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TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING DIRECTOR, LAND USE PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: COMPETITION TOYOTA 19-21 WISTOW STREET PUBLIC PARTICIPATION MEETING ON MAY 28, 2012

RECOMMENDATION

That, on the recommendation of the Director, Land Use Planning and City Planner, the following actions be taken with respect to the application of Competition Toyota to the property located at:

- a) 19 Wistow Street, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on June 12, 2012 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** a Residential R1 (R1-6) Zone which permits single detached dwellings, **TO** a Holding Restricted Service Commercial Special Provision (h-5*h-91*RSC4(_)/RSC6(_)) Zone to permit surface parking for the existing automobile sale and service establishments with a minimum 30 metre rear yard setback and subject to holding provisions to ensure that a development agreement, a commercial boulevard parking agreement, an easement agreement be entered into with the City, to demonstrate that servicing is provided to the satisfaction of Council and to ensure that urban design matters are addressed following public site plan review;

- b) The following design objectives will be addressed through a site plan and development agreement before the holding provisions are lifted:
 - remove the existing vehicle access point from the local street;
 - provide a high standard of separation from residential areas through landscaped buffer as shown on attached site plan: and
 - provide for landscaping, fencing and appropriate lighting that mitigates adverse impacts on the adjacent residential areas.

- c) 21 Wistow Street, the request to amend Zoning By-law No. Z.-1 to change the zoning of the subject property **FROM** a Residential R1 (R1-6) Zone which permits single detached dwellings, **TO** a Holding Restricted Service Commercial (h*h-91*RSC4/RSC6) Zone to permit a wide range of service commercial uses that serve the needs of the travelling public on the Oxford Street East arterial corridor and includes automobile sale and service establishments **BE REFUSED** for the following reasons:
 - The current zoning for this property is appropriate, promotes neighbourhood stability, and maintains commercial uses oriented to the arterial road and residential properties in a manner which is compatible with the surrounding residential neighbourhood;
 - the requested amendment has the potential to create negative impacts on the abutting land owners resulting from the further expansion of a commercial use into a stable residential area;
 - the requested amendment could set a precedent for further commercial encroachments into the stable residential neighbourhood and erode the residential character of the area; and
 - the requested amendment is not consistent with the Official Plan criteria used to evaluate proposals to expand Auto-Oriented Commercial Corridor designations.



<p style="text-align: center;">LOCATION MAP</p> <p>Subject Site: 19 and 21 Wistow St Applicant: Competition Toyota File Number: Z-8017 Planner: Craig Smith Created By: Craig Smith Date: 2012-02-21 Scale: 1:2500</p> <p style="text-align: center;">Corporation of the City of London Prepared By: Planning, Environmental</p>	<p style="text-align: center;">LEGEND</p> <ul style="list-style-type: none"> Subject Site Parks Assessment Parcels Buildings Address Numbers
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PREVIOUS REPORTS PERTINENT TO THIS MATTER

N/A

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The effect of the recommendation is to permit the demolition of one residential dwelling at 19 Wistow Street to provide for additional surface parking and to provided for enhanced buffering from the abutting residential neighbourhood and to refuse the request to pertaining to 21 Wistow Street to extend the expansion of surface parking for the existing automobile sales and service establishment into the established residential neighbourhood.

RATIONALE

The proposed recommendation to amend Zoning By-law Z.-1 for the property located at 19 Wistow Street from a Residential R1 (R1-6) Zone to a Holding Restricted Service Commercial Special Provision (h-5*h-91*RSC4(_)/RSC6(_)) Zone and to maintain the Residential R1 (R1-6) Zone at 21 Wistow Street is appropriate as:

1. The proposed recommendation is consistent with the policies of the *Provincial Policy Statement, 2005* pertaining to the efficient use of land and development patterns that support strong, liveable and healthy communities, protect the environment and public health and safety, and facilitate economic growth.
2. The proposed recommendation is consistent with the policies of the *Provincial Policy Statement, 2005* pertaining to accommodating an appropriate range and mix of residential and employment lands to meet long-term needs
3. The proposed recommendation is consistent with the policies of the Official Plan pertaining to appropriate form, scale, and layout of the proposed development; maintaining the character of the surrounding residential uses;
4. The proposed zoning is appropriate, promotes neighbourhood stability, and maintains commercial uses oriented to the arterial road and residential properties in a manner which is compatible with the surrounding residential neighbourhood;
5. The proposed recommendation will provide for an enhanced buffer to mitigate impacts on the abutting land owners resulting from the expansion of commercial development into a stable residential area;
6. The proposed recommendation is consistent with the Official Plan criteria used to evaluate proposals to expand Auto-Oriented Commercial Corridor designations.

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BACKGROUND

Date Application Accepted: February 13, 2012	Agent: Zelinka Priamo Ltd.
<p>REQUESTED ACTION: Change Zoning By-law Z.-1 from a Residential R1 (R1-6) Zone which permits single detached dwellings to a Restricted Service Commercial (RSC4/RSC6) Zone which permits a wide range of service commercial uses that serve the needs of the travelling public on the Oxford Street East arterial corridor and includes automobile sale and service establishments.</p> <p>On May 15, 2012, the applicant submitted a letter (attached Appendix 1) requesting that the zoning on the property at 19 Wistow Street be amended to permit surface parking and to provide for enhanced landscaping and fencing to buffer the automobile sales use from the residential neighbourhood and to maintain the Residential R1 (R-6) zone on 21 Wistow Street.</p>	

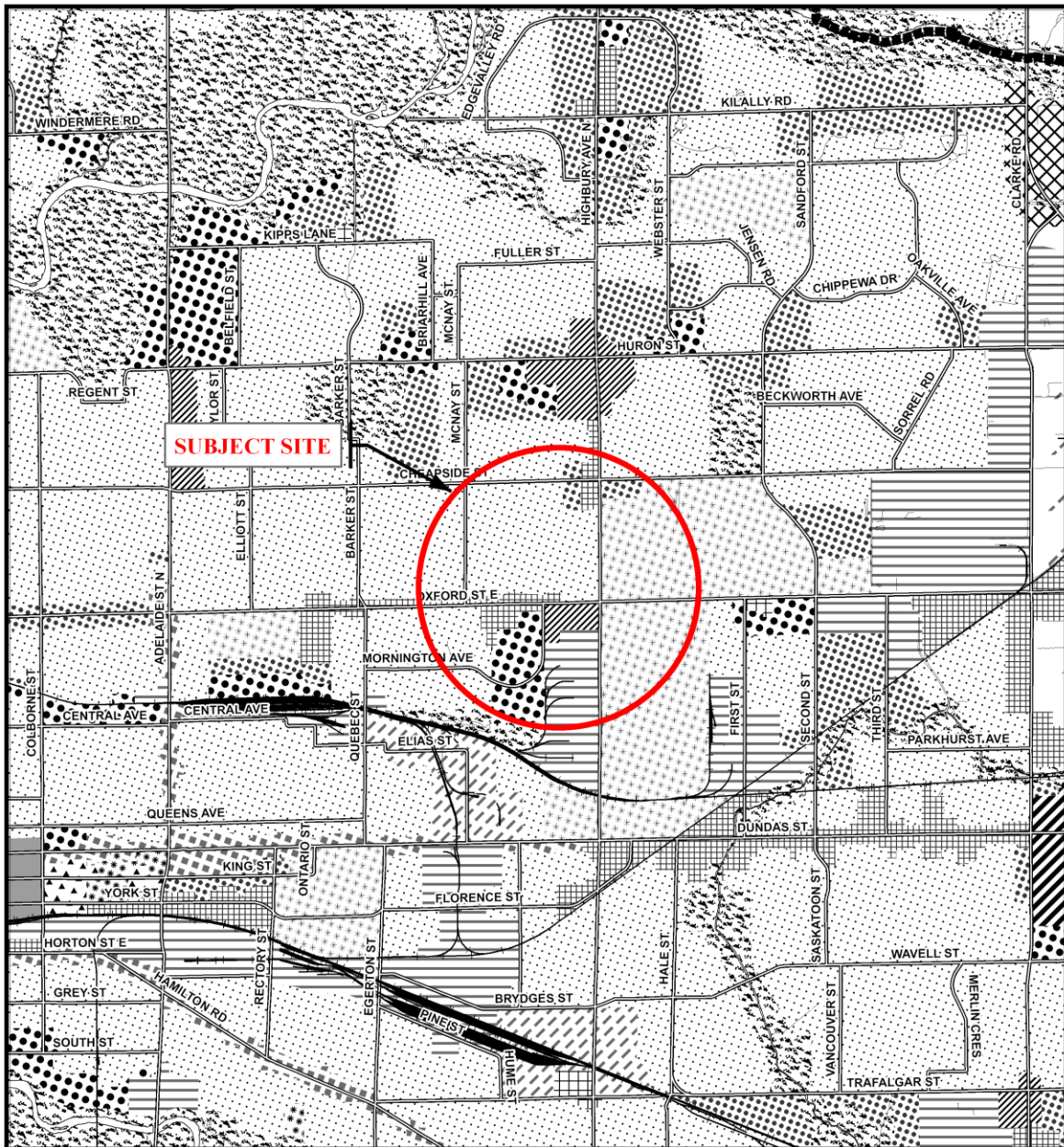
SITE CHARACTERISTICS:
<ul style="list-style-type: none"> • Current Land Use – Single detached dwellings • Frontage – 37.8 • Depth – 66.8 • Area – 2400m² • Shape – rectangular

SURROUNDING LAND USES:
<ul style="list-style-type: none"> • North - Single detached dwellings • South - Automobile sales and service (Competition Toyota) • East - Single detached dwellings • West - Single detached dwellings

OFFICIAL PLAN DESIGNATION: (refer to Official Plan Map)
<ul style="list-style-type: none"> • Low Density Residential
EXISTING ZONING: (refer to Zoning Map)
<ul style="list-style-type: none"> • Residential R1 (R1-6)

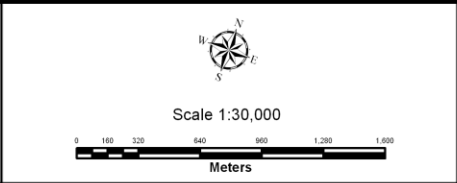
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File: Z-8017
Planner: C Smith



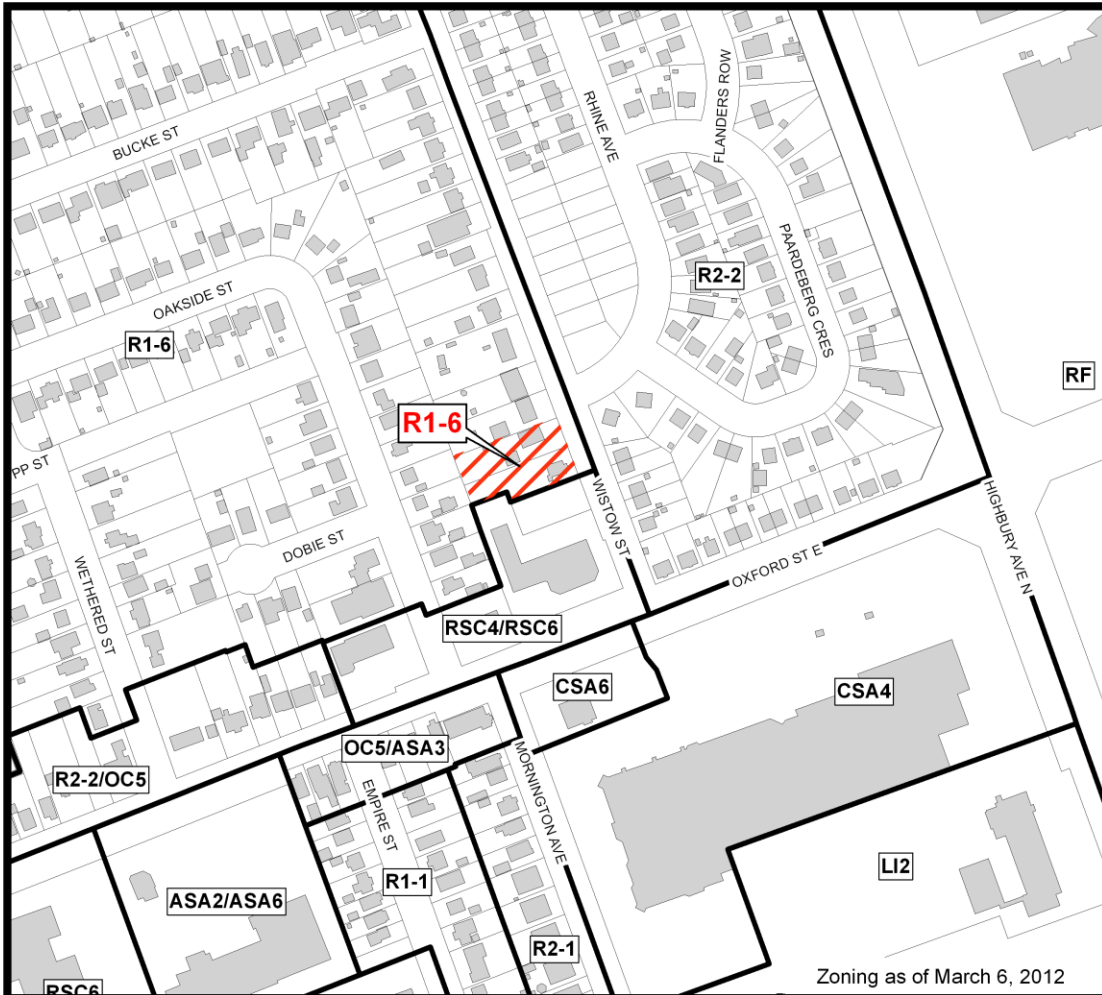
Legend	
	Downtown Area
	Enclosed Regional Commercial Node
	New Format Regional Commercial Node
	Community Commercial Node
	Neighbourhood Commercial Node
	Main Street Commercial Corridor
	Auto-Oriented Commercial Corridor
	Multi-Family, High Density Residential
	Multi-Family, Medium Density Residential
	Low Density Residential
	Office Area
	Office/Residential
	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

CITY OF LONDON
 Department of
Planning and Development
 OFFICIAL PLAN SCHEDULE A
 - LANDUSE -
 PREPARED BY: Graphics and Information Services



FILE NUMBER: Z-8017
 PLANNER: CS
 TECHNICIAN: CK
 DATE: 2012/04/12

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COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: R1-6

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

- R1 - SINGLE DETACHED DWELLINGS
- R2 - SINGLE AND TWO UNIT DWELLINGS
- R3 - SINGLE TO FOUR UNIT DWELLINGS
- R4 - STREET TOWNHOUSE
- R5 - CLUSTER TOWNHOUSE
- R6 - CLUSTER HOUSING ALL FORMS
- R7 - SENIOR'S HOUSING
- R8 - MEDIUM DENSITY/LOW RISE APTS.
- R9 - MEDIUM TO HIGH DENSITY APTS.
- R10 - HIGH DENSITY APARTMENTS
- R11 - LODGING HOUSE

- DA - DOWNTOWN AREA
- RSA - REGIONAL SHOPPING AREA
- CSA - COMMUNITY SHOPPING AREA
- NSA - NEIGHBOURHOOD SHOPPING AREA
- BDC - BUSINESS DISTRICT COMMERCIAL
- AC - ARTERIAL COMMERCIAL
- HS - HIGHWAY SERVICE COMMERCIAL
- RSC - RESTRICTED SERVICE COMMERCIAL
- CC - CONVENIENCE COMMERCIAL
- SS - AUTOMOBILE SERVICE STATION
- ASA - ASSOCIATED SHOPPING AREA COMMERCIAL

- OR - OFFICE/RESIDENTIAL
- OC - OFFICE CONVERSION
- RO - RESTRICTED OFFICE
- OF - OFFICE

- RF - REGIONAL FACILITY
- CF - COMMUNITY FACILITY
- NF - NEIGHBOURHOOD FACILITY
- HER - HERITAGE
- DC - DAY CARE

- OS - OPEN SPACE
- CR - COMMERCIAL RECREATION
- ER - ENVIRONMENTAL REVIEW

- OB - OFFICE BUSINESS PARK
- LI - LIGHT INDUSTRIAL
- GI - GENERAL INDUSTRIAL
- HI - HEAVY INDUSTRIAL
- EX - RESOURCE EXTRACTIVE
- UR - URBAN RESERVE

- AG - AGRICULTURAL
- AGC - AGRICULTURAL COMMERCIAL
- RRC - RURAL SETTLEMENT COMMERCIAL
- TGS - TEMPORARY GARDEN SUITE
- RT - RAIL TRANSPORTATION

- "h" - HOLDING SYMBOL
- "D" - DENSITY SYMBOL
- "H" - HEIGHT SYMBOL
- "B" - BONUS SYMBOL
- "T" - TEMPORARY USE SYMBOL

2) ANNEXED AREA APPEALED AREAS

CITY OF LONDON

PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES

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



FILE NO:
Z-8017 CS

MAP PREPARED:
2012/04/12 CK

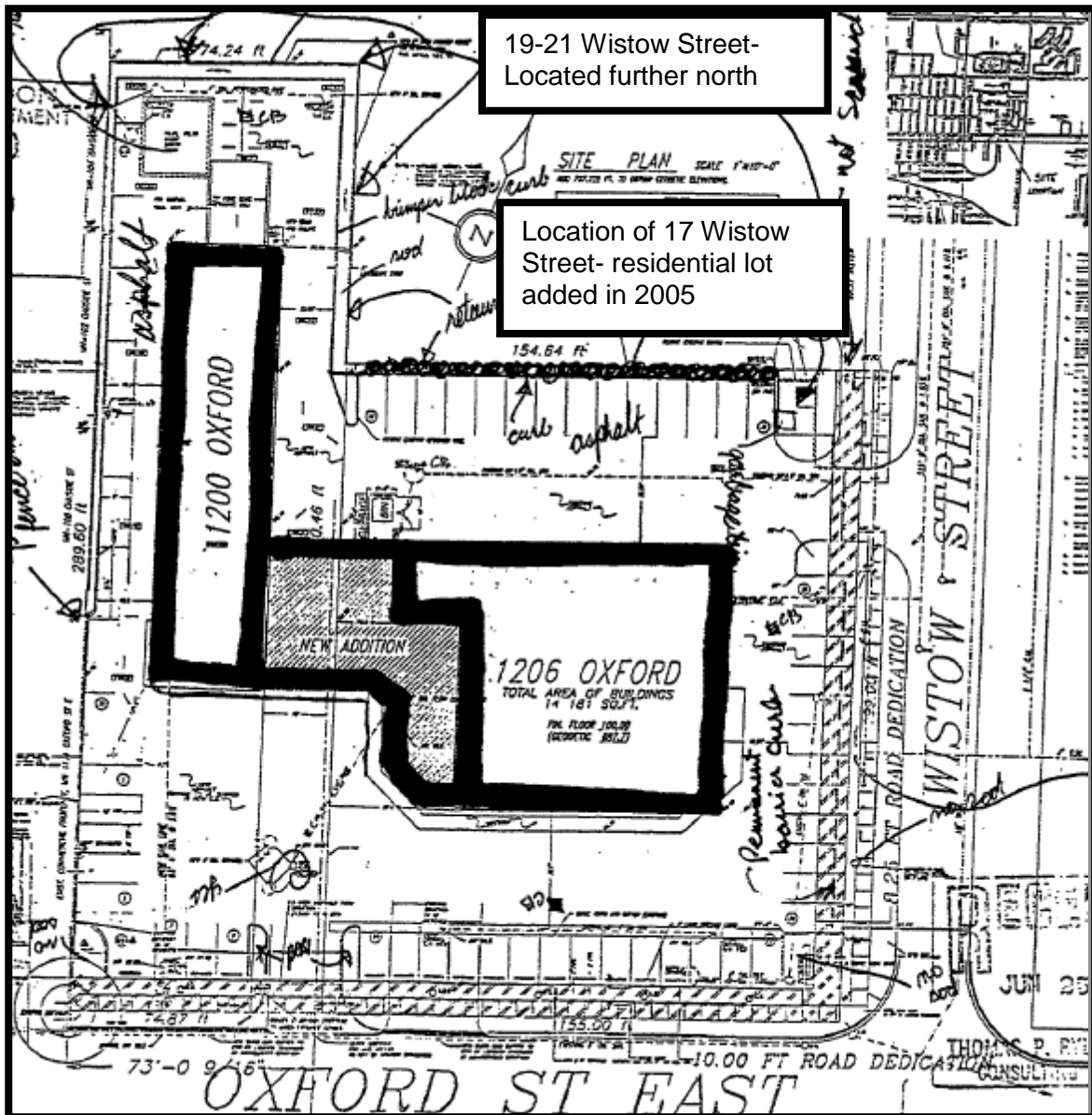
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Meters

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PLANNING HISTORY

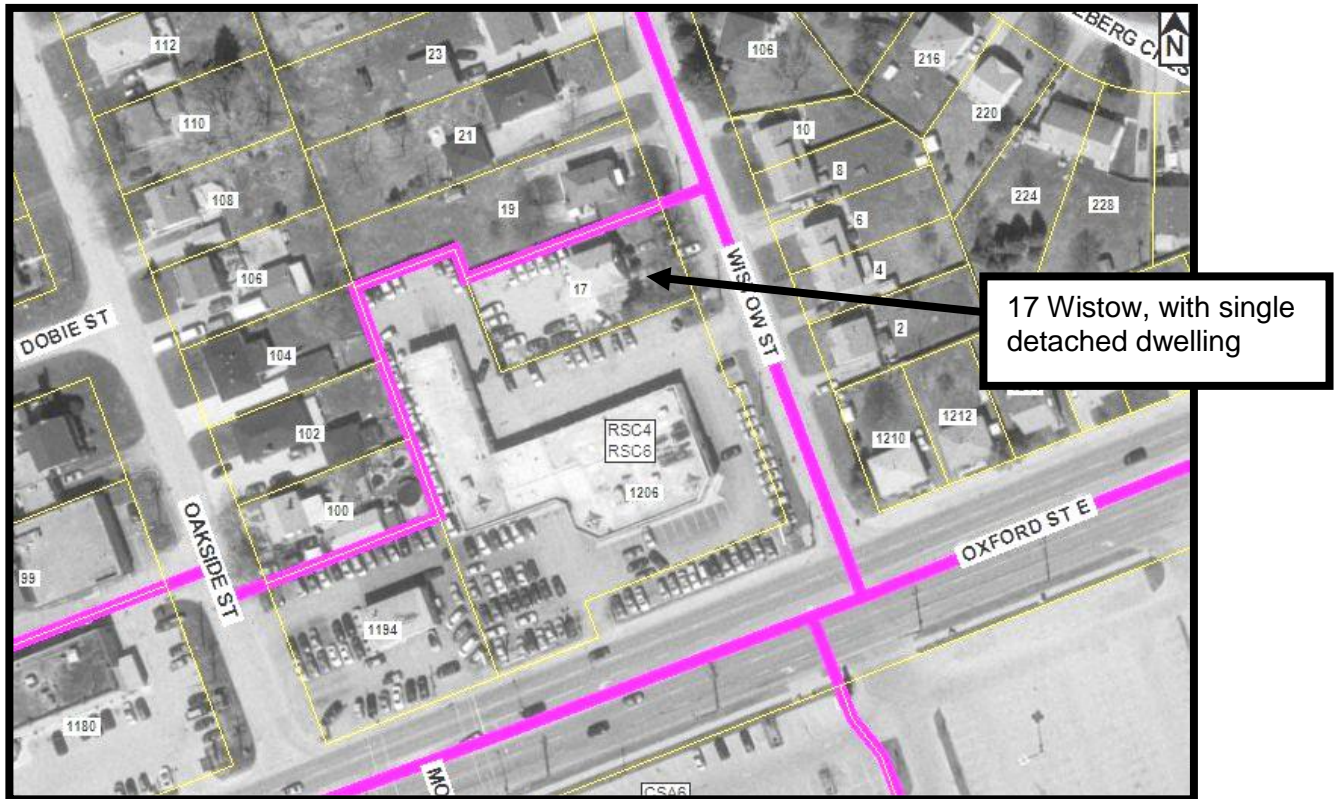
1990- An addition was added linking buildings located at 1200 Oxford Street East and 1206 Oxford Street East. Site Plan approval (SP89365) was granted and a development agreement was entered into with the City of London.

Approved Site Plan 1990



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Arial Photo 2004



2005- Demolition Permit (DM-05101030) was issued to remove a single detached dwelling from 17 Wistow Street- Lands are now used for additional parking for automobile sales and service use (Competition Toyota). Site Plan agreement (SP89365) was not amended to include the additional lands at 17 Wistow Street as part of existing automobile sales and service use.

Arial Photo 2006



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File: Z-8017
Planner: C Smith

A history of by-law complaints exist on these properties. Below is a list of complaints that were received and documented in the City of London Amanda system.

19 Wistow Street:

- 2010- BE 107770, by-law complaint property being used to store commercial vehicles.
- 2010- BE 10024915, by-law complaint old appliances left in rear yard.
- May, 2011- BE 11- 016511, by-law complaint tall grass and weeds.
- September, 2011- BE 11- 029495, by-law complaint tall grass and weeds.
- September, 2011- BE 11- 030164 by-law complaint derelict vehicle parked in rear yard

21 Wistow:

- 2010- BE 107770, by-law complaint property being used for store commercial vehicles.

Council Minutes October 24, 2011

*Motion made by Councillor H.L. Usher to Approve that the attached communication, dated October 6, 2011, from H. Bernat, 57 Wistow Street, with respect to Voyageur vehicles blocking his driveway while picking up residents of Participation House located at 59 Wistow Street, **BE REFERRED** to the Civic Administration and the London Police Services Board for review of Mr. Bernat's parking and speeding concerns, as well as a review of the feasibility of accessible parking at 59 Wistow Street and traffic calming measures for the area;*

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

Environmental and Engineering Services Department

The City of London's Environmental and Engineering Services Department offers the following comments with respect to the aforementioned Zoning By-Law amendment application:

- *The applicant is advised that all vehicles parked along the Oxford Street East frontage from Wistow Street to the driveway and along the Wistow Street frontage are parked on the City's right-of-way. Hence, a commercial boulevard parking agreement will be required to permit this parking to continue. The applicant is also advised that lighting poles have been installed along the Oxford Street East frontage between Wistow Street and the entrance to the site and along the Wistow Street frontage on the City's right-of-way. Hence, an easement agreement will be required. Therefore, we are requesting that pertinent holding provisions be placed on the subject property until the owner enters into a boulevard parking agreement and into an easement agreement to the satisfaction of the City Engineer.*
- *The applicant is advised that a road widening dedication is required along the Oxford Street East frontage from the site access to the westerly limit of the subject property, in accordance with the existing Development Agreement for 1206 Oxford Street East.*
- *The Stormwater Management Division suggests applying a holding provision until the subject site can evaluate and demonstrate the servicing for the work required to the subject lands.*

The above comments, among other engineering and transportation issues, will be addressed in greater detail through the site plan approval process.

PUBLIC LIAISON:	On February 22, 2012, Notice of Application was sent to 69 property owners in the surrounding area. Notice of Application was also published in the "Living in the City" section of the London Free Press on February 25, 2012. A "Possible Land Use Change" sign was also posted on the site.	6 written and 3 telephone replies were received opposed to the proposed amendment. Received prior to the applicants May 15, 2012 letter. 1 telephone reply not opposed.
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Nature of Liaison: The purpose and effect of this zoning change is to demolish two existing single detached dwellings to allow for the expansion of surface parking for the existing automobile sales and service establishment

Change Zoning By-law Z.-1 from a Residential R1 (R1-6) Zone which permits single detached dwellings to a Restricted Service Commercial (RSC4/RSC6) Zone which permits a wide range of service commercial uses that serve the needs of the travelling public on the Oxford Street East arterial corridor and includes automobile sale and service establishments.

Responses: Traffic concerns; local streets have been used for test drives and cut through to the site. Expansion will further increase the amount of traffic from this site onto the local street.

Parking; trucks parked on City boulevard along Wistow Street. Safety concerns with sight lines at Oxford Street. Unloading of vehicles on Wistow Street.

Expansion of commercial use into the residential neighbourhood; expansion of the commercial use will further erode residential amenities and reduce property values.

Fencing; existing fence missing section and is poor repair. No certainty that new fencing will be maintained.

Existing condition of subject property; properties are being used currently to park vehicles from the automobile dealership. Previous complaints for untidy lot by-law enforcement made to the City.

One phone call was received that was not opposed to the proposed amendment as it would "clean up" the properties.

ANALYSIS

Subject Site

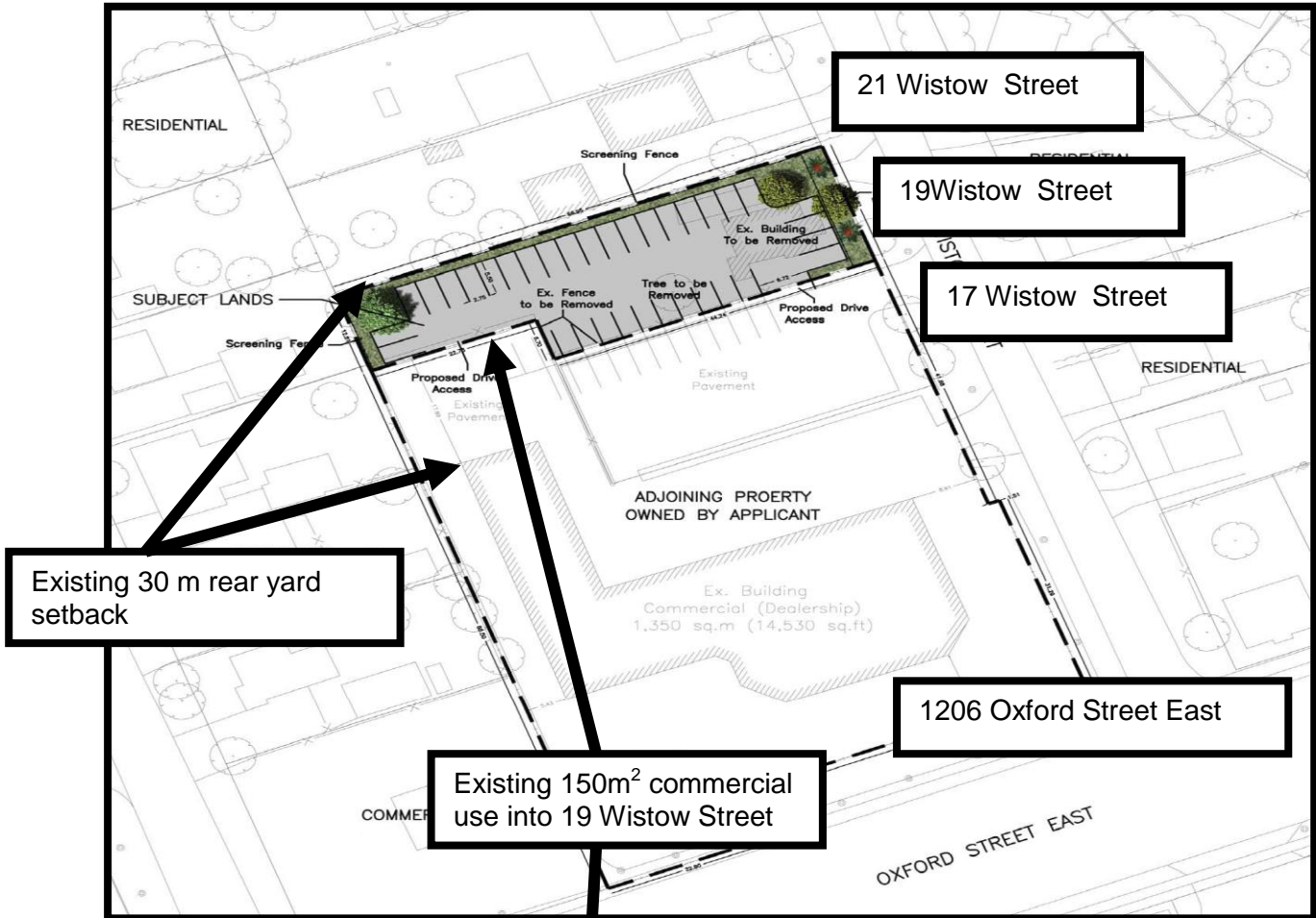
The subject site is located on the northwest corner of Oxford Street East and Wistow Street, west of Highbury Avenue. The existing automobile sales and service property municipally known as 1206 Oxford Street East has a lot frontage of 69 metre along Oxford Street East and is 76 metres deep with a lot area of 5400m². The dwelling unit at 19 Wistow Street was constructed circa 1945 and the dwelling unit at 21 Wistow Street was constructed circa 1956. 19 and 21 Wistow Street are located immediately north of 1206 Oxford Street East. 19 Wistow Street has a lot frontage of 19.5m and lot area of 1179m². A 150m² portion of 1206 Oxford Street East extends 6.7 m into the rear portion of 19 Wistow Street. The proposed amendment will result in a "squaring off" of the rear lot line for the commercial use. Oxford Street East is a major east-west arterial road in the City of London and Wistow Street is classified as a local street.

Nature of the Application

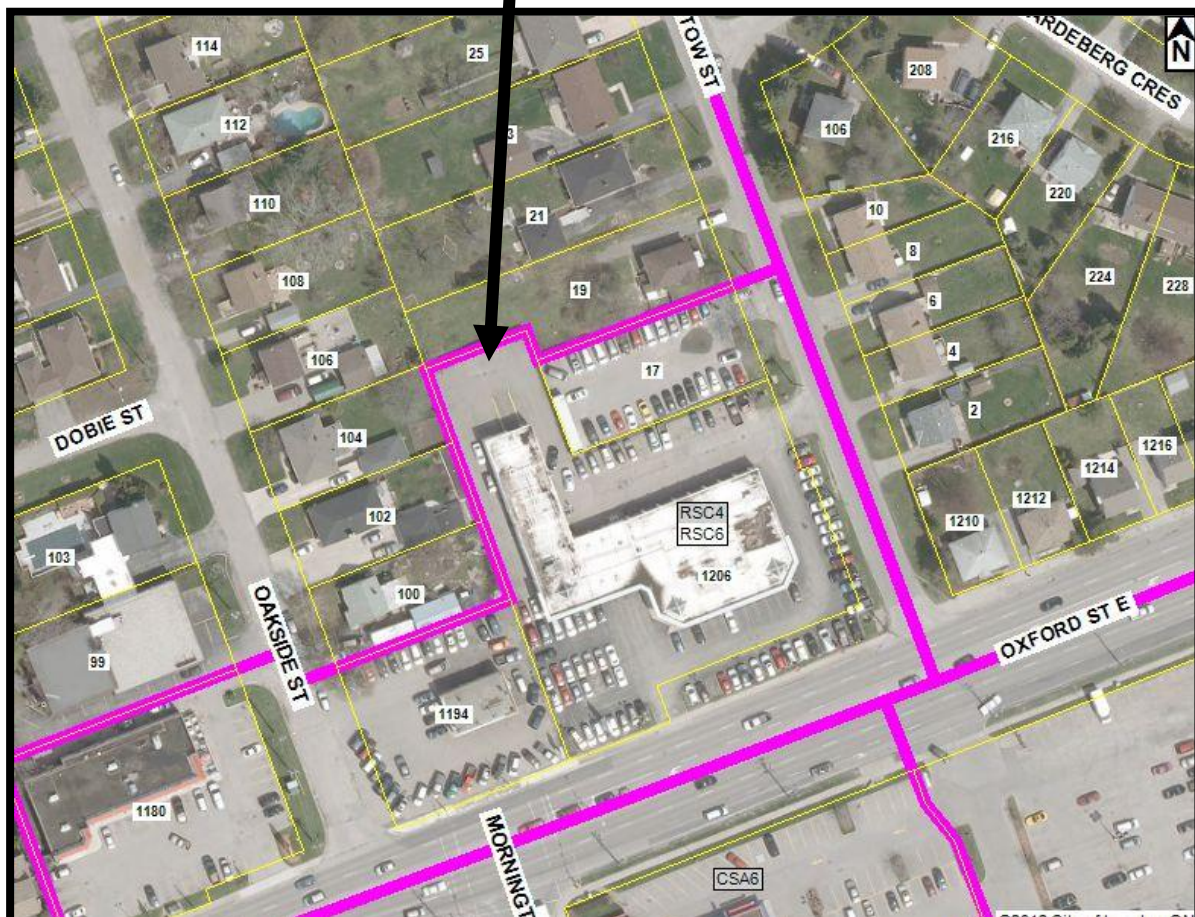
The effect of the recommendation is to permit the demolition of the residential dwelling at 19 Wistow Street to provide for additional surface parking for the automobile sales and service use. The amendment will allow for enhanced buffering to the existing residential neighbourhood by providing landscaping, fencing and lighting and will provide a straight rear lot line clearly delineating the commercial use form the residential neighbourhood. The proposed special provision for a minimum 30 metre rear yard building setback will maintain the existing location and setbacks of commercial buildings in relation to the existing residential neighbourhood. The proposed amendment will maintain the viable single detached dwelling use located at 21 Wistow Street.

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Proposed Site Plan.

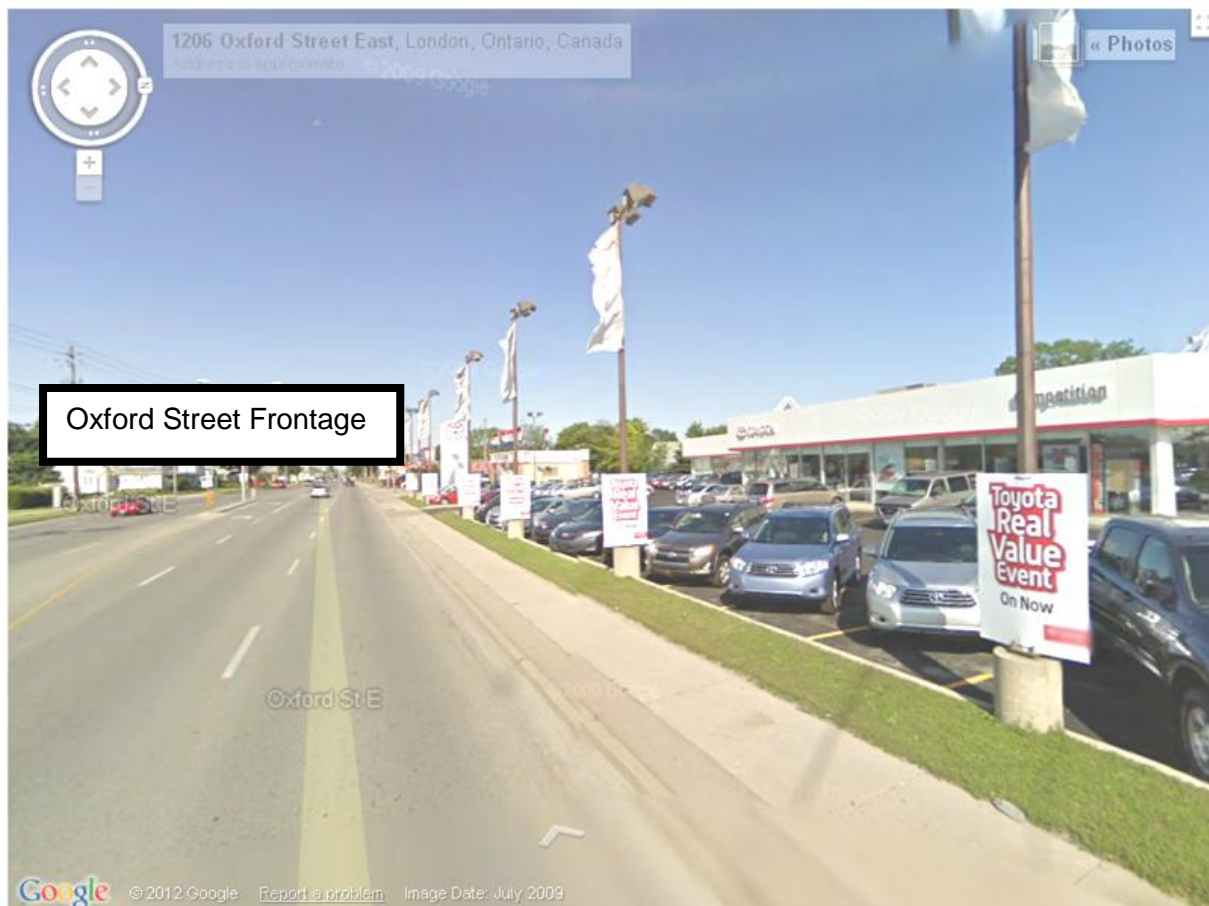


Aerial (as existing)



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1206 Oxford Street



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19 Wistow Street



Rear Yard



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21 Wistow Street



Rear Yard



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Wistow Street (looking north from subject site)



East Side Wistow Street



West Side Wistow Street

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Provincial Policy Statement

Under Section 3(5) of the Planning Act, the decision of Council must “be consistent with” the policies of the Provincial Policy Statement (PPS).

Appropriate Mix of Land Uses

The PPS promotes the accommodation of an appropriate range and mix of residential, employment (industrial, commercial and institutional uses), recreation and open space uses to meet long term needs. Planning authorities are to provide for an appropriate mix and range of employment and opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses. They shall also maintain an adequate supply of lands available for residential intensification and redevelopment.

The proposed application is consistent with the Provincial Policy Statement. The existing site is designated Auto Oriented Commercial Corridor for the lands that front onto Oxford Street East. In 2005, the residential property at 17 Wistow Street was included in the lands used for this commercial use as it was consistent with the lot depth of the existing use. The amendment will allow for enhanced buffering to the existing residential neighbourhood by providing landscaping, fencing and lighting and will provide a straight rear lot line clearly delineating the commercial use from the residential neighbourhood. The proposed amendment will maintain the viable single detached dwelling use located at 21 Wistow Street. The additional lands will be incorporated into the existing commercial use oriented to the arterial road and provides for an appropriate mix of land uses.

Official Plan

2.2. Official Plan Vision Statement

The proposed Vision Statement for the Official Plan, as set out below, is intended to convey an image of the City of London that City Council hopes to achieve over the twenty year planning period of the new Plan. It is

- a) *utilize planning processes that are responsive to neighbourhood and community needs, provide meaningful opportunities for public participation and recognize that neighbourhoods are the strength of the community and the foundation for achieving London's vision of the future.*

2.3.1. Planning Principles

- *Land use planning should promote compatibility among land uses in terms of scale, intensity of use and potentially related impacts.*
- *An Official Plan should enhance the character of residential areas and direct redevelopment and intensification activities to locations where existing land uses are not adversely affected.*

2.4.1. City Structure Policies

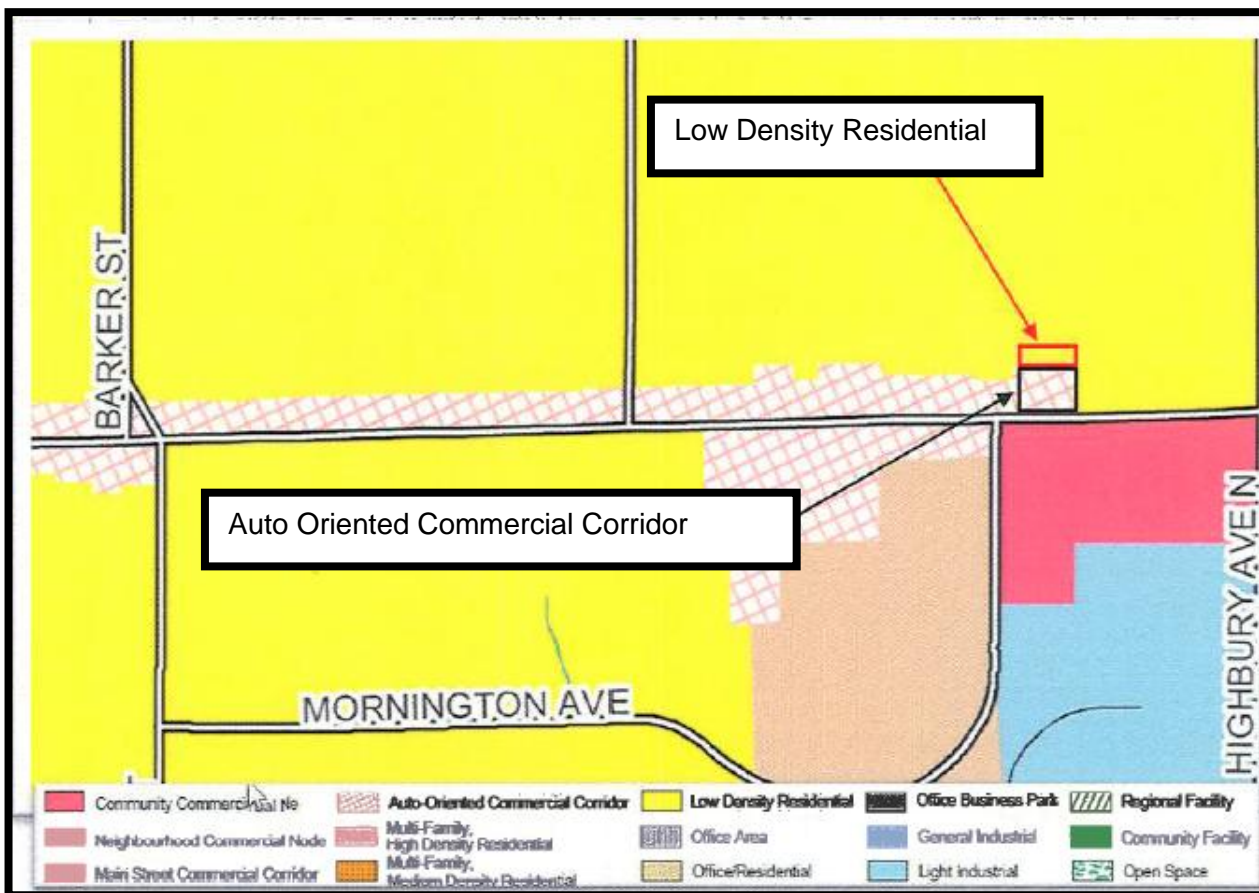
- *New Corridor commercial development shall be directed to arterial roads and shall be carefully controlled to discourage the unwarranted extension of strip development, to promote the integration of uses, and to minimize the disruption to traffic and surrounding residential areas*
- *While it is recognized that there may be redevelopment, infill, and intensification in some established residential neighbourhoods, higher intensity land uses will be directed to locations where the character of the residential area is enhanced and existing land uses are not adversely affected.*

Municipal Council has adopted the City of London Official Plan land use designations implementing the above Vision Statement. The proposed Zoning By-law amendment is consistent with the Vision Statement as it:

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- promotes an attractive, cohesive and balanced neighbourhood and supports the existing land uses including the existing commercial uses and residential neighbourhood;
- promotes an urban form that is focused along a major transportation corridor and is sensitive in scale to the existing neighbourhood;
- directs the higher intensity commercial land uses to locations where the character of the residential area is enhanced and existing land uses are not adversely affected; and
- minimizes the disruption to traffic and surrounding residential areas as it orients the commercial use to the arterial corridor.

Official Plan Excerpt Schedule “A” Land Use



Auto Oriented Commercial Corridor

4.4.2.7 Interpretation of the Boundaries of the Designation

Because of the generality of the Official Plan designation applied to Schedule “A” (Land Use) of the Official Plan and the often narrow interface between the Auto-Oriented Commercial Corridor designation and abutting designations, the designation only applies to properties which have frontage onto roads which meet the locational criteria above and does not apply to properties which have locations on side streets. A zoning by-law amendment and site plan application is required to allow adjacent properties to be added to augment existing commercial sites on the arterial road.

The proposed Zoning By-law amendment is consistent in the following ways with the Official Plan policies regarding Interpretation of the Boundaries of the Designations:

- will augment the existing automobile sales and service use by incorporating the additional lands into the existing commercial use oriented to the arterial road;
- will provide for enhanced buffering to the existing residential neighbourhood;
- will provide a straight rear lot line clearly delineating the commercial use from the residential neighbourhood;

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- will remove the existing vehicle access point at 19 Wistow Street from the local street;
- will maintain the viable single detached dwelling use located at 21 Wistow Street oriented to the local street.

4.2.1. Panning Objectives for all Commercial Land Use Designations

- *Minimize the impact of commercial development on adjacent land uses and on the traffic-carrying capacity of adjacent roads*

The proposed Zoning By-law amendment is consistent in the following ways with the Official Plan policies regarding Planning Objectives for all Commercial Land Use Designations:

- Minimizes the impact of commercial development on adjacent land uses by providing enhanced buffering to the existing residential neighbourhood providing landscaping, fencing and lighting;
- Minimizes the impact of commercial development on adjacent land uses by provide a straight rear lot line clearly delineating the commercial use from the residential neighbourhood; and
- Minimizes the effect of traffic-carrying capacity generated by the commercial use on the adjacent local road by orienting the additional lands to the arterial road.

4.4.2.5. Location

The designation shall include lands of suitable depth, size and accessibility to accommodate the permitted uses and shall be on lands separated from existing or planned residential development or other sensitive land uses by physical barriers, intervening land uses or buffer and setback provisions that are sufficient to offset potential nuisance impacts.

The proposed Official Plan and Zoning By-law amendment is consistent in the following ways with the Official Plan policies regarding locational consideration for Auto Oriented Commercial Corridor Designation:

- will provide for buffering through enhanced landscaping and fencing and includes a proposed minimum 30m building setback from the commercial buildings to the existing residential neighbourhood;
- will provide a straight rear lot line clearly delineating the commercial use from the residential neighbourhood;

4.4.2.9. Applications to Expand or Add Auto-Oriented Commercial Corridors

The lands designed Auto-Oriented Commercial Corridor as shown on Schedule “A” (Land Use) are widely distributed and include areas that can accommodate infilling and redevelopment. It is recognized, however that as the availability of land within these areas is reduced, there may be proposals to expand or add designations or add permitted uses. The expansion or extension of existing Commercial Corridors and/or the creation of new Commercial Corridor designations should be discouraged. Proposals to amend the Official Plan and/or Zoning By-law to expand or add a designation shall be evaluated on the basis of:

- *Compliance with the appropriate policies on form, function, permitted use, location, and scale of development.*

The proposed Official Plan and Zoning By-law amendment is consistent in the following ways with the Official Plan policies regarding Applications to Expand or Add- Auto Oriented Commercial Corridors:

- Promotes an urban form that is focused along a major transportation corridor;
- Maintains a scale of commercial use sensitive to the existing neighbourhood;
- Directs the higher intensity commercial land uses to the arterial road;
- Maintains the character of the residential area; and
- Minimizes the impact of traffic on the surrounding residential area as it maintains the orientation of the commercial use to the arterial corridor.

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4.4.2.8. Urban Design

Commercial Corridors should be developed and maintained in accordance with the general urban design principles in Chapter 11 and in accordance with the Commercial Urban Design Guidelines, Specific Commercial Corridors may also provide for specific design guidelines.

Urban design within the Commercial Corridors should:

- *provide a high standard of separation from residential areas where there are conflicts between uses to ensure safety;*
- *provide for strictly controlled vehicular access points onto arterial and collector roads; and,*
- *provide for coordinated design of signage, street furniture, lighting and landscaping and ensure appropriate lighting adjacent to residential areas.*

The proposed Official Plan and Zoning By-law amendment is consistent in the following ways with the Official Plan policies regarding Urban Design:

- Removes the existing vehicle access point from the local street;
- provide a high standard of separation from residential areas through landscaped buffer and fencing as shown on attached site plan;
- Minimizes the effect of traffic-carrying capacity generated by the commercial use on the adjacent local road by orienting the additional lands to the arterial road; and
- includes a proposed minimum 30m building setback from the commercial buildings to the existing residential neighbourhood.

19 and 21 Wistow Street are designated Low Density Residential in the City of London Official Plan. Section 3.1.2. Low Density Residential Objectives state:

- *Enhance the character and amenities of residential areas by directing higher intensity uses to locations where existing land uses are not adversely affected.*

The proposed Zoning By-law amendment is consistent in the following ways with Section 3.1.2. Low Density Residential Objectives

- Directs the higher intensity commercial development to the arterial road; and
- Enhances the character of the residential neighbourhood by maintaining the existing viable residential dwelling.

Zoning

What are the Current Zoning Regulations?

19 and 21 Wistow Street are currently zoned Residential R1 (R1-6). The current zone allows for single detached dwellings. The existing zone is intended to limit the intensity of the use to one single detached residential use maximum. The Residential R1 (R1-6) zone is consistent with the properties to the north, east and west and is intended to maintain the scale and character of the residential neighbourhood.

1206 Oxford Street East (Competition Toyota) the property to the south is zoned Restricted Service Commercial (RSC4/RSC6). The (RSC4/RSC6) Zone variation permits; Automobile repair garage; Automotive uses, restricted; Bake shops; Convenience service establishments; Convenience stores; Day care centres; Duplicating shops; Financial institutions; Florist shops; Personal service establishments; Restaurants; Video rental establishments; Brewing on premises establishment; and Automobile sales and service establishments with automobile body shop uses. This zone allows for an appropriate level of intensification along the Oxford Street East corridor and is consistent with the Official Plan Auto Oriented Commercial Corridor policies.

What are the Proposed Zoning Regulations?

The proposed amendment is to permit a Holding Restricted Service Commercial Special Provision (h*h-91*RSC4(_)/RSC6(_)) Zone to be applied to 19 Wistow Street to allow for the expansion of the surface parking lot for the auto sales and service use. The proposed amendment will provide for enhanced buffering to the existing residential neighbourhood by

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File: Z-8017
Planner: C Smith

providing landscaping, fencing and lighting and will provide a straight rear lot line clearly delineating the commercial use from the residential neighbourhood. The proposed special provision for a minimum 30 metre rear yard building setback will maintain the existing location and setbacks of commercial buildings in relation to the existing residential neighbourhood further limiting potential impacts on the established residential neighbourhood.

The proposed holding provisions are to ensure that a development agreement, a commercial boulevard parking agreement, an easement agreement will be entered into with the City. The holding provision will also require that the applicant demonstrate that servicing is provided and that urban design is addressed through the public site plan process.

The following design objectives will be addressed through the public site plan process:

- remove the existing vehicle access point from the local street;
- provide a high standard of separation from residential areas through landscaped buffer as shown on attached site plan: and
- provide for landscaping, fencing and appropriate lighting that mitigates adverse impacts on the adjacent residential areas.

The proposed amendment will maintain the viable single detached dwelling use located at 21 Wistow Street. The proposed amendment is consistent with the Official Plan.

Public Comments

Through the proposed public site plan process concerns regarding mitigation of adverse impacts will be reviewed by Council prior to the removal of the holding provision and the revision of the existing development agreement. The Traffic Engineering Department has completed a speed & volume traffic study on Wistow Street. The study indicated that Wistow experiences speeding that is typical on every street in the City but the numbers are not significant. The Public Education and Enforcement Program (PEEP) boards are scheduled to be on Wistow Street the week of May 7-11.

CONCLUSION

The requested amendment to Zoning By-law Z.-1 would allow for the demolition of 19 Wistow Street to expand the surface parking for the existing commercial use. Through the proposed special provision and public site plan process adverse impacts on the existing residential uses will be mitigated. The requested amendment is consistent with the Official Plan.

Agenda Item # Page #

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File: Z-8017
Planner: C Smith

PREPARED BY:	SUBMITTED BY:
C SMITH COMMUNITY PLANNING AND URBAN DESIGN SECTION	JIM YANCHULA, MCIP, RPP MANAGER OF COMMUNITY PLANNING AND URBAN DESIGN SECTION
RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP DIRECTOR, LAND USE PLANNING AND CITY PLANNER	

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Responses to Public Liaison Letter and Publication in “Living in the City”

<u>Telephone</u>	<u>Written</u>
Jim Engl 230 Paardeberg	Mychelle Primeau 112 Oakside Street
Ms Vanderplas 23 Wistow Street	Ray and Cathy Gallant 108 Oakside Street
Brian Mellon 205 Rhine Ave	Avis van Amerongen 216 Paardeberg Crescent
Laura Thomson 185 Rhine Avenue.	Henry Bernat 57 Wistow Street
	Wayne and Traci Fischer 106 Oakside Street
	Shawn Page 30 Wistow Street

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File: Z-8017
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**Bibliography of Information and Materials
Z-8017**

The following documents were used in the review of this development proposal:

- Provincial Policy Statement, 2005
- City of London Official Plan
- Zoning By-law Z.-1
- City of London Zoning Application Form, completed by Zelinka Priamo, February 3, 2012
- All internal and external correspondence sent to C. Smith as contained in the City of London file Z-8005

Two empty rectangular boxes for Agenda Item # and Page #.

File: Z-8017
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Appendix "A"

Bill No. (number to be inserted by Clerk's Office)
2012

By-law No. Z.-1-12_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 19 Wistow Street.

WHEREAS Competition Toyota has applied to rezone an area of land located at 19 Wistow Street, 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:

Schedule "A" to By-law No. Z-1 is amended by changing the zoning applicable to lands located at 19 Wistow Street, as shown on the attached map comprising part of Key Map No. 56, from a Residential R1 (R1-6) Zone to a Holding Restricted Service Commercial Special Provision (h-5*h-91*RSC4(_)/RSC6(_)) Zone.

1) Section Number 28.4 of the Restricted Service Commercial (RSC4/RSC6) Zone is amended by adding the following Special Provision:

-) RSC 4(_) 19 Wistow Street
 - a) Regulations
 - i) Rear Yard Depth (m) Minimum 30 metres
-) RSC6(_) 19 Wistow Street
 - a) Regulations
 - i) Rear Yard Depth (m) Minimum 30 metres

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 June 12, 2012.

Agenda Item # Page #

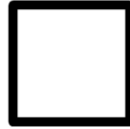
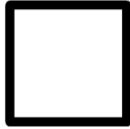
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File: Z-8017
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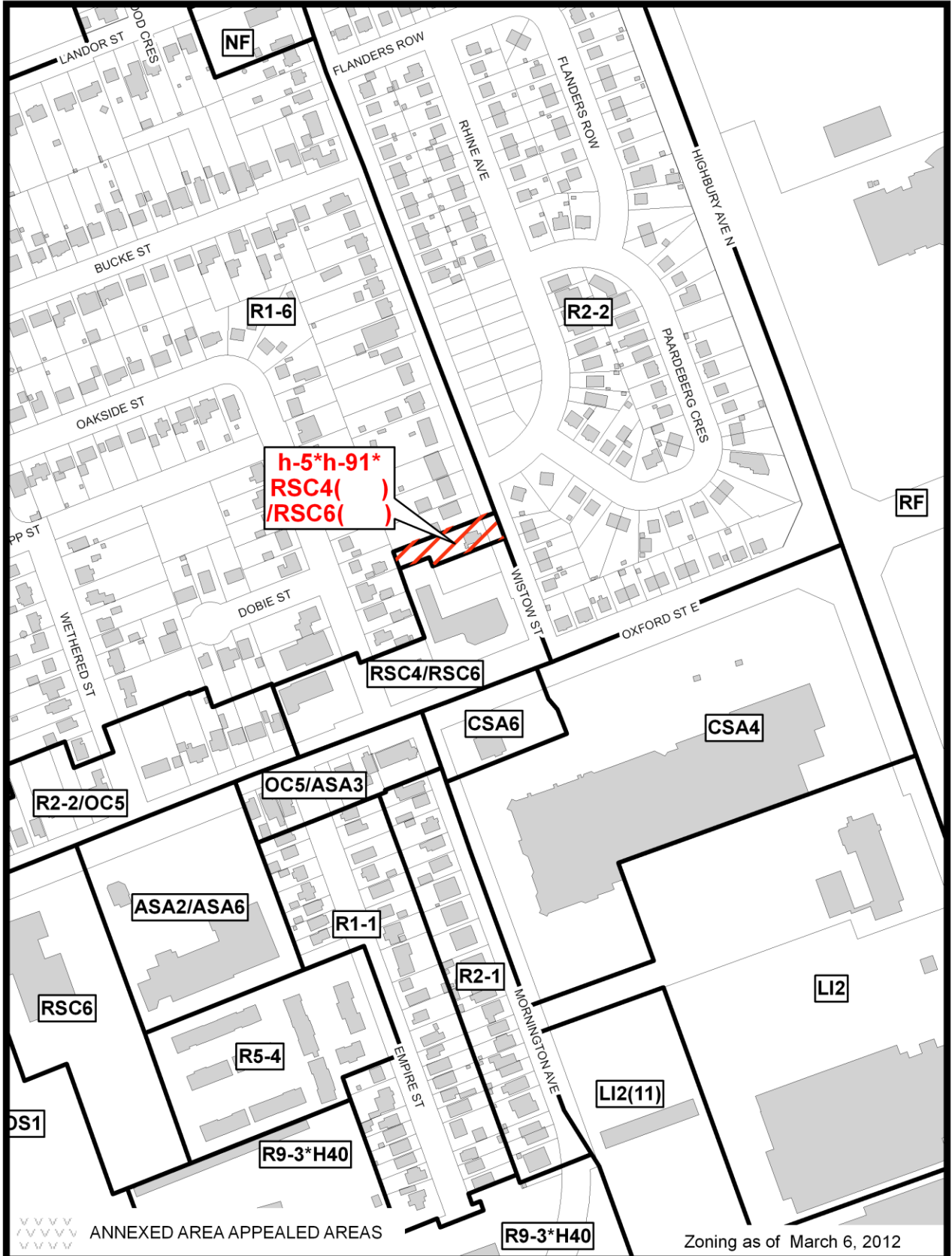
Joe Fontana
Mayor

Catharine Saunders
City Clerk

First Reading – June 12, 2012
Second Reading – June 12, 2012
Third Reading – June 12, 2012



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



File Number: Z-8017
 Planner: CS
 Date Prepared: 2012/05/16
 Technician: CK
 By-Law No: Z.-1-

SUBJECT SITE 

1:3,500

0 15 30 60 90 120 Meters



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File: Z-8017
Planner: C Smith

Appendix 1



May 15, 2012

Mr. John Fleming, Director of Planning
Planning and Development/Planning
City of London
204/206 Dundas Street
London, Ontario

Dear Mr. Fleming,

**RE: Zoning By-law Amendment Application
Competition Toyota – 19 & 21 Wistow Street
Our File: TOY/LON/11-01**

After reviewing the comments received by staff regarding the Zoning By-law Amendment application submitted on behalf of Competition Toyota, we held an informal meeting with concerned local residents on April 25th. As a result of these discussions, we have decided to revise our application such that the proposed rezoning and associated commercial expansion no longer apply to 21 Wistow Street.

The impression we received from our discussions with neighbouring residents is that they are more concerned about the scale of the proposed commercial expansion than they are about the design of the commercial/residential interface. One of the residents suggested that the neighbours would be more accepting of the proposal if it were restricted to just one of the two residential properties, and support for this suggestion appeared to be unanimous among the other attendees.

We continue to believe that the conversion of both residential properties represents the best opportunity for managing the growth of the existing dealership within the surrounding community, however the concerns and thoughts expressed by the neighbours also have merit, and in recognition of this, we are formally requesting our application be modified to no longer include 21 Wistow Street.

The sketch provided with our original application showed a proposed parking expansion that included 3 metre landscaped buffers between the parking area and property lines. To help offset the significant loss of usable area that the amended proposal represents, a smaller buffer area is proposed (as shown on the attached revised sketch). The revised development plan would see the corner and front yard landscape improvements retained, as well as the wooden privacy fencing.

There were a number of other concerns expressed by residents, including;

- Vehicles being test driven on Wistow Street;
- Noise from the paging system;
- Delivery trucks blocking Wistow Street;
- Bothersome activities by tenants of 19 Wistow Street;
- Poor maintenance of 19 Wistow Street;
- Uncertainty over potential use of the site should Toyota leave.

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File: Z-8017
Planner: C Smith

Most of these concerns are being addressed directly by Competition Toyota, including changes to the current or recent operations such as ensuring sales agents accompany customers on test drives and direct them away from Wistow Street; improvements to reduce rear yard paging speaker use; and the undertaking of specific maintenance work. Unfortunately, even with the proposed expansion there isn't room to accommodate deliveries on the commercial property and the owner would not have control over the site in the event that it is sold.

Should you require a revised application form or any other additional supporting material in support of the application revisions beyond this letter and the attached sketch, please advise us accordingly.

Yours very truly,
ZELINKA PRIAMO LTD.



Stephen Cornwell MCIP, RPP
Planner

encl.

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PROPOSED SITE PLAN

SITE STATISTICS
PROPOSED ZONE: RSC6

REQUIRED	PROPOSED
NET AREA	45,000.00 m ²
LOT AREA	45,000.00 m ²
LOT FRONTAGE (m)	40.00 m
LOT DEPTH (m)	101.30 m
FRONT YARD SETBACK	7.00 m
REAR YARD SETBACK	10.00 m
EXPOSURE SIDE YARD SETBACK (LOOSE)	7.00 m
EXPOSURE SIDE YARD SETBACK (TIGHT)	3.00 m
FRONT YARD SETBACK	30.00 m
LOT COVERAGE (%)	100%
MAXIMUM HEIGHT (m)	12.00 m
MAXIMUM GROUND FLOOR AREA (%)	100%
MAXIMUM GROUND FLOOR AREA (m ²)	45,000.00 m ²
OPEN SPACE (%)	0%
OPEN SPACE (m ²)	0.00 m ²

NO.	REVISION	DATE	INITIAL

COMPETITION TOYOTA
19 WISTOW STREET

ZELINKA PRINARD LTD
A Professional Planning Practice

118 Wellington Road, London, Ontario N6C 4K4
Tel: (519) 474-7127 Fax: (519) 724-2228 e-mail: info@zplinka.com

Project No: **TOY/LON/11-01**
Date: **JANUARY 2012** Scale: **1:125**