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File: Z-8163
Planner: Mike Corby

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: CRAIG AND MARIA WHITE 2237 WHARNCLIFFE ROAD SOUTH PUBLIC PARTICIPATION MEETING ON JUNE 18, 2013

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of Craig and Maria White relating to the property located at 2237 Wharncliffe Road South:

- (a) The proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at a future Municipal Council meeting once OPA 541 (Southwest Area Plan) as adopted by Council and applied to these lands, comes into full force and effect to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** a Holding Arterial Commercial Special Provision (h-17*AC1(3)) Zone which permits accessory dwelling units, converted dwellings, day care centres, emergency care establishments, existing dwellings, group home type 2, lodging house class 2, professional and service offices, studios, clinics, medical/dental offices and a wellness centre **TO** a Holding Arterial Commercial Special Provision (h-17*AC1(__)) Zone to permit office and retail store uses along with the current permitted uses and recognize the existing 0.5m interior side yard setback. The special provision will also limit the permitted uses to the existing building and limit the gross floor area of an addition for office and retail store uses to a maximum of 65m² (700 sq. ft.)

- (b) The request to amend Zoning By-law No. Z.-1 to change the zoning of the subject property **FROM** a Holding Arterial Commercial Special Provision (h-17*AC1(3)) Zone which permits accessory dwelling units, converted dwellings, day care centres, emergency care establishments, existing dwellings, group home type 2, lodging house class 2, professional and service offices, studios, clinics, medical/dental offices and a wellness centre, **TO** a Arterial Commercial (AC4(__)) Zone to permit the uses in the AC zone variation, 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, and a brewing on premises establishment, **BE REFUSED** for the following reasons:
 - i) The AC zone is intended to implement the Auto-Oriented Commercial Corridor designation in Section 4.4.2 of the Official Plan.
 - ii) Several of the proposed uses in the AC4 zone are not permitted under the proposed medium density residential designation of the Southwest Area Plan; and
 - iii) Adequate municipal services have yet to be provided to the subject site to allow for the removal of holding provisions.

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PREVIOUS REPORTS PERTINENT TO THIS MATTER

Z-7174 – Report to Planning Committee, September 25, 2006

Southwest Area Plan, City of London – November 2012

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of the requested Zoning By-law amendment is to permit office and retail store uses in order to facilitate the conversion of the existing single detached dwelling.

RATIONALE

1. The recommended zoning by-law amendment is consistent with the policies and intention of the Council approved Southwest Area Plan.
2. The recommended zoning is appropriate and compatible with surrounding lands. The permitted uses on the site will be restricted to the existing single detached dwelling and any proposed addition will be restricted in the size to ensure that the retention of the general form and character of the building is kept through the conversion.
3. The property is of sufficient size to support the use and provide adequate buffers from the neighboring residential lands.

BACKGROUND

Date Application Accepted: March 12, 2013	Agent: Trinity Planning and Projects Consulting (Vic Cote)
REQUESTED ACTION: Change Zoning By-law Z.-1 FROM a Holding Arterial Commercial Special Provision (h-17*AC1(3)) which permits a compatible range of existing residential and accessory uses, offices, clinics, medical/dental offices and wellness centres TO a Arterial Commercial Special Provision (AC4(_)) Zone to permit a broader range of retail, and office uses.	

SITE CHARACTERISTICS:
<ul style="list-style-type: none"> • Current Land Use – Office Conversion • Frontage – 30 metres • Depth – 113.5 metres • Area – 0.36 ha (3561) • Shape - Rectangular

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SURROUNDING LAND USES:
<ul style="list-style-type: none">• North - Single Detached Dwellings• South - Commercial• East - Commercial• West - Single Detached Dwellings / Commercial

OFFICIAL PLAN DESIGNATION: (refer to Official Plan Map)
<ul style="list-style-type: none">• Multi-Family, Medium Density Residential (Under South West Area Plan Designation)
EXISTING ZONING: (refer to Zoning Map)
<ul style="list-style-type: none">• h-17*AC1(3)

PLANNING HISTORY

October 2, 2006 – Council passed rezoning by-law to permit clinics, medical/dental offices, and wellness centres.

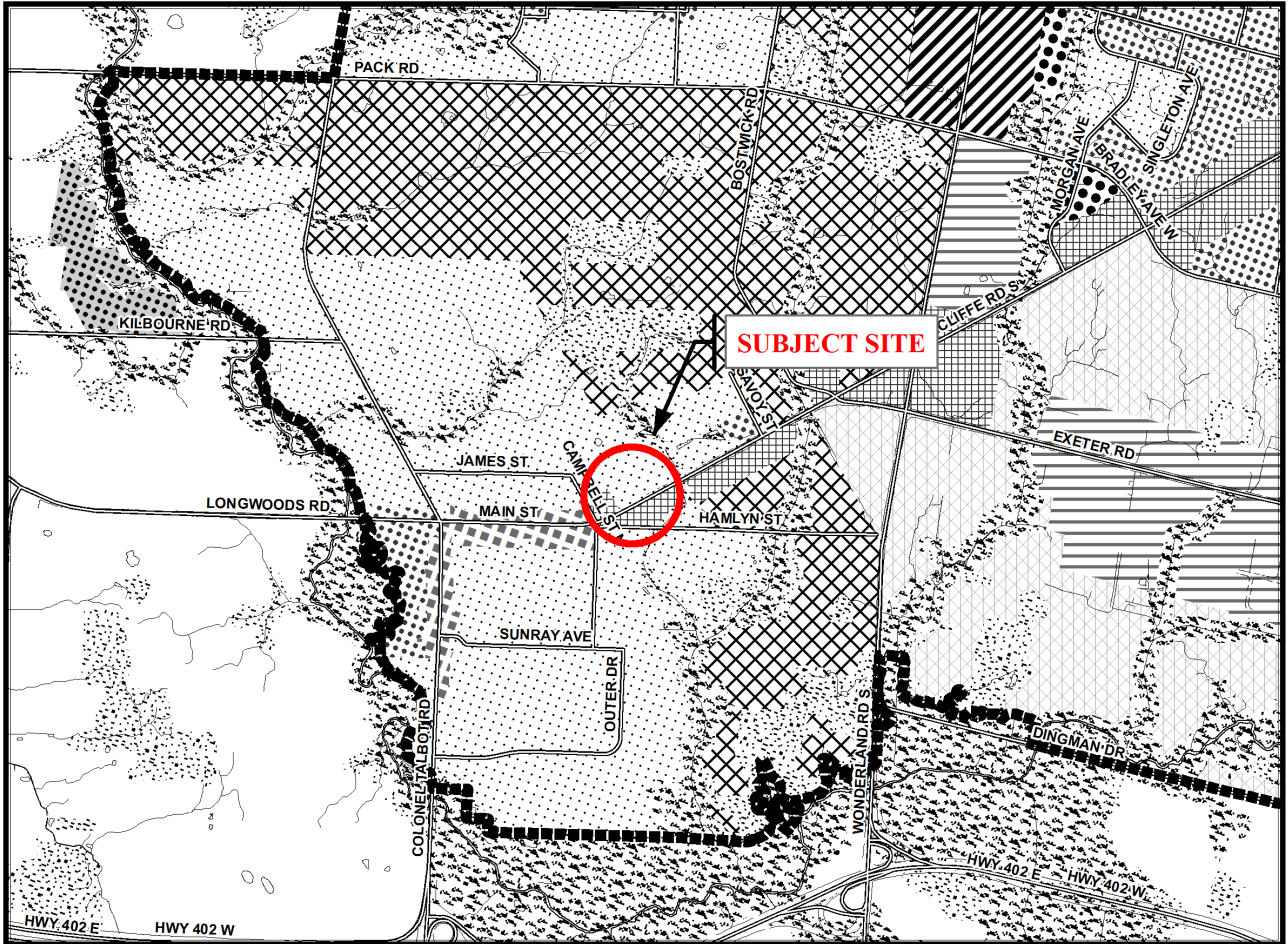
November 17, 2011 – Illegal conversion from single detached dwelling to a commercial use

January 11, 2012 – Property owner was ordered to comply as the change of use took place prior to obtaining a permit.

November 20, 2012 – Southwest Area Plan was approved by Council

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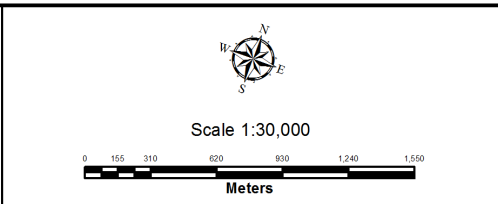


Legend	
Downtown	Office Business Park
Enclosed Regional Commercial Node	General Industrial
New Format Regional Commercial Node	Light Industrial
Community Commercial Node	Regional Facility
Neighbourhood Commercial Node	Community Facility
Main Street Commercial Corridor	Open Space
Auto-Oriented Commercial 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 -

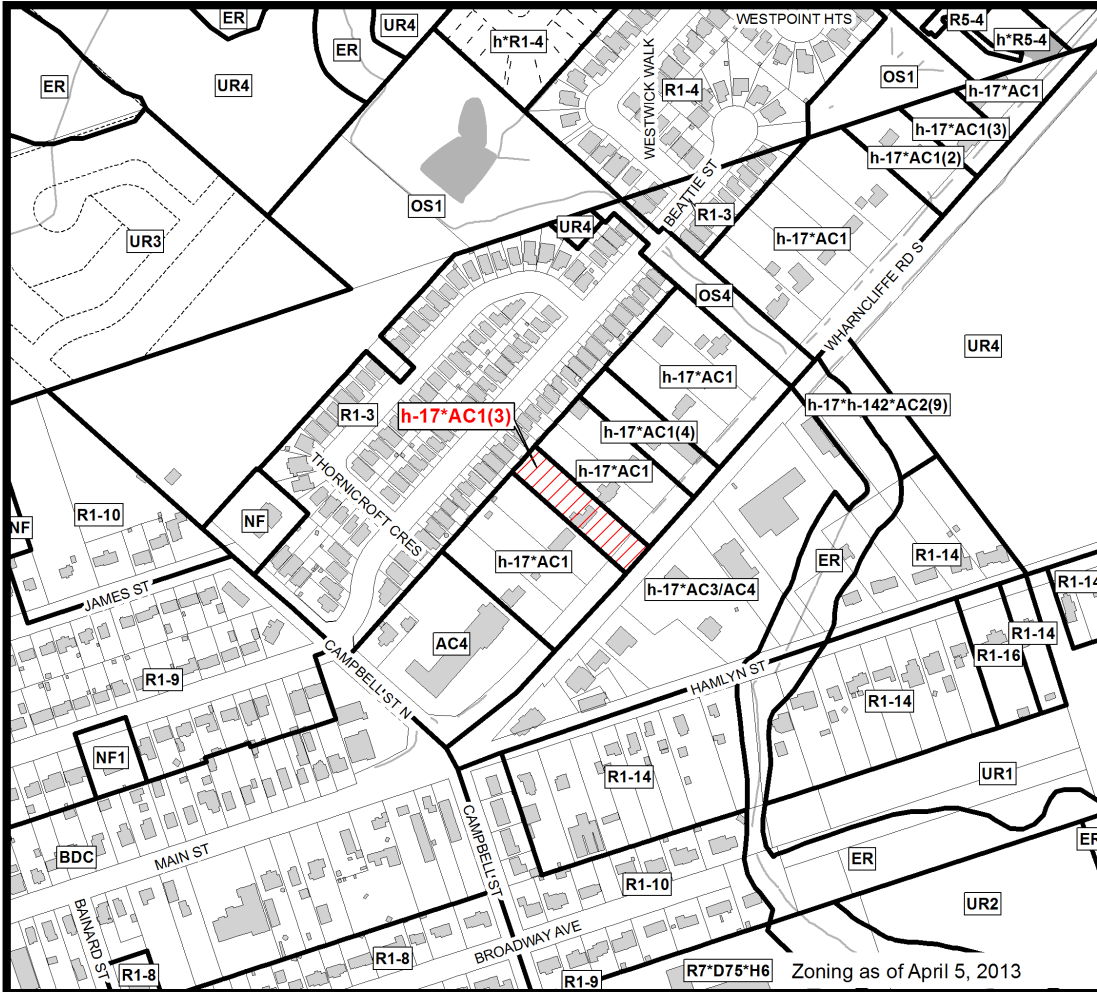
PREPARED BY: Graphics and Information Services




FILE NUMBER: Z-8163
PLANNER: MC
TECHNICIAN: MB
DATE: 2013/05/06

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 **COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: h-17*AC1(3)**

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

<p>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</p> <p>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</p>	<p>OR - OFFICE/RESIDENTIAL OC - OFFICE CONVERSION RO - RESTRICTED OFFICE OF - OFFICE</p> <p>RF - REGIONAL FACILITY CF - COMMUNITY FACILITY NF - NEIGHBOURHOOD FACILITY HER - HERITAGE DC - DAY CARE</p> <p>OS - OPEN SPACE CR - COMMERCIAL RECREATION ER - ENVIRONMENTAL REVIEW</p> <p>OB - OFFICE BUSINESS PARK LI - LIGHT INDUSTRIAL GI - GENERAL INDUSTRIAL HI - HEAVY INDUSTRIAL EX - RESOURCE EXTRACTIVE UR - URBAN RESERVE</p> <p>AG - AGRICULTURAL AGC - AGRICULTURAL COMMERCIAL RRC - RURAL SETTLEMENT COMMERCIAL TGS - TEMPORARY GARDEN SUITE RT - RAIL TRANSPORTATION</p> <p>"h" - HOLDING SYMBOL "D" - DENSITY SYMBOL "H" - HEIGHT SYMBOL "B" - BONUS SYMBOL "T" - TEMPORARY USE SYMBOL</p>
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2)  ANNEXED AREA APPEALED AREAS

<p>CITY OF LONDON PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES</p> <p>ZONING BY-LAW NO. Z.-1</p> <p>SCHEDULE A</p>  <p>THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS</p>	<p>FILE NO: Z-8163 MC</p>
	<p>MAP PREPARED: 2013/05/06 MB</p>
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SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

Wastewater and Drainage Engineering Division

Wastewater & Drainage has no objection to the proposed zoning amendment. It should be noted that there is no municipal sanitary sewer available to serve the subject site. Any proposal to change the existing building or parking areas will need to consider the location of the private sewage system to ensure that the system is not damaged. This should be reviewed as part of a future site plan application and/or building permit application.

Stormwater Management Unit

Upon development of the proposed single family rear portion of this parcel, the following conditions will apply:

- *The owner's Professional Engineer shall prepare a servicing report to address minor, major flows, SWM measures (including water quality), and identify outlet systems (major and minor) for the re-zoned single family rear portion of this parcel, in accordance with City of London Design Specifications requirements and MOE's requirements.*
- *The subject lands are located Dingman Creek subwatershed area. The update to the Dingman Creek Subwatershed Study was approved by City Council in 2005. The Owner shall be required to be consistent with the SWM criteria and environmental targets identified in the Updated Dingman Creek Subwatershed Planning Study, which may include but not be limited to, quantity/quality control, erosion, stream morphology, etc.*
- *The C value for subject site could not be verified. The owner's professional engineer must complete a storm sewer capacity analysis study to confirm that there is enough capacity in the existing storm sewer system for the proposed development, all to the satisfaction of the City Engineer. The owner's professional engineer must also update the storm sewer design sheet(s) for the subject lands.*
- *Presently, the subject lands do not have a municipal storm outlet.*
- *As there is no accessible or available storm sewer, the owner's Consulting Professional Engineer will be required to provide an alternative method of storm/drainage (Stormwater Management (SWM)) disposal, all to the satisfaction of the City Engineer. A Certificate of Approval, design drawings, and a geotechnical report may be required to support the proposed alternative system.*
- *The City Design Requirements for Permanent Private Stormwater Systems were approved by City Council and is effective as of January 01, 2012. The stormwater requirements for PPS for all medium/high density residential, institutional, commercial and industrial development sites are contained in this document, which may include but not be limited to quantity/quality control, erosion, stream morphology, etc.*
- *The Owner is required to provide a lot grading and drainage plan that includes, but it is not limited to, minor, major storm/drainage flows that are mostly contained within the subject site boundaries and safely conveys all minor and major flows up to the*

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250 year storm event that is stamped by a Professional Engineer, all to the satisfaction of the City Engineer.

- *The Owner and their Consulting Professional Engineer shall ensure the storm/drainage conveyance from the existing external drainage through the subject lands are preserved, all to the satisfaction of the City Engineer.*
- *The owner shall be required to comply with the City’s Drainage By-Law WM-4, to ensure that the post-development storm/drainage discharges from the subject lands will not cause any adverse effects to adjacent lands, , all to the satisfaction of the City Engineer.*

Transportation Planning & Design Division

Transportation has no concerns with the amendment to the Zoning By-law. If site plan is required a road widening dedication may be required measured 18m from the centre line of Wharncliffe Road South.

Community Planning and Urban Design

Urban design staff has reviewed the submitted urban design brief and the proposed site plan concept, for the application at the above mentioned property and provide the following comments:

The applicant is proposing to keep the existing building with few modifications. Currently the building is a single family home and is similar to adjacent buildings located along Wharncliffe Road South in between Campbell Street N. and Savoy Street. The proposed modifications include a modest expansion to the rear of the building, the future removal of the existing garage in order to gain access to the rear of the property for the parking of cars, and the building of a new garage at in the rear portion of the property. Even with the proposed modifications the building will remain in keeping with the character of the area in particular with the existing single detached dwellings along Wharncliffe Road South.

It should be noted that site is within the Southwest Area Plan and upon adoption of the Area Plan this site is intended to be designated as Medium Density Residential. Section 20.5.7.2 states that along this section of Wharncliffe Road S. there is “... the intent to recognize the existing single detached dwellings, re-purpose existing housing stock through office and retail conversion, and to transition over a longer period, to intensive forms of residential uses or residential mixed-use forms that contribute to the urban “mainstreet” to the south.”

PUBLIC LIAISON:	On March 22, 2013, Notice of Application was sent to 81 property owners in the surrounding area. Notice of Application was also published in the <i>Public Notices and Bidding Opportunities</i> section of <i>The Londoner</i> on March 28, 2013. A “Possible Land Use Change” sign was also posted on the site.	2 replies were received
<p>Nature of Liaison: The purpose and effect of the requested Zoning By-law amendment is to facilitate the conversion of the existing structure and permit office and retail uses on the site.</p> <p>Change Zoning By-law Z.-1 FROM a Holding Arterial Commercial Special Provision (h-17*AC1(3)) which permits a compatible range of existing residential and accessory uses, offices, clinics, medical/dental offices and wellness centres TO a Arterial Commercial Special Provision (AC4(_)) Zone to permit a broader range of retail, and office us.</p>		

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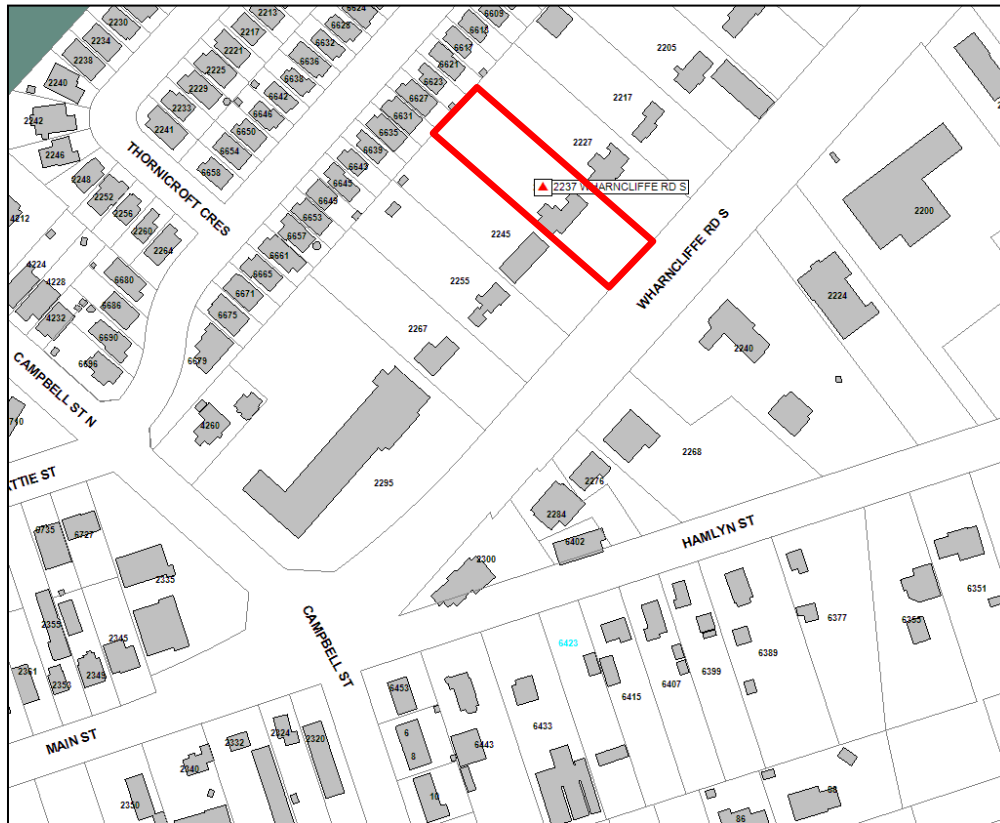
Responses: One respondent was satisfied with the re-zoning request however, had concerns about the location of the future garage and its proximity to their backyard. After reviewing the plans brought forward by the applicant they are pleased with the proposed location of the garage in relation to their property.

The other reply's main concern was with the Medium Density Designation proposed through the Southwest Area Plan. As new home buyers to the area they may not have been privy to the plan for the area and the re-designation of the land behind them.

ANALYSIS

Subject Site

The subject site is located at 2237 Wharnclyffe Road South, 5 properties east of the main intersection at Campbell Street on the northwest side of Wharnclyffe Road. The site is 0.347 hectares in size with a lot frontage of 30 m by 113m deep backing onto a low density residential subdivision. The site is adjacent to a variety of other land uses including a commercial plaza to the west, converted dwellings for office and commercial uses to the east and west, and commercial uses to the south.



Nature of Application

The requested zoning by-law amendment is to allow for the addition of retail store and office uses on the subject site and locate these uses within the existing single detached dwelling. The applicant is also considering two potential changes to the building over the next few years:

1. An expansion to the rear of the building to allow a larger show room. The expansion would include enlarging the main floor. The expansion would replace the existing deck at the rear of the building.

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2. The removal of the existing garage as it currently restricts access to the rear of the property. Relocating the garage as a separate structure to the rear of the existing building to increase the functionality of the site to allow vehicles to be parked at the rear of the building and maintains the residential character of the existing structure.

Provincial Policy Statement

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use and development. The following are relevant policies as they relate to this application.

Section 1.1 - Managing and Directing Land Use to Achieve Efficient Development and Land Use Patterns

Section 1.1.1 of the PPS promotes 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 land uses; avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas, the subject site compliments these goals of the PPS for the following reasons:

- The proposed uses will ensure the continued use of the subject site in a form that is appropriate for the area. The uses will create employment opportunities and provides services contributing the financial well being of the city.
- The reuse of an existing property within the City maintains the existing land use pattern of the area and would not prevent the expansion of nearby settlement areas like Lambeth.

Official Plan

Currently the subject lands are designated Low Density Residential which permits single detached, semi-detached, and duplex dwellings along with multiple-attached dwellings where appropriate. The proposed office and retail store uses are not permitted uses under the current Official Plan designation. The applicant is applying for the proposed use with the understanding that the subject lands have been designated Medium Density Residential in the Council approved Southwest Area Plan. The applicant has also acknowledged that the Southwest Area Plan is currently under appeal at the Ontario Municipal Board rendering the proposed Medium Density Residential designation not in effect until the Ontario Municipal Board has made a decision. This means that the application will not be able to come into effect until the area plan has been finalized by the Board and the appropriate land use designation is approved. It is important to recognize that the proposed Medium Density Designation proposed by the Southwest Area Plan on the subject site is:

- i) Designated for development already and is not in the Urban Reserve designation like much of the Southwest Area Plan lands;
- ii) Zoned for development already and not in a Urban Reserve zone;
- iii) Has not been the subject of a specific appeal matter, (beyond the general appeals to all of the Southwest Area Plan) is not in the wonderland road community enterprise corridor designation and is not associated with any natural heritage features.

The relevant policies of the Southwest Area Plan in regards to the proposed application can be found in section 20.5.7.2 Medium Density Residential designation. The policies in the Medium Density Residential have been separated out by their specific locations identifying the designation specific intent and permitted uses for that area. The intent of the Medium Density Residential policies specific to the north-west side of Wharnccliffe Road South between the Village Core and Savoy Street where the subject site is located, *“is to provide opportunities to recognize existing single detached dwellings, re-purpose existing housing stock through office and retail conversion, and to transition over a longer period, to intensive forms of residential*

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uses or residential mixed-use forms that contribute to the urban ‘mainstreet’ to the south’. The proposed application is seeking to take advantage of this transition period where the conversion of the existing single detached dwelling can provide an opportunity for retail and office uses until more appropriate forms of development are proposed.

The permitted uses in the proposed Medium Density Residential designation of the subject site include the primary permitted uses in the Multi-family, Medium Density Residential designation of the Official Plan, including low density forms such as single detached, semi-detached and duplex dwellings, triplexes and fourplexes, and the conversion of existing single detached homes. Development of mixed-use forms with small-scale commercial or retail uses on the main floor and residential development above, is encouraged. Such uses may include, but shall not be limited to: convenience commercial uses, eat-in restaurants, day care centres, financial institutions, professional and service offices, medical and dental offices and clinics, personal services, pharmacies, a limited amount and range of retail uses, studios and galleries, specialty food stores, and fitness and wellness establishments.

The conversion of existing dwellings for offices and retail uses are permitted subject to the policies of Section 3.6.9 i), iv) and vi) of the Official Plan and 20.5.7.2 iii) d) of the Southwest Area Plan.

3.6.9 Office Conversions

The conversion of dwellings within Residential designations for office purposes shall be allowed within specifically identified areas subject to the following criteria:

Definition of Office Conversions

- i) For the purposes of the Plan, office conversion shall be defined as the total or partial conversion of a residential building for office use. Office conversions may involve minor additions to the existing building where these facilitate the use of the building for offices. Retention of the general form and character of buildings converted for office use will be required.*

The proposed application is seeking to take advantage of the existing residential building by converting the building for retail and/or office uses. The City’s urban design staff feels that the proposal to keep the existing building with a few modifications including a modest expansion to the rear of the building will allow the existing dwelling to remain in keeping with the character of the area in particular with the existing single detached dwellings along Wharncliffe Road South. Urban design staff also feel that the potential removal of the existing garage to allow for access to the rear of the property for the parking of cars, and the building of a new garage in the rear portion of the property will not alter the character significantly.

The use of special provisions in the recommended zoning will ensure any addition to the existing dwelling will remain minor in nature by limiting the permitted uses to the existing building and providing a maximum gross floor area for proposed addition’s for retail store and office uses. This will insure that the general form and character of the building will be maintained at all times and that no new structures and uses can be built unless the subject site is rezoned for a zone and use that are in conformity with the Southwest Area Plan.

Site Plan Approval Required

- iv) All office conversion proposals will require site plan approval which will be evaluated on the basis of the following criteria:*
 - (a) whether provisions have been made for landscaping, privacy screening or any other appropriate measures necessary to protect the amenity of adjacent residential properties;*

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- (b) *whether the residential appearance of the existing building is maintained and the external evidence of the office use is minimized. Minor additions that are compatible with the external design and appearance of the existing building may be permitted, where necessary, to facilitate the use of the building for office purposes;*
- (c) *the use of common driveways and parking areas to serve adjacent office conversions shall be encouraged. Where access is proposed to be provided through a side yard to a local street an assessment will be made on the possible negative impacts on adjacent residential uses, and whether access would be more appropriately directed to the main street;*
- (d) *whether provision is made for the on-site manoeuvrability of vehicles so that egress from the site does not require vehicle reversals onto the street; and*
- (e) *conformity with all other applicable provisions of the City's Site Plan Control By-law.*

Parking Requirements

- v) *Where the proposed office conversion is located in close proximity to the Downtown Area, the City may accept payments in-lieu-of a portion of the required parking if it can be demonstrated that there is sufficient available off-site parking to accommodate the proposed use within the immediate surrounding area.*

The subject site is not in close proximity to the downtown therefore all parking must be located on the site. Due to the large nature of the subject site onsite parking should not be an issue and will be dealt with through the above mentioned site plan process. The existing zoning on the site also ensures that parking must be accommodated in the rear of the property.

Section 20.5.7.2 iii) d)

d) The conversion of existing dwellings for retail uses along the north-west side of Wharncliffe Road South, between Campbell Street North and 3967 Savory Street:

- *shall be defined as the total or partial conversion of a residential building for retail use. Retail conversions may involve minor additions to the existing building where these facilitate the use of the building for retail uses. Retention of the general form and character of the buildings converted for retail use will be required.*

This is the same definition as office conversion therefore the same response provided previously is relevant.

- *will require site plan approval which will be evaluated on the basis of the following criteria:*
 - *provisions have been made for landscaping, privacy, screening or any other appropriate measures necessary to protect the amenity of adjacent residential properties;*
 - *the residential appearance of the existing building is maintained and external evidence of the retail use is minimized. Minor additions that are compatible with the external design and appearance of the existing building may be permitted, where necessary, to facilitate the use of the building for retail purposes;*
 - *the use of common driveways and parking areas to serve adjacent office or retail conversions shall be encouraged. Where access is proposed to be provided through a side yard to a local street, an assessment will be made on the possible negative impacts on adjacent residential uses, and whether access would be more appropriately directed to the main street;*
 - *provision is made for the on-site maneuverability of vehicles so that egress from the site does not require vehicle reversals onto the street; and,*

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- *conformity with all other applicable provisions of the City's Site Plan Control By-law.*
- *permission for retail use shall be retained only as long as the life of the building, and shall not be used as the basis for a re-designation or rezoning of the property for retail use.*

The special provision that has been recommended ensures that any retail use on the site can only be used within the existing building and minor addition and therefore the use could only last as long as that building is standing. The re-designation and rezoning of the subject site in the future should not be based on the existing use but on the proposed policies of the Southwest Area Plan.

Zoning

The subject site is currently zoned Holding Arterial Commercial Special Provision (h-17*AC1(3)) which permits a compatible range of existing residential and accessory uses along with additional service and professional offices along with a special provision to include clinics, medical/dental offices and wellness centres as permitted uses. The holding provision h-17 is in place to ensure the orderly development of lands and the adequate provision of municipal services.

The Arterial Commercial zone is normally intended to implement the Auto-Oriented Commercial Corridor designation in Section 4.4.2 of the Official Plan. This zone provides for and regulates a mix of small scale retail, office, personal service and automotive uses located along arterial roads which serve both vehicular and pedestrian trade. The requested zone for a Arterial Commercial Special Provision (AC4(_)) with the special provision to permit an existing 0.5m side yard would permit a broader range of retail, commercial and office uses. The applicant also proposed removing the holding provision h-17 in the requested zone. There have been no submissions by the applicant identifying that adequate municipal services have been provided to the site. It is staff's recommendation to maintain the existing h-17 holding provision to ensure the orderly development of lands and the adequate provision of municipal services. The broad range of uses within the proposed Arterial Commercial (AC4) zone permits uses which are not appropriate within a converted dwelling or in keeping with the proposed Medium Density Residential designation. The applicant identified office and retail store uses as the main uses for the property as they conform to the designation and intentions of the Southwest Area Plan. Therefore it is staff's recommendation to maintain the existing Arterial Commercial (AC1) zone and create a special provision to include office and retail stores as permitted uses on the subject site along with the previously permitted uses.

The Southwest Area Plan is clear in its policies that the conversions shall *"maintain the general form and character of the existing residential building"* and that only minor additions will be permitted. In order to ensure that the proposal meets these requirements the proposed special provision will restrict the permitted uses to the existing dwelling and limit any minor additions for retail store and office uses to total 65 m2 (700 sq ft). This will allow for a future addition and will ensure the existing single detached dwelling is maintained.

The resulting zone being recommended is a Holding Arterial Commercial Special Provision (h-17*AC1(__)) zone which permits office and retail store uses along with the current uses on the subject site and will recognize the existing 0.5m interior side yard setback on the southwest side of the property. The special provision will also limit the permitted uses to the existing building and limit the gross floor area of an addition for office and retail store uses to a maximum of 65m2 (700 sq. ft.)

CONCLUSION

It is staff's recommendation to support the rezoning of the subject site to the Holding Arterial Commercial Special Provision (h-17*AC1(__)) zone to provide the applicant with the additional

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office and retail store uses which will allow them to convert the existing building for these uses. This recommendation is appropriate as it is consistent with the policies and intention of the council approved Southwest Area Plan and is appropriate and compatible with surrounding lands. The permitted uses on the site will be restricted to the existing single detached dwelling and any proposed addition will be restricted in the size to ensure that the retention of the general form and character of the building is kept through the conversion. The property is of sufficient size to support the use and provide adequate buffers from the neighboring residential lands.

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	

May 6, 2013

MC/mc

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

<u>Telephone</u>	<u>Written</u>
	Kathy & Don Bayne 6635 Beattie Street, N6P 1T8
	Michael McCombie 6617 Beattie Street

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Bibliography of Information and Materials
Z-8163

Request for Approval:

City of London Zoning By-law Amendment Application Form, completed by Trinity Planning and Projects Consulting, March 6, 2013

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.

Trinity Planning and Projects Consulting. *Justification Report*, date.

Trinity Planning and Projects Consulting. *Urban Design Brief*, , 2013.

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

City of London -

Smolarek J., City of London Community Planning and Design. Memo to M. Corby. April 18, 2013.

Clavet Y., City of London Stormwater Management Unit. E-mail to M. Corby. April 19, 2013.

Maureen Ricciuto., City of London Wastewater and Drainage Engineering Division. E-mail to M. Corby. April 9, 2013.

Couvillon A., City of London Transportation Division. AMANDA. April 22, 2013.

Departments and Agencies -

Creighton C., UTRCA. Letter to M. Corby. April 18, 2013.

Dalrymple, D., London Hydro. Memo to M. Corby. March 25, 2013.

Two empty rectangular boxes for agenda item and page numbers.

File: Z-8163
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 2237 Wharnccliffe Road South.

WHEREAS Craig and Marcia White have applied to rezone an area of land located at 2237 Wharnccliffe Road South, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 2237 Wharnccliffe Road South, as shown on the attached map comprising part of Key Map No. A110, from a Holding Arterial Commercial Special Provision (h-17*AC1(3)) Zone to a Holding Arterial Commercial Special Provision (h-17*AC1(__)) Zone.
- 2) Section Number 26 of the Arterial Commercial (AC1) Zone is amended by adding the following Special Provision:

26.3) AC1() 2237 Wharnccliffe Road South

a) Permitted Uses within existing building:

- i) Uses within the AC1 zone;
- ii) Clinics;
- iii) Medical/dental offices;
- iv) Wellness centres;
- v) Retail Stores;
- vi) Offices.

b) Regulations

- i) Gross Floor Area for Additions (m2) 65 m² (700 square feet)
(maximum) for Retail Store and Offices.
- ii) Interior Side Yard Depth (s/w) 0.5m (1.65 feet)
(existing building)
- iii) A maximum of 4 dental suites (wet/dry service chairs as defined by the Ontario Building Code), will be permitted on the property while site/use is serviced by any form of private sanitary sewage system.
- iv) No front yard parking.

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

Agenda Item # Page #

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File: Z-8163
Planner: Mike Corby

Joe Fontana
Mayor

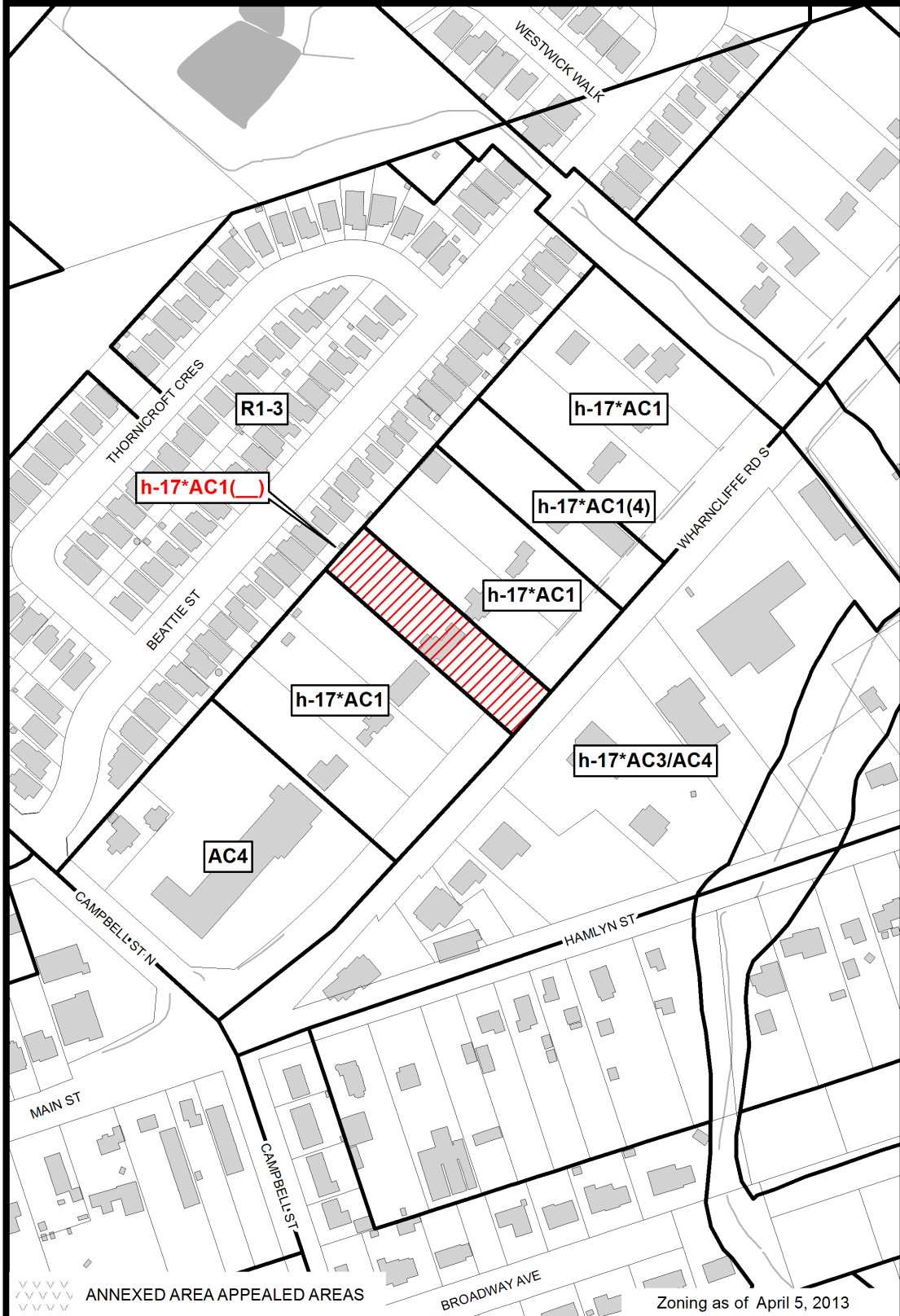
Catharine Saunders
City Clerk

First Reading -
Second Reading -
Third Reading -

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File: Z-8163
Planner: Mike Corby

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



<p>File Number: Z-8163 Planner: MC Date Prepared: 2013/05/16 Technician: MB By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:2,500</p> <p>0 12.525 50 75 100 Meters</p> <div style="text-align: right;"> </div>
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Geodatabase