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File: Z-8108
Planner: Mike Corby

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: 1253634 ONTARIO LTD. 1900 HURON STREET PUBLIC PARTICIPATION MEETING ON JANUARY 8, 2013

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, with respect to the application of 1253634 Ontario Ltd. relating to the property located at 1900 Huron Street 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, to change the zoning of the subject property **FROM** a Light Industrial/Service Station (LI4/SS) Zone which permits a wide range of light industrial, commercial, small scale office uses and gas bars **TO** a Holding Light Industrial/Restricted Service Commercial (h-11*LI4/RSC4) Zone to permit automobile repair garages, moderate intensity commercial uses and trade service uses while maintaining the existing Light Industrial uses and a holding provision to provide for appropriate access arrangements to the site.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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- No Reports

PURPOSE AND EFFECT OF RECOMMENDED ACTION

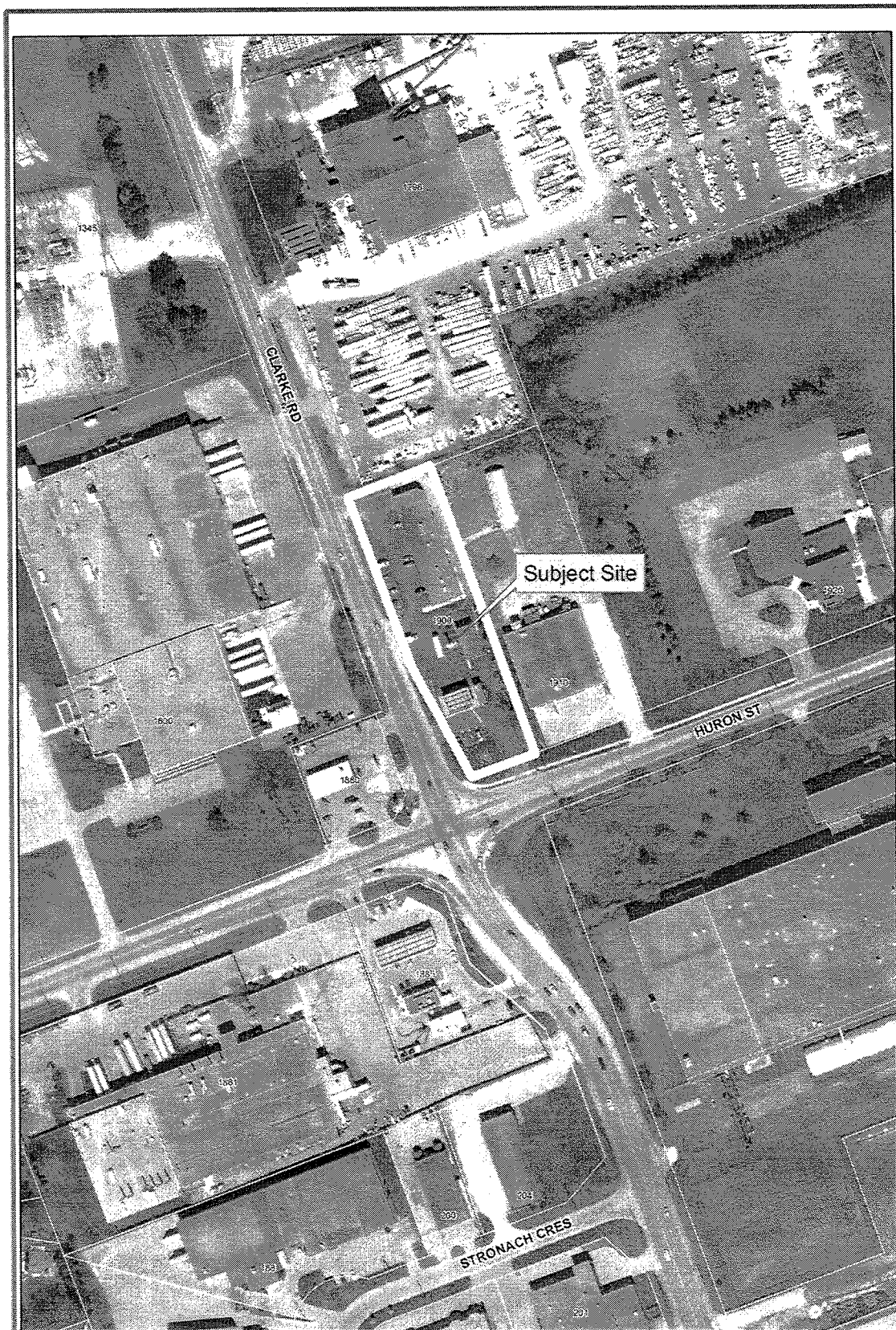
The purpose and effect of this zoning change is to permit the use of an automobile repair garage which also allows for a limited number of pre-owned vehicles for sale.

RATIONALE

- i) The proposal is consistent with the policies of the Provincial Policy Statement, 2005, which promote healthy, liveable and safe communities by accommodating an appropriate range and mix of employment uses;
- ii) The proposal is consistent with the policies of the City of London Official Plan relating to light industrial uses and objectives;
- iii) The proposed zone provides complementary uses to the existing Light Industrial (LI4) zone and will have no negative effects on the surrounding area.

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Aerial Photo Location Map

File No.: Z-8108

MC

Date Prepared: 2012/11/21

CK

SCALE: 1:2,000



Prepared by: Graphics & Information Services, Planning Division, Corporation of the City of London
Photography based on April 2012 Right info.

Note: Parcel linework, when shown, is not for official or legal use.

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BACKGROUND

Date Application Accepted: October 4, 2012	Agent: Kirkness Consulting (Laverne Kirkness)
REQUESTED ACTION: The purpose and effect of this zoning change is to permit the use of an automobile repair garage which also allows for a limited number of pre-owned vehicles for sale.	

SITE CHARACTERISTICS:
<ul style="list-style-type: none"> • Current Land Use – Gas Bar, Car wash and strip plaza • Frontage – 31.5m (Huron St) • Depth – 142m • Area – 0.55ha (1.37ac) • Shape – Rectangular

SURROUNDING LAND USES:
<ul style="list-style-type: none"> • North - Light Industrial • South - Light Industrial • East - Light Industrial/Agricultural • West - Light Industrial/Residential

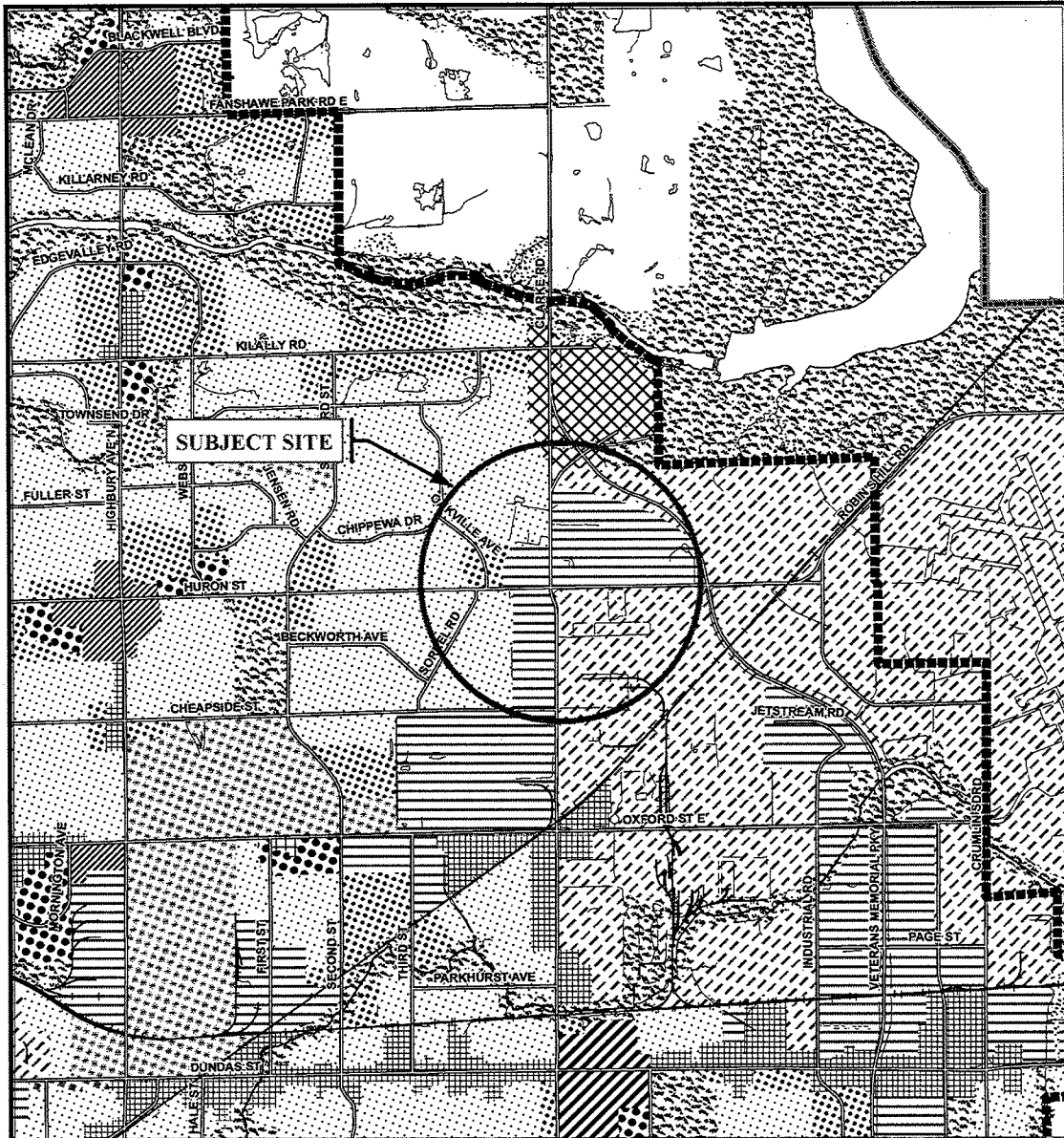
OFFICIAL PLAN DESIGNATION: (refer to Official Plan Map)
<ul style="list-style-type: none"> • Light Industrial
EXISTING ZONING: (refer to Zoning Map)
<ul style="list-style-type: none"> • Light Industrial/Automobile Service Station (LI4/SS)

PLANNING HISTORY

The subject site was developed in 1988 as a gas bar/car wash and small commercial plaza. The property has functioned in this manner to date with different tenants occupying the plaza through the years. A proposal summary was received on June 5, 2012 which initiated the pre-consultation process. City staff then met with applicant on June 15, 2012 to identify the requirements for a complete application for the proposal. On October 4, 2012 a Zoning By-law amendment application was accepted by City Staff to rezone the lands to add a Restricted Service Commercial (RSC4) zone to permit an automobile repair garage which also allows for the sale of a limited number of pre-owned vehicles.

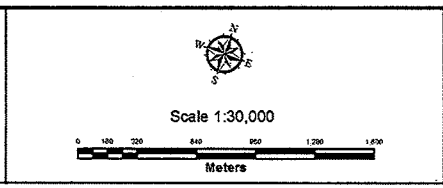
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Legend			
	Downtown		Office Business Park
	Enclosed Regional Commercial Node		General Industrial
	New Format Regional Commercial Node		Light Industrial
	Community Commercial Node		Regional Facility
	Neighbourhood Commercial Node		Community Facility
	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
	Office/Residential		Urban Growth Boundary

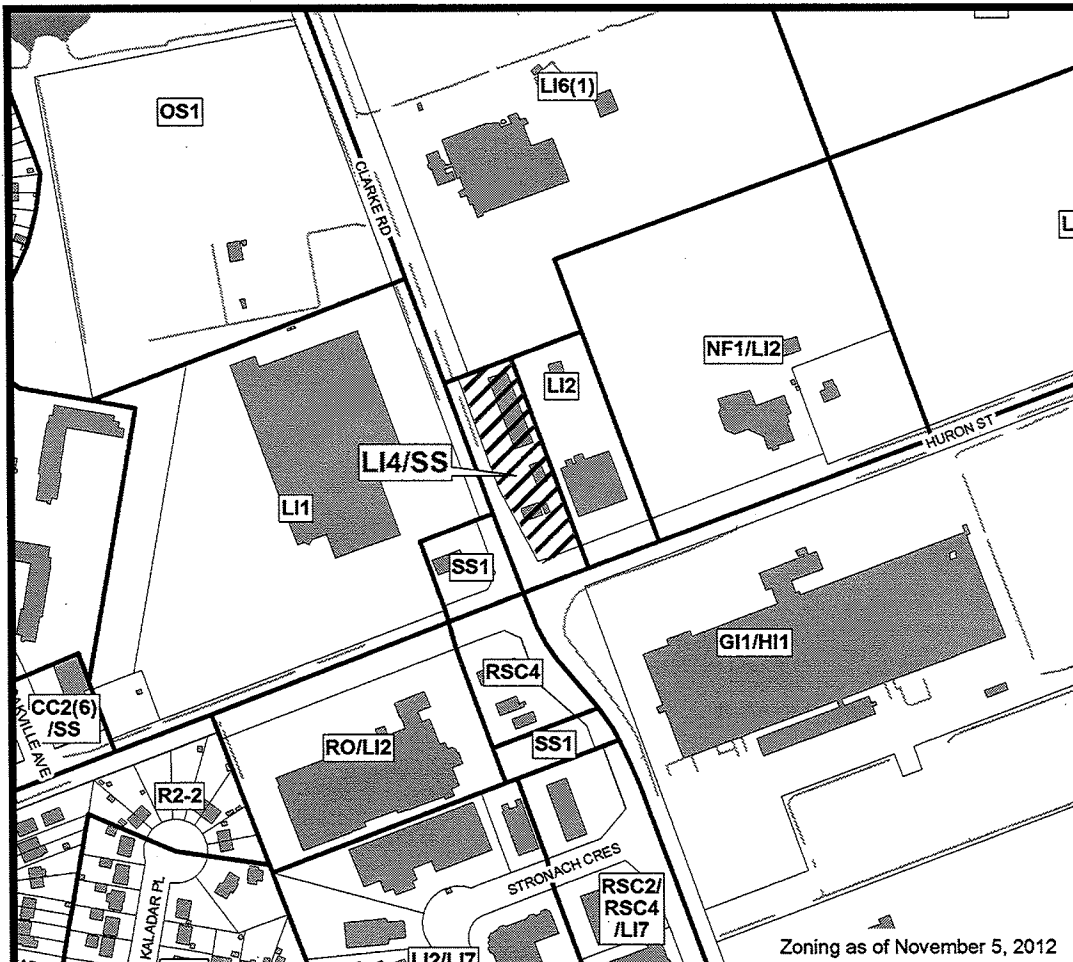
CITY OF LONDON
Department of
Planning and Development
OFFICIAL PLAN SCHEDULE A
- LANDUSE -
PREPARED BY: Graphics and Information Services



FILE NUMBER: Z-8108
PLANNER: MC
TECHNICIAN: CK
DATE: 2012/11/21

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COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: LI4/SS

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

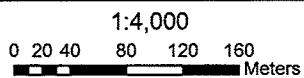
**ZONING
BY-LAW NO. Z.-1
SCHEDULE A**



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

FILE NO:
Z-8108 MC

MAP PREPARED:
2012/11/21 CK



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SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

UTRCA – No Objection

City of London:

Stormwater Management Unit – No Objection.

Should there be proposed works to the existing site all necessary servicing and drainage requirements/controls, SWM, etc. will be addressed at Site Plan approval stage. On site quality controls may be required.

Transportation Planning & Design Division:

We have no concerns with the by-law amendment. The site currently has 3 accesses to Clarke Rd and one access to Huron St. The accesses to Clarke Rd should be consolidated to one access. As traffic increases on Clarke Rd safe access for the site will be better served through one location. Due to the close proximity of the traffic signal at Clarke Rd the Huron St access should be restricted to right in and right out only. Traffic turning left into the site from Huron St may be blocked by traffic from the other direction creating grid lock through the intersection. We therefore request a holding provision for access not to be lifted until accesses are agreed to the satisfaction of the City Engineer. Other issues to be discussed during site plan review include road widening dedications on Clarke Rd and Huron St.

PUBLIC LIAISON:	On October 12, 2012, Notice of Application was sent to 11 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 October 13, 2012. A "Possible Land Use Change" sign was also posted on the site.	No replies were received
<p>Nature of Liaison: The purpose and effect of this zoning change is to permit the use of an automobile repair garage which also allows for a limited number of pre-owned vehicles for sale.</p> <p>Change to Zoning By-law Z.-1 FROM Light Industrial/ Service Station (LI4/SS) Zone which offers a wide range of light industrial, commercial and office type uses and the Automobile Service Station (SS) Zone which permits gas bars TO a Light Industrial/Restricted Service Commercial (LI4/RSC4) Zone which permits automobile repair garages, moderate intensity commercial uses and trade service uses while maintaining the existing uses in the Light Industrial (LI4) Zone.</p>		
<p>Responses: None received</p>		

ANALYSIS

Subject Site

The subject site is located on the northeast corner of the Huron Street and Clarke Road intersection within a large light industrial area. The property has approximately 31.5m frontage and lot area of 0.55ha (1.37ac). Currently the site functions with a gas bar, car wash, and small commercial plaza which currently accommodates an Asian convenience commercial grocery store and a small construction equipment rental facility and a portion of the plaza is vacant.

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The subject property is part of an intersection which consists of 2 other gas bars on adjacent corners. One has a small automobile service station where minor repairs are conducted such as cleaning and maintenance essential to the actual operation of motor vehicles, and the other was re-constructed in 2007 with a new gas bar/Tim Hortons and car wash.

Nature of Application

The applicant is requesting a zoning change to permit the use of an automobile repair garage on the subject site. The proposed use will also allow for a limited number of pre-owned vehicles for sale on the site. The existing Light Industrial (LI4) zone will also remain on the site to accommodate the current uses and the Automobile Service Station (SS) zone will be removed.

Provincial Policy Statement (PPS)

The policies of the PPS promote healthy, liveable and safe communities by: encouraging efficient development and land use patterns which sustain the financial well-being of the municipality; accommodating an appropriate range and mix of residential, employment (including industrial, commercial and institutional uses) and other land uses; and, promoting cost effective development standards to minimize land consumption and servicing costs.

The proposed rezoning will maintain the existing development and land use pattern in the area and will allow the owner to operate the subject site in a fashion that is compatible with the surrounding land uses. The addition of the automobile repair garage and other uses permitted in the Restricted Service Commercial (RSC4) zone will help sustain the financial well-being of the municipality as it will help reduce vacancy on the site, create employment opportunities and help support the other uses which currently exist in the area.

The proposal also satisfies section 1.1.3.3 of the PPS which ensures that planning authorities identify and promote opportunities for intensification and redevelopment where it can be appropriately accommodated.

The proposal will effectively use the existing buildings on the site and current infrastructure in place thereby reducing costs as well as preventing expansion of the settlement area and land consumption. The development will bring more vitality and regeneration to an area that has seen limited re-investment in the past.

Official Plan

The subject site is within a large Light Industrial designation. Under section 7.3.1 of the Industrial Land Use Designation policies, the Main Permitted Uses include the *“Industrial uses that involve assembling, fabricating, manufacturing, processing and/or repair activities”*. The following Official Plan policies relate to the proposed amendment.

7.1.3. Light Industrial Objectives

- i) Provide for the development and use of industrial lands for a range of activities which are likely to have a minimal impact on surrounding uses.*

The proposed Restricted Service Commercial (RSC4) zone will function compatibly with the current light industrial designation and introduce uses that can effectively be used on the subject site while having minimal impact on the surrounding land uses.

- ii) Guide the development of older industrial areas in close proximity to residential neighbourhoods for industries which can meet appropriate operation, design and scale criteria.*

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The subject sight is in an older light industrial area that is in close proximity to residential neighbourhoods. The area has not seen much in the way of new development or re-investment in the past. The proposed Restricted Service Commercial (RSC4) zone and specifically the automobile repair garage use meet the appropriate operation, design and scale criteria for the area.

7.3.2. Uses Permitted By Site Specific Zoning

In addition to the requested automobile repair garage use, the proposed Restricted Service Commercial (RSC4) zone permits additional commercial uses such as restaurants and financial institutions. Many of these uses are consistent and compatible with those allowed in the Light Industrial (LI4) zone currently applied to the site. The Light Industrial designation also supports additional uses through site specific zoning. The following light industrial policy, 7.3.2. Uses Permitted By Site Specific Zoning, identifies several secondary uses that are appropriate through site specific zoning. Relevant sections of this policy have been identified below supporting the uses in the Restricted Service Commercial Designation. The uses highlighted in the official plan excerpt below are consistent with the uses being recommended through the addition of the Restricted Service Commercial (RSC4) Zone.

- **automobile service stations or gas bars** that are located on arterial or primary collector roads, preferably at intersections with other major roads;
- **convenience stores; restaurants; personal service establishments; medical/dental offices and clinics; and financial institutions** which are designed to serve the industrial area and which have access to an arterial or primary collector road:
 - a) Convenience stores; restaurants; personal services; and medical/dental offices and clinics; and financial institutions shall be encouraged to locate in convenience commercial centres. The maximum size of a convenience commercial centre should not exceed 1,000 square metres (10,764 square feet). The maximum size of individual uses shall be specified in the Zoning By-law; and
 - b) Where convenience stores, personal services, restaurants, medical dental offices and clinics or financial institutions form part of an industrial building or complex of buildings, the Zoning By-law will restrict the size of individual uses, the aggregate size of commercial uses and the proportion of the floor area that may be used for commercial purposes;
- **day care centres;**

7.3.3. Operation Criteria

Permitted uses in the Light Industrial designation shall include those uses which are likely to have a minimal adverse effect on surrounding uses in terms of noise, smoke, odour or visual appearance, and which can be located in relatively close proximity to other land uses and entryways into the City.

The majority of the uses permitted in the Restricted Service Commercial (RSC4) zone are comparable or less intense than those which are currently permitted on the site. It is not anticipated that the recommended new uses would have increased adverse effects on the surrounding area.

Zoning

The subject site is zoned Light Industrial/Automobile Service Station (LI4/SS). The Light Industrial (LI4) zone variation provides for and regulates a range of industrial and associated secondary uses in addition to the uses permitted in the Light Industrial (LI1) zone variation. An

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expanded range of industrial and complementary uses may also be permitted, at appropriate locations, through other zone variations. A limited range of convenience, medical/dental and automotive uses may be permitted in association with industrial uses.

The existing Automobile Service Station (SS) zone provides for and regulates a limited range of automotive related uses which provide a service to the immediate neighbourhood. The only use permitted in the Automobile Service Station (SS) zone variation is a gas bar. This zone is redundant since a "gas bar" is also identified as a permitted use under the "Automobile uses, restricted" definition permitted under the Light Industrial (LI4) zone. The proposed Restricted Service Commercial (RSC4) zone also included this use.

The proposed Restricted Service Commercial (RSC4) zone provides for and regulates a range of moderate intensity commercial uses, and trade service uses. Many of the uses in the Restricted Service Commercial (RSC4) zone are similar in nature to those permitted in the existing Light Industrial (LI4) zone and in most cases are less intense than those currently permitted. The Restricted Service Commercial (RSC4) zone allows for the automobile repair garage use that the applicant is requesting and will allow the site the opportunity to add additional uses at an appropriate intensity and form in keeping with the surrounding area.

On the advice of the City of London's Transportation department a holding provision for access is being recommended for the subject site. Concerns have been raised about the current configuration of access points and the safety of the site. The accesses to Clarke Road should be consolidated into one access. As traffic increases on Clarke Road safe access for the site will be better served through one location. The existing access off of Huron Street creates safety concerns due to its close proximity to Clarke Road and the potential to create grid lock traffic along Huron. This access point should be restricted to right in and right out only.

Use/Intensity/ Form

The proposed automobile repair garage use is appropriate for the area as it provides services which are compatible with the existing designations' objectives and criteria. Opposite to the subject site, at the southwest corner of Huron/Clarke, is an existing RCS4 zone which is also in the light industrial designation and recently housed an automobile repair garage until the site was re-constructed in 2007.

During the Pre-application Consultation process issues about the intensity and form of the use were addressed. The applicant had initially proposed that the new automobile repair garage be located in the existing car wash which would be retrofitted to allow the use. Concern was raised when the conceptual site plan that was submitted identified the vacant commercial plaza currently occupying a portion of the site as a potential location for the future garage. The applicant was informed that no site plan would be required if the garage would be placed in the car wash as the initial proposal indicated. It was felt that the alterations to the car wash did not increase the usability of the site. However, if the repair garage were to be placed in the existing plaza extensive construction and alterations would be required and would substantially increase the usability of the building and this would be considered "development" as per the Planning Act definition (below) therefore requiring site plan approval.

The Planning Act defines development as follows:

"development" means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking lot or of sites for the location of three or more trailers as defined in subsection 164 (4) of the Municipal Act, 2001 or subsection 3 (1) of the City of Toronto Act, 2006, as the case may be, or of sites for the location of three or more mobile homes as defined in subsection 46 (1) of this Act or of sites for the construction, erection or location of three or more land lease community homes as

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defined in subsection 46 (1) of this Act. R.S.O. 1990, c. P.13, s. 41 (1); 1994, c. 4, s. 14; 2002, c. 17, Sched. B, s. 14 (1); 2006, c. 32, Sched. C, s. 47 (8).

If site plan approval is required, road widening dedications will be taken from both Huron Street and Clark Road. These dedications could reduce parking supply available on the property and could reduce the property dimensions to a point where minor variances are required and parking agreements may need to be entered into with the City of London.

CONCLUSION

The proposal is consistent with the policies of the Provincial Policy Statement, 2005, which promote healthy, liveable and safe communities. The proposal is consistent with the policies of the City of London Official Plan related to light industrial uses. The proposed zone provides complementary uses to the existing Light Industrial (LI4) zone and will have no negative effects on the surrounding area. For these reasons it is appropriate to recommend approval for the proposed application.

PREPARED BY:	SUBMITTED BY:
	
MIKE CORBY, PLANNER II COMMUNITY PLANNING AND DESIGN	JIM YANCHULA, MCIP, RPP MANAGER, COMMUNITY PLANNING AND DESIGN
RECOMMENDED BY:	
	
JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER	

November 19, 2012

MC/mc

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File: Z-8108
Planner: Mike Corby

**Bibliography of Information and Materials
Z-8108**

Request for Approval:

City of London Zoning By-law Amendment Application Form, completed by Kirkness Consulting, August 13, 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.

Kirkness Consulting, Justification Report, August 2012.

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

City of London -

Galloway A., City of London Stormwater Management Unit. Memo to M. Corby. October 16, 2012.

Departments and Agencies -

Creighton C., UTRCA. Letter to M. Corby. October 29, 2012.

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Planner: Mike Corby

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 1900 Huron Street.

WHEREAS 1253634 Ontario Ltd. has applied to rezone an area of land located at 1900 Huron 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 1900 Huron Street, as shown on the attached map comprising part of Key Map No. 39, **FROM** a Light Industrial/Service Station (LI4/SS) Zone which permits a wide range of light industrial, commercial, office and gas bars **TO** a Holding Provision/Light Industrial/Restricted Service Commercial (h-11*LI4/RSC4) Zone to permit automobile repair garages, moderate intensity commercial uses and trade service uses while maintaining the existing Light Industrial uses and a holding provision to ensure safe access to the site.

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.

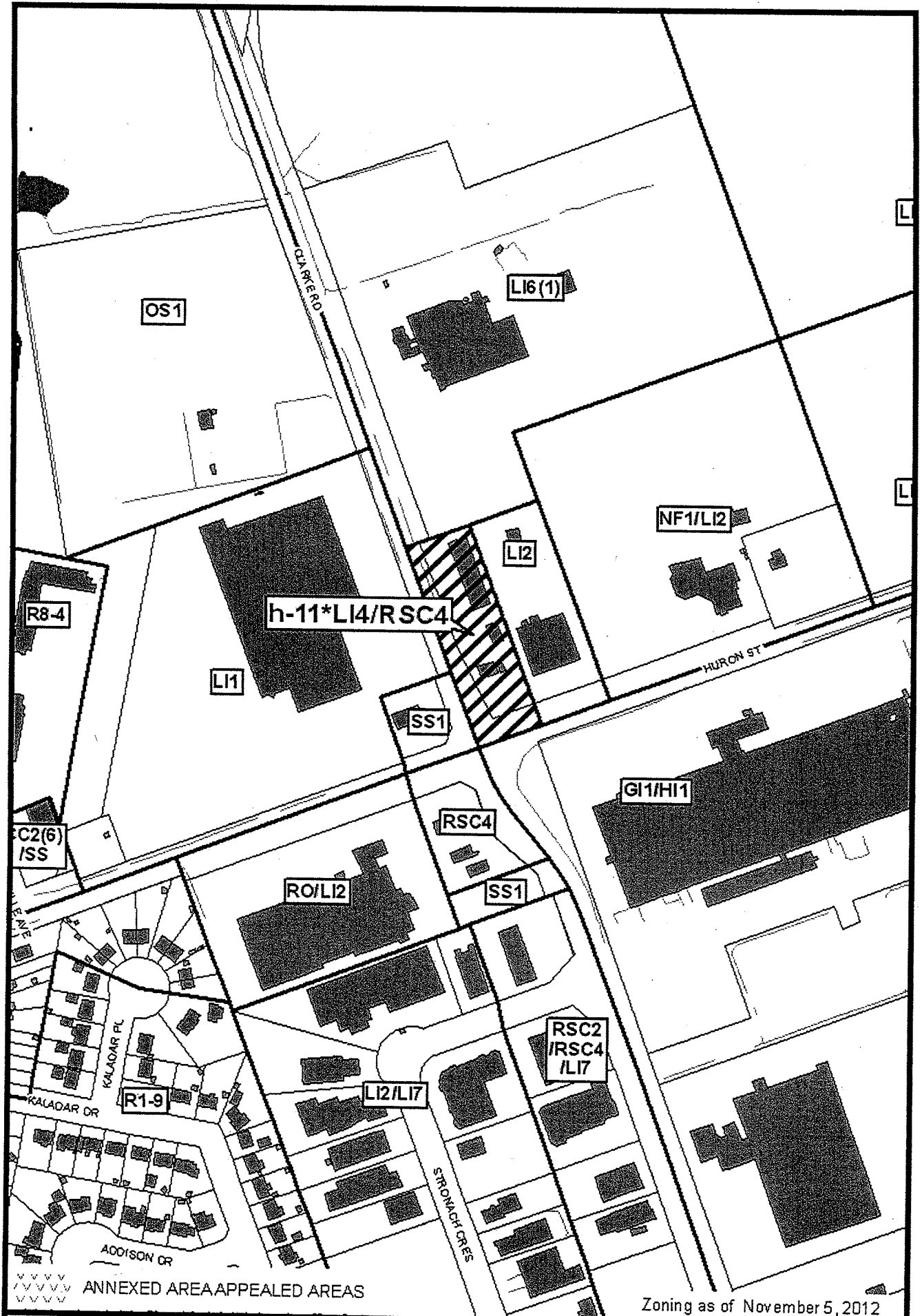
PASSED in Open Council on January 15, 2013.

Joe Fontana
Mayor

Catharine Saunders
City Clerk

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

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




File Number: Z-8108

Planner: MC

Date Prepared: 2012/11/21

Technician: CK

By-Law No: Z.-1-

SUBJECT SITE 

1:3,500

0 15 30 60 90 120 Meters

