

PUBLIC PARTICIPATION MEETING COMMENTS

11. Property located at 1300 Fanshawe Park Road East

- Greg Priamo, Zelinka Priamo Limited, representing Competition Toyota in their application on the subject lands – stating staff have prepared a thorough and comprehensive report; advising they are satisfied with the findings and the stipulations applied to the enacting by-laws; urging the Committee to accept the recommendation; providing an overview of their mandate; advising that Competition Toyota has been a corporate citizen in the City of London for some time operating out of a dealership on Oxford Street; advising that Competition Toyota did a minor expansion to the area of their existing dealership a few years ago; stating that the intention of the project was not to provide for the long term future of the dealership but to try to address some growth issues affecting the neighbourhood; advising that the additional lands were intended to provide some relief from that and to provide a little more elbow room on the site and the operation of that site; stating that it is a small site and not up to contemporary standards for the operation of a main car dealership; indicating that the growth need, like many of the other car dealerships in the community who were on the traditional arterial locations which tended to be linear and narrow, were finding it increasingly difficult to meet the needs of their customers and their manufacturers; advising that they began looking for alternative sites; indicating there were opportunities with the recently developed Auto Mall; stating that in thorough examination of their market place Toyota was concerned they would not be able to best serve their market from that location inside alternatives; advising that this site, as indicated by staff, had some pre-existing conditions that suggested that perhaps this was a viable opportunity to consider this site for a car dealership; but at the same time, as detailed in the staff report, it was important to try to find a way to implement it here so we didn't compromise the intent of the Official Plan and we didn't bring undo impact to the neighbourhoods of the area both present and future; advising that they spent considerable time working with staff to modify the traditional car dealership model as presented by staff, to come up with a form that would be not only satisfactory to the dealership but set a tone for design in this area that will hopefully echo into the development of the balance of the commercial node with buildings with presence on the street and creation of public spaces and at the same time providing a practical opportunity for the operation of the tenants within; stating that this particular property, as the ESA zoned, permits a broad range of automotive uses, automotive services, automotive carwashes, gas bars etc typical of the zoning setup up you would find in these nodes; indicating if you look around the City at the CSA designations you typically have a large piece of land at the intersection which is reserved for the primary retail uses such as department and food stores and main line retail and then use the associated shopping area commercial zone around the perimeter to help provide some of the support uses that make for a complete community shopping node; indicating that, in his opinion, it is highly likely that, notwithstanding the broad range of uses that would be permitted in the absence of a proposal such as this, it would likely develop into those types of automotive uses, gas bars, carwashes, fast food restaurants, things like that; indicating that those are the types of uses that tend to end up on the ASA zones mainly because the primary retail want to group together in the shopping centre as close to the anchor as possible; stating that from that standpoint they weren't departing from the intent of the Official Plan which is why this is a special policy as opposed to a formal amendment to the designation; indicating that they are not proposing to change the underlying designation but they are just using chapter 10 special policy to allow for the automotive uses; advising that the urban design, as indicated by staff, does deliver a product that perhaps is better than what could be expected if they were to do a multi-tenant type of development on this site and certainly brings an element of compatibility to the existing and future neighbourhoods in the sense that they have, as a car dealership, limited operating hours compared to some of the other permitted uses (not open Sundays or late in the evening); advising that new car

dealerships have very sophisticated lighting systems that go off at night and are only maintained at a security level as opposed to a very bright light, whereas the typical uses for this site, many of which could be 24 hours a day, would require lighting at an operational level all the time; stating that they do not require access off Fanshawe Park Road, all access would be off Panser Drive, and as indicated by staff the expected traffic generation from this development would be modest by comparison to many of the uses that are already permitted on this site, so is certainly not bringing any additional undue activity to this area; stating that he thinks that Toyota Canada and Competition Toyota have every intention of implementing this development as proposed and that they are committed to this and want to do a showcase development; indicating that this site better serves their customers; stating that their market study says that their customers are centered around Central North London and that this is their most convenient location found to make sure that those customers, primarily service customers, are not having to travel undue distances to seek those services; stating he is happy to answer any of the committee questions and would like to respond to any of the public comments the committee will hear; indicating that they listened carefully to the observations from the both Auto Mall interests as well as the public; noting that one of the things that has gone unsaid that this was not detailed is that by all accounts the Auto Mall has been quite successful and he believes that the proponents of the Auto Mall believe that success will continue whether this project proceeds or doesn't proceed; further indicating that while he can understand their concern with respect to their own interest in being this area, the advent of this application going forward, if that should happen, it doesn't comprise the ability of the Auto Mall to deliver the Auto Mall experience; noting that while a Auto Mall is currently a temporary feature in the industry, it doesn't necessary represent an exclusivity, it is not the only way to sell cars, an Auto Mile is another opportunity in this particular instance, an individual car dealership has made the decision they can make to go to this location because they can do it and serve their customers in a good way, so nobody's interest are necessary be comprised by allowing this, this is not playing a role in the closure of any other car dealerships or result in the failure of the Auto Mall; indicating with respect to the location of the Auto Malls, Mr. Tranquinty suggested that there are none in the north because Council has deliberately directed elsewhere, we are not aware of any policy that has done that and that certainly could have been a result of how the industry and the community have worked together to identify areas that best serve the consumer, but many of the dealerships that are speaking tonight, ones that are here before you, like Competition Toyota, are traditional dealerships that were built years ago and the City has grown since they built and where has most of that growth occurred, in the north; further expressing that it is not unreasonable or nor should it be unexpected that dealerships would like, when they are faced with the prospect of having to replace their dealership that they reposition themselves to better serve that growth area; suggesting that at least in part, is one of the reasons why there is an absence of dealerships in the north, because of its relatively new stature within the built area of the city; noting that not in staff's report or our submissions have we ever said that a gas bar is the same as a car dealership, they think what staff has said and we agree with is that a big part of a car dealership today is the service component, and that part of it is already permitted in the by-law, that was the simple observation being made, they weren't trying to morph one use into another, they were just saying, when you consider the intent of the Official Plan that is a reasonable observation to make; furthermore, because they are asking for an amendment to the Official Plan through the use of specific policy, it doesn't mean we are offending the intent of the Official Plan, advising that in fact, through this Committee and Council on a regular basis consider site specific amendments to the Official Plan that don't offend the intent of the Official Plan but have regard for site specific circumstances that are warranted; advising that they have made submissions and staff have made conclusions that clearly demonstrate that there is that kind of warrant in this instance; in addition to the discussion about the restrictive automotive uses, there was some discussion that the policy said that there is a limited range of automotive uses, there is nothing in the policy that expressly prohibits car dealerships in a location like this; further adding that Planning staff and Council need to understand what that intent is, when it says a limited range it means you can't have everything, and there are some automotive uses that are wrecking yards and auto body

shops and things like that that could be very problematic in any locations, so limited doesn't necessarily mean it's going to be screwed right down it just means that from time to time there are going to be uses that are not permitted, but the more relevant fact is this range of uses are permitted, that is the intent of the Official Plan; reiterating that they didn't say that there would be a tiny bit of traffic here, they recognize that car dealerships are traffic generating, like any other commercial use; noting that their submissions and staff's concurrence in the report, is that the amount of traffic generated by a car dealership is consistent with the range of commercial uses that are already permitted; advising that the City in approving the draft plan subdivision of which this lot is part and the City and its design for Fanshawe Park Road has taken into consideration the fact that this 1.4 Hectares of land will develop for a wide range of commercial uses and they have taken into consideration the fact that it will generate traffic; indicating that refusing this application will not result in reducing traffic on Fanshawe Park Road, and in fact it could result in uses that demand access to Fanshawe Park Road and adding access to Fanshawe Park Road, what this Committee knows and has heard many times, could have an effect on the traffic carrying capacity of the road, in this instance there will be no access and will be using an existing, approved partially approved access to Fanshawe Park Road; further noting that the buildings themselves are not three stories they are a typical commercial height approximately 12m, there are some features that are not lit but extend beyond the roof, the height of this building is consistent with what the neighbourhood could expect of any contemporary commercial building, and in fact, the by-law permits multi-story buildings, in this location in any event; further indicating that they have had discussion with staff to manage our lighting so as not to become more of a burden on the neighbourhood than anything that is currently permitted in the by-law; also noting that Fanshawe Park Road is a busy road, he lives in the south end and he has the same problem on Southdale Road, they are busy roads and that is just the reality, they have to accommodate a lot of traffic and lots of different forms of traffic; advising that loading on the site will occur on the site, the site plan does accommodate radius breaking a car carrier onto the site, unload the vehicles and move off the site, so they don't anticipate any of surfaces on the public right-a-ways.

- Brian Semkowski, representing the Auto Mall, East London joined by Ken McMaster, McMaster Chev Olds; Chris Leavens, Leavens Volkswagen; Rick Daker, London City Chrysler London City Mazda; Jeff McCarther, London City Chrysler London City Mazda – stating that they vehemently oppose this application; advising that he would like to first clarify four misnomers, some that Mike did and some that Greg mentioned; 1. indicating that people do buy cars today on the internet, picking 3 cars they would like to test drive, test driving them and usually buying one; suggesting that they have to travel to a bunch of different sites; indicating this is the way it's done; 2. advising that typical traffic in and out of an auto facility is 300 to 400 per day; suggesting that you are not limiting traffic you are increasing traffic when you bring that in with test drives, and everything else that goes on in that area; 3. deliveries and lighting; stating that lights never turn off, that they can't afford to turn the lights off, that they have cameras that watch the cars and watch for vandalism, and that the lights have to be on all the time to allow the cameras to work to identify vandals; reiterating three misnomers that should be corrected; fourth on the pose of a Pandora's box; advising that when they first started with the auto mall they came to the City of London and were looking in the north end, like Toyota, who were originally with the group and owning 4.5 acres in the auto mall as part of that group; advising they met with J. Fleming and his group asking about North London, indicating they were told that there was no way they would be able to get this through because there were three auto corridors that the City Plan officially has and were urged to go to one of those areas; stating they talked about Fanshawe Park Road and Highbury and a bunch of different areas up there and were told the auto mall concept was here to stay, that is what is happening in the US, that is what is coming to Canada and that it works; stating that he can tell that being in the auto mall does work; suggesting the ultimate area would be in the north end; advising that they sat down with Mayor Fontana who reiterated that London had three designated areas to sell cars; South London on Wharnclyffe Road, Dundas Street East and Oxford and Wonderland to the West and these were the three areas they were urged to go to; indicating that being good corporate citizens and wanting to be partners with the City they were looking at investing

about \$60 million in this plan; advising that you can see from the letters written to you and hoping you have read, that the change that Joe Fontana and the planning group talked to us that it's just not the right time, London hasn't grown far enough to be a four point town; but when it does we will consider it at that point; suggesting that they were lead to believe that was 15 years away and now less than 3 years away they are talking about putting car dealerships in the north end; stating that they think this is not fair business, not fair play or the right thing to do and they still think Toyota should have a new facility and they already have land and could be shovel ready tomorrow on land serviced and ready to go and they would not be hurt in any intent by going to that area in fact sales are up in that area for us; advising he was passing it off to F. Tranquili, lawyer talk to the technical specifications.

- Fred Tranquili, Lerner, representing Southwest Sun Auto Group – indicating that it is fairly clear that this group is disappointed in a number of things, not the least of which is their dealings with the City over the course of the last number of years which has very clearly been to direct them to areas of the city that the City identified as their preferred areas for auto retailing, including the development of auto malls as they are known as, expressing concern that based on those discussion he thinks the Committee deserves an answer from staff about the nature of these discussions which took place with my clients and why things have changed so dramatically in such a short time since my clients invested \$50 million in their London auto mall; indicating that the reason that there are no auto dealership or auto malls in the north end is because the City has encouraged them to locate in other parts of the City, wholeheartedly based on trends in the industry and based on the success of those areas that were identified as favourable for auto retailing; indicating that the reason those auto retailing locations are so successful is the same reason that any retail mall is successful it's because people can go and park in one spot and visit a number of different stores; just like any auto mall, in particular the London auto mall you can park in one spot and see a Mazda, Chrysler, Kia without having to get in and out of your car three different times; indicating the situation you have before you tonight is really one whereas committee members you are being asked to ignore the direction of auto retailing and the direction that planning law has taken with respect to auto retailing over the past 25 years; advising that in their view its rationale that's not really very well thought out and in fact what I would stress is that the committee is being asked to make an exception to amend the official plan which is the intent of Council, if you will, the legal document that expresses the way in which elected officials of the community see the community growing; noting it is very unfortunate that there would have been discussions with such a large group of business people over the last number of years only to have those business people now find themselves to have relied on those discussions and to have essentially have the tables turned on them; indicating that turning to the planning rationale and noting that as members of the Planning Committee you will be familiar with general planning principles and the Planning Act, that the automobile services presently permitted on the site are really permitted to serve the immediate neighbourhood, those are the types of gas stations, jiffy lubes, car detailing shops, those are automotive services and you don't need a lawyer to tell you that a gas station is not a car dealership; stating that just because a gas station is permitted on this site in our view is quite a stretch to say that is kind of like a car dealership, the two are like night and day, and the rationale is similar to Councillor Polhill thinking he could use the car service establishment that he has as rationale to put a car dealership behind his garage; suggesting that is really what you are being asked to consider and in our view that is really inconsistent with the intention of the Official Plan and it's inconsistent with what we believe the purpose to allow auto services on this site would be; indicating that this application is a great deal more than "just adding sales" you are not just adding sales to this site, you are being asked to approve a car dealership, let's be clear with what you are being asked to do; pointing out on page 14 of the planning report you are asked to consider a section of the City's Official Plan related to community commercial nodes and the community commercial nodes is intended to provide for a whole range of goods and services which are needed on a regular basis by essentially the neighbouring community, services like gas stations, grocery stores, drug stores, banks; noting the permitted uses include "a limited range of automotive services" and I would suggest there is a reason why the language is "a limited range of automotive

services” it’s because it’s not intended to be a full range of automotive services that’s why that word limited is there if there was a full range intended that is what it would say and it would suggest like car dealerships but instead it doesn’t say that the range of permitted uses is much different than one might consider in the context of a car dealership and again that is what you are being asked to believe that is not much different than an automotive service; advising that they submit that using the automotive repair establishment component which is currently permitted on this site to leverage approval for a new car dealership is a significant stretch and not at all what is contemplated within the Official Plan; drawing attention to the third bulletin on page 14 of the report; suggesting that this is precisely the rationale that is being used to support this application this is the rationale that planning staff used to direct my clients to the London auto mall location; noting on page 17 the report indicates that there are limited areas within North London designated and/or zoned for automobile sales and service establishments, noting that these uses are typically located within the auto oriented commercial corridor; suggesting the reasons for this are those uses and concentrations are automobile dealerships reflect the will of Council, they reflect the will of the community, that car dealerships be clustered, that auto mall locations be developed; stating Council has supported the development of automotive dealership clusters to concentrate those uses in response to consumer demand and industry trends; indicating the reason that there are no other auto oriented commercial corridors automobile sale dealerships in the north London is because those uses have been actively directed by the City and by Council to other parts of the city just as Mr Simcowski has identified; advising that, as previously stated, his clients had proposed to construct the auto mall in the area of Highbury and Fanshawe Park Road, a stone’s throw from this property; suggesting that his client didn’t proceed because they were advised by the City that this not the right site, this was not the right area; noting at the bottom of page 17, not only are you being asked to amend the Official Plan but you are being asked to apply a special provision; suggesting that this type of strategy is used when “existing policies would not accurately reflect the intent of Council with respect to the future use of land”; advising that they believe the reason there are no auto dealerships in the north end is because that is the intention of Council; suggesting that by using a special provision to circumvent the will of Council in such a profound way and in their view is unfair; advising that the application is really asking you to reconsider the Official Plan when making the amendment and further apply special provision; suggesting that is evidence how far off this application really is to the intention of Council; advising that they strongly urge committee to carefully consider the repercussions; suggesting there is a very strong likelihood that decision will have the inadvertent effect of directing more auto dealerships to the north end and creating an accidental auto mall; indicating that this provision will create a precedent; suggesting that they will not be able to resist other applications which are brought on parcels that permit automobile services who simply want to “add sales” to the use, when in reality what they want to do is to create a new car dealership; advising that his clients invested \$50 million, based on the City’s advice, and based on their interests in promoting auto retailing in London; urging the Committee to seriously consider this application and the history of my clients discussions with the City and requests the City reject this application.

- Chris Leavens, Leavens Volkswagen – advising that his fellow dealers have covered a lot of it, but he just wanted to cover a few quick points; indicating that it was mentioned that there would never be auto detailing on Sunday and he hopes that there never is, but the reality is that, in many areas in the province, there is auto detailing on Sunday so he does not think that that can necessarily be true; advising that his Volkswagen customers are primarily located in the north, which is why, when we spoke, and wanted to do this in the north, they thought that it was a good location, too; indicating that the City turned them down and he feels that now they maybe should have looked into it further or fought further instead of presuming that the City had the best interests of the car dealerships and their businesses at heart and they located where they are now; feeling that, if this goes through, he feels betrayed by his City as they have led them somewhere else and now they have let them go; indicating that the idea of the Auto Mall, and having the Auto Mall, is over the next ten years, having it expand, having more dealers attracted when different franchises come to town or some franchises double, that they would locate out

there, in the Auto Mall area, building the east end up; pointing out that when you approve this in the north end, you give them an opportunity to choose which place is better and somewhat limit our ability to expand that area of the Auto Mall; discussing traffic, if you go into the Auto Mall, where they are all located, and see the amount of traffic in that area, it is crazy, how many test drives, how many people; believing it to be a misnomer not to have a huge influx of traffic at a Toyota dealer which is one of the number one retailers of cars in Canada; and, indicating that that covers his comments and he hopes that the City makes the right decision and supports where they have made the investment now.

- Jason Dawe, 149 Glenburnie Crescent – indicating that he lives right behind where this development is going to go; advising that his wife works nights and the traffic is crazy to get on Fanshawe Park Road now; pointing out, that like Mr. Leaven said, there is going to be a lot more traffic; advising that they moved up to the north to be away from, over in the east, where they used to live, where there are Auto Malls; requesting that the development does not go through because it is noisy as it is, having Fanshawe Park Road behind you, with all the more traffic; advising that it takes him ten minutes to get onto Fanshawe Park Road to get to work; and, reiterating that he hopes the application does not go through.
- Michael Grunwell, 141 Glenburnie Crescent – indicating that he resides immediately south of the proposed development; advising that he observed the urban design concept and it looks as though it is going to be a three storey frontage to the building; indicating that, if that is the case, and if it is illuminated, as most automobile dealerships are, that is going to shine directly into the rear of their houses and provide a considerable disadvantage to them; expressing concern about Fanshawe Park Road and, as his neighbor has already suggested, it is extremely difficult to get out of McLean Drive, since the City, in its wisdom, did not provide and does not intend to provide a traffic light there; advising that the site lines to the west are not great and you take your life into your hands at some periods during the day trying to get out and exit to the west or to your left; advising that Fanshawe Park Road narrows from three lanes at Highbury Avenue North down to one lane immediately outside the proposed dealership; indicating that that is enough of a problem to deal with by westbound motorists without having further impediments to traffic into and out of the dealership; expressing concern with the lack of provision on the design concept where a vehicle transporting truck can enter the property and discharge its load; advising that he has seen, around the city on numerous occasions, vehicle transporters parked on the side of the road discharging or unloading the dealerships wares and that cannot be allowed to occur on Fanshawe Park Road East because there is only one lane, westbound, outside of the dealership; indicating that, for all of those reasons and many others, reference has already been made that if you allow this exception to the *Planning Act*, you are possibly going to encourage others to come along and say that you let this group do this, now you have to let us do it and we are going to have Fanshawe Park Road East as an auto alley; and, indicating that, as a resident in a single family residential subdivision, he is diabolically and diametrically opposed to this application and he urges the City to turn it down.
- Chris Daoust, 145 Glenburnie Crescent – advising that, as his neighbours have said, in choosing a north neighbourhood, they looked at many areas; pointing out that they knew that Fanshawe Park Road would be a busy road and they know that it was going to grow; advising that they were not expecting to have an auto dealership right behind them; indicating that when they expanded Fanshawe Park Road, they got a nice concrete wall and they were told that it would cut down on noise and then they lifted the road up about four feet behind the wall and now they pretty much have about the same noise as before; indicating that this is understandable, road improvements and things change, they get that, but now you are going to throw up this three storey auto dealership behind them and they were not expecting that; advising that the lighting is going to be disruptive; indicating that, as his neighbours have pointed out, the traffic volumes are insane there on the best day; and, advising that he is opposed to the development.