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File: OZ-8359
Planner: B. Debbert

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: KENLIND HOLDINGS LTD. 940 AND 956 WHARNCLIFFE ROAD SOUTH PUBLIC PARTICIPATION MEETING ON AUGUST 26, 2014

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of Kenlind Holdings Ltd. relating to the property located at 940 and 956 Wharncliffe Road South:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on September 2, 2014 to amend the Official Plan for the front portion of the property **BY ADDING** a specific policy to Section 10.1.3 – Policies for Specific Areas; and,
- (b) the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on September 2, 2014 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan as amended in part (a) above, to change the zoning of the subject property **FROM** a Restricted Service Commercial (RSC2) Zone, **TO** a Restricted Service Commercial Special Provision (RSC2()) Zone.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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None.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The recommended action will permit the conversion of the two existing buildings on the property to a food store.

RATIONALE

1. The recommended Official Plan and Zoning By-law amendments are consistent with the Provincial Policy Statement.
2. The recommended Official Plan Specific Policy recognizes that the amendment to permit a food store is a unique situation, that the policies of the Auto-Oriented Commercial Corridor designation would not support the proposed use as-of-right, and that the special policy will not compromise the intent of the Auto-Oriented Commercial Corridor designation for this area.
3. A Food Store at this location is compatible with the long-term intent for this property and surrounding uses to continue to operate and develop for a broad range of commercial uses.

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Main Street Commercial Corridors because of their building form, site area, access or exposure requirements and which generally cater to vehicular traffic and single purpose shopping trips.

4. The recommended zoning and proposed food store is compatible with the surrounding area, and the portion of the subject site being rezoned is of sufficient size to accommodate the proposed use.
5. The proposed use will remain small-scale because the definition of a food store limits the gross floor area of the use to a maximum of 2,000 square metres.

BACKGROUND

Date Application Accepted: May 16, 2014	Agent: Kirkness Consulting Inc.
REQUESTED ACTION:	
Change the Official Plan land use designation on the front portion of the property by adding a specific policy within the Auto-Oriented Commercial Corridor designation to permit a food store.	
Change Zoning By-law Z.-1 on the front portion of the property from a Restricted Service Commercial (RSC2) Zone which permits animal clinics, and a range of automobile and automotive, service, self-storage, and specific retail uses, to a Restricted Service Commercial Special Provision (RSC2()) Zone to permit a food store in addition to the currently permitted uses.	

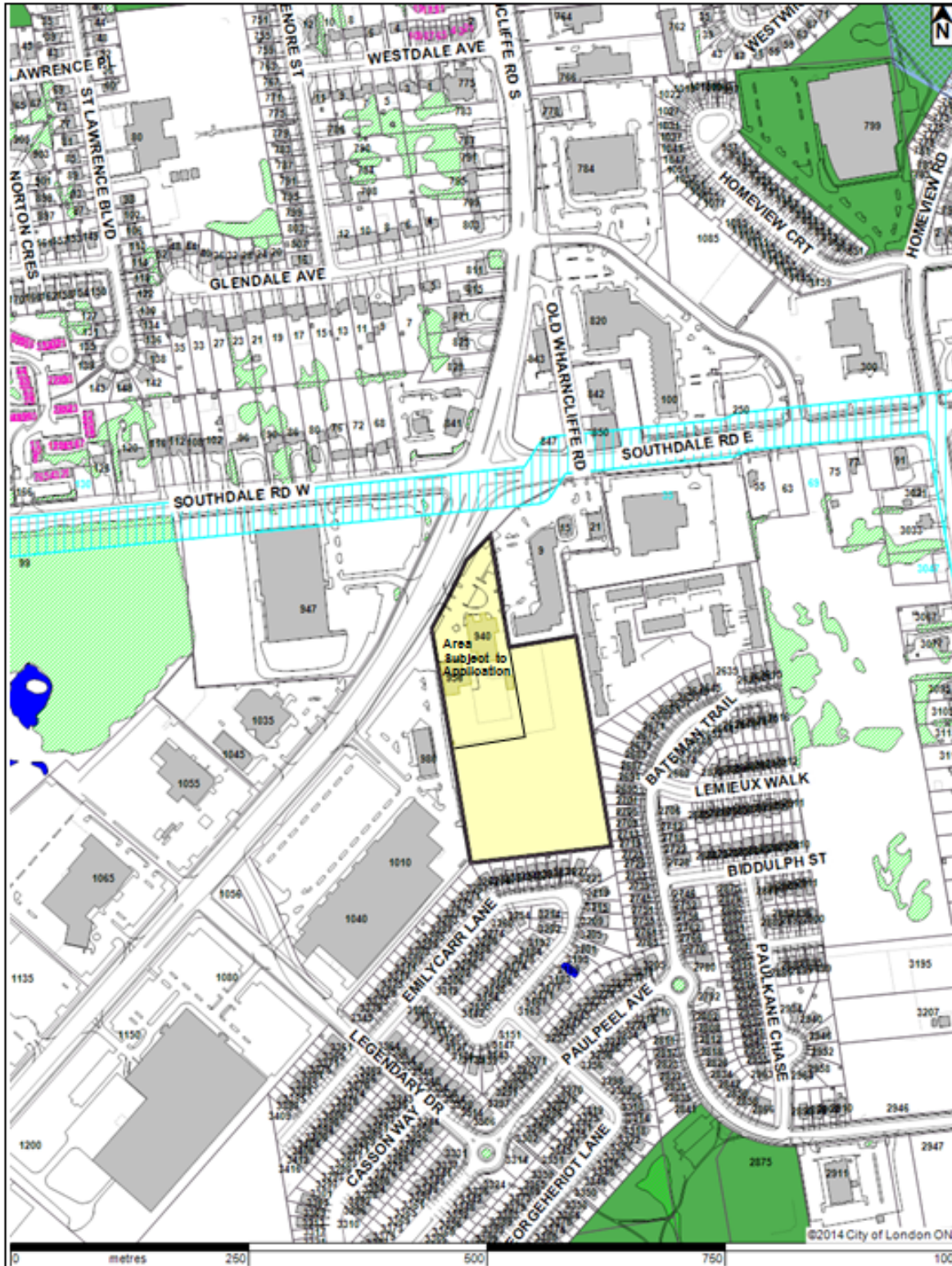
SITE CHARACTERISTICS:
<ul style="list-style-type: none"> • Current Land Use – auto dealership • Frontage – 116.9 metres • Depth - irregular • Area – approx. 3.9 ha (area to be rezoned approx. 1.3 ha) • Shape - irregular

SURROUNDING LAND USES:
<ul style="list-style-type: none"> • North - commercial/retail plaza, Southdale Road West, restaurant, auto sales • South - balance of property, big-box retail, home furnishing and appliance stores • East - balance of property, commercial/retail plaza, automobile sales, townhouse and single detached residential • West - home furnishing store, automobile sales

OFFICIAL PLAN DESIGNATION: (refer to Official Plan Map)
<ul style="list-style-type: none"> • Auto-Oriented Commercial Corridor
EXISTING ZONING: (refer to Zoning Map)
<ul style="list-style-type: none"> • Restricted Service Commercial (RSC2)

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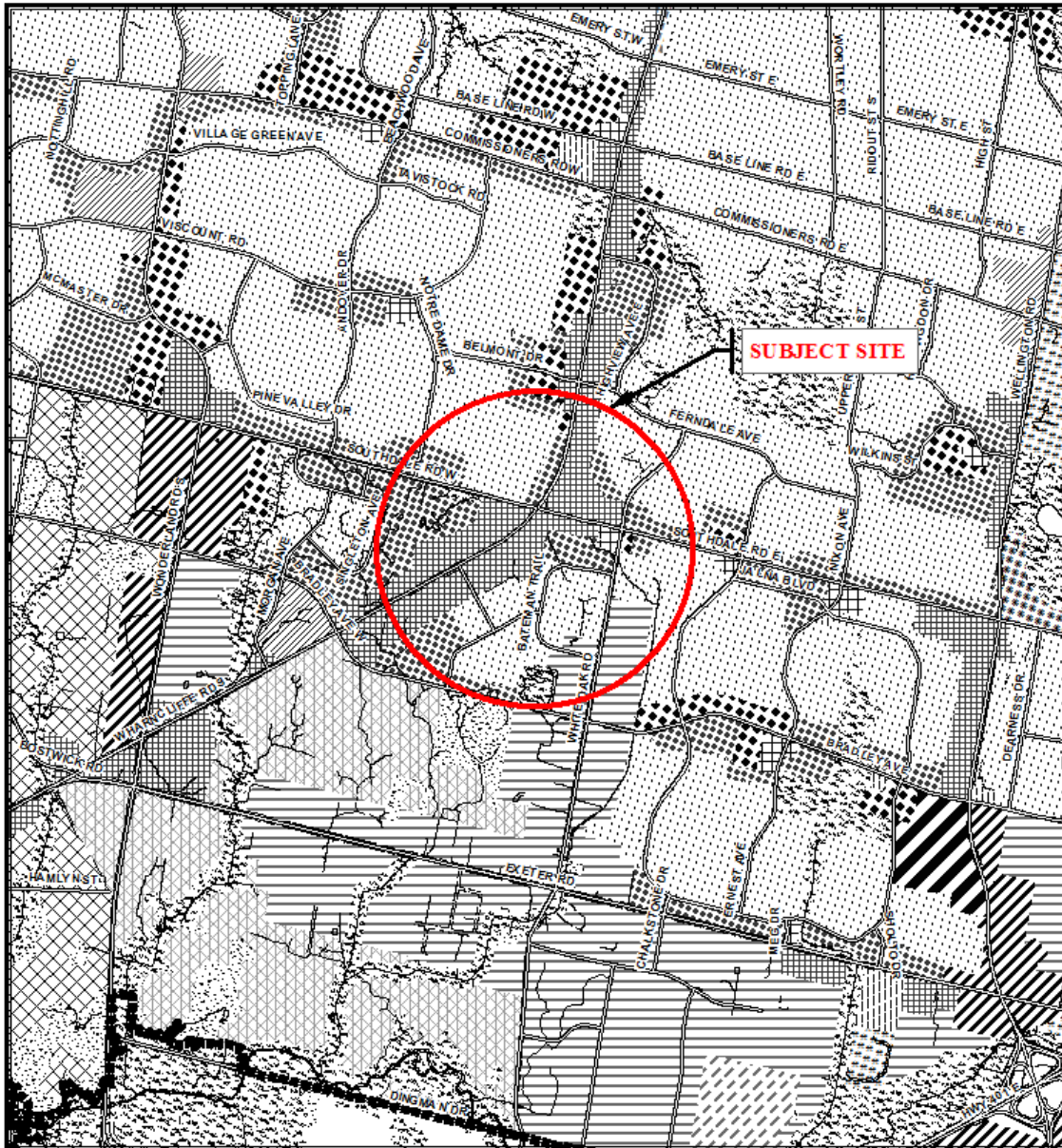
File: OZ-8359
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LOCATION MAP	LEGEND
<p>Subject Site: 940 and 956 Wharnclyffe Road South Applicant: Kenlind Holdings Ltd. File Number: OZ-8359 Planner: Barb Debbert Created By: Barb Debbert Date: 2014-05-27 Scale: 1:5000</p>	<ul style="list-style-type: none"> Subject Site Parks Assessment Parcels Buildings Address Numbers
<p>Corporation of the City of London Prepared By: Planning and Development</p>	

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Legend		
<ul style="list-style-type: none"> Downtown 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 	<ul style="list-style-type: none"> 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 	
<p style="text-align: center;">CITY OF LONDON Department of Planning and Development</p> <p style="text-align: center;">OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p style="font-size: small; text-align: center;">PREPARED BY: Graphics and Information Services</p>	<p>Scale 1:30,000</p>	<p>FILE NUMBER: OZ-8359</p> <p>PLANNER: BD</p> <p>TECHNICIAN: CK</p> <p>DATE: 2014/07/10</p>

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PLANNING HISTORY

Site plan approval was originally granted for the development of the front part of this property by the Town of Westminster in 1986, resulting in the construction of 940 Wharncliffe Road South. In the mid-1990's, a second building (956 Wharncliffe Road South) was constructed on the site. Since that time, the property has been used for a variety of vehicle sales and automobile dealerships.

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

Engineering

- *The applicant is advised that a traffic impact statement will be required at the site plan stage to determine if the left turn lane on Wharncliffe Road South needs to be lengthened or other remedial measures are necessary to provide access to the site. Other traffic issues, including access design, will be discussed through the site plan review process.*
- *The applicant is advised that water services are available from the existing 400 mm diameter municipal watermain on Wharncliffe Road South. Water metering, sizing, fire protection and water quality shall conform to Section 7 of the City of London Design Specifications and Requirements Manual.*

Upper Thames River Conservation Authority

- The UTRCA had no objection.

PUBLIC LIAISON:	On June 4, 2014, Notice of Application was sent to 159 property owners in the surrounding area. Notice of Application was also published in the <i>Public Notices and Bidding Opportunities</i> section of <i>The Londoner</i> on June 5, 2014. A "Possible Land Use Change" sign was also posted on the site.	2 replies were received
Nature of Liaison:		
Change the Official Plan land use designation of the front portion of the property by adding a specific policy within the Auto-Oriented Commercial Corridor designation to permit a food store.		
Change Zoning By-law Z.-1 on the front portion of the property from a Restricted Service Commercial (RSC2) Zone which permits animal clinics, and a range of automobile and automotive, service, self-storage, and specific retail uses, to a Restricted Service Commercial Special Provision (RSC2()) Zone to permit a food store in addition to the currently permitted uses.		
The City may also consider restricting the proposed food store use, to within the existing structures on the property.		
Responses: The respondents requested clarification of the application. One indicated that a restaurant or bar would not be supported.		

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ANALYSIS

Subject Site

The subject site is a portion of a 3.9 hectare property located on the east side of Wharncliffe Road South, immediately south of Southdale Road East. That portion of the property which is subject to the Official Plan and Zoning By-law amendment applications (the “subject site”) comprises an approximately 1.3 hectare area located at the front of the property which is currently within the Restricted Service Commercial (RSC2) Zone. The balance of the property is zoned Urban Reserve (UR4) and this is not proposed to change. The subject site contains two buildings that are transitioning out of use by a large automotive dealership which includes Suzuki of London and Saab of London. The site is accessed from Wharncliffe Road South and also through the commercial plaza to the east which has frontage on Southdale Road East.

Surrounding land uses include a mix of commercial/retail plazas, big box retail, automobile dealerships, and restaurants.



Nature of the Application

The applicant proposes the adaptive re-use of the two existing buildings for a food store. The larger building, addressed at 940 Wharncliffe Road South and having an area of 1180 square metres, would be used to sell a wide variety of fresh produce and other food items. The smaller building at 956 Wharncliffe Road South and having an area of 706 square metres, would be used for related food storage needs. The applicant also proposes to place a 93 square metre accessory food cooler at the rear of the 940 Wharncliffe Road South. It is a pre-assembled, self contained unit that will sit on concrete piers and require utility hookup. The total proposed gross floor area for the food store is 1,979 square metres.

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The application originally included a gravel parking area within the UR4 zoned lands, which was an extension of the paved parking lot on lands within the RSC2 Zone. Following discussions with City staff, the application was amended to remove these additional lands from the proposal.

Provincial Policy Statement (PPS)

The Provincial Policy Statement is issued under the authority of section 3 of the Planning Act and came into effect on April 30, 2014. The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario’s policy-led planning system, the Provincial Policy Statement sets the policy foundation for regulating the development and use of land. It also supports the provincial goal to enhance the quality of life of all Ontarians.

The Provincial Policy Statement provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. The Provincial Policy Statement supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

In respect of the exercise of any authority that affects a planning matter, section 3 of the Planning Act requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the Act.

The PPS promotes the accommodation of an appropriate range and mix of land uses to meet long-term needs, including commercial land uses, as one of the means of sustaining healthy, liveable and safe communities. The PPS also generally promotes development within the existing settlement area, the efficient use of land and resources and public infrastructure, and the provision of employment opportunities.

The proposal consists of the re-use of existing buildings and existing municipal services to re-purpose the site for a use that will provide service and employment opportunities to the surrounding community. The establishment of a food store on a portion of the site continues to allow for future opportunities to further develop or redevelop the entire site for a broad range of appropriate uses in an efficient manner.

North Longwoods Community Plan

The subject property is located within the North Longwoods Area Plan, which was approved by Council in June, 2003. At that time, the concurrent Official Plan amendment placed these lands in the Restricted Service Commercial designation. Discussion in Section 4.3 of the Community Plan indicates that “*The RSC area is situated on an arterial road and at a location that can be separated from planned residential development by buffer provisions that are sufficient to offset potential nuisance impacts...*”. These lands were redesignated to the Auto-Oriented Commercial Corridor designation with the enactment of Official Plan Amendment 438 in 2010, but the same principles of buffering to mitigate nuisance factors still apply. The current proposal entails the re-use of the existing buildings and the maintenance of an Urban Reserve Zone on the undeveloped part of the property adjacent to existing residential areas to the east and south. Therefore there is no need to consider buffering measures at this time. Should the lands subject to this application be redeveloped with new buildings, or should the larger undeveloped portion of this property extending to the east and south of the existing developed area be subject to future development applications, compatibility and buffering measures should be addressed at that time. This may include implementing the recommendations of a noise study completed prior to further rezoning of the site and other measures as noted in Section 4.9.2 – Interface between Residential and Non-residential Uses, of the Community Plan.

Section 4.3 also encourages minimizing the number of access points to the arterial road system through common driveways or the creation of a service road. Existing access is available from Wharnccliffe Road South and also via common driveways through the commercial plaza to the

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east. The number of road accesses will be managed in the future through consideration of development applications for the rear lands which are currently in an Urban Reserve Zone.

Official Plan

The entire site is designated Auto-Oriented Commercial Corridor in the City of London Official Plan. The Plan indicates that *“Areas designated Auto-Oriented Commercial Corridor provide locations for a broad range of commercial uses that, for the most part, are not suited for locations within Commercial Nodes or Main Street Commercial Corridors because of their building form, site area, access or exposure requirements. Generally, permitted uses cater to vehicular traffic and single purpose shopping trips. Depending on the nature of the use, customers are drawn from passing traffic or a wide-ranging market area.”* This designation does provide for a limited amount of retail use, but is not intended to accommodate retail activities that are more appropriately located in other commercial designations.

Permitted uses in the Auto-Oriented Commercial Corridor designation include hotels, motels, automotive uses and services, commercial recreation establishments, restaurants, sale of seasonal produce, building supply outlets and hardware stores, furniture and home furnishing stores, warehouse and wholesale outlets, self-storage outlets, nursery and garden stores, animal hospital or boarding kennels, and other types of commercial uses that offer a service to the travelling public. Secondary uses which serve employees of adjacent employment area, including, among others, a limited amount and range of retail uses, may also be permitted in appropriate locations.

While by definition, a food store provides a limited amount of retail use because it is limited to a maximum of 2,000 square metres of gross floor area, it is generally more appropriately located in the Downtown, Commercial Nodes or Main Street Commercial Corridor designations and does not specifically cater to employees within the Auto-Oriented Commercial Corridor designation. Therefore, the establishment of a food store at the proposed location requires an Official Plan amendment in the form of a site specific policy to permit the use.

Chapter 10 of the Official Plan allows Council to consider policies for specific areas where one or more criteria apply. The applicable criteria is that *“the change in land use is site specific and is located in an area where Council wishes to maintain an existing land use designation, while allowing for a site specific use.”*

Should Council wish to avail itself of this criterion, the following analysis evaluates the appropriateness of maintaining the underlying Auto-Oriented Commercial Corridor designation on the lands, while considering the appropriateness of the proposed site-specific use within the Auto-Oriented Commercial Corridor area.

With regard to the existing designation, it continues to be the City’s intent that the lands within this area continue to develop for auto-oriented commercial uses as opportunities arise. Changing the underlying land use designation to another commercial designation would not be supportive of the intent for this area and the subject site may also not be able to meet the location criteria prescribed in the various commercial land use designations. Treated as a special policy, the proposal can be reviewed on its merits as a specific case.

All policies for specific areas are subject to a Planning Impact Analysis based on appropriate criteria applied on the basis of potential impacts on surrounding land use designations. Relevant criteria in this instance, taken from Section 4.9 – Planning Impact Analysis for the Commercial designations, relate to:

- 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 size and shape of the parcel and the ability of the site to accommodate the intensity of the proposed use;
- the supply of vacant land in the area which is already designated and /or zoned for the proposed use;
- the likely impact of any additional traffic generated by the site on City streets, pedestrian

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- and vehicular safety and on surrounding properties;
- the height, location and spacing of buildings and potential impacts on surrounding land uses;
- co-ordination of access and traffic circulation between adjacent sites; and,
- the exterior design in terms of bulk, scale, and layout of buildings, and the integration of these uses with present and future land uses in the area and its conformity with the City's commercial urban design guidelines.

The subject site is surrounded by intensive commercial land uses, vacant land subject to future commercial development, and highly travelled arterial roads. The proposal is to re-use existing buildings and maintain the existing access locations including existing shared access with the commercial/retail plaza to the east. The use will remain small-scale since a food store is limited, by definition, to a maximum of 2,000 square metres. Through the combined use of the existing two buildings and the proposed exterior cooler unit the total GFA will be 1,979 square metres, in conformity with the Zoning By-law. Sufficient parking is available within the area proposed to be rezoned to accommodate the use. Opportunities and flexibility will remain for future access to, and design flexibility on the rear portion of the subject property which are within the Auto-Oriented Commercial Corridor designation and intended to remain vacant at this time.

The applicant has stated the intent to re-use the existing buildings. However, should the applicant decide to demolish the existing buildings and construct a new commercial facility on the front portion of the lands, many comprehensive development factors would be considered at the site plan approval stage. These factors would include potential traffic impacts determined through the preparation of a Traffic Impact Assessment, the height, location and spacing and urban design of new buildings, access and traffic circulation, and ensuring that opportunities for future comprehensive development of the entire site are respected.

Based on a review of the above-noted criteria, the proposed food store is a suitable and compatible use for the site and is not expected to have a negative impact on the Auto-Oriented Commercial Corridor, and therefore the special policy can be supported.

Zoning

The front part of the subject property which is proposed to be rezoned, is currently within the Restricted Service Commercial (RSC2) Zone. The Restricted Service Commercial Zone provides for and regulates a range of moderate intensity commercial uses, and trade service uses, which may require significant amounts of land for outdoor storage or building space and a location on major streets. The applicant has requested a special provision be added to the existing zone to permit a food store as an additional use.

A Food Store is defined as "a retail store selling food and associated small household items, and having a gross leasable floor area of less than 2000.0 square metres (21,528 sq. ft.) or as determined by the zone standard."

The Zoning By-law requires a minimum parking rate of 1 space per 20 square metres of gross floor area. A GFA of 2,000 square metres generates a parking requirement of a minimum of 100 spaces. The applicant has indicated that over 100 parking spaces are available on the site, so the minimum requirement can be easily met. No modifications are required to the standard zone regulations.

A special provision to the existing Restricted Service Commercial (RSC2) Zone is recommended to permit the food store, in conformity with the recommended Official Plan policy for the subject property. The recommended zoning is not expected to have significant impacts on adjacent properties and is a suitable and compatible use for the site.

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CONCLUSION

The recommended Official Plan and Zoning By-law amendments provide for a use that is compatible with surrounding land uses, that provides a service to surrounding neighbourhoods and passing motorists, and provides an opportunity for the re-purposing of existing infrastructure. No negative impacts on the surrounding area are anticipated.

PREPARED BY:	SUBMITTED BY:
BARB DEBBERT, SENIOR PLANNER CURRENT PLANNING	MICHAEL TOMAZINCIC, MCIP, RPP MANAGER, CURRENT PLANNING
RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER	

August 13, 2014

BD

Attach.

Y:\Shared\implemen\DEVELOPMENT APPS\2014 Applications 8309 to\8359OZ - 940 & 956 Wharnccliffe Rd S (BD)\OZ-8359 940 and 956 Wharnccliffe Road South PEC report.docx

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

<u>Telephone</u>	<u>Written</u>
James Linton 3312 Emily Carr Lane London ON N6L 0B3	
Matt Campbell Zelinka Priamo Limited 318 Wellington Road London ON N6C 4P4	

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**Bibliography of Information and Materials
OZ-8359**

Request for Approval:

City of London Official Plan and Zoning By-law Amendment Application Form, completed by Laverne Kirkness, April 29, 2014.

Kirkness L., Kirkness Consulting Inc.. Letter to B. Debbert. April 29, 2014.

Kirkness L., Kirkness Consulting Inc.. Letter to B. Debbert. May 16, 2014.

Reference Documents:

Ontario. Ministry of Municipal Affairs and Housing. *Planning Act, R.S.O. 1990, CHAPTER P.13*, as amended.

Ontario. Ministry of Municipal Affairs and Housing. *Provincial Policy Statement*, 2014.

City of London. *Official Plan*, June 19, 1989, as amended.

City of London. *Zoning By-law No. Z.-1*, May 21, 1991, as amended.

Kirkness Consulting Inc. *Planning Justification Report for a proposed commercial redevelopment at 940 & 956 Wharncliffe Road South*. April 2014.

(Former) Town of Westminster. *Development Agreement between Regina Audrey Collins, Hully Gully (London) Ltd. and the Corporation of the Township of Westminster*. October 23, 1986.

Correspondence: (all located in City of London File No. OZ-8359 unless otherwise stated)

All correspondence between April 29, 2014 and July 29, 2014.

Other:

Site visit July 22, 2014 and photographs of the same date.

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Appendix "A"

Bill No. (number to be inserted by Clerk's Office)
2014

By-law No. C.P.-1284-_____

A by-law to amend the Official Plan for the City of London, 1989 relating to the north part of 940 and 956 Wharncliffe Road South.

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

1. Amendment No. (to be inserted by Clerk's Office) to the Official Plan for the City of London Planning Area – 1989, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. This by-law shall come into effect in accordance with subsection 17(38) of the *Planning Act, R.S.O. 1990, c.P.13*.

PASSED in Open Council on September 2, 2014.

J. Baechler
Mayor

Catharine Saunders
City Clerk

First Reading – September 2, 2014
Second Reading – September 2, 2014
Third Reading – September 2, 2014

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**File: OZ-8359
Planner: B. Debbert**

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 policy in Section 10.1.3 – Policies for Specific Areas, of the Official Plan for the City of London to permit a food store on the front portion of the property.

B. LOCATION OF THIS AMENDMENT

1. This Amendment applies to lands located at the front portion of 940 and 956 Wharncliffe Road South in the City of London, being more particularly lands fronting on Wharncliffe Road South with an approximate average depth from Wharncliffe Road South of 156 metres and an approximate width of 77 metres.

C. BASIS OF THE AMENDMENT

An Official Plan amendment is required to permit a food store on the front part of the subject property. Chapter 10 of the Official Plan permits Council to establish special policies on a site-specific basis subject to a Planning Impact Analysis which addresses such matters as compatibility, the adequacy of the parcel of land to accommodate the use, traffic impacts, access and circulation, design and massing elements, and the impacts on surrounding land uses and future development.

Permitting a food store at this location provides the opportunity for the suitable and compatible re-purposing of existing structures on the site, while maintaining the ability to achieve the long-term intent for this property and surrounding uses to continue to operate and develop for a broad range of commercial uses that, for the most part, are not suited for locations within Commercial Nodes or Main Street Commercial Corridors because of their building form, site area, access or exposure requirements and which generally cater to vehicular traffic and single purpose shopping trips. Should new development be proposed, the food store component will remain small scale, since by definition the gross floor area cannot exceed 2,000 square metres.

D. THE AMENDMENT

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

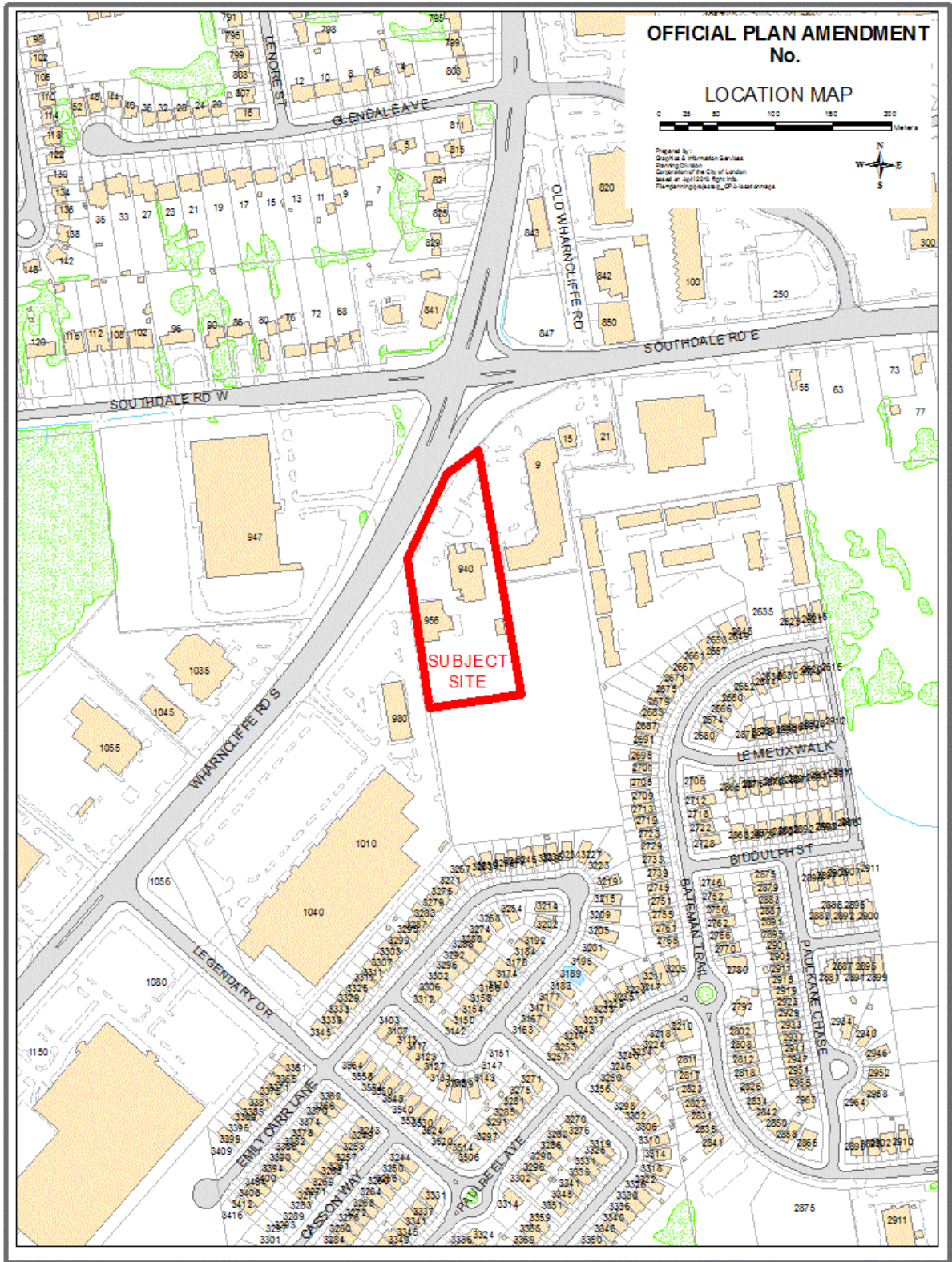
1. Section 10.1.3 – Policies for Specific Areas of the Official Plan for the City of London is amended by adding the following:

940 and 956 Wharncliffe Road South

On that portion of 940 and 956 Wharncliffe Road South fronting on Wharncliffe Road South which is roughly rectangular and has an approximate average depth from Wharncliffe Road South of 156 metres and an approximate width of 77 metres, a food store may be permitted.

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Appendix "B"

Bill No. (number to be inserted by Clerk's Office)
2014

By-law No. Z.-1-14_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at the front portion of 940 and 956 Wharnccliffe Road South.

WHEREAS Kenlind Holdings Ltd. has applied to rezone an area of land located at 940 and 956 Wharnccliffe Road South, 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 the front portion of lands located at 940 and 956 Wharnccliffe Road South, as shown on the attached map comprising part of Key Map No. A111, from a Restricted Service Commercial (RSC2) Zone, to a Restricted Service Commercial Special Provision (RSC2()) Zone.
- 2) Section Number 28.4 of the Restricted Service Commercial (RSC2) Zone is amended by adding the following Special Provision:
 -) RSC2 () 940 and 956 Wharnccliffe Road South
 - a) Additional Permitted Use
 - i) Food Store

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

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

PASSED in Open Council on September 2, 2014.

J. Baechler
Mayor

Catharine Saunders
City Clerk

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First Reading - September 2, 2014
Second Reading – September 2, 2014
Third Reading - September 2, 2014

