

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: CEDAR AUTO 2170 WHARNCLIFFE ROAD SOUTH PUBLIC PARTICIPATION MEETING ON NOVEMBER 2, 2015

### **RECOMMENDATION**

That, on the recommendation of the Managing Director, Planning and City Planner, with respect to the application of Cedar Auto relating to the property located at 2170 Wharncliffe Road South the proposed by-law <a href="https://docs.org/linearing.com/html">https://docs.org/linearing.com/html/html</a>. Appendix "A" <a href="https://docs.org/linearing.com/html">BE INTRODUCED</a> at the Municipal Council meeting on November 10, 2015 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan TO DELETE Section 26.4.c) 9) and to change the zoning of the subject property FROM a Holding Arterial Commercial Special Provision (h-17\*h-142\*AC2(9)) Zone and an Environmental Review (ER) Zone TO a Holding Arterial Commercial Special Provision/Temporary (h-17\*h-142\*AC2(\_)/T-(\_\_) Zone and an Environmental Review (ER) Zone.

# PREVIOUS REPORTS PERTINENT TO THIS MATTER

Nov. 28, 2011 - Built and Natural Environment Committee - 2170 Wharncliffe Rd S. (Z-7944)

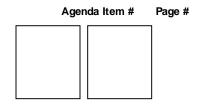
#### PURPOSE AND EFFECT OF RECOMMENDED ACTION

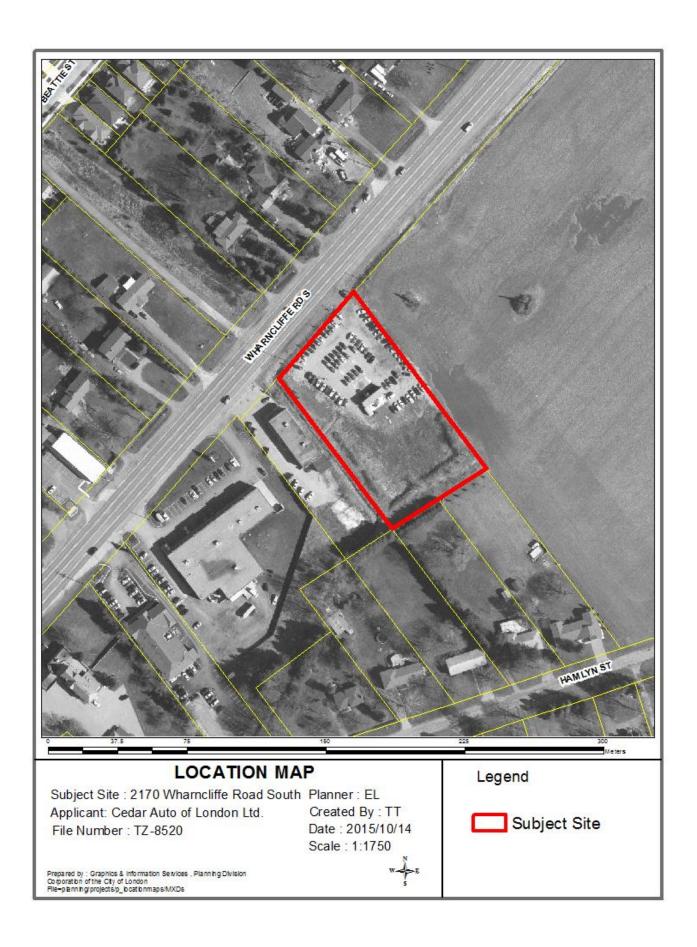
The recommended action would permit the continued use of an automobile sales establishment operating from a temporary sales trailer for time period of up to three years. The purpose of this action would permit the existing business to operate without a permanent structure until such time as the appropriate servicing is provided to the subject lands or private on-site servicing is constructed.

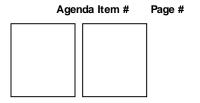
# **RATIONALE**

The proposed amendment, based on the rationale contained in this report:

- 1. Is consistent with the Provincial Policy Statement, 2014;
- 2. Conforms to the policies of the Official Plan;
- 3. Conforms to the general intent of the Zoning By-law;
- 4. Maintains the existing conditions until such time orderly development can occur, including appropriate connections to municipal services.
- 5. Applies an appropriate land use tool to ensure that the existing temporary form of development is not permitted to continue in perpetuity, by restricting the use to a time frame of no greater than three years.







#### **BACKGROUND**

Date Application Accepted: July 27, 2015 Agent: Bud Polhill

**REQUESTED ACTION:** Zoning By-law Amendment to continue the use of property for temporary auto sales trailer for a period of 3 years and remove existing clause that refers to December 2015 Expiration Date.

#### SITE CHARACTERISTICS:

- Current Land Use Auto Sales Establishment (associated with a temporary trailer) / Vacant Environmental Review
- Frontage 60.1 m (197 ft)
- **Depth** 110 m (361 ft)
- **Area** 0.6 ha (1.6 ac)
- Shape Irregular Rectangle

# **SURROUNDING LAND USES:**

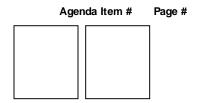
- North Residential
- South Commercial
- **East** Vacant (to be developed for residential purposes)
- West Residential

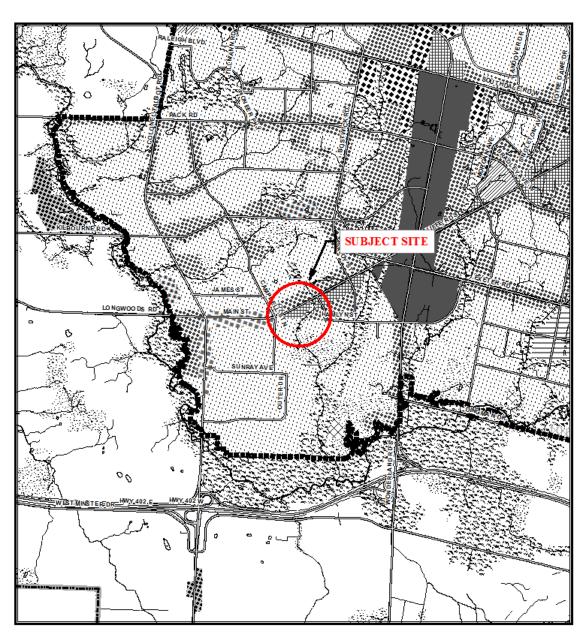
#### **OFFICIAL PLAN DESIGNATION:** (refer to Official Plan Map)

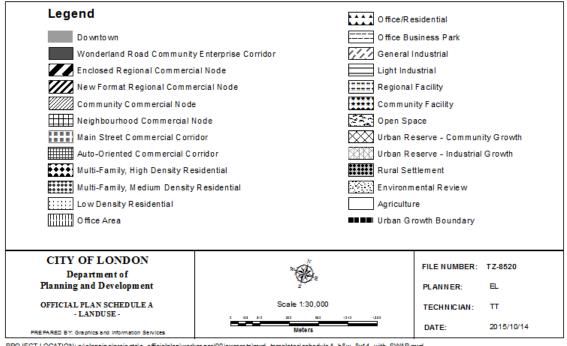
• Auto Oriented Commercial Corridor

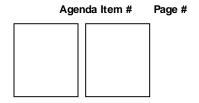
**EXISTING ZONING:** (refer to Zoning Map)

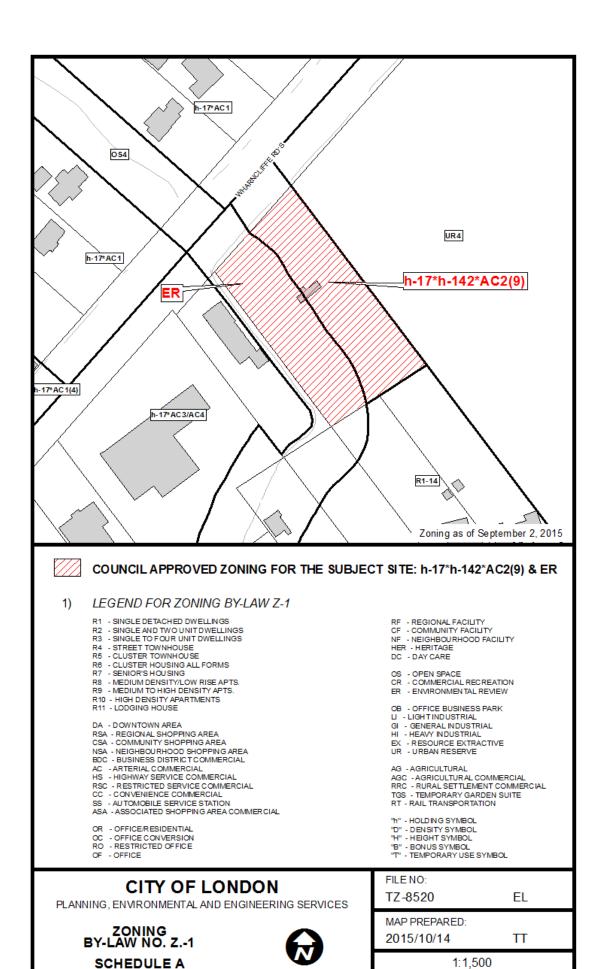
Holding Arterial Commercial Special Provision (h-17\*h142\*AC2(9)) Zone.









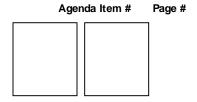


**SCHEDULE A** 

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

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Meters



#### **PLANNING HISTORY**

In July, 2011, an application was made by Cedar Auto to amend the Zoning By-law to permit an automobile sales establishment on the subject lands. The amendment coincided with the timing of a relocation of the business from its previous location at the corner of Wonderland Road South and Wharncliffe Road South to the subject lands.

On October 17, 2011, Staff recommended that the automobile sales establishment use be permitted. This recommendation did not include a provision to permit a temporary sales trailer, despite the applicant's request. The Built and Natural Heritage Committee recommended that the matter be referred back to Staff to address concerns identified by the applicants, Staff and neighbours. Planning Staff addressed concerns by:

- 1. The applicant submitting to the City, assurances through a stamped engineer's letter that quality and quantity of storm water will not have an adverse impact on the Thornicroft Drain or the watershed. This letter was reviewed to the satisfaction of the City's Engineering Staff.
- 2. The UTRCA expressing no concerns with the proposed amendment.
- 3. Incorporating Transportation Staff comments were incorporated in to the amendment; and
- 4. Advising Mr. D. Bluhm, a concerned neighbour, of the proposed solutions regarding this application.

On December 6, 2011, on the recommendation Director of Land Use Planning and City Planner City Council passed a By-law amending the subject lands from a Holding Arterial Commercial (h-17\*AC2) Zone to a Holding Arterial Commercial Special Provision (h-17\*h-142\*AC2(9)) Zone. The special provision zone included permission for the automobile sales establishment to operate from a temporary sales trailer until December 5, 2015. The rationale behind the amendment was that the timing of future servicing for the construction of a permanent building would be known for the long-term "development" of the subject lands. The construction of a permanent building would be considered development, thus triggering the Site Plan Approval process. Through the Site Plan Review process, elements related to site design, parking area, access, lighting, etc. would be addressed.

Further, on Committee's request, Mr. Bluhm (2153 Wharncliffe Road South) was invited to provide additional input into the Site Plan Approvals process and a note was placed on file to this effect, due to his involvement during the previous planning process.

The proponents have made an application, as being reviewed through this report, to continue the use of a temporary auto sales trailer on the subject lands for up to an additional 3 years.

#### SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

**Parks Planning:** "We would require the use to be outside of the ER Zone and have the applicant provide for some of delineating feature between the ER and the temp use zone."

**Wastewater and Design Engineering:** "No Objections Servicing is being extended to the southwest in accordance with the Southwest Area Sanitary Servicing Master Plan. The City is extending trunk sanitary sewer servicing to the intersection of Hamlyn Street and Campbell Street in 2015."

Transportation Engineering: "No Objections"

Bell Canada: "No Comments"

London Hydro: "No Comments"

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#### PUBLIC LIAISON:

On October 5, 2015, Notice of Application was sent to 26 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on October 8, 2015. A "Possible Land Use Change" sign was also posted on the site.

1 replies were received

**Nature of Liaison:** The purpose and effect of this amendment is to permit the extension of an existing non-permanent sales office for an automobile sales establishment for up to three years. Possible change to Zoning By-law Z.-1 FROM a Holding Arterial Commercial Special Provision (h-17\*h-142\*AC2(9)) Zone and Environmental Review (ER) Zone TO a Holding Arterial Commercial Special Provision Temporary (h-17\*h-142\*AC2(9)/T-\_\_) Zone and Environmental Review (ER) Zone to permit an automobile sales establishment to operate without a permanent building for up to three.

#### Responses:

Concerned that the aesthetics of the existing trailer is not in keeping with the area or the intended future of the area.

The subject lands could be serviced by on-site individual services. While there is no firm date for municipal services to reach this area in the short term.

#### **ANALYSIS**

# **NATURE OF APPLICATION**

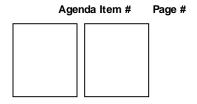
The requested amendment is seeking to amend the Zoning By-law to add a Temporary Zone extension to a portion of the subject lands. The Temporary Zone would permit the existing temporary sales trailer to continue for a time period of up to 3 years. The zoning amendment is intended to permit the subject lands to operate in its existing condition.



#### **USE**

### **Provincial Policy Statement**

The Provincial Policy Statement, 2014 (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS is more than a set of individual policies, as it is intended to be read in its entirety and relevant policies applied where appropriate. The Building Strong Healthy Communities policies of the PPS promotes cost-effective development patterns and standards to minimize land consumption and servicing costs to meet long term needs (PPS, 1.1.1.e). Upon the completion of the extension of services to the area, a longer-term permanent structure can be considered which helps to efficiently use land



and services. In the meantime, the requested amendment is maintaining the use of land in advance of servicing being extended to the area and avoids development with a servicing solution that may not be compatible with future build out of this area.

Further these policies support the avoidance of development and land use patterns which may cause environmental or public health and safety concerns (PPS, 1.1.1.c). The requested amendment is proposing no changes to the Environmental Review (ER) Zone on the western portion of land.

#### Official Plan

The Official Plan designates the subject lands as an Auto-Oriented Commercial Corridor (AOCC) and Environmental Review. The focus of this zoning amendment application pertains to the AOCC designated portion of the subject lands only.

The AOCC permits a range of commercial uses, including auto and auto-related uses (OP, 4.4.2.4). The requested amendment is to permit the existing temporary sales trailer to continue for a period of up to three years, in conjunction with the existing automobile sales use which is listed as a permitted use on the subject lands, albeit with a permanent building.

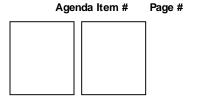
Along Auto-Oriented Commercial Corridors enhanced street edged landscaping, internal and joint accesses and improved building aesthetics are encouraged (OP, 4.4.2.2). The requested amendment is intending to maintain the existing condition as it has been operating since 2011. The existing zone contains holding provisions which implement the components of this policy through the Site Plan Approval process upon "development" of the subject lands. The requested zoning amendment to maintain the existing temporary sales trailer is not considered "development" under the *Planning Act*. While enhanced landscaping is encouraged as part of the temporary use, the final location and design of permanent buildings and other site layout considerations will be addressed to achieve the enhanced aesthetics over the long term.

New development within AOCC seek improvements to the function and appearance of existing strip commercial development. This is intended to be achieved through site plan and urban design review and approval. Secondary Plans, may be prepared for existing service commercial strips to address matters such as roadway improvements, sign control measures, landscaping and setback requirements, and land use compatibility issues (OP, 4.4.2.10.) The requested amendment is within the boundaries Southwest Area Plan and is subject to its policies.

#### Southwest Area Plan

In 2011, the current use was evaluated in the context of the Southwest Area Plan, which was in draft form at the time. Since the adoption of the existing use, the Southwest Area Plan has come into full force and effect. It should be noted that the policies that were reviewed at that time remain largely the same as what applies today.

The subject lands are designated Commercial and Open Space, respective to the existing zones, within the Lambeth Residential Neighbourhood Area. The Commercial policies of the Southwest Area Plan provide for existing and future development of commercial uses on the south side of Wharncliffe Road South (SWAP, 20.5.7.i). The Commercial policies further intend that new commercial development and medium density residential development on the south side of Wharncliffe Road South will support and complement the character of the Village Core, forming part of the major gateway into the community (SWAP, 20.5.7.ii). The recommended extension of the temporary zone will maintain the site in its current condition for a period not exceeding three years, or until the extension of servicing to the subject lands is complete, which will not inhibit the long-term implementation of the Southwest Area Plan policy.



#### Zoning By-law

The subject lands are currently zoned Holding Arterial Commercial Special Provision (h-17\*h-142\*AC2(9)) Zone. The current zone permits an automobile sales establishment within a permanent building as well as permitting a sales trailer on a temporary basis until December 6, 2015. The subject lands are also zoned Environmental Review (ER) that is not recommended to change as part of this requested amendment. The existing zone is intended to allow the permitted automobile sales establishment use to operate within a temporary sales trailer whereby a permanent building would require, among other things, formal connections to municipal services which do not exist in this location and are currently cost prohibitive to extend to just a single user.

#### **INTENSITY**

#### **Provincial Policy Statement**

The Natural Heritage policies of the PPS require that natural features and areas be protected for the long-term (PPS, 2.1.1.). The requested amendment maintains a commercial use on the Arterial Commercial portion of the subject lands and maintains the Environmental Review (ER) portion of the subject lands to provide protection to the Thornicroft Drain over the long-term.

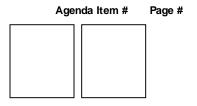
The Settlement Area policies further encourage the orderly progression of development within designated growth areas and the timely provision of infrastructure and public service facilities to meet current and projected needs (PPS 1.1.3.7.b). The requested amendment is to allow the automobile sales establishment use to operate from a temporary sales trailer, until such time as infrastructure can be delivered to the subject lands, without compromising the long-term development from being established.

The Sewage, Water and Stormwater policies of the PPS support Municipal sewage services and municipal water services as the preferred form of servicing for settlement areas and promote intensification and redevelopment on existing municipal sewage services and municipal water services (PPS, 1.6.6.2). In the absence of municipal sewage services, the requested extension of the temporary sales trailer will permit the existing condition to continue without precluding orderly redevelopment when municipal services are made available in conformity with the PPS.

#### Official Plan

The Servicing policies of the Official Plan provide a hierarchy for servicing (OP, 17.2.2.). Within the Urban Growth Area, the City may permit individual on-site wastewater treatment systems for commercial and industrial development on lands that were designated for commercial or industrial growth before they were annexed to the City on January 1, 1993. (OP 17.2.6). Individual servicing of the proposed development will not detract from the viability of providing municipal services in the long-term as most uses in this area are currently on individual services. Further, the temporary sales trailer is "dry" in nature and the proponent agrees to connect the use to the municipal sanitary sewage system, at no cost to the municipality, at such time as sewers are extended to the area, and to contribute to the cost of the long-term servicing (OP 17.2.6.). To maintain the temporary nature of the sales trailer the subject lands are currently operating without water and sanitary services. This provides flexibility in servicing and protecting the orderly development of the subject lands.

The proponents are intending to connect to municipal services when it is made available and are seeking the temporary zone to maintain the existing condition until such time.



#### Environmental Impacts

While the western portion of the subject lands have not been requested to change the zone it should be noted that the Environmental Review zone is contemplated for future study as part of the Thornicroft Drain. The Conservation Authority has indicated that they do not have a concern with the requested amendment, and that in the future the Site Plan Approval process will further ensure that issues related to water quality and quantity are maintained at acceptable pre- and post- development levels.

The existing holding provisions are intended to provide sufficient controls to ensure that Site Plan matters will be addressed and the environmental features related to the Thornicroft Drain will be protected upon future development of the subject lands.

#### **FORM**

#### **Provincial Policy Statement**

The Long-Term Economic Prosperity policies of the PPS promote opportunities for economic development and community investment-readiness (1.7.1.(a)). The requested amendment is seeking to maintain an existing business in a temporary built form until municipal infrastructure is extended to the subject lands. The long-term built form of the subject lands will be evaluated through the Site Plan Approval process at a future date.

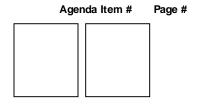
Furthermore, these policies of the PPS encourage a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character (PPS, 1.7.1.d). The requested amendment maintains the existing conditions until such time that as services are extended to the subject lands, the development of a well-designed built form can be evaluated in the context of the Southwest Area Plan and future development of the Wharncliffe Road South commercial corridor.

#### Southwest Area Plan

The Commercial policies of the Lambeth Neighbourhood Area intends that the built form of all development will be primarily street-oriented on all public rights-of-way (20.5.7.ii). Further, SWAP intends the use within this area to be small-scale highway commercial type uses within a stand-alone or mixed-use form. A street-oriented built form with a high level of design and enhanced landscaping will be required to support the Village Core character and to act as a gateway into the community (SWAP, 20.5.7.3). The requested amendment maintains a holding provision that is explicitly designed to ensure the desired form of development will be implemented when services are available.

#### **TEMPORARY USE**

The Official Plan provides Council with the ability to pass by-laws to authorize the temporary use of land, buildings or structures for a purpose that is otherwise prohibited. Temporary uses may be for renewable periods not exceeding three years. In enacting a Temporary Use By-law, Council shall have regard for matters related to compatibility, temporary structures, services, transportation impacts, access, parking, and specifically the potential for long-term use of the subject lands. (OP, 19.4.5) The temporary sales trailer permits the established use to operate in its existing condition, and is compatible with the existing uses in the area as well as future commercial uses contemplated by policy. The temporary zone is specifically to permit the continued operation of a temporary sales trailer which has existed on the subject lands since 2011. Further, the sales trailer can be easily removed to allow for the intended long-term form of development to occur, when feasible. The temporary sales trailer maintains the existing access and level of traffic which is consistent with



the long term use of the land, and is not expected to change as a result of the extension of the temporary zone. The subject lands have demonstrated through its existence that there is sufficient land to provide the use along with adequate on-site parking.

The temporary sales trailer is intended to act as operational form of the permitted use in the short-term, while the long-term use is intended to remain an auto sales establishment as permitted through the Zoning by-Law and "developed" to reflect the desired form for the area.

# CONCLUSION

The recommended action is intended to maintain the status quo on the subject lands. The existing use is permitted by the City's Zoning By-law, however, the temporary sales trailer form of development was permitted to be established in light of no services being available to date.

At present time, the conditions in which the existing use was permitted continue to exist. Staff supports the recommended action for a temporary period of up to three years until such time as the subject lands may be serviced and to allow for orderly development encompassing a permanent facility to be established. The existing zone does not preclude the use from developing sooner than the three years should the opportunity be available. Holding provisions are being maintained to ensure that development proceeds in an orderly manner, as included when the use was initially established in 2011.

PREPARED BY:	SUBMITTED BY:			
ERIC LALANDE, PLANNER II, CURRENT PLANNING	MICHAEL TOMAZINCIC, MCIP, RPP MANAGER, CURRENT PLANNING			
RECOMMENDED BY:				
JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER				

October 6, 2015

EL/el

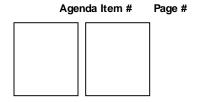
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<sup>&</sup>quot;Attach"

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# Responses to Public Liaison Letter and Publication in "The Londoner"

<u>Telephone</u>	<u>Written</u>
N/A	Brad Skinner London's Big and Tall Menswear 2205 Wharncliffe Rd S Via email (brad@bigandtall.on.ca)



# Bibliography of Information and Materials TZ-8520

#### **Request for Approval:**

City of London Zoning By-law Amendment Application Form, completed by Cedar Auto, July 27, 2015

#### **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.

# Correspondence: (all located in City of London File No. TZ-8520. unless otherwise stated)

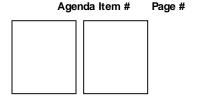
# City of London -

Page, B. Parks Planning, various emails to E. Lalande July-October 2015

Moore, R. Engineering Services, various emails to E. Lalande October 2015

#### Other:

Site visits August - October, 2015.



# Appendix "A"

Bill No. (number to be inserted by Clerk's Office) 2015

By-law No. Z.-1-15\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 2170 Wharncliffe Road South.

WHEREAS Cedar Auto has applied to rezone an area of land located at 2170 Wharncliffe Road South, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

- 1) Section Number 26.4. of the Arterial Commercial Special Provision (AC2(9)) Zone is amended by deleting Section 26.4.c) 9) in its entirety.
- 2) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 2170 Wharncliffe Road South, as shown on the attached map comprising part of Key Map No. A114, from a Holding Arterial Commercial Special Provision (h-17\*h-142\*AC2(9)) Zone and an Environmental Review (ER) Zone to a Holding Arterial Commercial Special Provision/Temporary (h-17\*h-142\*AC2(\_)/T-\_) Zone and an Environmental Review (ER) Zone.
- 3) Section Number 26.4. of the Arterial Commercial Special Provision (AC2(\_)) Zone is amended by adding the following special provision:
  - ) AC2(\_) 2170 Wharncliffe Road South
    - a) Additional Permitted Use
      - i) Automobile Sales Establishment
- 4) Section Number 50.2 of the Temporary (T) Zone is amended by adding the following Temporary Zone:
  - "\_) T-\_\_

The eastern portion of the land located at 2170 Wharncliffe Road South, comprising part of Key Map No. A114, may be used to permit a temporary sales trailer, in association with an automobile sales establishment, for a period not exceeding three (3) years from the date of the passing of this by-law beginning November 10, 2015."

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 November 10, 2015.

Matt Brown Mayor

Catharine Saunders City Clerk

First Reading - November 10, 2015 Second Reading - November 10, 2015 Third Reading - November 10, 2015



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

