

Report to Planning and Environment Committee

To: Chair and Members
Planning and Environment Committee

From: Scott Mathers, MPA, P.Eng.
Deputy City Manager, Planning and Economic Development

Subject: Michael Clark Construction (c/o Strik Baldinelli Moniz Ltd.)
475 Wharncliffe Road South
File Number: Z-9687, Ward 11
Public Participation Meeting

Date: February 21, 2024

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of Michael Clark Construction (c/o Strik Baldinelli Moniz Ltd.) relating to the property located at 475 Wharncliffe Road South:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting March 5, 2024 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, The London Plan, to change the zoning of the subject property **FROM** a Restrictive Service Commercial (RSC2/RSC4) Zone **TO** a Restrictive Service Commercial Special Provision (RSC2/RSC4(_)) Zone;

IT BEING NOTED, that the above noted amendment is being recommended for the following reasons:

1. The recommended amendment is consistent with the Provincial Policy Statement, 2020;
2. The recommended amendment conforms to the policies of The London Plan, including but not limited to the Key Directions and Urban Corridor Place Type.
3. The recommended amendment would facilitate the reuse of the existing building with a range of potential uses that is appropriate for the context of the site.

Executive Summary

Summary of Request

The applicant has requested an amendment to the Zoning By-law Z.-1 to rezone the property from a Restrictive Service Commercial (RSC2/RSC4) Zone to a Restrictive Service Commercial Special Provision (RSC2/RSC4(_)) Zone to allow additional permitted uses include retail stores, bakeries, clinics (medical/dental) laboratories, private clubs, and restaurants (with drive-through) and reduced lot size regulations of an existing building

Staff are recommending approval of the expanded range of commercial uses, as requested, with special provisions that will facilitate reuse of the existing building and recognize the current site layout. Special provisions include a minimum lot depth of 57.2 metres, whereas 60 metres is required; an exterior side yard setback of 7.7 metres, whereas 8.0 metres is required; a rear yard depth of 4.2 metres, whereas 7.5 metres is the minimum required; landscaped open space of 0%, whereas 15.0% is the minimum required; maximum lot coverage of 35.2%, whereas 30% is the maximum required; and a parking setback from the ultimate road allowance of 0.0 metres.

Purpose and the Effect of Recommended Action

The recommended action will permit additional service/commercial/retail uses on the subject lands within an existing building.

Linkage to the Corporate Strategic Plan

This recommendation supports the following Strategic Areas of Focus:

- **Economic Growth, Culture, and Prosperity** by supporting small and growing businesses, entrepreneurs and non-profits to be successful.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

N/A

1.2 Planning History

N/A

1.3 Property Description and Location

The subject lands are located on the southwest corner of the Wharncliffe Road South and Baseline Road West intersection. The lands currently are occupied by a vacant building (formerly Dalmar Motors VW automotive dealership) with an approximate land area of 4,351m². The surrounding land uses include multiple Neighbourhood Shopping Centres with large floor plans for commercial development. These include a Shoppers Drug Mart to the north, and a No-Frills grocery store to the east. The surrounding area further south on Wharncliffe Road South also consists of many smaller commercial uses within close proximity to the subject lands.

Site Statistics:

- Current Land Use: Vacant building
- Frontage: 52 metres (Wharncliffe Road South) & 57 metres (Baseline Road West)
- Depth: approximately 70.5 metres (229.6 feet)
- Area: 0.4 hectares (0.98 acres)
- Shape: irregular
- Located within the Built Area Boundary: Yes
- Located within the Primary Transit Area: Yes

Surrounding Land Uses:

- North: Neighbourhood Shopping Centre
- East: Neighbourhood Shopping Centre/Grocery Store
- South: Auto Dealership (Audi)
- West: Office building

Existing Planning Information:

- Existing The London Plan Place Type: Urban Corridors
- Existing Special Policies: N/A
- Existing Zoning: Restrictive Service Commercial (RSC2/RSC4)

Additional site information and context is provided in Appendix "B/C".

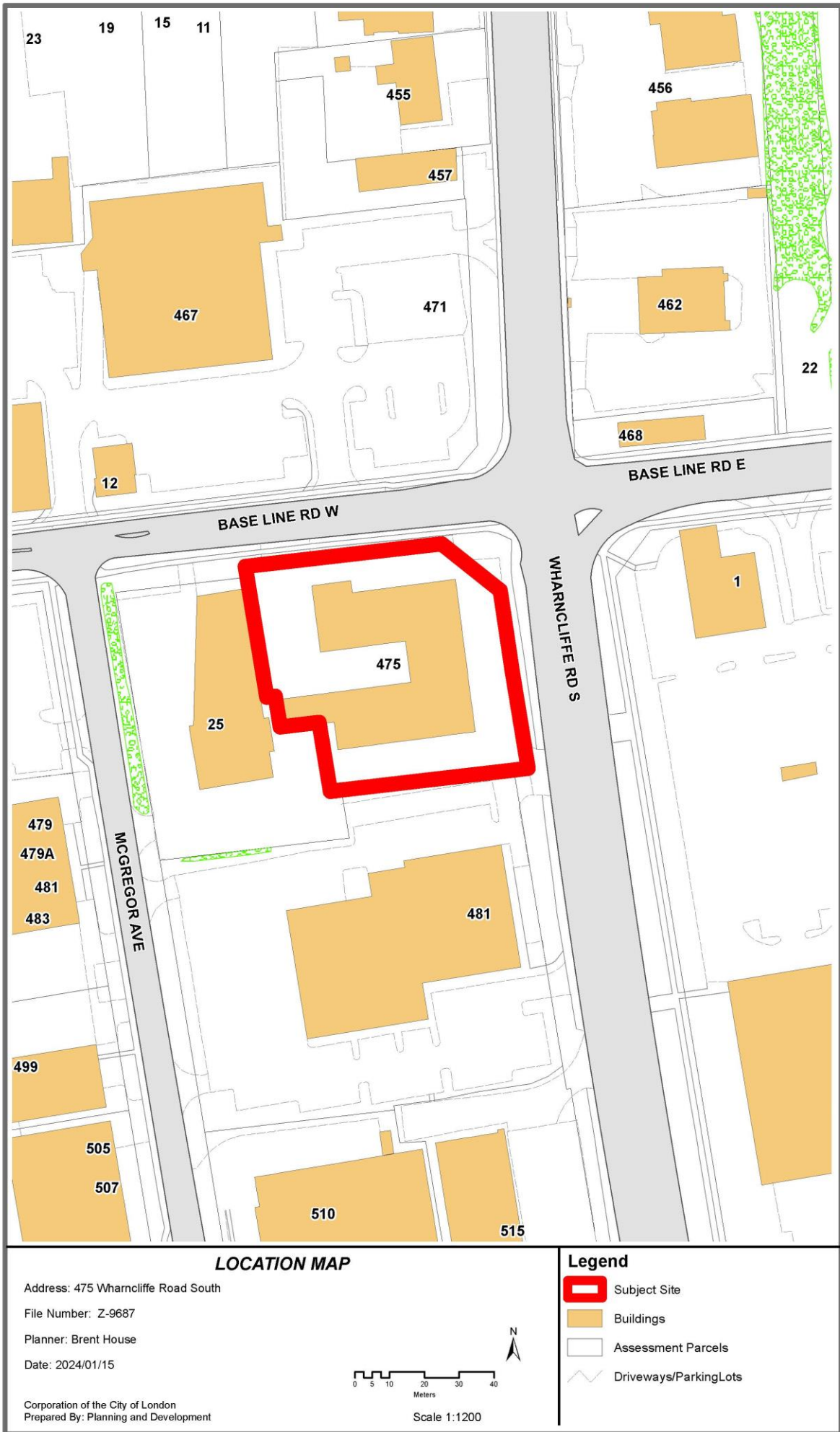


Figure 1- Aerial Photo of 475 Wharnccliffe Road South and surrounding lands



Figure 2 - Streetview of 475 Wharncliffe Road South (view looking NW)

2.0 Discussion and Considerations

2.1 Proposal

The applicant is proposing to re-utilize the property and existing building to create a multi-unit development consisting of service/commercial/retail uses. Additional permitted commercial/retail/office uses are being sought to maximize the re-utilization and marketability potential of the existing building.

There are no additional buildings or site alterations proposed as part of this application. The internal building layout would be reconfigured and repurposed through the applicable building permit review and approval processes as specific tenants/clients are identified.

The proposed development includes the following features:

- Land use: Vacant
- Form: auto dealership
- Height: 2 storeys (7.0 m)
- Residential units: zero (0)
- Gross floor area: 1,531.0m²
- Building coverage: 36%
- Parking spaces: 51
- Bicycle parking spaces: 8
- Landscape open space: 0.0% (existing)

Additional information on the development proposal is provided in Appendix "B".



Figure 3 – Aerial imagery of the subject lands

Additional plans and drawings of the development proposal are provided in Appendix “C”.

2.2 Requested Amendment

The applicant has requested an amendment to the Zoning Bylaw Z.-1 to rezone the property from a Restrictive Service Commercial (RSC2/RSC4) Zone to a Restrictive Service Commercial Special Provision (RSC2/RSC4(_)) Zone.

The following table summarizes the special provisions that have been proposed by the applicant and those that are being recommended by staff.

Regulation (RSC2/RSC4(_))	Required	Proposed
Lot Depth (minimum)	60 metres	57.2 metres (existing)
Exterior side yard setback (minimum)	8.0 metres	7.7 metres (existing)
Rear yard depth (minimum)	7.5 metres	4.2 metres (existing)
Landscaped open space (minimum)	15%	0.0% (existing)
Lot coverage (maximum)	30%	35.2% (existing)
Parking setback from ultimate road allowance		0.0 metres (existing)

2.3 Internal and Agency Comments

The application and associated materials were circulated for internal comments and public agencies to review. Comments received were considered in the review of this application and are addressed in Section 4.0 of this report.

Staff identified no key issues surrounding this application.

Detailed internal and agency comments are included in Appendix “E” of this report.

2.4 Public Engagement

On December 11, 2023, Notice of Application was sent to 27 property owners and residents in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on December 21, 2023. A “Planning Application” sign was also placed on the site.

There were zero (0) responses received during the public consultation period. Comments received were considered in the review of this application and are addressed in Section 4.0 of this report.

Detailed public comments are included in Appendix “F” of this report.

2.5 Policy Context

The Planning Act and the Provincial Policy Statement, 2020

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the *Provincial Policy Statement, 2020 (PPS)*. The *Planning Act* requires that all municipal land use decisions affecting planning matters shall be consistent with the *PPS*.

The mechanism for implementing Provincial policies is through the Official Plan, The London Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal (OLT) approval of The London Plan, the City of London has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest are reviewed and discussed in The London Plan analysis below.

As the application for a Zoning By-law amendment complies with The London Plan, it is staff’s opinion that the application is consistent with the *Planning Act* and the *PPS*.

The London Plan, 2016

The London Plan (TLP) includes evaluation criteria for all planning and development applications with respect to use, intensity and form, as well as with consideration of the following (TLP 1577-1579):

1. Consistency with the Provincial Policy Statement and all applicable legislation.
2. Conformity with the Our City, Our Strategy, City Building, and Environmental policies.
3. Conformity with the Place Type policies.
4. Consideration of applicable guideline documents.
5. The availability of municipal services.
6. Potential impacts on adjacent and nearby properties in the area and the degree to which such impacts can be managed and mitigated.
7. The degree to which the proposal fits within its existing and planned context.

Staff are of the opinion that all the above criteria have been satisfied.

3.0 Financial Impact/Considerations

None.

4.0 Key Issues and Considerations

4.1 Land Use

The proposed use is consistent with the policies of the PPS that promote healthy, liveable and safe communities (PPS 1.1.1) and encourage economic development (PPS 1.3.1).

The proposed uses are contemplated in the Urban Corridors Place Type in The London

Plan (The London Plan, 837) which permits a range of residential, retail, service, office, cultural, recreational, and institutional uses. The Urban Corridor Place Type encourages built form that are mixed-use. The requested range of uses, allows for efficient and flexible use of the subject lands, and takes advantage of existing servicing for a commercial use (The London Plan, 826).

4.2 Intensity

The proposed intensity is consistent with the policies of the PPS that encourage an efficient use of land (PPS 1.1.3.2) and facilitate intensification and redevelopment (PPS 1.1.3.4).

The existing two-storey commercial building and associated surface parking lot are within the intensity contemplated in the Urban Corridors Place Type. Given no new development, no exterior changes and no changes to the site layout are proposed as part of this zoning application, staff are satisfied that the subject site continues to be an appropriate shape and size to accommodate a range of commercial/retail/office type uses. The additional uses added through this zoning amendment are not anticipated to have any negative impacts on the surrounding neighbourhood (The London Plan, 840_1).

4.3 Form

Given no new development, no exterior changes, and no changes to the site layout are proposed as part of this zoning application, staff are satisfied that the subject site continues to be an appropriate shape and size to accommodate the proposed new uses (The London Plan, 840_4).

4.4 Zoning

The applicant has requested to rezone the subject site to a Restrictive Service Commercial Special Provision (RSC2/RSC4(_)) Zone to expand the range of permitted uses on the subject lands, to include retail stores, bakeries, clinics (medical/dental), laboratories, private clubs, and restaurants (with drive-through). Drive through facilities may be permitted in the Rapid Transit or Urban Corridor Place Types 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. Proposals for new drive through facilities will be subject to a zoning by-law amendment and site plan approval, in conformity with the City Design policies of this Plan (TLP, Policy 838_). The following summarizes the special provisions that have been proposed by the applicant and recommended by staff in order to recognize the existing site layout.

1. Recognize the existing lot depth of 57.2 metres, whereas 60 metres is the minimum required.
2. Recognize the existing exterior side yard depth of 7.7 metres, whereas 8.0 metres is the minimum required.
3. Recognize the rear yard depth of 4.2 metres, whereas 7.5 metres is the minimum required.
4. Recognize the existing landscaped open space of 0%, whereas 15% is the minimum required.
5. Recognize the existing lot coverage of 35.2%, whereas 30% is the maximum required.
6. Recognize the parking setback from the ultimate road allowance of 0.0 metres.

Given the site has existed with the existing built form and lot configuration for an extended period of time and has achieved a level of compatibility within the surrounding context Planning and Development consider it appropriate to recognize these existing conditions through the proposed zoning by-law amendment allowing for the continued use of the site for a wider range of potential uses.

Conclusion

The applicant has requested an amendment to the Zoning By-law Z.-1 to rezone the property from a Restrictive Service Commercial (RSC2/RSC4) Zone to a Restrictive Service Commercial Special Provision (RSC2/RSC4(_)) Zone. Staff are recommending approval of the requested Zoning Bylaw amendment with special provisions.

The recommended action is consistent with the PPS 2020, conforms to The London Plan and will facilitate the re-utilization of the property and existing building, establishing a multi-use development comprised of service/commercial/retail uses.

Prepared by: Brent House, Planner
Planning Implementation

Reviewed by: Mike Corby, MCIP, RPP
Manager, Planning Implementation

Recommended by: Heather McNeely, MCIP, RPP
Director, Planning and Development

Submitted by: Scott Mathers, MPA, P.Eng.
Deputy City Manager, Planning and Economic
Development

Copy:

Britt O'Hagan, Manager, Current Development

Michael Pease, Manager, Site Plans

Brent Lambert, Manager, Development Engineering

Justin Adema, Manager, Long Range Planning

Nancy Pasato, Manager, Policy Planning (Research)

Appendix A – Zoning Bylaw Amendment

Bill No. (number to be inserted by Clerk's Office)
2024

By-law No. Z.-1-

A by-law to amend By-law No. Z.-1 to
rezone an area of land located at 475
Wharncliffe Road South

WHEREAS this amendment to the Zoning By-law Z.-1 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 475 Wharncliffe Road South, as shown on the attached map comprising part of Key Map No. A107, **FROM** a Restrictive Service Commercial (RSC2/RSC4) Zone **TO** a Restrictive Service Commercial Special Provision (RSC2/RSC4(_)) Zone.
2. Section Number 28.4 of the Restrictive Service Commercial RSC4 Zone is amended by adding the following Special Provisions:

RSC4() 475 Wharncliffe Road South

a. Additional Permitted Use:

- i. Retail stores;
- ii. Bakeries;
- iii. Clinics (medical/dental);
- iv. Private clubs;
- v. Restaurants (with drive-through);

b. Regulations

- | | |
|--|---|
| i. Rear Yard Setback (Minimum) | As existing on the date of passing this by-law (4.2 metres). |
| ii. Exterior Side Yard Setback (Minimum) | As existing on the date of passing this by-law (7.7 metres). |
| iii. Landscaped Open Space (Minimum) | As existing on the date of passing this by-law (0.0%). |
| iv. Parking Setback from Ultimate Road Allowance (Minimum) | As existing on the date of passing this by-law (0.0 metres). |
| v. Lot Depth (Minimum) | As existing on the date of passing this by-law (57.2 metres). |
| vi. Lot Coverage (Maximum) | As existing on the date of passing this by-law (35.2%). |

3. This Amendment shall come into effect 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.

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.

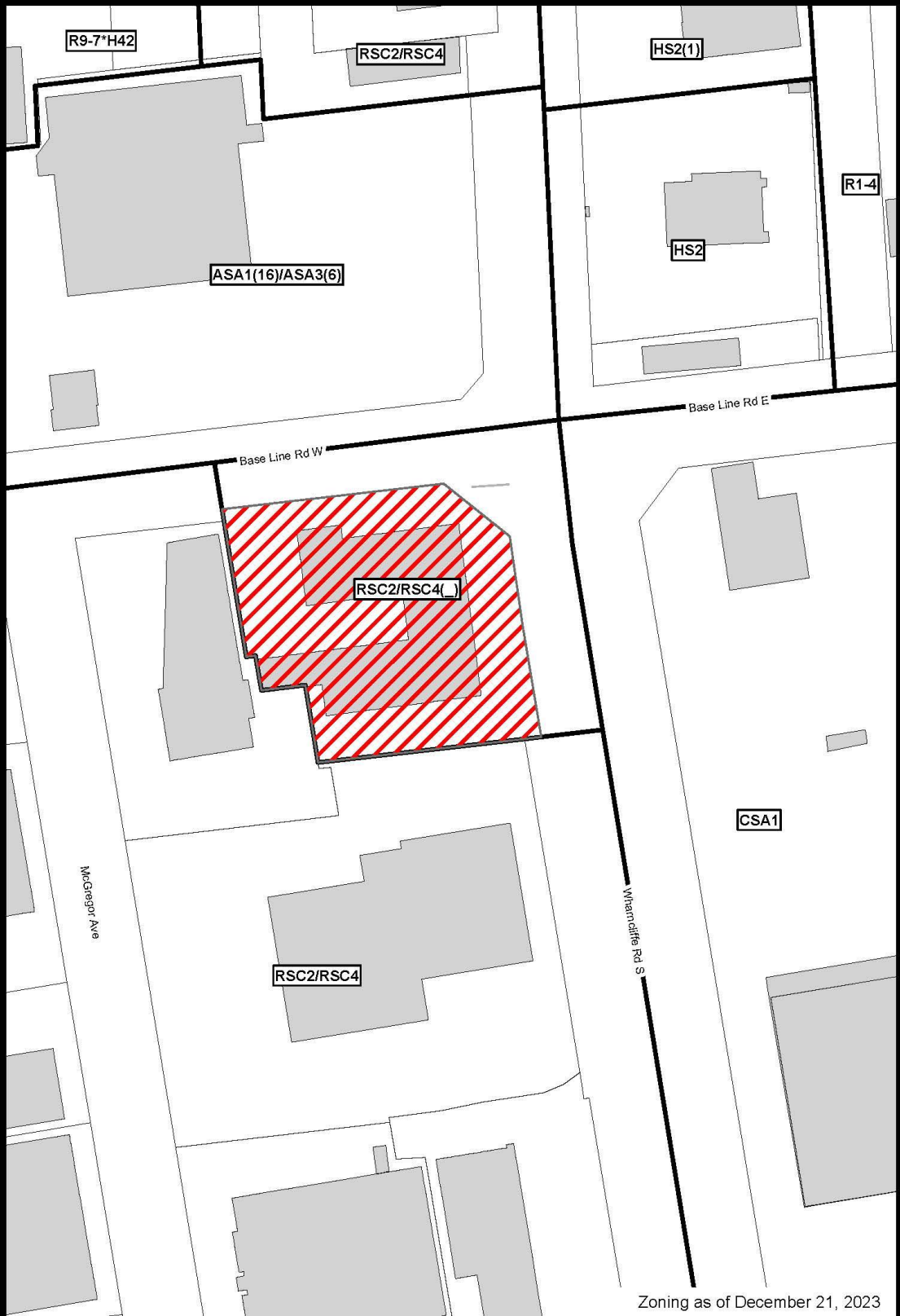
PASSED in Open Council on March 5, 2024, subject to the provisions of PART VI.1 of the *Municipal Act*, 2001.

Josh Morgan
Mayor


Michael Schulthess
City Clerk

First Reading – March 5, 2024
Second Reading – March 5, 2024
Third Reading – March 5, 2024

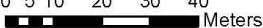
AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z-1)




File Number: Z-9687
 Planner: BH
 Date Prepared: 2024/01/15
 Technician: JI
 By-Law No: Z-1-

SUBJECT SITE 

1:1,200

0 5 10 20 30 40 Meters 



Appendix B - Site and Development Summary

A. Site Information and Context

Site Statistics

Current Land Use	Vacant Building
Frontage	52 metres (feet) Wharncliffe Road South 57 metres (feet) Baseline Road West
Depth	Approximately 70.5 metres (229.6 feet)
Area	0.4 hectares (0.98 acres)
Shape	irregular
Within Built Area Boundary	Yes
Within Primary Transit Area	Yes

Surrounding Land Uses

North	Neighbourhood Shopping Centre
East	Neighbourhood Shopping Centre/Grocery Store
South	Auto Dealership (Audi)
West	Office Building

Proximity to Nearest Amenities

Major Intersection	Wharncliffe Road South (Civic Boulevard) & Commissioners Road West (Civic Boulevard) Intersection, ~197.2 metres
Dedicated cycling infrastructure	Baseline Road West, ~52 metres
London Transit stop	Wharncliffe at Baseline NS SB #2016, 170 metres
Public open space	Basil Grover Park, ~205 metres

B. Planning Information and Request

Current Planning Information

Current Place Type	Urban Corridor Place Type, fronting a Civic Boulevard (Wharncliffe Road South) & a Neighbourhood Connector (Baseline Road West)
Current Special Policies	N/A
Current Zoning	Restrictive Service Commercial (RSC2/RSC4)

Requested Designation and Zone

Requested Place Type	Urban Corridor Place Type, fronting a Civic Boulevard (Wharncliffe Road South) & a Neighbourhood Connector (Baseline Road West)
Requested Special Policies	include a minimum lot depth of 57.2 metres, whereas 60 metres is required; an exterior side yard setback of 7.7 metres, whereas 8.0 metres is required; a rear yard depth of 4.2 metres, whereas 7.5 metres is the minimum required; landscaped open space of 0%, whereas 15.0% is the minimum required; maximum lot coverage of 35.2%, whereas 30% is the maximum required; and a parking setback from the ultimate road allowance of 0.0 metres
Requested Zoning	Restrictive Service Commercial Special Provision (RSC2/RSC4(_)) Zone

Requested Special Provisions

Regulation (RSC4(_))	Required	Proposed
Lot Depth (minimum)	60 metres	57.2 metres (existing)
Exterior side yard setback (minimum)	8.0 metres	7.7 metres (existing)
Rear yard depth (minimum)	7.5 metres	4.2 metres (existing)
Landscaped open space (minimum)	15%	0.0% (existing)
Lot coverage (maximum)	30%	35.2% (existing)
Parking setback from ultimate road allowance		0.0 metres (existing)

C. Development Proposal Summary

This section is only required where new development or site alterations are proposed.

Development Overview

<p>The applicant is proposing to re-utilize the property and existing building to form a multi-use development of compatible service/commercial/retail uses. Additional permitted commercial/retail/office uses are being sought to maximize the re-utilization and marketability potential of the existing building.</p> <p>There are no additional buildings or site development proposed as part of this application. Internal building layout would be reconfigured and repurposed through the applicable permitting review and approval processes as specific tenants/clients are identified.</p>
--

Proposal Statistics

Land use	Vacant Lands
Form	2-storey building
Height	2 Storeys (7.0 metres)
Residential units	N/A (Commercial)
Density	N/A (Commercial)
Gross floor area	1,531.0 Metres ²
Building coverage	36% (existing)
Landscape open space	0% (Existing)
Functional amenity space	N/A (Commercial)
New use being added to the local community	Yes

Mobility

Parking spaces	51 surface spaces
Vehicle parking ratio	N/A (Commercial)
New electric vehicles charging stations	Zero (0)
Secured bike parking spaces	8 spaces
Secured bike parking ratio	N/A (Commercial)
Completes gaps in the public sidewalk	Yes
Connection from the site to a public sidewalk	Yes
Connection from the site to a multi-use path	NA

Environment

Tree removals	Zero (0)
Tree plantings	Zero (0)
Tree Protection Area	No
Loss of natural heritage features	No
Species at Risk Habitat loss	No
Minimum Environmental Management Guideline buffer met	Yes
Existing structures repurposed or reused	Yes
Green building features	Unknown



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: RSC2/RSC4

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

- | | |
|---|-----------------------------------|
| R1 - SINGLE DETACHED DWELLINGS | RF - REGIONAL FACILITY |
| R2 - SINGLE AND TWO UNIT DWELLINGS | CF - COMMUNITY FACILITY |
| R3 - SINGLE TO FOUR UNIT DWELLINGS | NF - NEIGHBOURHOOD FACILITY |
| R4 - STREET TOWNHOUSE | HER - HERITAGE |
| R5 - CLUSTER TOWNHOUSE | DC - DAY CARE |
| R6 - CLUSTER HOUSING ALL FORMS | |
| R7 - SENIOR'S HOUSING | OS - OPEN SPACE |
| R8 - MEDIUM DENSITY/LOW RISE APTS. | CR - COMMERCIAL RECREATION |
| R9 - MEDIUM TO HIGH DENSITY APTS. | ER - ENVIRONMENTAL REVIEW |
| R10 - HIGH DENSITY APARTMENTS | |
| R11 - LODGING HOUSE | OB - OFFICE BUSINESS PARK |
| | LI - LIGHT INDUSTRIAL |
| DA - DOWNTOWN AREA | GI - GENERAL INDUSTRIAL |
| RSA - REGIONAL SHOPPING AREA | HI - HEAVY INDUSTRIAL |
| CSA - COMMUNITY SHOPPING AREA | EX - RESOURCE EXTRACTIVE |
| NSA - NEIGHBOURHOOD SHOPPING AREA | UR - URBAN RESERVE |
| BDC - BUSINESS DISTRICT COMMERCIAL | |
| AC - ARTERIAL COMMERCIAL | AG - AGRICULTURAL |
| HS - HIGHWAY SERVICE COMMERCIAL | AGC - AGRICULTURAL COMMERCIAL |
| RSC - RESTRICTED SERVICE COMMERCIAL | RRC - RURAL SETTLEMENT COMMERCIAL |
| CC - CONVENIENCE COMMERCIAL | TGS - TEMPORARY GARDEN SUITE |
| SS - AUTOMOBILE SERVICE STATION | RT - RAIL TRANSPORTATION |
| ASA - ASSOCIATED SHOPPING AREA COMMERCIAL | |
| OR - OFFICE/RESIDENTIAL | "h" - HOLDING SYMBOL |
| OC - OFFICE CONVERSION | "D" - DENSITY SYMBOL |
| RO - RESTRICTED OFFICE | "H" - HEIGHT SYMBOL |
| OF - OFFICE | "B" - BONUS SYMBOL |
| | "T" - TEMPORARY USE SYMBOL |

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

FILE NO:

Z-9687

BH

MAP PREPARED:

2024/01/15

Jl

1:1,200

0 5 10 20 30 40 Meters

Appendix D – Internal and Agency Comments

Ecology

- There are currently no ecological planning issues related to this property and/or associated study requirements.

Parks

- No requirements.

Upper Thames River Conservation Authority:

- The UTRCA has no objections to this proposal, and we have no Section 28 approval requirements.

Engineering

- No major concerns with this application.
- If no SP is required, Engineering would request that the applicant confirm the existing services will be adequate for the repurposing this building as part of the ZBA.

Wastewater

- The existing PDC is to be field verified and certified by the applicants engineer that it is adequate in size, slope, and condition for the proposed reuse. Label existing manhole on site suitable for use as an inspection manhole. If the existing PDC is not adequate and certified by the applicants engineer, a new PDC minimum 150mm diameter at 1.0% required with the minimum diameter PDC of 200mm permitted for direct connection to existing manholes.

Stormwater

- No Comments.

Water

- The owner's engineer is to confirm the existing water service is sufficient for the proposed addition and change in use.

Landscape Architecture

- No external changes – no Landscape Architecture requirements.

Urban Design

- No external changes – Urban Design has no comment.

Site Plan

- Site plan not required.

Heritage

- No heritage issues.

Appendix E – Public Engagement

No Public Comments Received.