

Planner: N. Musicco

TO:	CHAIR AND MEMBERS				
	PLANNING & ENVIRONMENT COMMITTEE				
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER				
SUBJECT:	APPLICATION BY: ZELINKA PRIAMO LIMITED 373 WHARNCLIFFE ROAD SOUTH PUBLIC PARTICIPATION MEETING ON JANUARY 08, 2013				

RECOMMENDATION

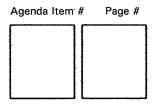
That, on the recommendation of the Managing Director, Planning and City Planner with respect to the application of Zelinka Priamo Limited relating to the property located at 373 Wharncliffe Road South the proposed by-law attached hereto as Appendix "A" BE INTRODUCED at the Municipal Council meeting on January 15, 2013 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan FROM an Arterial Commercial (AC4/AC5) Zone which permits such uses as: Animal hospitals, Dwelling units above the first floor, Bake shops, Catalogue stores, Clinics, Convenience service establishments, Duplicating shops, Food stores, Financial institutions, Home and auto supply stores, Medical/dental offices, Offices, Personal service establishments, Printing establishments, Restaurants, eat-in, Retail stores, Service and repair establishments, Studios, Video rental establishments, Brewing on Premises Establishment, Automobile repair garages, Automotive uses, restricted and Taverns TO an Arterial Commercial Special Provision (AC2()/AC4/AC5) Zone which permits the above uses in addition to Animal hospitals, Dwelling units, above the first floor, Clinics, Convenience stores, Convenience service establishments, Duplicating shops, Florist shops, Medical/dental laboratories, Medical/dental offices, Offices, Personal service establishments, Accessory dwelling units, Converted dwellings, Day care centres, Emergency care establishments, Existing dwellings, Group Home Type 2, Lodging House Class 2 and 'automobile sales and service establishments', with a minimum 0.5 metre parking area setback from Langarth Street and a minimum interior yard (west) setback of 0.6m.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The requested amendment is to permit the establishment of an automobile sales and service facility for Auto Strada Inc.

RATIONALE

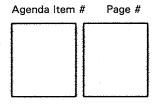
- 1. The recommended amendment is consistent with the polices of the Provincial Policy Statement (2005).
- 2. The recommended zone is consistent with the City of London Official Plan.
- 3. The recommended zone allows for an appropriate development that is consistent with the character and density of the area.
- 4. The recommended zone allows for Auto Strada (347 Wharncliffe Road South) to remain in its current location which has been in operation for 44 years and has achieved an acceptable measure of compatibility with adjacent uses.



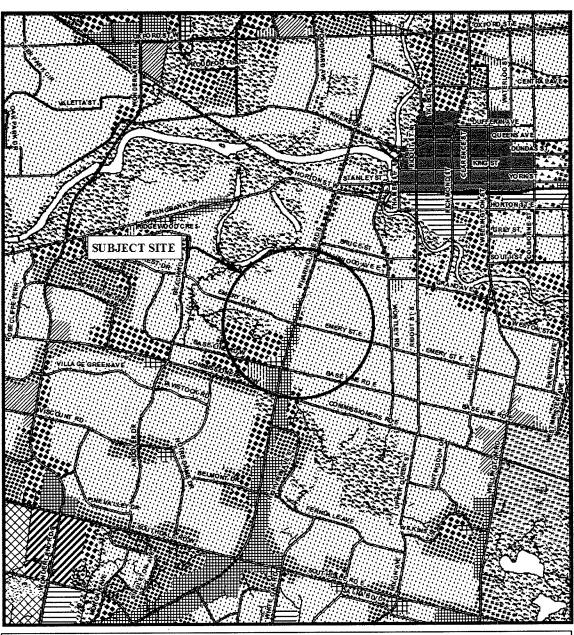
File: Z-8116 Planner: N. Musicco

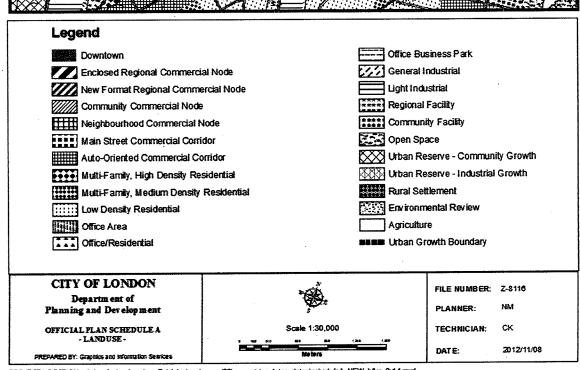
LOCATION MAP





File: Z-8116 Planner: N. Musicco

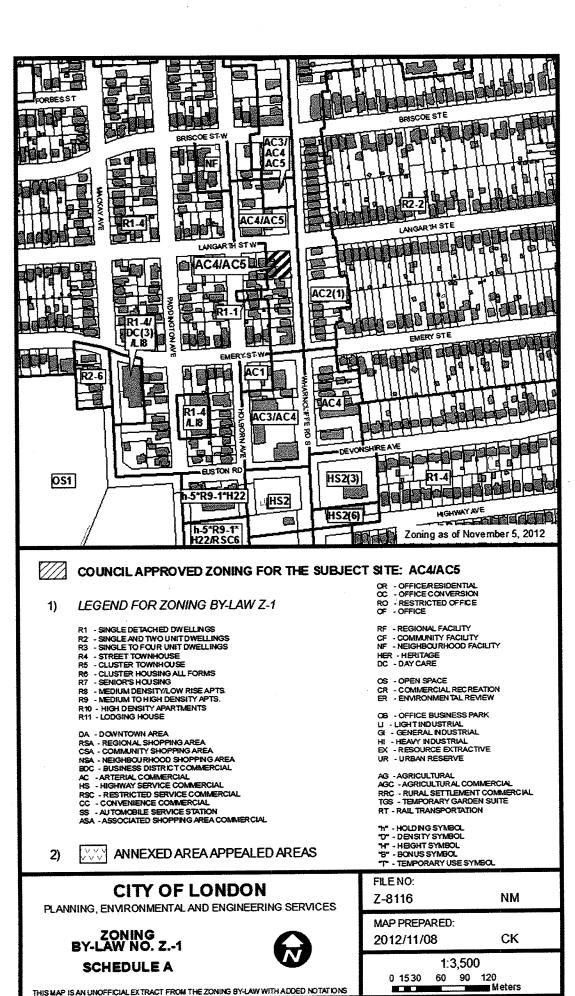


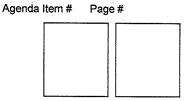


Agenda Item # Page #

File: Z-8116

Planner: N. Musicco





Planner: N. Musicco

BACKGROUND

Date Application Accepted: October 19, 2012

Agent: Zelinka Priamo Limited (Stephen Cornwell)

REQUESTED ACTION: Possible amendment to the Z.-1 Zoning By-law FROM a Arterial Commercial (AC4/AC5) Zone which permits use such as Animal hospitals, Dwelling units above the first floor, Bake shops, Catalogue stores, Clinics; Convenience service establishments, Duplicating shops, Food stores, Financial institutions, Home and auto supply stores, Medical/dental offices, Offices;, Personal service establishments, Printing establishments, Restaurants, eat-in, Retail stores, Service and repair establishments; Studios, Video rental establishments, Brewing on Premises Establishment, Automobile repair garages, Automotive uses, restricted and Taverns TO a Arterial Commercial Special Provision (AC2(3)/AC4/AC5) Zone which permits the above uses in addition to 'automobile sales and service establishments'.

SITE CHARACTERISTICS:

- Current Land Use Vacant commercial building
- Frontage 30 meters
- Depth 34 meters
- Area 1,020 m²
- Shape Irregular

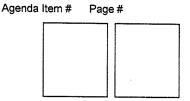
SURROUNDING LAND USES:

- North Auto Strada Auto dealership
- South Single detached dwelling
- East Duplex dwelling
- West Single detached dwelling

OFFICIAL PLAN DESIGNATION: (refer to Official Plan Map)

Auto Oriented Commercial Corridor

Areas designated Auto-Oriented Commercial Corridor provide locations for a broad range of commercial uses that, for the most part, are not suited to locations within Commercial Nodes or Main Street Commercial Corridors because of their building form, site area, access or exposure requirements. Generally, permitted uses cater to vehicular traffic and single purpose shopping trips. Depending on the nature of the use, customers are drawn from passing traffic or a wide-ranging market area.



Planner: N. Musicco

EXISTING ZONING: (refer to Zoning Map)

Arterial Commercial (AC4/AC5) Permitted uses include: Accessory dwelling units; Converted dwellings; Day care centres; Emergency care establishments; Existing dwellings; Group Home Type 2; Lodging House Class 2; Animal hospitals; Dwelling units above the first floor; Bake shops; Catalogue stores; Clinics; Convenience service establishments; Duplicating shops; Food stores; Financial institutions; Home and auto supply stores; Medical/dental offices; Offices; Personal service establishments; Printing establishments; Restaurants, eat-in; Retail stores; Service and repair establishments; Studios; Video rental establishments; Brewing on Premises Establishment. Automobile repair garages; Automotive uses, restricted; Restaurants Taverns.

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

PUBLIC	On October 26, 2012, property owners in Application was also		
LIAISON:	property owners in		
	Application was also		
	cootion of the Landon		

Notice of Application was sent to 109 the surrounding area. Notice of published in the "Living in the City" Notice of section of the London Free Press on October 27, 2012. A "Possible Land Use Change" sign was also posted on the site.

1 response received

Nature of Liaison: Responses: Possible amendment to the Z.-1 Zoning By-law FROM a Arterial Commercial (AC4/AC5) Zone which permits use such as Animal hospitals, Dwelling units above the first floor, Bake shops, Catalogue stores, Clinics; Convenience service establishments, Duplicating shops, Food stores, Financial institutions, Home and auto supply Medical/dental offices, Offices;, Personal service establishments, establishments, Restaurants, eat-in, Retail stores, Service and repair establishments; Studios, Video rental establishments, Brewing on Premises Establishment, Automobile repair garages, Automotive uses, restricted and Taverns TO a Arterial Commercial Special Provision (AC2(3)/AC4/AC5) Zone which permits the above uses in addition to 'automobile sales and service establishments'.

Responses:

Auto Strada is a well established, successful, family operated business and very desirable part of the South London business community and particularly of our immediate neighborhood. I believe that Auto Strada will operate the proposed car sales lot as effectively as their present operation. I further believe that the proposed use fits well into the neighborhoods commercial landscape.

London Hydro

London Hydro has no objection.

Stormwater Management

SWM Unit has no objection to the application subject to should the site be upgraded Private Permanent System may be required and water quality controls would be necessary. Further commentary would be provided through the site plan process.

Wastewater and Drainage Engineering

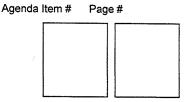
No objection.

<u>Transportation Division</u>

No comment.

<u>Urban Forestry</u>

Urban Forestry has no comments.



Planner: N. Musicco

ANALYSIS

Subject Site

The subject site is located on the south-west corner of Wharncliffe Road South and Langarth Street West. It has approximately 30 metres of frontage on Langarth Street West, approximately 34 metres of frontage on Wharncliffe Road South and has a lot area of approximately 990 square metres. There is an existing commercial building in the southwest corner the property and the site contains existing paved parking and landscaping. The surrounding land uses include the main AutoStrada vehicle repair facility to the north of the subject property, across Langarth Street West. There is an existing dance studio just west of the AutoStrada garage. The uses to the east, south and west of the subject property consist of single-detahed dwellings, with one multi-unit residential building to the south-east.

Nature of Proposal

The proposed development would use the subject property for automobile sales purposes. The existing vacant commercial building would be converted to a sales office for this proposed use, with the existing parking areas used for the display of vehicles for sale and parking. The applicant has proposed to refinish the exterior of the existing building and improve the existing landscaping of the site. In particular, the area between the building and the southerly property line as well as new decorative landscaping along the Wharncliffe Street frontage.

The existing parking area has the capacity for 12 parking spaces which exceeds the minimum requirement by the Zoning By-law for automobile sales uses. Although the proposed facility would have a business association with the existing automobile repair facility at 347 Wharncliffe Road South (north of the site), the operation would function independently. The applicant has indicated repair garage would no longer include an accessory automobile sales component.

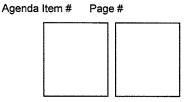
Provincial Policy Statement

The Provincial Policy Statement, 2005 (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. It is intended to be read in its entirety and the relevant policies are to be applied to each situation. As it relates to this application, the PPS provides some direction to this matter.

- 1.1.3.2 Land use patterns within settlement areas shall be based on:
- a) densities and a mix of land uses which:
- 1. efficiently use land and resources;
- 2. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; and
- b) a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3.
- 1.1.3.3 Planning authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

The proposed amendment is consistent with the Provincial Policy Statement as it:

- provides balance and addresses the complex inter-relationship between the environmental, economic and social policies;
- provides for an appropriate mix of land uses;
- promotes economic development by providing for an appropriate mix of employment lands in the area;
- the proposal results in an intensification in use along a high volume arterial corridor.



Planner: N. Musicco

The proposed automobile sales establishment will operate in association with the automobile repair facility across Langarth Street West (347 Wharncliffe Road South). The subject property is a suitable location for the proposed use and efficiently reuses the existing building, land and infrastructure.

Official Plan Policies

The Official Plan contains Council's objectives and policies to guide the short-term and long-term physical development of the municipality. The policies promote orderly urban growth and compatibility among land uses. While the objectives and policies in the Official Plan primarily relate to the physical development of the municipality, they also have regard for relevant social, economic and environmental matters.

4.4.2.3 - Function

The Auto-Oriented Commercial Corridor designation is applied to areas along arterial roads that typically consist of a mix of retail, auto and commercial uses, office and remnant residential uses. The intent of the policies is to promote the clustering of similar service commercial uses having similar functional characteristics and requirements, and to avoid the extension of strip commercial development. The form of development is oriented toward automobiles and vehicular traffic and serves both a local and broader market area.

The subject site is located along an arterial road and meets the function criteria of the Auto-Oriented Commercial Corridor designation.

4.4.2.4 - Permitted Uses

Areas designated Auto-Oriented Commercial Corridor are primarily intended for commercial uses that cater to the commercial needs of the traveling public. Types of service commercial uses that generate significant amounts of traffic and draw patrons from a wide area may also be located within these areas. These uses have limited opportunity to locate within Commercial Nodes or Main Street Commercial Corridors by reason of their building form, site area, location, access or exposure requirements; or have associated nuisance impacts that lessen their suitability for a location near residential areas. Uses considered to be appropriate include hotels; motels; automotive uses and services; commercial recreation establishments; restaurants; sale of seasonal produce; building supply outlets and hardware stores; furniture and home furnishings stores; warehouse and wholesale outlets; nursery and garden stores; animal hospitals or boarding kennels; and other types of commercial uses that offer a service to the traveling public. Zoning on individual sites may not allow the full range of permitted uses.

The recommended amendment to expand the range of uses on the subject site conforms to the intent of the Official Plan and is consistent with the listed range of permitted uses.

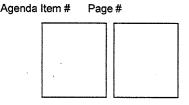
4.4.2.5 - Location

The Auto-Oriented Commercial Corridor designation will be applied to areas along arterial roads where high traffic volumes are present and where services to the traveling public can be concentrated and supported. 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 location of the proposed 'automobile sales and service establishments' use is consistent with the intent of the Official Plan policy criteria. The subject site is along an arterial road and is adequate in size and depth.

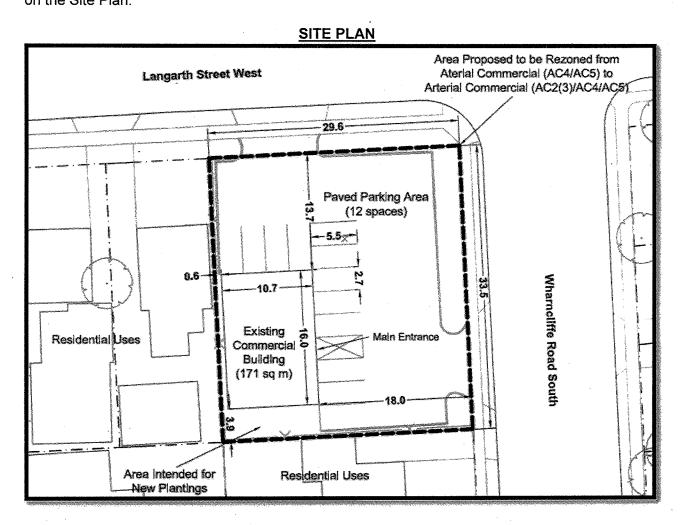
4.4.2.6.4 - Buffering

Requirements for rear yard setbacks, buffer strips, privacy screening and other appropriate measures to buffer new development from adjacent residential areas shall be applied through the Zoning By-law and site plan control process.



File: Z-8116 Planner: N. Musicco

Site Plan Approval will not apply to this application. There is currently a 3 meter wide landscape area between the curb and the lot line along Wharncliffe Road South. The applicant has indicated that they intend to provide decorative landscaping along the Wharncliffe frontage in addition to the area intended for new plantings along the property line to the south as indicated on the Site Plan.

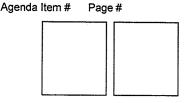


The policies of the Official Plan require that the subject site be evaluated against four criteria to determine the appropriateness of a request for applications to expand or add Auto-oriented Commercial Corridors. These criteria include compliance with appropriate policies, size of the proposed expansion, servicing and availability of alternative lands as well as a Planning Impact Analysis.

Planning Impact Analysis

It is important to note that all three criteria of use, intensity, and form must be considered and deemed to be appropriate prior to the approval of any development proposal. If a use is appropriate but its intensity is not, the site may not be able to contain the demand for that use. Similarly, if the use and intensity are appropriate but the form is not appropriately designed or is not situated in a desirable location the proposed development may result in impacts onto the abutting properties. The criteria of use, intensity and form are evaluated through the Planning Impact Analysis.

Planning Impact Analysis is used to evaluate applications for an Official Plan amendment and/or Zoning By-law amendment, to determine the appropriateness of a proposed change in land use, and to identify ways of reducing any adverse impacts on surrounding land uses.



File: Z-8116 Planner: N. Musicco

The Planning Impact Analysis is intended to document the criteria reviewed by Municipal Staff through the application review process to assess an application for change. The relevant criteria to be considered include the following:

the policies contained in the Section relating to the requested designation;

The proposed uses are identified as a permitted uses within the Auto Oriented Commercial Corridor section of the Official Plan.

 compatibility of proposed uses with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area;

The proposed uses are compatible with the surrounding land uses. The proposed development would establish an auto sales and service establishment within the existing building, at a compatible scale to the surrounding development.

• the size and shape of the parcel of land on which a proposal is to be located, and the ability of the site to accommodate the intensity of the proposed uses.

The proposed use meets the minimum requirements of the Zoning By-law with the exception of the existing conditions where the parking area distance from Langarth Street is deficient and the interior yard (west) setback is deficient. The applicant is seeking a special provision which will include 'a minimum 0.5 metre parking area setback from Langarth Street' and a minimum interior yard (west) setback of 0.6m. The Site Plan Approval process is not applicable to this proposal as by definition in the Planning Act, no new development is being proposed.

 the potential traffic generated by the proposed change, considering the most intense land uses that could be permitted by such a change, and the likely impact of this additional traffic on City streets, pedestrian and vehicular safety, and on surrounding properties;

The City of London Transportation Division has not expressed concerns with the volume of traffic by the proposed development.

 the height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses;

The proposed development would use the subject property for automobile sales purposes. The existing vacant commercial building would be converted to a sales office for this proposed use, with the existing parking areas used for the display of vehicles for sale as well as for parking. The existing building and site has acheievd a measure of acceptability in the community.

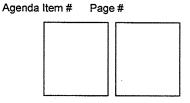
 the location of vehicular access points and their compliance with the City's road access policies and Site Plan Control By-law, and the likely impact of traffic generated by the proposal on City streets, on pedestrian and vehicular safety, and on surrounding properties;

The Transportation Division did not have any concerns with proposal.

 the potential impact of the proposed development on surrounding natural features and heritage resources;

There are no natural features surrounding the subject lands.

• constraints posed by the environment, including but not limited to locations where adverse effects from landfill sites, sewage treatment plants, methane gas, contaminated soils, noise, ground borne vibration, and rail safety may limit development



Planner: N. Musicco

There are no known environmental issues.

Zoning By-law

The Zoning By-law is a comprehensive document used to implement the policies of the Official Plan by regulating the use of land, the intensity of that use, and the built form. This is achieved by applying various zone variations to all lands within the City of London which identify a list of permitted uses and regulations that frame the context within which development can occur. These regulations may include: setbacks from property lines, building height, lot coverage requirements, floor area, and parking requirements, among others. Collectively, the permitted uses and regulations assess the ability of a site to accommodate a development proposal.

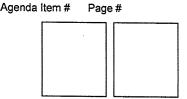
Requested Zone

The applicant has requested a Arterial Commercial Special Provision (AC2()/AC4/AC5) Zone which permits uses such as Animal hospitals, Bake shops, Dwelling units, above the first floor, Clinics, Convenience stores, Convenience service establishments, Duplicating shops, Food stores, Financial Institutions, Florist shops, Home and auto supply stores, Medical/dental laboratories, Medical/dental offices, Offices, Personal service establishments, Accessory dwelling units, Converted dwellings, Day care centres, Emergency care establishments, Existing dwellings, Restaurants, eat-in, Retail stores, Service and repair establishments, Studios, Video rental establishments, Brewing on Premises Establishment, Automobile repair garages, Automotive uses, restricted and Taverns Group Home Type 2, Lodging House Class 2 and 'automobile sales and service establishments', with a minimum 0.5 metre parking area setback from Langarth Street and a minimum interior yard (west) setback of 0.6m.

CONCLUSION

The recommended zone allows for an appropriate development that is consistent with the character and density of the neighbourhood. The subject lands are of a suitable size and shape to accommodate the proposal. The recommended zone allows for Auto Strada (374 Wharncliffe Road South) to remain in its current location which has been in operated for 44 years and has achieved an acceptable measure of compatibility with adjacent uses.

PREPARED BY:	SUBMITTED BY:
Midemusico	Alprehuls
NICOLE MUSICCO – PLANNER II COMMUNITY PLANNING & DESIGN	JIM YANCHULA, MCIP, RPP MANAGER, COMMUNITY PLANNING & DESIGN
RECOMMENDED BY:	·
ufurthumy	
1(1911)	



Planner: N. Musicco

Responses to Public Liaison Letter and Publication in "Living in the City"

Robert H. Walters 370 Wharncliffe Road South London Ontario N6J 2M1

Bibliography of Information and Materials Z-8116

Request for Approval:

City of London Zoning By-law Amendment Application Form, completed by Zelinka Priamo Limited (Stephen Cornwell), October 19, 2012.

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, March 1, 2005.

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

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

Zelinka Priamo Limited. Concept for Site Development, October 2012.

Notice of Application, October 26, 2012.

Living in the City (Notice of Application) - October 27, 2012

Notice of Public Meeting – November 30, 2012

The Londoner (Notice of Public Meeting) - November 30, 2012

Correspondence: (all located in City of London File No. Z-8116 unless otherwise stated)

City of London:

Email from A. Galloway (SWM) to N. Musicco, October 26, 2012.

Email from R. Postma (Parks Planning) to N. Musicco, October 29, 2012

Departments and Agencies:

D. Dalrymple., London Hydro. Memo to N. Musicco October 29, 2012

genda	ilciii #	raye#		
				I
		1		
]	

Planner: N. Musicco

Appendix "A"

Bill No. (number to be inserted by Clerk's Office) 2013

By-law No. Z.-1-13_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 373 Wharncliffe Road South.

WHEREAS Zelinka Priamo Limited has applied to rezone an area of land located at 373 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:

Schedule "A" to By-law No. Z-1 is amended by changing the zoning applicable to lands located at 373 Wharncliffe Road South, as shown on the attached map comprising part of Key Map No. 82, **FROM** an Arterial Commercial (AC4/AC5) Zone **TO** an Arterial Commercial Special Provision (AC2()/AC4/AC5) Zone.

1) Section Number 26 of the Arterial Commercial (AC2) Zone is amended by adding the following Special Provision:

26.3__ AC2() 373 Wharncliffe Road South

a) Additional Permitted Use[s]

i) automobile sales and service establishments

b) Parking Area Setback from Langarth Street

(0.5 meters) 1.64 feet

(minimum)

Interior Yard Setback (west)

(minimum)

(0.6 meters) 1.96 feet

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.

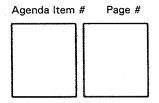
This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act*, *R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on January 15, 2013.

Joe Fontana Mayor

Catharine Saunders
City Clerk

First Reading – January 15, 2013 Second Reading – January 15, 2013 Third Reading – January 15, 2013



Planner: N. Musicco

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

