

--	--

File No: Z-7944
Planner: E. Lalande

TO:	CHAIR AND MEMBERS BUILT AND NATURAL ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING DIRECTOR OF LAND USE PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: CEDAR AUTO OF LONDON LTD. 2170 WHARNCLIFFE ROAD SOUTH PUBLIC PARTICIPATION MEETING ON OCTOBER 17, 2011

RECOMMENDATION

That, on the recommendation of the Director of Land Use Planning and City Planner, based on the application of Cedar Auto of London Ltd. relating to a portion of the subject land located at 2170 Wharncliffe Road South, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on October 24, 2011 to amend Zoning By-law No. Z.-1 in conformity with the Official Plan to change the zoning of the subject land **FROM** a h-17.AC2 Zone which permits a range of commercial, and residential uses **TO** a h-80•h-103•AC2() Zone to permit the additional use of automobile sales and service establishment. The h-80 holding provision that requires full municipal services prior to development replaces the h-17 holding provision that only requires water and sanitary services prior to development. The h-103 holding provision that urban design be considered during the site plan review process and a development agreement be entered into prior to development is to ensure the orderly development of the site.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
--

None

PURPOSE AND EFFECT OF RECOMMENDED ACTION

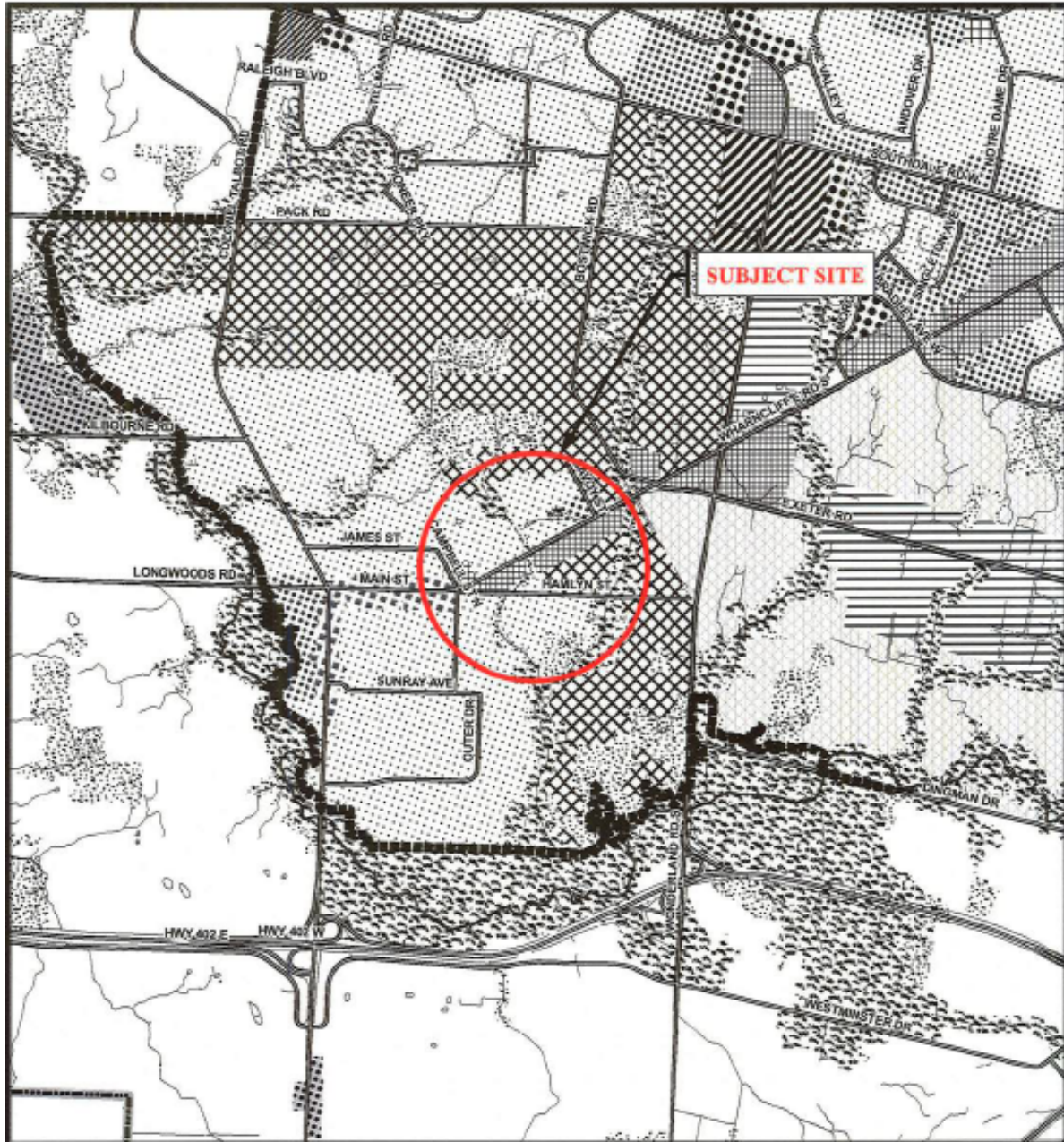
The requested amendment is to facilitate the development of an automobile sales and service establishment on the northeast portion of the subject property by adding that use to the existing permitted uses.

RATIONALE

1. The recommended amendment to allow for automobile sales establishment is consistent with the *Provincial Policy Statement, 2005*
2. The recommended amendment is in keeping with the general intent and purpose of the Official Plan, in particular policies related to Chapter 4 – Commercial land Use Designations.
3. The recommended amendment is in keeping with the general intent of the Zoning By-law.
4. The proposed automobile sales establishment is appropriate development and consistent with land uses in the area.

--	--

File No: Z-7944
 Planner: E. Lalande

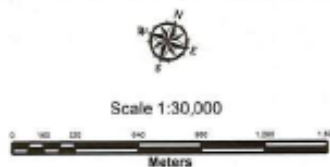


Legend

- | | |
|--|-----------------------------------|
| Downtown Area | Office Business Park |
| Enclosed Regional Commercial Node | General Industrial |
| New Format Regional Commercial Node | Light Industrial |
| Community Commercial Node | Regional Facility |
| Neighbourhood Commercial Node | Community Facility |
| Main Street Commercial Corridor | Open Space |
| Auto-Oriented Commercial Corridor | Urban Reserve - Community Growth |
| Multi-Family, High Density Residential | Urban Reserve - Industrial Growth |
| Multi-Family, Medium Density Residential | Rural Settlement |
| Low Density Residential | Environmental Review |
| Office Area | Agriculture |
| Offices/Residential | Urban Growth Boundary |
| | Areas Under Appeal |

CITY OF LONDON
 Department of
 Planning and Development
 OFFICIAL PLAN SCHEDULE A
 - LANDUSE -

PREPARED BY: Graphics and Information Services



FILE NUMBER: O-7944

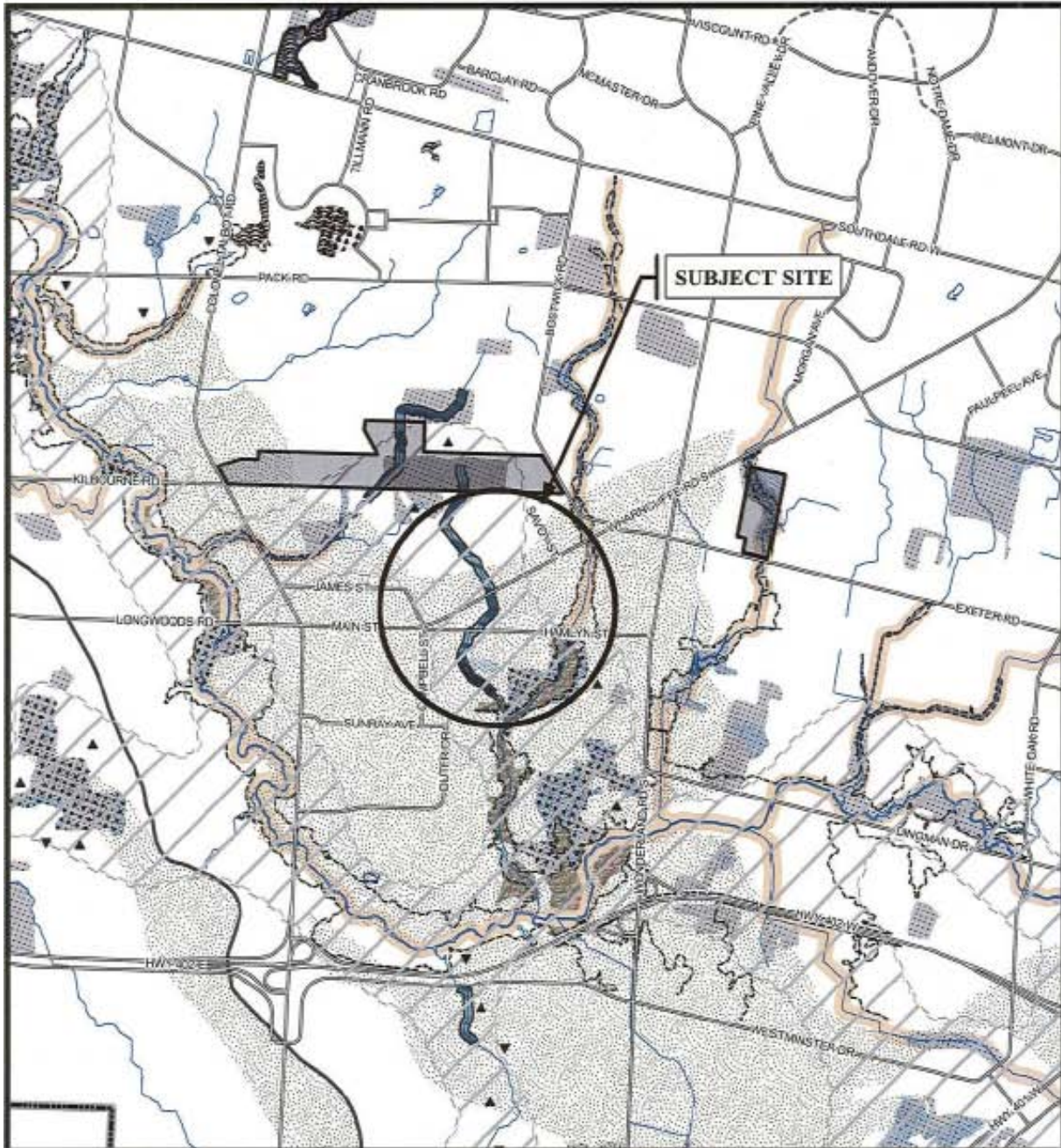
PLANNER: MH

TECHNICIAN: CK



DATE: 2011 July 26

--	--


File No: Z-7944
 Planner: E. Lalande



NATURAL HERITAGE SYSTEM

-  ESAs
-  Potential ESAs
-  Significant Woodlands
-  Woodlands
-  Unevaluated Vegetation Patches
-  Significant River, Stream, and Ravine Corridors
-  Unevaluated Stream and Ravine Corridors
-  Provincially Significant Wetlands
-  Locally Significant Wetlands
-  Unevaluated Wetlands
-  Potential Naturalization Areas
-  Potential Upland Corridors
-  Ground Water Recharge Areas

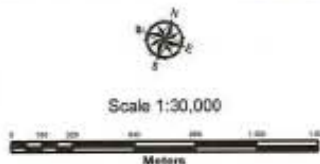
NATURAL HAZARDS

-  Maximum Hazard Line
- NOTE 1: Hazard Lines shown on this map are approximate. The precise delineation of hazard line mapping available from the Conservation Authority having jurisdiction.
- NOTE 2: Flood Fringe mapping for certain areas of the city is available from the Upper Thames River Conservation Authority.

Base Map Features

-  Railways
-  Water Courses/Ponds
-  Streets (refer to Schedule "C")
-  Conservation Authority Boundary
-  Subwatershed Boundary
-  Big Picture Meta-Cores and Meta-Corridors
-  Areas Under Appeal

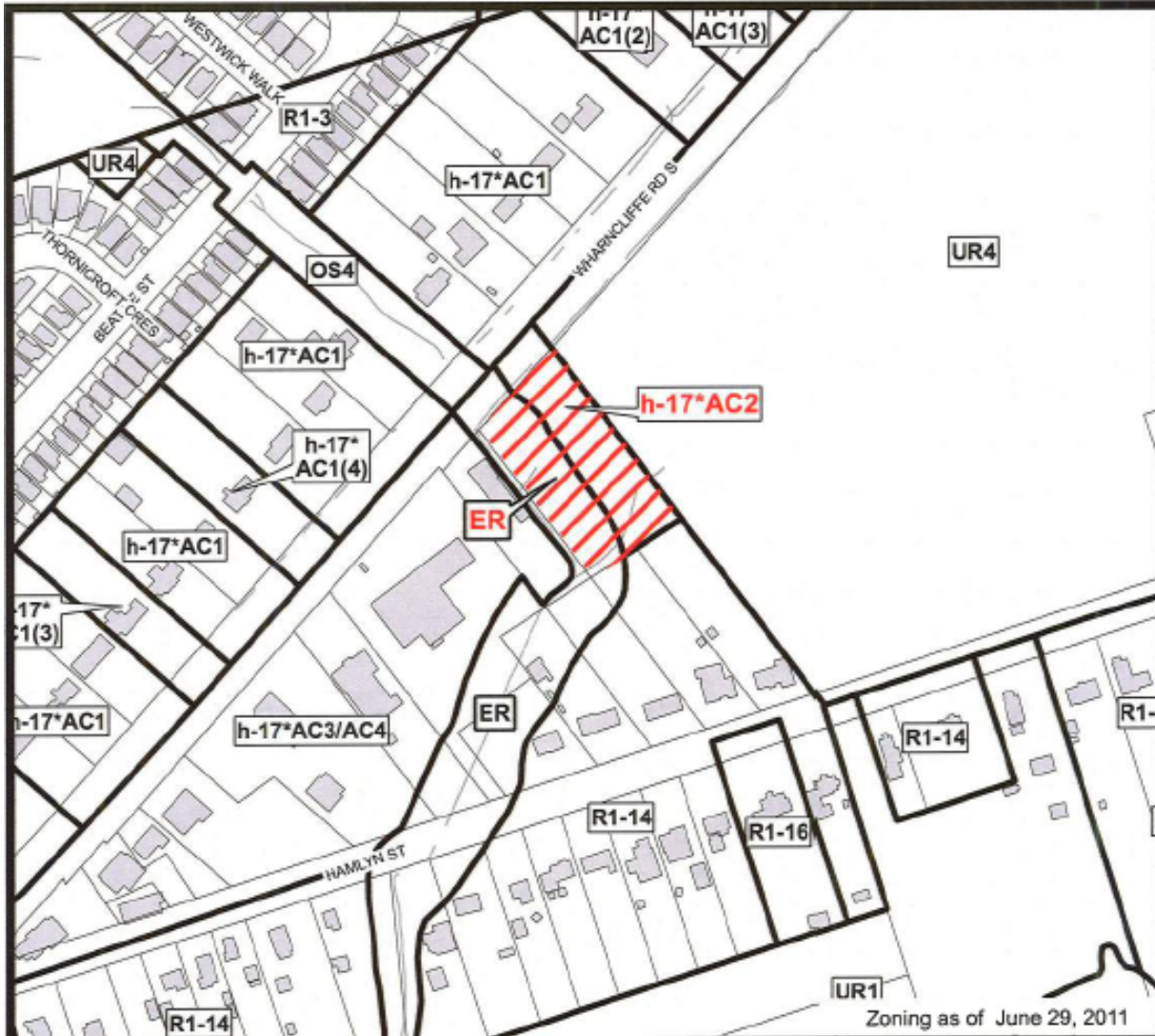
CITY OF LONDON
 Department of
 Planning and Development
 OFFICIAL PLAN SCHEDULE B1
 - NATURAL HERITAGE FEATURES -
 PREPARED BY: Graphics and Information Services



FILE NUMBER: Z-7944
 PLANNER: MH
 TECHNICIAN: CK
 DATE: 2011 Jul 26

--	--

File No: Z-7944
 Planner: E. Lalande



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: h-17*AC2 & ER

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**



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

FILE NO:
 Z-7944 MH

MAP PREPARED:
 2011/07/26 CK

1:3,350
 0 15 30 60 90 120 Meters

--	--

File No: Z-7944
Planner: E. Lalande

BACKGROUND

Date Application Accepted: July 8, 2011	Agent: Stephen Cornwell
<p>REQUESTED ACTION: To amend Zoning By-law No. Z.-1 in conformity with the Official Plan to change the zoning of the subject land FROM a h-17.AC2 Zone which permits a range of commercial, and residential uses TO a h-17.AC2 () Zone to permit the additional use of automobile sales and service establishment.</p>	
<p>SITE CHARACTERISTICS:</p> <ul style="list-style-type: none"> • Current Land Use: Vacant • Frontage: 60.1 metres (197 feet) • Depth: 110 metres (361 feet) • Area: 6920 square metres (1.6 acres) • Shape: Irregular Rectangle 	

SURROUNDING LAND USES:	
• North:	Agriculture - cash crops
• South:	Commercial - multi use plaza
• East:	Residential - low density
• West:	Residential - low density

OFFICIAL PLAN DESIGNATION: (refer to map on page 2 and 34)	
• Schedule A:	Auto Oriented Commercial Corridor
• Schedule B:	Unevaluated Stream and Ravine Corridor (B1) Riverine Hazard Limit for Unconfined Systems (B2)
• Schedule C:	Wharncliffe Road South – Arterial Road
EXISTING ZONING: (refer to map on page 4)	
• Arterial Commercial – holding provision 17 (h-17.AC2)	
<p>The holding provision is to ensure the orderly development of lands and the adequate provision of municipal services, the "h-17" symbol shall not be deleted until full municipal sanitary sewer and water services are available to service the site.</p> <p>Permitted <i>Interim Uses</i>: Dry uses on individual sanitary facilities permitted by the applied Zone.</p>	

PLANNING HISTORY

The subject property includes the entire property known municipally as 2170 Wharncliffe Road, as shown on page 4 of this report. For reference purposes the “subject land” refers to the northeast portion of the property which is currently zoned h-17 AC2.

--	--

File No: Z-7944
Planner: E. Lalande

The subject property is located along Wharncliffe Road South, an Arterial Road, northeast of and in close proximity to the Lambeth area and is the end lot in a strip of existing commercially designated lands on the south side of the road in this area. The property was used previously as a car wash establishment. The car wash structure has been demolished and the land currently sits vacant. The property was purchased in April 2011 by the current owner and applicant.

The subject property is relatively flat with a slight slope towards a drainage ditch that runs along the southwest portion of the property. The drain is located on the adjacent property and is identified as the Thornicorft Drain. It is regulated by the Upper Thames River Conservation Authority. The regulatory area of the drain consumes roughly the southwesterly half of the subject property. The proposed development on the subject land is seeking to develop on the northeasterly portion of the property. A portion of the regulated area of the Upper Thames Conservation Authority extends into the area proposed to be amended and developed.

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

Environmental & Engineering Services Department (EESD):

- *Stormwater management is concerned that there is currently no municipal storm sewer within the area. A holding is requested until adequate service is available due to the nature of the site.*

Parks Planning, Urban Forestry: *No comments received.*

London Hydro Engineering : *No objections.*

Upper Thames Regional Conservation Authority (UTRCA):

- *The UTRCA is currently developing a Source Protection Plan. Under the Clean Water Act, the UTRCA has the authority to include policies in the Source Protection Plan that may prohibit or restrict activities identified as posing a significant threat to drinking water. At this point the UTRCA cannot speculate what the Plan might dictate for the subject property.*
- *The UTRCA recommends that: the subject property is regulated and a permit will be required from the Authority prior to any site alteration or development within the regulated area.*

PUBLIC LIAISON:	On July 25, 2011, Notice of Application was sent to 24 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 Saturday, July 30, 2011. On September 27, 2011, Notice of Public Meeting was sent to 24 property owners in the surrounding area.	3 Responses
Nature of Liaison:	The purpose and effect of this zoning change is to change the zoning on 2170 Wharncliffe Road South to permit used automobile sales. Possible amendment to the Zoning By-law Z.-1 FROM Holding Arterial Commercial (h-17*AC2) Zone TO Holding Arterial Commercial Special Provision (h-17*AC2(_)) Zone.	

--	--

File No: Z-7944
Planner: E. Lalande

Responses:

Two telephone responses were received by members of the public with concerns around the details regarding fencing. Additional concern was raised regarding the use as not being an “attractive neighbour” or as being a “strange use” given the adjacent kids clothing store.

A letter was received by Mr. & Mrs. Bluhm raised concerns regarding the subject lands as a used car lot. Specifically expressed concerns with lights shining towards their bedroom (residential across the street on Wharncliffe Road South) as well as extra traffic to the site. The letter was signed by five local residents, included in this report.

ANALYSIS

Planning staff conducted a series of site visits. The most recent visit was conducted on September 24, 2011.

Provincial Policy Statement, 2005

The Provincial Policy Statement (PPS), 2005 provides policy guidance regarding all land use planning and development matters. The PPS encourages building strong, healthy and sustainable communities. Additionally, the PPS provides for the accommodation of an appropriate range and mix of uses including, among others, commercial uses to meet long-term needs. The PPS further encourages the redevelopment of land to meet those needs.

While the policies of the PPS are broad and intended to guide local policies, Planning staff is of the opinion that the intent of the application is consistent with the goals of the Provincial Policy Statement, 2005.

City of London Official Plan

The Official Plan, as a whole, is the municipal tool that provides land use direction to all areas within the City of London. The subject land is designated by the Official Plan as *Auto Oriented Commercial Corridor*. This designation is intended to provide for a broad range of commercial uses across the City that are not suited for higher order commercial nodes or main street commercial corridors. Automotive uses and services are listed permitted uses within this designation and are appropriate for these areas based on building form, site area, and catering to single purpose shopping trips. This area is located on an arterial road and forms a grouping of other commercial services along Wharncliffe Road South. Specifically, Auto Oriented Commercial Corridors are primarily intended to consist of a mix of retail, auto and commercial uses, office and remnant residential uses. Given that the previous land use was similarly purposed for auto related activities, Planning staff considers this to be redevelopment and not an extension to the existing strip of commercial development.

The Official Plan considers automotive related uses and services to be appropriate for Auto Oriented Commercial Corridors. Planning staff is of the opinion that the proposed land use of this application is appropriate and meets the general intent and purpose of the Official Plan.

Southwest London Area Plan Study

The subject property is located within the study area for the Southwest London Area Plan. While the Southwest Area Plan is still in its draft form, consideration of the preferred direction of the Plan is important in protecting the overall vision for the area. As part of the draft Plan to date, the subject lands are to be located within an area contemplated for retail use. In order to ensure development of this site is compatible with the Southwest London Area Plan’s long range policy intent, Planning staff recommends that, through the site plan approval process, urban design considerations be included to develop the site in a manner that is consistent with the area’s planned building typology within the Southwest London Area Plan.

--	--

File No: Z-7944
Planner: E. Lalande

Further, the Thornicroft drain is to be developed as part of the open space network through this Area Plan. Measures to protect the interface between the proposed development on this site and drain should be incorporated through the site plan process by providing appropriate landscaping.

City of London Zoning By-law

The subject property is currently split zoned. The northeast portion of the property, as shown on page 4, is zoned Arterial Commercial (h-17 AC2), while the southwest portion of property is zoned Environmental Review (ER). The application proposes to rezone only the land currently zoned Arterial Commercial. The Environmental Review (ER) zone is to remain intact.

The Arterial Commercial range of zoning provides for and regulates a mix of small scale retail, office, service and residential uses located along arterial roads which serve both vehicular and pedestrian trade. Limited differentiation towards auto oriented land uses is appropriate in this location in concert with the existing Official Plan designation. Additionally, the subject property is limited by the existing environmental features adjacent to the subject land.

The proposed additional permitted use is and defined by the Zoning By-law as:

“AUTOMOBILE SALES AND SERVICE ESTABLISHMENT which means premises where new and used vehicles are stored or displayed for the purpose of sale, lease or hire and shall include the storage and sale of automotive accessories together with the repair and service of the vehicles. For the purpose of this definition, vehicle shall not include motorized construction equipment, farm equipment, truck bodies, truck tractors, or tractor trailers.”

Planning staff is of the opinion that, in order to protect the environmental features in the area, maintaining the Environmental Review zoning for the southwest portion of the subject land is critical. Planning staff is also of the opinion that the amendment protects the intent of the zoning by-law by maintaining the existing zone and introduces a permitted use that is appropriate for the property and the area.

Key Planning Considerations

This application encompasses for four critical planning issues: Environmental, Compatibility, Infrastructure and Site Design.

Environmental

As noted through this report, the intended area to be developed is outside the area regulated by the Upper Thames River Conservation Authority. As indicated in comments received by the UTRCA, there is the potential that results from their Sourcewater Protection Plan may limit development on the subject site. The site has not been identified as a significant threat to drinking water; however, the potential risk that the Sourcewater Protection Plan may limit development on the subject land shall be borne by the property owners.

Compatibility

Planning staff acknowledges the presence of residential land uses in proximity to the subject lands. However, the subject land has previously been used for commercial purposes; is part of a grouping of existing commercial uses; and is designated and intended for commercial purposes consistent with what is proposed. Further to this, an automobile sales establishment is located in close proximity along Wharncliffe Road South and to the northeast of the subject lands. As such, Planning staff recommends that the proposed automobile sales establishment is compatible in the area.

Infrastructure

--	--

File No: Z-7944
Planner: E. Lalande

As indicated by the Environmental and Engineering Services Department, there is a lack of municipal sewers servicing the subject land. Additionally, there is an existing holding provision placed on the property to be held until sanitary and water services are provided to the site. As part of this application, Planning staff recommends that the existing holding provision be replaced with a new holding provision to ensure that full municipal services are installed to service the subject land, including water, sanitary, and storm sewers.

Site Design

There are neighbour concerns regarding access, lighting (flood lights and vehicle lights) and traffic. To address concerns raised by neighbouring residents, Planning staff is of the opinion that these matters can be handled through innovative design and site plan control. Typically, as this is a commercial use, site plan control would be required to address these issues. Planning staff requests that urban design principles such as building massing, building-street interface, parking design and landscaping items be considered during the site plan process as this is currently the primary entry point to the Lambeth area from Wharncliffe Road South and is potentially contemplated for mixed use retail within the Southwest London Area Plan. Planning staff recommends that the development (including for outdoor storage and sale of vehicles) of this site receive site plan approval and that a holding provision be placed on the property until such approval is obtained.

CONCLUSION

Based on the analysis above, Planning staff considers the application as presented to represent appropriate development for the area and good planning. As such, Planning staff is of the opinion that the proposal to amend the Zoning By-law to facilitate the establishment of an Automobile Sales and Service Establishment is consistent with the Provincial Policy Statement, 2005 and maintains the general intent of the Official Plan and Zoning By-law for the City of London, subject to the inclusion of holding provisions for servicing and urban design components.

Therefore, Planning staff recommends the approval of amendments to the Official Plan and Zoning By-law. Planning staff has included, as attached to this report, draft amendments for Council's consideration on this matter.

PREPARED BY:	RECOMMENDED BY:
ERIC LALANDE, PLANNER I CITY PLANNING AND RESEARCH	JAMES YANCHULA, MCIP, RPP MANAGER OF COMMUNITY PLANNING AND URBAN DESIGN
SUBMITTED BY:	
JOHN M. FLEMING, MCIP, RPP DIRECTOR OF LAND USE PLANNING AND CITY PLANNER	

Agenda Item # Page #

--	--

File No: Z-7944
Planner: E. Lalande

1. Responses to Public Liaison Letter and Publication in "Living in the City"
2. Draft Zoning Amendment By-law

--	--

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

Telephone

Christa Karr – no address provided

Written

D. K. Bluhm – 2153 Wharnccliffe Road South
Gina Facchini – 2143 Wharnccliffe Road South
Alex Rutrevich – 2009 Wharnccliffe Road South
Michael Ross – 2133 Wharnccliffe Road South
Karina Thompson – 2123 Wharnccliffe Road South

--	--

File No: Z-7944
Planner: E. Lalande

Bill No. (number to be inserted by Clerk's Office)
2011

By-law No. Z.-1-_____

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

WHEREAS Cedar Auto of London Ltd. has applied to rezone land portion of land located at 2170 Wharnclyffe 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:

Schedule "A" to By-law No. Z-1 is amended by changing the zoning applicable to part of the lands located at 2170 Wharnclyffe Road South, as shown on the attached map comprising part of Key Map No. (168) from an Arterial Commercial holding provision (h-17 AC2) Zone to an Arterial Commercial holding provision (h-80•h-103•AC2()) Zone

1) Section Number 26.4c) of the Arterial Commercial (AC2) Zone Variation to By-law No. Z.-1 is amended by adding the following Special Provision:

) AC2()

a) Additional Permitted Uses:

i) Automobile Sales and Service Establishment

This By-law shall come into force and be deemed to come into force in accordance with subsection 34(21) of the *Planning Act, R.S.O. 1990, c. P.13*, either upon the date of the passage of this by-law or as otherwise provided by the said subsection.

PASSED in Open Council on October 24, 2011.

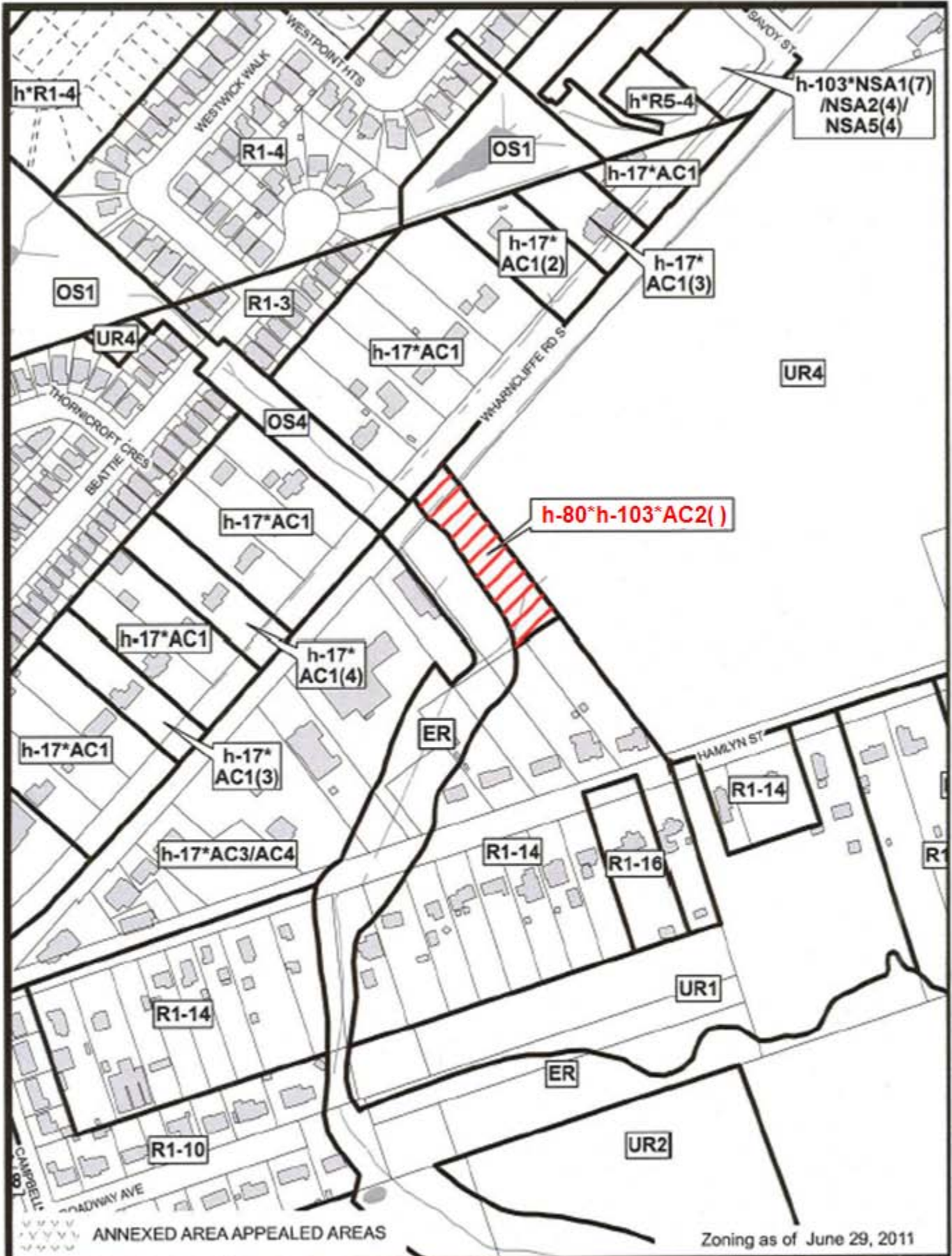
Joe Fontana
Mayor

Catharine Saunders
City Clerk


First Reading - October 24, 2011
Second Reading - October 24, 2011
Third Reading - October 24, 2011

Two empty rectangular boxes for agenda item and page numbers.

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



File Number: Z-7944
 Planner: MH
 Date Prepared: 2011/07/26
 Technician: CK
 By-Law No: Z-1-

SUBJECT SITE 

1:3,500

0 15 30 60 90 120 Meters

