as the site redevelops.
- 5. The recommended amendments facilitate an appropriate proposal that facilitates the reuse of the existing buildings with uses that are compatible within the surrounding context.

# **Linkage to the Corporate Strategic Plan**

Building a Sustainable City – London's growth and development is well planned and sustainable over the long term.

# **Analysis**

# 1.0 Background Information

#### 1.1 Previous Reports Related to this Matter

None

# 1.2 Property Description

The subject site is located on the south side of Oxford Street West, west of the Wonderland Road South/Oxford Street West intersection within the Primary Transit Area along a future Bus Rapid Transit corridor. The site has two vacant commercial buildings on site previously used for the Porsche Automobile Dealership. The site has a frontage of approximately 0.63 metres along Oxford Street West with a total area of approximately 0.62 hectares.



Figure 1 – Existing Buildings

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

- Official Plan Designation Auto Oriented Commercial Corridor
- The London Plan Place Type Transit Village Place Type
- Existing Zoning Highway Service Commercial (HS) and Restricted Service Commercial (RSC1)

#### 1.4 Site Characteristics

- Current Land Use vacant commercial buildings (previous car dealership)
- Frontage 0.63 metres
- Depth n/a
- Area 0.62 hectares
- Shape Irregular

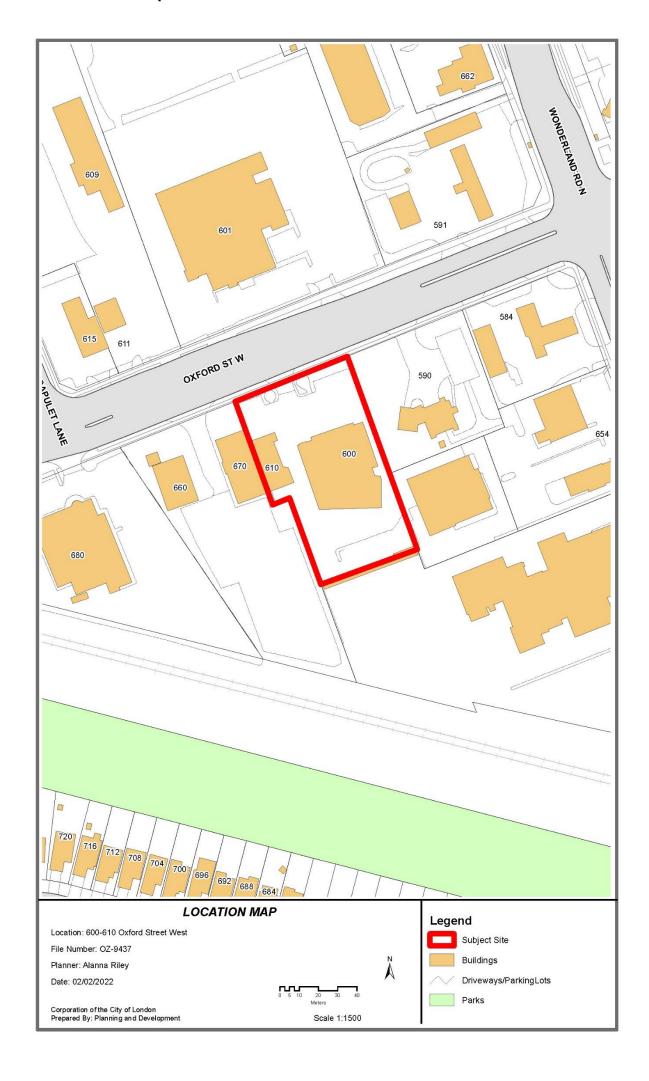
# 1.5 Surrounding Land Uses

- North Oxford Street West, Ford Dealership, Automotive Uses
- East Fire Station, Restaurant, Finch Chevrolet Dealership, Automotive Uses
- South Parking Lot, Finch Chevrolet Dealership, Rail Corridor
- West Restaurants, Honda Dealership

# 1.6 Intensification

The proposal represents intensification within the Primary Transit Area and the Built-Area Boundary.

# 1.7 Location Map



#### 2.0 Discussion and Considerations

# 2.1 Development Proposal and Requested Amendments

On November 15, 2021, Planning and Development accepted a complete application proposing to permit "office", "retail" and "commercial recreation establishments" within the existing buildings.

The applicant requested the following:

- 1) To add a Chapter 10 Specific Area Policy to permit "office", "retail" and "commercial recreation establishments" within existing buildings, in addition to the uses permitted in the Auto-Oriented Commercial Corridor designation;
- To add a Specific Policy Area to permit "automotive uses, restricted" within existing buildings, in addition to the uses permitted in the Transit Village Place Type.
- 3) To change the zoning from a Highway Service Commercial/Restricted Service Commercial (HS/RSC1) Zone to a Highway Service Commercial Special Provision (HS(\_)) Zone. Special Provisions to add "office", "retail store" and "commercial recreation establishments" to the range of permitted uses, and permit: a westerly interior side yard depth of 1.25m, whereas 4.5m is required; an easterly interior side yard depth of 4.05m, whereas 4.5m is required; a landscaped open space of 8%, whereas 15% is required; parking to be setback 0m from the ultimate road allowance, whereas 3m is required; and to maintain the existing number of parking spaces.

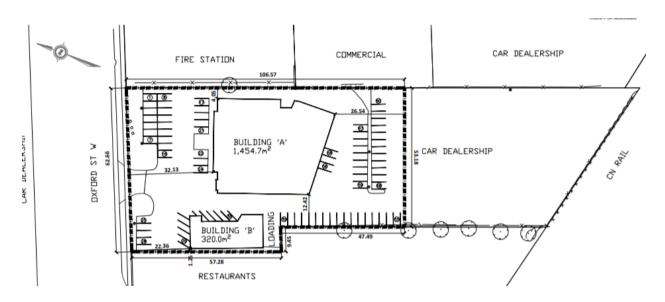


Figure 2: Site Plan

#### 2.5 Community Engagement (see more detail in Appendix B)

One person called in support of the application.

# 2.6 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. In accordance with Section 3 of the Planning Act, all planning decisions "shall be consistent with" the PPS.

The Provincial Policy Statement 2020 provides policy direction on matters of provincial interest related to land use and development. Section 1.1 "Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns" of the PPS encourages healthy, livable, and safe communities over the long-term. These communities must be sustained through a number of measures, including: accommodating an appropriate range and mix of affordable and market-based types of

residential land uses, as well as employment, institutional, recreation and open space land uses (s. 1.1.1.b); promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs (s. 1.1.1.e).

The PPS encourages areas inside the urban growth boundary (i.e. "settlement areas" per s. 1.1.3 Settlement Areas) to be the main focus of growth and development, including opportunities for intensification and redevelopment. Appropriate land use patterns within urban growth boundaries are established by providing appropriate densities and mix of land uses that efficiently use land and resources along with the surrounding infrastructure, public services facilities and are also transit-supportive (s.1.1.3.2).

The PPS 2020 promotes economic development and competitiveness by providing for an appropriate mix and range of employment uses. (s. 1.3)

Also, the PPS 2020 requires Planning authorities to support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns. Also, it promotes compact form and structure of nodes and corridors, along with to promote the use of active transportation and transit in and between residential, employment (including commercial and industrial), and to focus major employment, commercial on sites which are well serviced by existing and planned transit. (s.1.8.1)

#### 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 London Plan provides Key Directions (Policy 54\_) that must be considered to help the City effectively achieve its vision. These directions give focus and a clear path that will lead to the transformation of London that has been collectively envisioned for 2035. Under each key direction, a list of planning strategies is presented. These strategies serve as a foundation to the policies of the Plan and will guide planning and development over the next 20 years. Relevant Key Directions are outlined below.

The London Plan provides direction to plan strategically for a prosperous city:

• Revitalize our urban neighbourhoods and business areas (s. 55, Direction 1.4);

The London Plan provides direction to build a mixed-use compact city by:

- Plan to achieve a compact, contiguous pattern of growth looking "inward and upward" (s. 59, Key Direction 5.2);
- Sustain, enhance, and revitalize our downtown, main streets, and urban neighbourhoods (s. 59\_, Key Direction 5.3);
- Plan for infill and intensification of various types and forms to take advantage of existing services and facilitate and to reduce our need to grow outward (s. 59\_, Key Direction 5.4).

The London Plan provides direction to place a new emphasis on creating attractive mobility choices by:

- Link land use and transportation plans to ensure they are integrated and mutually supportive (s. 60 , Key Direction 6.4); and
- Dependent on context, require, promote, and encourage transit-oriented development forms (s. 60\_, Key Direction 6.6).

Lastly, The London Plan provides direction to make wise planning decisions that:

- Plan for sustainability balance economic, environmental, and social considerations in all planning decisions. (s. 62\_, Key Direction 8, Direction 1).
- Ensure that all planning decisions and municipal projects conform with The London Plan and are consistent with the Provincial Policy Statement (s. 62\_, Key Direction 8.1); and
- Ensure new development is a good fit within the context of an existing neighbourhood (s. 62, Key Direction 8.9).

The London Plan also includes a City Structure Plan that identifies the framework for growth and change over the planning horizon which establishes a clear hierarchy for development intensity inside the Urban Growth Boundary. It places a high level of importance on growing "inward and upward" (Policy 79\_), while directing the most intensive forms of development to the Downtown, Transit Villages and at station locations along the Rapid Transit Corridors (Policy 86 \*).

Within this City Structure, the subject site is located within the urban area (within Urban Growth Boundary and Built Area) and within the Primary Transit Area (PTA). The PTA is an area of focus for intensification and transit investment within London.

The subject site is within the Transit Village Place Type which permits broad range of residential, retail, service, office, cultural, institutional, hospitality, entertainment, recreational, and other related uses may be permitted. Where there is a mix of uses within an individual building, retail and service uses will be encouraged to front the street at grade.

#### 1989 Official Plan

The City's Official Plan (1989) contains Council's objectives and policies to guide the short-term and long-term physical development of the municipality. The policies promote orderly urban growth and compatibility among land uses. While objectives and policies in the Official Plan primarily relate to the physical development of the municipality, they also have regard for relevant social, economic and environmental matters.

The subject lands are within the Auto Oriented Commercial Corridor land use designation of the 1989 Official Plan. This designation is intended to accommodate commercial uses that cater to the needs of the travelling public, generally applied to areas along arterial roads where high traffic volumes are present and where services can be concentrated and supported. Examples of permitted uses include hotels, automotive uses and services, restaurants, and building supply outlets/hardware stores. Commercial buildings in the "Auto-Oriented Commercial Corridor" designation are to be of low-rise form to provide for a scale that will minimize impact on, and can be integrated with, surrounding uses.

# 3.0 Financial Impact/Considerations

There are no direct municipal financial expenditures associated with this application.

#### 4.0 Key Issues and Considerations

Through an analysis of the use, intensity and form, Staff have considered the compatibility and appropriateness of the requested amendment and proposed development, both on the subject lands and within the surrounding neighbourhood.

# 4.1 Issue and Consideration #1: Use

Provincial Policy Statement, 2020

The PPS promotes the integration of land use planning, growth management, transitsupportive development, intensification and infrastructure planning to achieve costeffective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs (1.1.1e)).

The PPS directs settlement areas to be the focus of growth and development. Land use patterns within settlement areas shall be based on densities and a mix of land uses which: efficiently use land and resources; are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; minimize negative impacts to air quality and climate change, and promote energy efficiency; prepare for the impacts of a changing climate; support active transportation and are transit-supportive, where transit is planned, exists or may be developed (1.1.3.2). Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment (1.1.3.2).

Additionally, the PPS requires planning authorities to promote economic development and competitiveness by providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs and 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. (1.3.1.a) & 1.3.1b)).

The existing land use designation and future Transit Village Place Type promote a mix of land uses envisioned by the PPS while providing opportunities for a diversified economic base. The requested amendment will facilitate additional uses which contribute and enhance the employment opportunities on this site. No new roads or infrastructure are required to service the site, making efficient use of land and existing services.

# The London Plan

The Transit Village Place Type policies permit a broad range of residential, retail, service, office, cultural, institutional, hospitality, entertainment, recreational, and other related uses and encourages mixed-use buildings as a way to implement these uses. (\*837\_)) While recognizing that other place types also support varying amounts of retail, office and service, uses, the role of Transit Village Place Type within the City Structure is to evolve as one of the primary Place Type's that will allow for major mixed-use destinations(807).

Although, The London Plan contemplates and encourages mixed-use development within the Transit Village Place Type, the policies also speak to the primacy of commercial uses including extensive retail and commercial services, offices and includes recreational services.

The proposed application is seeking office, retail and commercial recreation establishments as additional uses that are all permitted within the Transit Village Place Type but would be restricted to the existing buildings. This allows the existing building stock to continue to be used until such time as a more comprehensive proposal is presented for the site where mixed use development would be encouraged.

Additionally, the applicant is seeking an area specific policy to permit "Automotive Uses, Restrictive" in the Transit Village Place Type to ensure the existing Car Wash use will be maintained on site. Automotive Uses, Restrictive is a defined use within the existing Z-1. Zoning By-law which "means an automobile service station, a gas bar, or a car wash".

Through the existing zoning, the site currently permits uses identified as "Automotive Uses, Restrictive", which is not a permitted use within the Transit Village Place Type; therefore, an amendment is required to ensure the proposed zoning conforms to The London Plan. Given the site contains an existing car wash as an accessory use to a former car dealership Staff do not see any issues facilitating its continued use within the existing building. As a result of any future comprehensive development the use would not longer be permitted on site.

#### 1989 Official Plan

The subject lands are designated Auto-Oriented Commercial Corridor in the 1989 Official Plan. The Auto-Oriented Commercial Corridor designation contemplates a very limited amount and range of retail uses. These uses are intended to be small scale and limited in range, rather than the broader range of uses permitted under the definition of "Retail Store." The broadly defined "Retail Store" use is not contemplated in the Auto-Oriented Commercial Corridor designation. Medical and dental offices, clinics, offices associated with wholesale warehouse or construction and trade outlets, and similar support offices may be permitted in appropriate locations however, general office uses are not contemplated. Furthermore, commercial recreation establishments are also not permitted.

Specific Area policies may be applied where the application of existing policies would not accurately reflect the intent of Council with respect to the future use of the lands. Under these circumstances, the adoption of Specific Area policies may be considered where the change in land use is site specific and is located in an area where Council wishes to maintain existing land use designations, while allowing for a site-specific use. (10.1.1.ii))

As indicated above, the proposed retail, office and commercial recreation establishment uses do not align with the Auto-Oriented Commercial Corridor designation but are in keeping with the intent of Council with respect to the future use of the lands as outlined in the Transit Village Place Type in The London Plan. As such, a Chapter 10 Specific Policy is recommended to permit retail, offices and commercial recreation establishments on a site-specific basis while maintaining the existing Auto-Oriented Commercial designation currently applied to the subject site. This is discussed further in Section 4.5 of this report.

A Planning Impact Analysis has also been provided in Appendix 'D' to address impacts of the proposed uses on surrounding lands. Additional measures addressing the impacts of the proposed intensity on surrounding lands have been evaluated through the above analysis of the Transit Village Place Type policies and no further review is required through the AOCC policies.

#### 4.2 Issue and Consideration #2: Intensity

Provincial Policy Statement, 2020

Section 1.1 of the PPS encourages healthy, livable and safe communities which accommodate an appropriate range and mix of uses to meet long-term needs (Section 1.1.1 b)), and are sustained by promoting efficient, cost-effective development patterns and standards to minimize land consumption and servicing costs (Section 1.1.1 e)).

The PPS directs settlement areas to be the main focus of intensification and redevelopment (Section 1.1.2). Appropriate land use patterns within settlement areas are established by providing appropriate densities and mix of land uses that efficiently use land and resources, and the surrounding infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed (Section 1.1.3.2).

The PPS 2020 promotes economic development and competitiveness by providing for an appropriate mix and range of employment uses. (s. 1.3)

Also, the PPS 2020 requires Planning authorities to support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns. This directs to promote compact form and structure of nodes and corridors, along with to promote the use of active transportation and transit in and between residential,

employment (including commercial and industrial), and to focus major employment, commercial on sites which are well serviced by existing and planned transit. (s.1.8.1)

The recommended amendment is consistent with the policies of the PPS as it will implement a few new commercial uses adapted in a manner that will continue to facilitate an efficient, cost-effective development pattern within an established settlement area. No new roads or infrastructure is required to service the site; therefore, the development makes efficient use of existing services. The proposed development supports the use of active transportation and transit as the site is conveniently located in an area that is directly serviced by existing transit. The proposed new uses can be accommodated on the site within the existing buildings and within the surrounding context with minimal impacts, if any.

#### The London Plan

Policy 810\_3 of the Transit Village Place Type identifies key elements for achieving the vision for exceptionally designed, high-density mixed-use urban neighbourhoods connected by rapid transit to the Downtown and each other (806\_) which may include significant restructuring and redevelopment of existing, often single-use commercial complexes at these locations, includes a planning for intense, mixed-use development around transit stations within Transit villages. Also, Policy 813\_3 states that applications will be evaluated to ensure that they provide for an adequate level of intensity to support the goals of the Transit Village Place Type, including supporting rapid transit.

Furthermore, buildings within the Transit Village Place Type will be a minimum of 2 storeys or eight metres in height and will not exceed 15 storeys in height. A height of 22 storeys may be permitted through Type 2 bonusing (813\_1). As mentioned above, permitted uses include a broad range of residential, retail, service, office, cultural, institutional, hospitably, entertainment, recreational and other related uses 8111\_).

It is acknowledged that the Transit Village Place Type intensity policies are currently under appeal, and that the proposed "automotive uses, restrictive" do not conform to the identified intensity policies. Accordingly, these policies are informative, not determinative, and cannot be relied on for the review of the requested amendment as the policy framework for this site is in a period of transition between the 1989 Official Plan and The London Plan.

As noted, the proposed amendment is appropriate given that it serves as an interim use, facilitates the continued use of existing building stock, and provides for additional opportunities to the subject lands until such time as a future comprehensive proposal is presented to implement the full vision of the Transit Village Place Type.

#### 1989 Official Plan

As mentioned, the Official Plan identifies that the subject lands are designated as Auto Oriented Commercial Corridor. This designation is intended to accommodate commercial uses that cater to the needs of the travelling public, generally applied to areas along arterial roads where high traffic volumes are present and where services can be concentrated and supported (Section 4.4.2.4; Section 4.4.2.5). In Staff's opinion the subject site is located in an appropriate location to accommodate the proposed additional uses within the existing buildings. The existing buildings are sensitive to their surroundings, provide sufficient separations and buffers to the surrounding commercial uses, and provides a transition of intensity from other uses. The site is appropriately sized to accommodate the proposed uses with no additional special provisions required aside from recognizing the location of the existing buildings, parking and landscape treatment. The proposed development will make full use of the municipal services, minimizing consumption of land and servicing costs.

Overall, the potential increase in intensity on the subject lands is considered minimal as the uses are restricted to the existing built form and site conditions. These additional uses will bring additional viability to the existing development contributing to efficient use of public infrastructure, services, and facilities; encourages compact, cost-effective

development; and supports active transportation and public transit as opposed to the site remaining vacant. As such, staff is satisfied the proposed intensity is in conformity with the 1989 Official Plan.

#### 4.3 Issue and Consideration #3: Form

#### Provincial Policy Statement, 2020

The PPS is supportive of development standards which facilitate intensification, redevelopment and compact form (Policy 1.1.3.4). The PPS also identifies that long term economic prosperity should be supported by encouraging a sense of place by promoting a well-designed built form, and by conserving features that help define character (Policy 1.7.1 e)).

Consistent with the PPS, the recommended amendments of the subject lands would optimize the use of land and public investment in infrastructure in the area. Located within a developed area of the City, the proposed additional uses within the existing buildings would contribute to achieving more compact forms of growth and utilize existing services in the area.

#### The London Plan

The London Plan encourages compact forms of development as a means of planning and managing for growth (Policy 7\_, Policy 66\_), and encourages growing "inward and upward" to achieve compact forms of development (Policy 59\_ 2, 79\_). The London Plan accommodates opportunities for infill and intensification of various types and forms that take advantage of existing services and facilities (Policy 59\_ 4.).

The subject site is in the Transit Village Place Type, and according to the urban design considerations, compatibility and fit will be evaluated from a form-based perspective through consideration of the following: site layout in the context of the surrounding neighbourhood; building and main entrance orientation; building line and setback from the street; height transitions with adjacent development; and massing appropriate to the scale of the surrounding neighbourhood (\*Policy 953 2. a.-f.).

The Our Tools section of The London Plan contains various considerations for the evaluation of all planning and development applications (\*Policy 1578\_). The existing built form is generally in keeping with these design considerations and the buildings have proven over time to be compatible and a good fit within the area. The site layout in combination with the location and massing of the buildings is consistent with urban design goals at the time of development. The existing parking rate is considered acceptable and in keeping with today's standards for sites located on streets that support a good level of public transportation.

The proposed new uses will result in minor modifications to the existing exterior of the buildings on site while the existing site conditions will be maintained that is a continuation of a compatible built form which has proven to be a good fit within the existing and planned context of the area.

#### 1989 Official Plan

Development of new uses within areas designated Auto-Oriented Commercial Corridor shall take the form of infilling, redevelopment or the conversion of existing structures. Auto-Oriented Commercial Corridors vary considerably in their mix of existing uses, lot sizes and scale of development.

This is not a new development, and the existing built form and site layout meets the intent of these policies as it provides a low-rise built form that is appropriate between the existing commercial land uses to the east and west. The existing buildings are appropriately buffered from the abutting lands and additional contemporary architectural elements will be incorporated to the exterior of the buildings to create visual interest along the streetscape.

Furthermore, the existing buildings were positioned and oriented on the subject lands to minimize the impact on surrounding land uses through a previous site plan approval. There are no notable land uses that will present any significant land use conflicts with the surrounding area. Adequate levels of landscaping and/or tree plantings were incorporated at the front of the site ensuring appropriate screening was provided between parking and the public realm to enhance the pedestrian environment on the subject lands. The site is also located in close proximity to the Wonderland Road North and Oxford Street West intersection which is the heart of a future Transit Village. It is anticipated that many of the land uses in the area will transition in the future to higher order mixed use developments, replacing many auto-oriented commercial corridors uses.

# 4.4 1989 Official Plan Specific Policy - Chapter 10 and Site Specific Policy - The London Plan

As mentioned, some of the proposed uses align with the Auto-Oriented Commercial Corridor designation while others align with the Transit Village Place Type, resulting in a range of uses that are not in full conformity with either Official Plan. To ensure the proposal complies with both Official Plans the applicant has requested a Chapter 10 Specific Area Policy in the 1989 Official Plan to permit retail, offices and commercial recreation establishments within existing buildings in the Auto Oriented Commercial Corridor, and a site specific policy in the Transit Village Place Type of The London Plan to permit "Automotive uses, Restrictive" within existing buildings.

Specific Area policies may be applied where the application of existing policies would not accurately reflect the intent of Council with respect to the future use of the lands. Under these circumstances, the adoption of Specific Area policies may be considered where the change in land use is site specific and is located in an area where Council wishes to maintain existing land use designations, while allowing for a site specific use (10.1.1.ii)).

The current policies applied to these lands do not contemplate a broadly defined "Retail Store" use, offices or commercial recreation establishments and anticipate the primary function to be more in line with automotive commercial uses. The proposal for these additional uses is not consistent with the planned function of the Auto Oriented Commercial Corridor designation; however, these uses are in keeping with the Transit Village Place Type in The London Plan, which will be applied to the subject site and will come into effect once The London Plan appeals have been resolved. Furthermore, the Transit Village Place Type policies do not contemplate the existing permitted "Automotive uses, Restrictive" in the Z.-1 Zoning By-law, which are consistent with the planned function of the existing Auto-oriented Commercial designation. As such, the existing commercial designation currently applied to the subject site does not "accurately reflect the intent of Council" for future development on this property.

In Staff's opinion as demonstrated in the analysis above, the proposed additional uses warrant consideration of the recommended special area policies for both Official Plans to permit the uses until such time as the site redevelops.

# 4.5 Issue and Consideration #5: Zoning

The proposed additional commercial uses require special provisions to permit additional commercial uses and recognize the existing built form and site conditions, including landscaping and parking. These special provisions include adding "office", "retail", "commercial recreation establishments" and "automotive uses, restricted" as additional permitted uses within existing buildings; a reduced minimum westerly interior side yard depth of 1.25m, whereas 4.5m is required; a reduced minimum easterly side yard depth of 4.05m, whereas 4.5m is required; a reduced landscaped open space of 8%, whereas 15% is required; a reduced minimum parking setback of 0m from the ultimate road allowance, whereas 3m is required; and to maintain the existing number of parking spaces.

In the Highway Service Commercial Zone and Restricted Service Commercial Zone, minimum front yards, exterior side yards, interior side yards, and rear yard depths are established relative to building height resulting in larger setbacks for taller buildings. However, when the buildings were constructed on site larger setbacks were incorporated for the front and the rear yards to accommodate parking in the front and back. At such time the site redevelops in a more comprehensive manner, the front yard will be reduced to achieve a street-oriented and transit-oriented building design to reflect current urban design standards in The London Plan, which encourage buildings to be positioned with minimal setbacks to public rights-of-way to create a street wall/edge that provides a sense of enclosure within the public realm (\*Policy 259\_). That being said, staff have no concerns with the existing building setbacks.

The existing interior side yard depths are able to provide adequate separation between the proposed development and adjacent buildings, while also providing access to the rear yard. The easterly interior side yard abuts a fire station with a substantial setback and the westerly interior side yard abuts a restaurant with a setback that permits access to these yards for maintenance and access. Notwithstanding, at such time the site redevelops, building location and setbacks will be evaluated to incorporate current site design standards.

Staff is satisfied that the special provisions recognize existing conditions and is a good interim, adaptive use of the site until a comprehensive redevelopment of the property is contemplated.

# Conclusion

The requested amendments are consistent with the policies of the 2020 *Provincial Policy Statement* (PPS) which promote economic development and competitiveness by providing for an appropriate mix and range of employment uses. The proposed amendment conforms to the in-force policies of the 1989 Official Plan, including but not limited to the application of policies for specific areas intended for sites where existing policies do not accurately reflect the intent of Council with respect to the future use of the land. The amendment also conforms to the in-force policies of The London Plan, including but not limited to the City Structure Plan and Transit Village Place Type policies.

Recognizing that the subject site will develop in the future for mixed-use in a more comprehensive manner, under the vision for Transit Village Place Type, the recommended amendments facilitate an appropriate proposal that support the reuse of the existing buildings with uses that are compatible with the surrounding context.

Prepared by: Alanna Riley, MCIP, RPP

Senior Planner, Planning & Development

Reviewed by: Mike Corby, MCIP, RPP

Manager, Planning Implementation

Recommended by: Gregg Barrett, AICP

**Director, Planning and Development** 

Submitted by: Scott Mathers, MPA, P. Eng.

**Deputy City Manager,** 

**Planning and Economic Development** 

cc:

Heather McNeely, Manager, Current Development Michael Pease, Manager, Site Plans Ismail Abushehada, Manager, Development Engineering

# **Appendix A London Plan Amendment – Policies for Specific Areas**

Bill No.(number to be inserted by Clerk's Office) 2022

By-law No. C.P.-1284-A by-law to amend The London Plan for the City of London, 2016 relating to 600 Oxford Street West.

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

- 1. Amendment No. (to be inserted by Clerk's Office) to The London Plan for the City of London Planning Area 2016, as contained in the text attached hereto and forming part of this by-law, is adopted.
- 2. The Amendment shall come into effect in accordance with subsection 17(27) of the *Planning Act, R.S.O. 1990*, c.P.13.

PASSED in Open Council on March 22, 2022

Ed Holder Mayor

Michael Schulthess City Clerk

First Reading – March 22, 2022 Second Reading – March 22, 2022 Third Reading – March 22, 2022

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

#### A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to add a policy to the Specific Policies for the Transit Village Place Type and add the subject lands to Map 7 – Specific Policy Areas – of The London Plan to permit "automotive uses, restricted" within existing buildings.

# B. <u>LOCATION OF THIS AMENDMENT</u>

This Amendment applies to lands located at 600 Oxford Street West in the City of London.

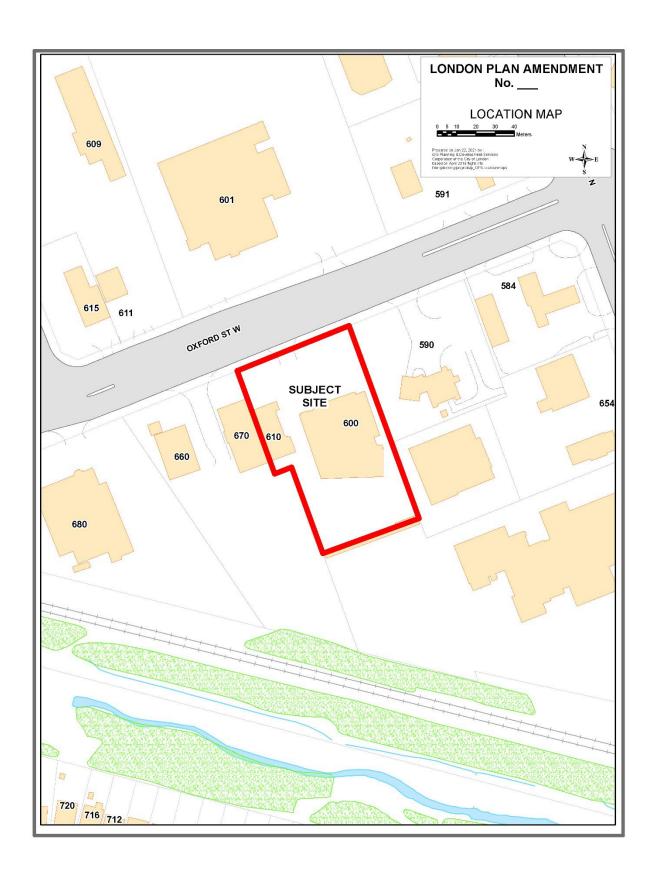
#### C. <u>BASIS OF THE AMENDMENT</u>

The recommended amendment is consistent with the Provincial Policy Statement 2020, conforms to the City of London 1989 Official Plan, and conforms to The London Plan. The amendment provides for the re-use of the existing building stock taking advantage of existing municipal services and infrastructure while contributing to the economic viability of the subject site.

#### D. THE AMENDMENT

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

- 1. Specific Policies for the Transit Village Place Type of The London Plan for the City of London is amended by adding the following:
  - ( ) In the Transit Village Place Type at 600 Oxford Street West, "automotive uses, restricted" within existing buildings may be permitted.
- 2. Map 7 Specific Policy Areas, to The London Plan for the City of London Planning Area is amended by adding a specific policy area for the lands located at 600 Oxford Street West in the City of London, as indicated on "Schedule 1" attached hereto.



# AMENDMENT NO: SARNIA RD 87. BEAUFORT IRWIN GUNN SAUNBY SECONDARY PLAN 15 14 Add: Specific Policy Area 13 71 **Q**<sub>k</sub> 83 **J** HORTONSTW RIVERSIDE DR SPRINGBANK DR RIDGEWOOD CRES 63 LEGEND BASE MAP FEATURES Specific Policies Streets (See Map 3) Rapid Transit and Urban Corridor Specific-Segment Policies ----- Railways Near Campus Neighbourhood Urban Growth Boundary Secondary Plans Water Courses/Ponds This is an excerpt from the Planning Division's working consolidation of Map 7 - Special Policy Areas of the London Plan, with added notations. SCHEDULE 1 FILE NUMBER: OZ-9437 (B) TO PLANNER: AR THE LONDON PLAN Scale 1:30,000 TECHNICIAN: RC AMENDMENT NO. \_ DATE: PREPARED BY: Planning Services

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# **Appendix B Official Plan Amendment – Policies for Specific Areas**

Bill No.(number to be inserted by Clerk's Office) 2022

By-law No. C.P.-1284-A by-law to amend the Official Plan for the City of London, 1989 relating to 600 Oxford Street West

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

- 1. Amendment No. (to be inserted by Clerk's Office) to the Official Plan for the City of London Planning Area 1989, as contained in the text attached hereto and forming part of this by-law, is adopted.
- 2. The Amendment shall come into effect in accordance with subsection 17(27) of the *Planning Act, R.S.O.* 1990, c.P.13.

PASSED in Open Council on March 22, 2022

Ed Holder Mayor

Michael Schulthess City Clerk

First Reading – March 22, 2022 Second Reading – March 22, 2022 Third Reading – March 22, 2022

#### AMENDMENT NO.

#### to the

# OFFICIAL PLAN FOR THE CITY OF LONDON

# A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to add a Chapter 10 policy in Section 10.1.3 of the Official Plan for the City of London Planning Area – 1989 to permit "office", "retail" and "commercial recreation establishments" within existing buildings, in addition to the uses permitted in the Auto-Oriented Commercial Corridor designation.

# B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands located at 600 Oxford Street West in the City of London.

#### C. BASIS OF THE AMENDMENT

The recommended amendment is consistent with the Provincial Policy Statement, 2020, and the in-force policies of the 1989 Official Plan and The London Plan.

The recommended amendment would permit additional commercial uses within the existing buildings until such time as the site redevelops through a comprehensive proposal helping achieve the vision of the Transit Village Place Type.

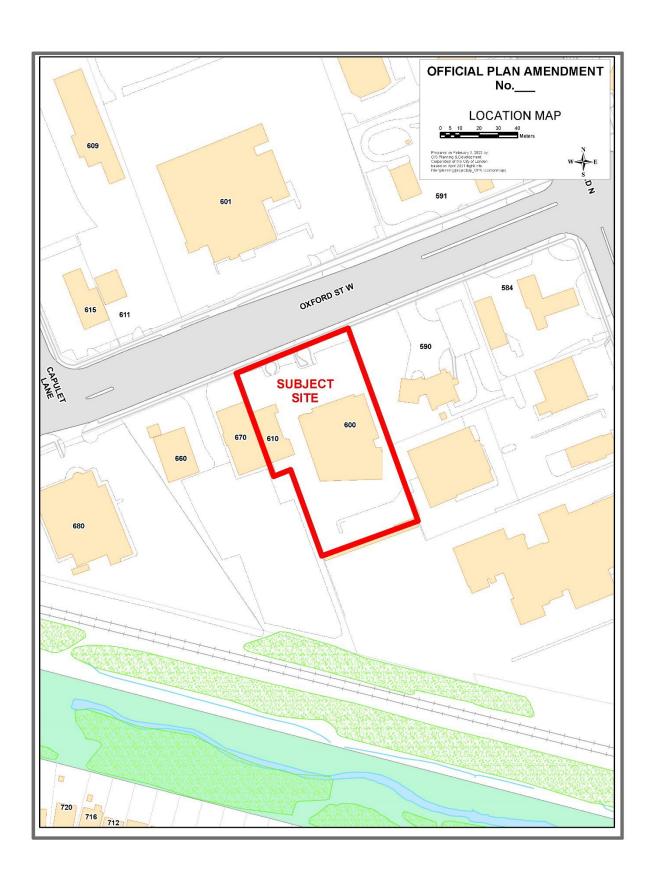
#### D. <u>THE AMENDMENT</u>

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

1. Chapter 10 – Policies for Specific Areas of the Official Plan for the City of London is amended by modifying the following:

#### Oxford Street West

() At 600 Oxford Street West, within the Auto-Oriented Commercial Corridor designation, "office", "retail" and "commercial recreation establishments" within existing buildings may be permitted.



# **Appendix C**

Bill No.(number to be inserted by Clerk's Office) 2022

By-law No. Z.-1-22\_\_\_\_

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 600 Oxford Street West.

WHEREAS Maverick Real Estate Inc. has applied to rezone an area of land located at 600 Oxford Street West, as shown on the map attached to this by-law, as set out below:

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

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

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 600 Oxford Street West, as shown on the attached map comprising part of Key Map No. A110, from a Highway Service Commercial/Restricted Service Commercial (HS/RSC1) Zone to a Highway Service Commercial Special Provision (HS()) Zone.
- 2) Section Number 27.4 of the Highway Service Commercial is amended by adding the following Special Provision:
  - ) HS() 600 Oxford Street West
    - a) Additional Permitted Uses
      - i) Offices,
      - ii) Retail Stores
      - iii) Commercial Recreation Establishments
    - b) Regulations
      - i) Location of Permitted Uses: Permitted uses shall be restricted to the existing buildings.
      - ii) West Interior Side Yard Setback (Minimum)

1.25 metres

iii) East Interior Side Yard Setback (Minimum)

4.05 metres

iv) Existing Landscaped Open Space (Minimum)

8%

- v) Parking Setback from the Ultimate Road Allowance 0.0m (Minimum)
- vi) Existing Number of Parking Spaces totalling 71

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 March 22, 2022.

Ed Holder Mayor

Michael Schulthess City Clerk

First Reading – March 22, 2022 Second Reading – March 22, 2022 Third Reading – March 22, 2022

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



# **Appendix B – Public Engagement**

# **Community Engagement**

# **Notice of Application:**

On November 25, 2021, Notice of Application was sent to property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on November 25, 2021. A "Planning Application" sign was also posted on the site.

1 reply of support was received.

Nature of Liaison: The purpose and effect of this Official Plan and zoning change is to permit "office", "retail", and "automotive uses, restricted" within existing buildings on the subject lands. Possible amendment to the 1989 Official Plan to add a Chapter 10 Specific Area Policy to permit "office", "retail" and "commercial recreation establishments" uses within existing buildings, in addition to the uses permitted in the Auto-Oriented Commercial Corridor designation. Possible amendment to The London Plan to add a Specific Policy Area to permit "automotive uses, restricted" within existing buildings, in addition to the uses permitted in the Transit Village Place Type. Possible change to Zoning By-law Z.-1 FROM Highway Service Commercial/Restricted Service Commercial (HS/RSC1) Zone TO a Highway Service Commercial Special Provision (HS(\_)) Zone. Special provisions would add "office", "retail store" and "commercial recreation establishments" to the range of permitted uses, and permit: a westerly interior side yard depth of 1.25m, whereas 4.5m is required; an easterly interior side yard depth of 4.05m, whereas 4.5m is required; a landscaped open space of 8%, whereas 15% is required; and parking to be setback 0m from the ultimate road allowance, whereas 3m is required. The City may also consider additional special provisions

# **Notice of Revised Application:**

On January 20, 2022, Notice of Revised Application was sent to property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on January 20, 2022.

Nature of Liaison: The purpose and effect of this Official Plan and zoning change is to permit "office", "retail", "commercial recreation establishments" and "automotive uses, restricted" within existing buildings on the subject lands. Possible amendment to the 1989 Official Plan to add a Chapter 10 Specific Area Policy to permit "office", "retail" and "commercial recreation establishments" uses within existing buildings, in addition to the uses permitted in the Auto-Oriented Commercial Corridor designation. Possible amendment to The London Plan to add a Specific Policy Area to permit "automotive uses, restricted" within existing buildings, in addition to the uses permitted in the Transit Village Place Type. Possible change to Zoning By-law Z.-1 from Highway Service Commercial/Restricted Service Commercial (HS/RSC1) Zone to a Highway Service Commercial Special Provision (HS(\_)) Zone. Special provisions would add "office", "retail store" and "commercial recreation establishments" to the range of permitted uses, and permit: a westerly interior side yard depth of 1.25m, whereas 4.5m is required; an easterly interior side yard depth of 4.05m, whereas 4.5m is required; a landscaped open space of 8%, whereas 15% is required; and parking to be setback 0m from the ultimate road allowance, whereas 3m is required. The City may also consider additional special provisions.

# **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, bylaws, and legislation are identified as follows:

Provincial Policy Statement, 2020

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

1.1.1 b)

1.1.1 e)

1.1.3.1

1.1.3.2

1.1.3.3

1.1.3.4

Section 1.4 - Housing

1.4.3

Section 1.7 – Long Term Economic Prosperity

# The London Plan

(Policies subject to Local Planning Appeals Tribunal, Appeal PL170100, indicated with asterisk.)

Policy 7\_ Our Challenge, Planning of Change and Our Challenges Ahead, Managing the Cost of Growth

Policy 54\_ Our Strategy, Key Directions

Policy 59\_1, 2, 4, 5, and 8 Our Strategy, Key Directions, Direction #5 Build a Mixed-use Compact City

Policy 61\_10 Our Strategy, Key Directions, Direction #7 Build Strong, Healthy and Attractive Neighbourhoods for Everyone

Policy 62\_ Our Strategy, Key Directions, Direction #8 Make Wise Planning Decisions

Policy 66\_ Our City, Planning for Growth and Change

Policy 79\_ Our City, City Structure Plan, The Growth Framework, Intensification

Policy 83\_ Our City, City Structure Plan, The Growth Framework, Intensification

Policy 84\_ Our City, City Structure Plan, The Growth Framework, Intensification

Policy 256\_City Building Policies, City Design, How Are We Going to Achieve This, Site Layout

\*Policy 259\_ City Building Policies, City Design, How Are We Going to Achieve This, Site Layout

\*Policy 811 Permitted Uses

\*Table 9 Range of Permitted Heights

Policy 939\_ Place Type Policies, Urban Place Types, Neighbourhoods, Forms of Residential Intensification

Policy 953\_ Place Type Policies, Urban Place Types, Neighbourhoods, Residential Intensification in Neighbourhoods, Additional Urban Design Considerations for Residential Intensification

# Official Plan (1989)

**Auto-Oriented Commercial Corridor Policies** 

#### 11.1. Urban Design Policies

Planning Impact Analysis	
Criteria	Response
Compatibility of proposed uses with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area;	The proposed land uses contribute to the existing commercial area until such time as the site redevelops in a more comprehensive manner.

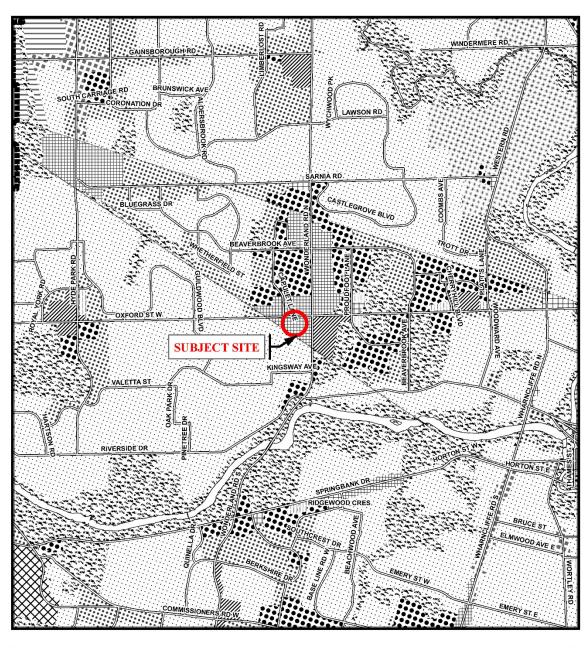
The size and shape of the parcel of land on which a proposal is to be located, and the ability of the site to accommodate the intensity of the proposed use;	The site is able to accommodate the proposed uses. Special provisions have been recommended to reflect existing conditions.
The supply of vacant land in the area which is already designated and/or zoned for the proposed use;	There is no vacant land in the area which is already designated and/or zoned for the proposed use.
The height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses;	The height, location and spacing as proposed are all considered appropriate as existing.
The extent to which the proposed development provides for the retention of any desirable vegetation or natural features that contribute to the visual character of the surrounding area;	Landscaping and screening opportunities through vegetation are appropriate as existing.
The location of vehicular access points and their compliance with the City's road access policies and Site Plan Control Bylaw, and the likely impact of traffic generated by the proposal on City streets, on pedestrian and vehicular safety, and on surrounding properties;	Transportation Division has no concerns.
The exterior design in terms of the bulk, scale, and layout of buildings, and the integration of these uses with present and future land uses in the area;	The buildings are existing. At such time as the site redevelops Urban Design policies will be applied.
The potential impact of the development on surrounding natural features and heritage resources;	Not applicable.
Constraints posed by the environment, including but not limited to locations where adverse effects from landfill sites, sewage treatment plants, methane gas, contaminated soils, noise, ground borne vibration and rail safety may limit development;	There are no environmental constraints
Compliance of the proposed development with the provisions of the City's Official Plan, Zoning By-law, Site Plan Control By-law, and Sign Control By-law;	The requested amendment is consistent with the recommended Official Plan Amendment and the in-force policies of The London Plan. The buildings are existing and special provisions will be in place to recognize this.
Measures planned by the applicant to mitigate any adverse impacts on surrounding land uses and streets which have been identified as part of the Planning Impact Analysis;	Landscaping and setbacks were put in place when the site was developed years ago.
Impacts of the proposed change on the transportation system, including transit	The additional uses on the subject lands will have a negligible impact on the transportation system and provide a more transit-supportive form of development.

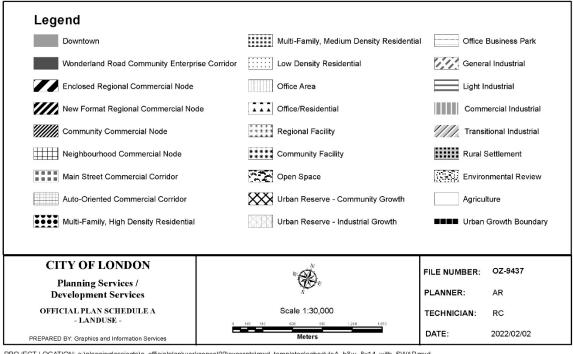
1577_ Evaluation Criteria for Planning and Development Applications	
Criteria – General Policy Conformity	Response
Consistency with the Provincial Policy Statement and in accordance with all applicable legislation.	The proposal is consistent with the Provincial Policy Statement as it promotes economic development and competitiveness by providing for an appropriate mix and range of employment uses;
Conformity with the Our City, Our Strategy, City Building, and Environmental Policies of this Plan.	The proposal supports Key Directions related to the creation of a compact City and strong, healthy and attractive neighbourhoods.
Conformity with the policies of the place type in which they are located.	The proposal provides for the use and intensity of development that is appropriate until such time as redevelopment occurs in a comprehensive manner within the Transit Village Place Type.
Consideration of applicable guideline documents that apply to the subject lands.	No additional guideline documents apply to the subject lands.
The availability of municipal services, in conformity with the Civic Infrastructure chapter of this Plan and the Growth Management/Growth Financing policies in the Our Tools part of this Plan.	The site is serviced by municipal services.
Criteria – Impacts on Adjacent Lands	
Traffic and access management	Transportation Division has no concerns.
Noise	The proposed additional uses are not expected to generate any unacceptable noise impacts on surrounding properties.
Parking on streets or adjacent properties.	The site has existing parking which is reflected in the recommendation under a special provision. The existing parking provided is n acceptable for sites located on streets that support a good level of public transportation.
Emissions generated by the use such as odour, dust or other airborne emissions.	The proposed additional uses will not generate noxious emissions.
Lighting	Lighting details will remain the same which were approved under the previous site plan approval.
Garbage generated by the use.	Garbage facilities will remain the same which were approved under the previous site plan approval.

Privacy	Existing adequate separations were provided between the existing buildings and surrounding properties.
Trees and canopy cover.	Through the previous site plan stage, consideration was given to the removal of some or all of the existing trees in favour of the provision of fencing in combination with new enhanced landscaping

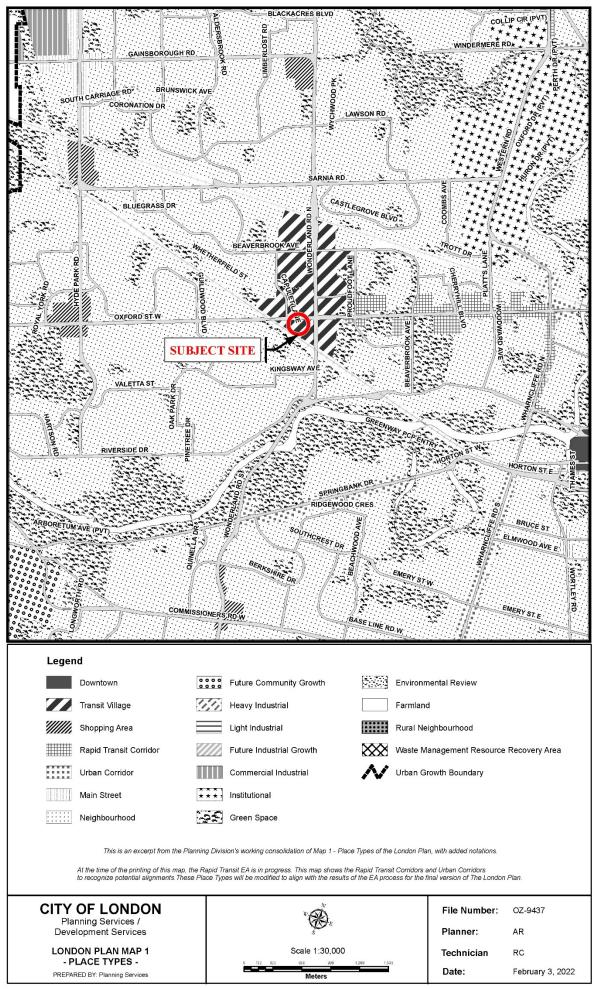
# Appendix D - Relevant Background

# 1989 Official Plan - Schedule A - Land Use





#### The London Plan



# Zoning By-law Z.-1 - Zoning Excerpt

