Report to Planning and Environment Committee

To: Chair and Members

Planning & Environment Committee

From: George Kotsifas P. Eng.,

Deputy City Manager, Planning and Economic Development

Subject: 876 Wellington Road

Public Participation Meeting

Date: December 13, 2021

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of 1985798 Ontario Inc. relating to the property located at 876 Wellington Road:

- the proposed by-law <u>attached</u> hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting December 21, 2021 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan for the City of London (The London Plan, 2016) and the Official Plan for the City of London (1989), to change the zoning of the subject property **FROM** a Highway Service Commercial Special Provision (HS(1)) Zone, **TO** a Highway Service Commercial Special Provision (HS(_)) Zone;
- (b) Pursuant to Section 34(17) of the *Planning Act*, as determined by the Municipal Council, no further notice **BE GIVEN** in respect of the proposed by-law as the change in parking is minor in nature, the existing conditions plan circulated in the Notice of Application and Notice of Revised Application and Notice of Public Meeting accurately reflect the existing condition of the site, and no development or site alteration is proposed.

Executive Summary

Summary of Request

The applicant has requested to rezone the subject site to add Service Trade as an additional permitted use. Special provisions would recognize existing site conditions.

Purpose and Effect of Recommended Action

The purpose and effect of the recommended action is to permit Service Trade. Special provisions would recognize existing site conditions and prohibit open storage.

Rationale of Recommended Action

- 1. The recommended amendment is consistent with the Provincial Policy Statement, 2020;
- The recommended amendment conforms to the in-force policies of The London Plan, including but not limited to the Key Directions and Rapid Transit Corridor Place Type;
- 3. The recommended amendment conforms to the in-force policies of the 1989 Official Plan, including but not limited to the Auto-Oriented Commercial Corridor designation;
- 4. The recommended amendment would facilitate reuse of the existing building with a use that is appropriate for the context of the site.

Linkage to the Corporate Strategic Plan

Building a Sustainable City – London's growth and development is well planned and sustainable over the long term.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

None.

1.2 Planning History

None.

1.3 Property Description

The subject lands are located on the east side of Wellington Road in the Westminster Planning District. The subject lands are a through lot, with 10.6 metres of frontage on Wellington Road and 9.1 metres of frontage on Wellingsboro Road. The subject lands have a varying depth of 79 metres and an area of 745.9 square metres.



Figure 1: Subject lands and current use (Don Brown Appliances) – view from Wellington Road

1.4 Current Planning Information (see more detail in Appendix C)

- The London Plan Place Type Rapid Transit Corridor
- Official Plan Designation Auto-Oriented Commercial Corridor
- Existing Zoning Highway Service Commercial Special Provision (HS(1))
 Zone

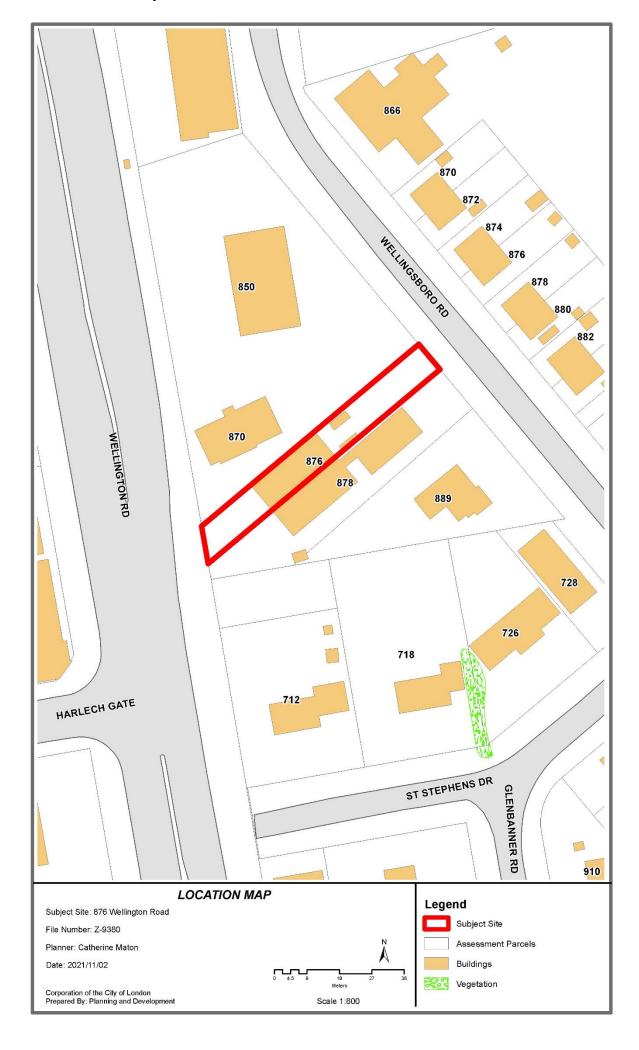
1.5 Site Characteristics

- Current Land Use Home Improvement and Furnishing Store
- Frontage 9.1 metres (29.85 feet)
- Depth 79 metres (259 feet)
- Area 745.9 square metres (8,028.8 square feet)
- Shape Irregular

1.6 Surrounding Land Uses

- North Commercial
- East Low Density Residential
- South Service Trade
- West Commercial

1.7 Location Map



2.0 Discussion and Considerations

2.1 Development Proposal

The applicant has requested to rezone the subject lands to add Service Trade to the range of permitted uses, with special provisions to recognize existing site conditions. No development or site alteration is proposed.

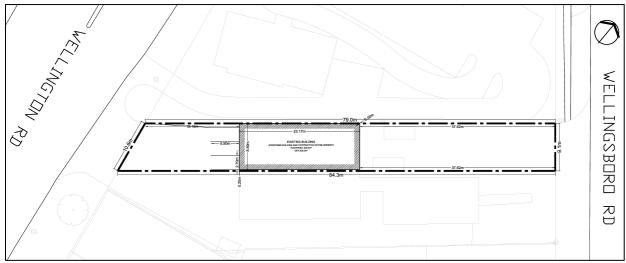


Figure 2: Existing conditions plan

2.2 Requested Amendment

The applicant has requested to rezone the lands to a Highway Service Commercial Special Provision (HS(_)) Zone to add Service Trade as an additional permitted use and recognize the following existing conditions: a minimum lot frontage of 9.1 metres (whereas 30 metres is required); a minimum northerly interior side yard depth of 0 metres (whereas 3 metres is required); a minimum southerly interior side yard depth of 0.25 metres (whereas 3 metres is required); and a minimum landscaped open space of 0% (whereas 15% is required). The existing range of permitted uses and the existing special provision permitting Home Improvement and Furnishing Stores would continue to apply to the site.

2.3 Community Engagement (see more detail in Appendix B)

Through the community engagement process, one phone call was received requesting clarification on the application and one written response citing concerns related to noise, dust, impacts from heavy equipment, and general unsightliness of the site as a result of the proposed use.

2.4 Policy Context

Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS), 2020 provides policy direction on matters of provincial interest related to land use planning and development. In accordance with Section 3 of the Planning Act, all planning decisions "shall be consistent with" the PPS.

Section 1.1 of the PPS encourages healthy, livable and safe communities which are sustained by promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term. The PPS directs settlement areas to be the focus of growth and development, further stating that the vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities (1.1.3).

The London Plan

The London Plan is the new Official Plan for the City of London (Council adopted, approved by the Ministry with modifications, and the majority of which is in force and effect). The London Plan policies under appeal to the *Local Planning Appeals Tribunal*

(Appeal PL170100) and not in force and effect are indicated with an asterisk throughout this report. The London Plan policies under appeal are included in this report for informative purposes indicating the intent of City Council, but are not determinative for the purposes of this planning application.

The London Plan provides Key Directions (54_) that must be considered to help the City effectively achieve its vision. These directions give focus and a clear path that will lead to the transformation of London that has been collectively envisioned for 2035. Under each key direction, a list of planning strategies is presented. These strategies serve as a foundation to the policies of the plan and will guide planning and development over the next 20 years. Relevant Key Directions are outlined below.

The London Plan provides direction to build a mixed-use compact city by:

- Planning to achieve a compact, contiguous pattern of growth looking "inward and upward";
- Planning for infill and intensification of various types and forms to take advantage of existing services and facilities and to reduce our need to grow outward. (Key Direction #5, Directions 2 and 4).

The site is in the Rapid Transit Corridor Place Type, as identified on *Map 1 – Place Types. The site is also in the Rapid Transit Corridor Protected Major Transit Station Area, as identified on Map 10 – Protected Major Transit Station Areas.

1989 Official Plan

The subject site is designated Auto-Oriented Commercial Corridor in accordance with Schedule 'A' of the 1989 Official Plan. 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 wideranging market area (4.4.2).

3.0 Financial Impact/Considerations

None.

4.0 Key Issues and Considerations

4.1 Issue and Consideration #1: Provincial Policy Statement, 2020

The PPS promotes the integration of land use planning, growth management, transitsupportive development, intensification and infrastructure planning to achieve costeffective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs (1.1.1e)).

Settlement areas are directed to be the focus of growth and development. Land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources and are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available (1.1.3.2). Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment (1.1.3.2).

Planning authorities shall promote economic development and competitiveness by providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs (1.3.1). Lastly, the PPS encourages long-term economic prosperity to be supported by promoting opportunities for economic development and community investment-readiness (1.7.1 a)).

The recommended amendment is in keeping with the PPS 2020 as it facilitates the introduction of a new use that is suitable within existing site context. The proposed

Service Trade would be located within the existing building, making use of existing building stock and efficiently using existing infrastructure and services. The recommended amendment contributes to an appropriate range and mix of uses to meet long term needs, and supports opportunities for economic development.

4.2 Issue and Consideration #2: Use, Intensity, and Form

The London Plan

The Rapid Transit Corridor Place Type permits a range of residential, retail, service, office, cultural, recreational, and institutional uses (*837_1). A minimum intensity of 2 storeys is required, up to a maximum of 8 storeys (*Table 9). The Form policies of the Rapid Transit Corridor Place Type direct buildings to be sited close to the front lot line, to create a pedestrian-oriented street wall along Corridors and provide appropriate setback from properties that are adjacent to the rear lot line (841_2). Development should also be designed to implement transit-oriented design principles (841_4).

Each Rapid Transit Corridor Protected Major Transit Station Area will be planned to achieve a minimum number of 120 residents and jobs combined per hectare (860B_). Consistent with the general Intensity policies, the minimum building height permitted is two storeys or eight metres and the maximum building height is 12 storeys, or 16 storeys for areas within 100 metres of a rapid transit station (860C_). The minimum density is 45 units per hectare for residential uses or a floor area ratio of 0.5 for non-residential uses (860D_).

The proposed Service Trade use is contemplated in the Rapid Transit Corridor Place Type as a service use. The proposed use complements the existing commercial uses in the area, including the existing heating and cooling business immediately adjacent to the site. The proposed use is small in scale, and while the existing building is under the minimum height required by *Table 9, no changes to the intensity or form are proposed. Given the proposed use is similar to the existing use of the subject lands and adjacent property, and no expansions to the building are proposed, it is not anticipated there will be any negative impacts on the neighbouring commercial sites or residential neighbourhood.

1989 Official Plan

Areas designated Auto-Oriented Commercial Corridor are primarily intended for commercial uses that cater to the commercial needs of the traveling public (4.4.2.4). Light industrial uses, including service trades, may also be permitted (4.4.2.4). The development of new permitted uses within the designation may take the form of infilling, redevelopment or the conversion of existing structures (4.4.2.6). The Auto-Oriented Commercial Corridor designation shall have a low-rise development form (4.4.2.6.5).

The proposed Service Trade is a light industrial use contemplated by the Auto-Oriented Commercial Corridor designation. The requested amendment would facilitate the conversion of the existing building to a new use that is similar to the existing use of the subject lands and adjacent property.

4.3 Issue and Consideration #3: Zoning

The applicant has requested to rezone the site from the existing Highway Service Commercial Special Provision (HS(1)) Zone to a new Highway Service Commercial Special Provision (HS(_)) Zone. The special provisions would add Service Trade as an additional permitted use and recognize the following existing conditions: a minimum lot frontage of 9.1 metres (whereas 30 metres is required); a minimum northerly interior side yard depth of 0 metres (whereas 3 metres is required); a minimum southerly interior side yard depth of 0.25 metres (whereas 3 metres is required); and a minimum landscaped open space of 0% (whereas 15% is required). The existing range of permitted uses and the existing special provision permitting Home Improvement and Furnishing Stores would continue to apply to the site.

The applicant had initially requested to add Building or Contracting Establishment as an additional permitted use in order to operate the proposed plumbing and heating business. Through the circulation of the application, concerns were raised by the public that the proposed Building or Contracting Establishment may result in negative impacts, including noise, dust, and general unsightliness. To address this concern, the applicant was agreeable to amending the request to permit Service Trade, which permits a more limited range of contracting uses and may be less impactful. The definitions of Building or Contracting Establishment and Service Trade are below:

"BUILDING OR CONTRACTING ESTABLISHMENT" means a premises used for the purposes of undertaking or managing activities engaged in maintaining and building new structures, or works, additions or renovations and typically includes the offices of general building contractors, general contractors, specialized trades and building maintenance services such as window cleaning and extermination services and may include a showroom and/or display area open to the general public. Also included is the prefabrication of building equipment and materials and wrecking and demolition contractors' offices, but does not include salvage yards.

"SERVICE TRADE" means an establishment, other than an automotive use, that provides a non-personal service or craft to the public, including, but not necessarily restricted to, a printer's shop, a plumber's shop, a tinsmith's shop, a painter's shop, a carpenter's shop, an electrician's shop, a welding shop, a blacksmith's shop, a merchandise service shop, a furrier's shop, an upholsterer's shop, a bakery, a catering establishment, a machine shop, or a monument engraving shop.

The requested special provisions serve only to recognize existing site conditions, therefore staff is satisfied the requested amendment will have no impacts on adjacent properties. An additional special provision prohibiting open storage is recommended to ensure there is no outdoor storage along the Wellington Road and Wellingsboro Road frontages.

Lastly, a special provision to recognize the existing parking on site for all permitted uses is recommended. The site has functioned with the current parking condition for several years, with no known impacts on neighbouring properties or the surrounding neighbourhood. Staff is satisfied the existing parking provided on site can adequately support the existing range of permitted uses and the proposed Service Trade use within the existing building. While this special provision was not circulated in the Notice of Application, it reflects the current site condition and no new development is proposed. As such, it is recommended this special provision be addressed without further notice.

Conclusion

The recommended amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the in-force policies of The London Plan and the 1989 Official Plan. The recommended amendment would facilitate the reuse of the existing building with a use that is appropriate and compatible within its surrounding context, as it is similar to the existing use of the subject lands and adjacent property.

Prepared by: Catherine Maton, MCIP, RPP

Senior Planner

Reviewed by: Mike Corby, MCIP, RPP

Manager, Planning Implementation

Recommended by: Gregg Barrett, AICP

Director, Planning and Development

Submitted by: George Kotsifas, P. Eng

Deputy City Manager, Planning and Economic

Development

Appendix A

Bill No.(number to be inserted by Clerk's Office) 2021

By-law No. Z.-1-21_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 876 Wellington Road

WHEREAS 1985798 Ontario Inc. has applied to rezone an area of land located at 876 Wellington Road, 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 the lands located at 876 Wellington Road, as shown on the attached map comprising part of Key Map No. A112, from a Highway Service Commercial Special Provision (HS(1)) Zone to a Highway Service Commercial Special Provision (HS(_)) Zone.
- 2) Section Number 27.4 a) of the Highway Service Commercial (HS) Zone is amended by adding the following Special Provision:
 - HS(_) 876 Wellington Road
 - a) Additional Permitted Uses
 - i) Home Improvement and Furnishing Stores
 - ii) Service Trade
 - b) Regulations

i)	Lot Frontage (minimum)	9.1m (29.85ft)
ii)	Interior Side Yard (northerly) (minimum)	0m (0ft)
iii)	Interior Side Yard (southerly) (minimum)	0.25m (0.82ft)
iv)	Landscaped Open Space	0%

iv) Landscaped Open Space (minimum)

v) Parking As existing to serve all (minimum) permitted uses in the building existing on the

building existing on the date of the passing of this

bylaw

vi) Open Storage is Prohibited

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.

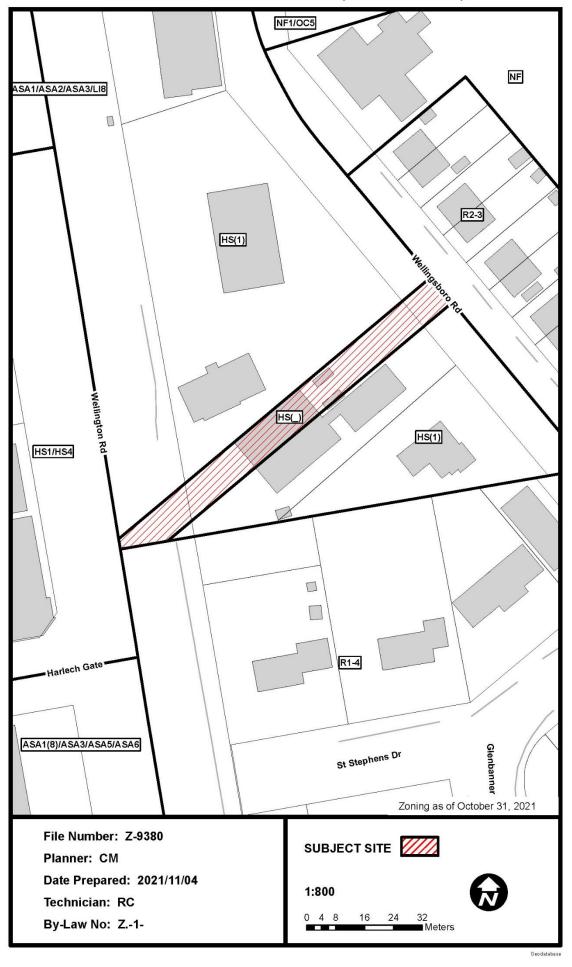
PASSED in Open Council on December 21, 2021.

Ed Holder Mayor

Catharine Saunders City Clerk

First Reading – December 21, 2021 Second Reading – December 21, 2021 Third Reading – December 21, 2021

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



Appendix B – Public Engagement

Community Engagement

Public liaison: On July 14, 2021, Notice of Application was sent to 27 property owners and 12 tenants in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on July 15, 2021. A "Planning Application" sign was also posted on the site.

Nature of Liaison: The purpose and effect of this zoning change is to permit a Building and Contracting Establishment. Possible change to Zoning By-law Z.-1 FROM a Highway Service Commercial Special Provision (HS(1)) TO a Highway Service Commercial Special Provision (HS(1)) Zone. Special provisions would add Building and Contracting Establishment as an additional permitted use and recognize the following existing conditions: a minimum lot frontage of 9.1 metres (whereas 30 metres is required); a minimum northerly interior side yard depth of 0 metres (whereas 3 metres is required); a minimum southerly interior side yard depth of 0.25 metres (whereas 3 metres is required); and a minimum landscaped open space of 0% (whereas 15% is required). The existing range of permitted uses and the existing special provision permitting Home Improvement and Furnishing Stores would continue to apply to the site. The City may also consider additional special provisions.

Public liaison: On November 23, 2021, Notice of Revised Application and Public Meeting Notice was sent to 27 property owners and 12 tenants in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on November 24, 2021.

Nature of Liaison: The purpose and effect of this zoning change is to permit Service Trade. Possible change to Zoning By-law Z.-1 **FROM** a Highway Service Commercial Special Provision (HS(1)) **TO** a Highway Service Commercial Special Provision (HS(_)) Zone. Special provisions would add Service Trade to the existing range of permitted uses and recognize the following existing conditions: a minimum lot frontage of 9.1 metres (whereas 30 metres is required); a minimum northerly interior side yard depth of 0 metres (whereas 3 metres is required); a minimum southerly interior side yard depth of 0.25 metres (whereas 3 metres is required); and a minimum landscaped open space of 0% (whereas 15% is required). The existing special provision permitting Home Improvement and Furnishing Stores would continue to apply to the site.

Responses: One phone call requesting clarification was received. One written response citing concerns regarding potential dust, noise, impacts of heavy equipment, and general unsightliness was received.

Responses to Public Liaison Letter and Publication in "The Londoner"

Telephone	Written
Michael Haynes	George Haddad
876 Wellingsboro Road	_
London, ON	
N6E 1Y5	

From: GEORGE HADDAD

Sent: Monday, July 26, 2021 12:26 PM **To:** Maton, Catherine <cmaton@london.ca>

Cc: Ramzi Shnoudeh

Subject: [EXTERNAL] Notice of Planning Application file Z-9380 concern

Catherine

I left you a voice message but I would like to send this email as a follow up.

We are the owners of the next-door plaza 850 Wellington Rd, London

We have few concerns

- 1- Zoning modifications is eliminating or reducing all the parameter required (smaller frontage, landscaped area, ...)
- 2- Allowing Building and Contracting establishment on the premises

The above might have a negative effect on our property,

- 1- Dust from equipments or trucks might affect restaurants in my plaza (we have 4 tenants as food establishments)
- 2- Potential noise from all the above going in and out of the property
- 3- The effect of heavy equipment on our driveway for KFC
- 4- Making the place look bad if items are stored outdoor (being Trucks, Machinery, supplies ...)

In our opinion the above might negatively affect our plaza

George Haddad CPA, CMA

Agency/Departmental Comments

July 19, 2021: Parks Planning and Design

Parkland dedication is required in the form of cash in lieu, pursuant to By-law CP-9 and will be finalized at the time of site plan approval.

July 19, 2021: London Hydro

This site is presently serviced by London Hydro. Contact the Engineering Dept. if a service upgrade is required to facilitate the new building. Any new and/or relocation of existing infrastructure will be at the applicant's expense, maintaining safe clearances from L.H. infrastructure is mandatory. Note: Transformation lead times are minimum 16weeks. Contact the Engineering Dept. to confirm requirements & availability.

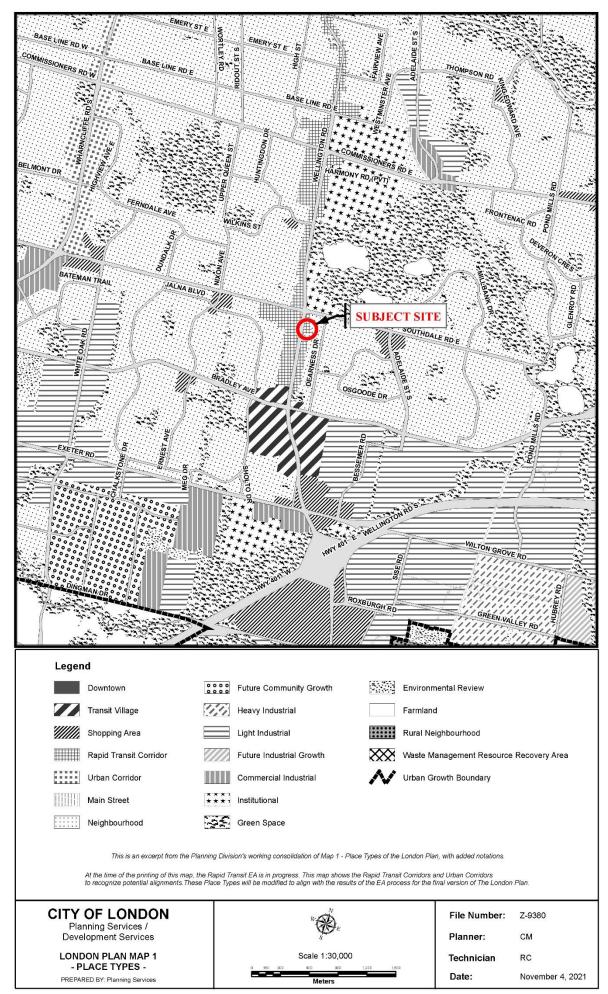
London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. Any new or relocation of the existing service will be at the expense of the owner.

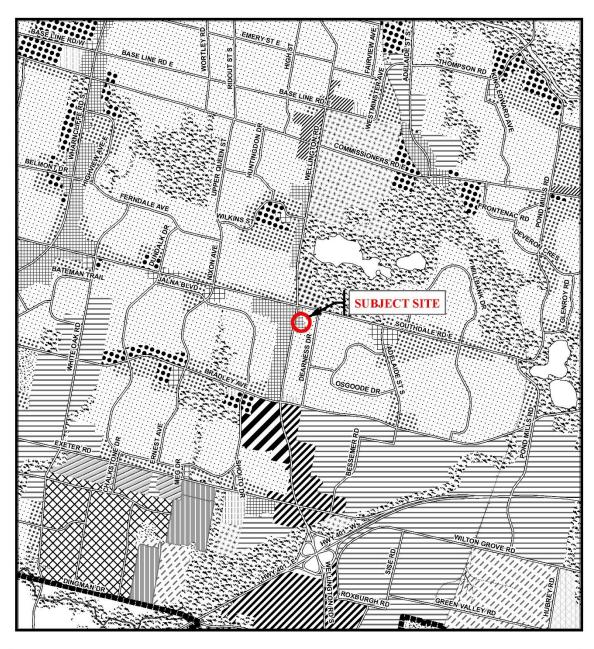
August 3, 2021: Engineering

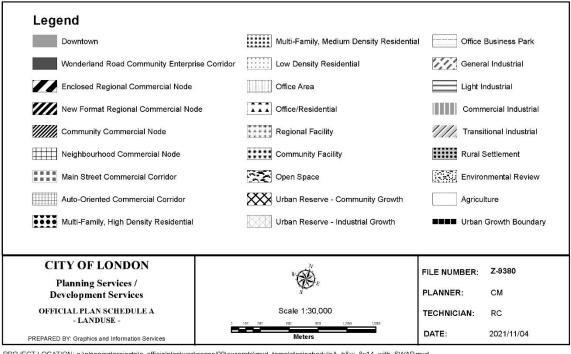
Engineering has no comments for the re-zoning application.

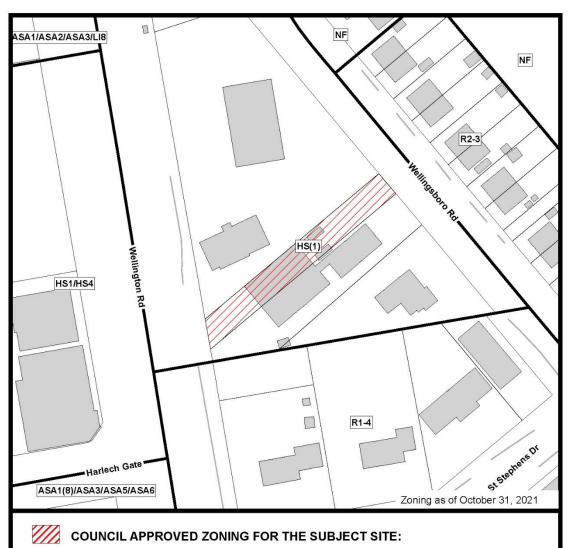
Appendix C - Relevant Background

Additional Maps









- 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
 R6 - 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

1)

- 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

FILE NO:

Z-9380

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

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



0 5 10

MAP PREPARED:

RC 2021/11/04 1:1,000 20 30 40 Meters

CM

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