

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: Scott Mathers MPA, P. Eng.,
Deputy City Manager, Planning and Economic Development
Subject: 867-879 Wellington Road
Public Participation Meeting
Date: January 9, 2023

Recommendation

That, on the recommendation of the Acting Director, Planning and Development, the following actions be taken with respect to the application of Bates Real Estate Corporation relating to the property located at 867-879 Wellington Road:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting January 24, 2023, to amend Zoning By-law No. Z.-1, in conformity with the Official Plan for the City of London (The London Plan, 2016), to change the zoning of the subject property **FROM** a Highway Service Commercial (HS1/HS4) Zone, **TO** a Highway Service Commercial and Associated Shopping Area Commercial (HS1/HS4/ASA1) Zone;

Executive Summary

Summary of Request

The applicant has requested to rezone the subject site to add an Associated Shopping Area Commercial (ASA1) Zone to the subject lands.

Purpose and Effect of Recommended Action

The purpose and effect of the recommended action is to permit a broader range of commercial uses within the existing plaza development, most notably to permit retail stores.

Rationale of Recommended Action

1. The recommended amendment is consistent with the Provincial Policy Statement, 2020;
2. The recommended amendment conforms to the policies of The London Plan, including but not limited to the Key Directions and Rapid Transit Corridor Place Type.
3. The proposed zoning amendment would appropriately broaden the set of service/retail uses permitted on the site, most notably retail stores. The additional commercial uses intended for the site would be compatible with the existing development context and will not generate significant land use conflicts with adjacent properties.

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

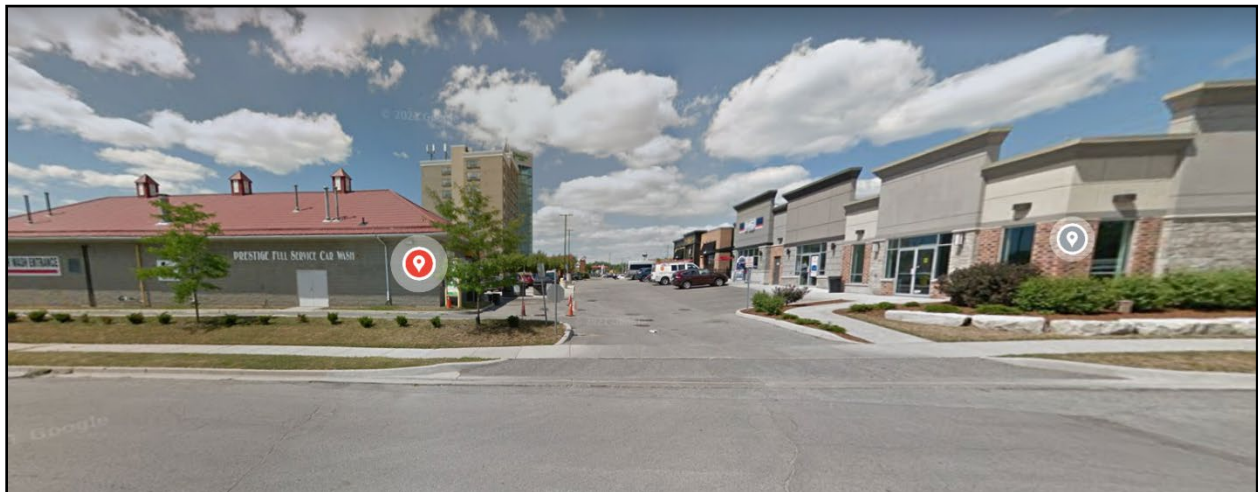
1.1 Property Description

The subject lands are located on Wellington Road, north of Harlech Gate and east of Montgomery Road. The subject site is currently occupied by three standalone buildings, one occupied by a car wash, one occupied by Fionn McCools restaurant and a third multi-unit building which includes restaurants and a financial service use at this time. The subject lands are approximately 0.8 hectares and have frontage of approximately 57.6 metres along Wellington Road. The remainder of the subject lands consists of surface parking, pedestrian pathways and landscaping strips throughout the site and around the perimeter.

Figure 1: Photo of Subject Site and current uses



Figure 2: Photo of Subject Site (facing North on Harlech Gate)



1.2 Current Planning Information

- The London Plan Place Type – Rapid Transit Corridor Place Type
- Existing Zoning – Highway Service Commercial (HS1/HS4) Zone

1.3 Site Characteristics

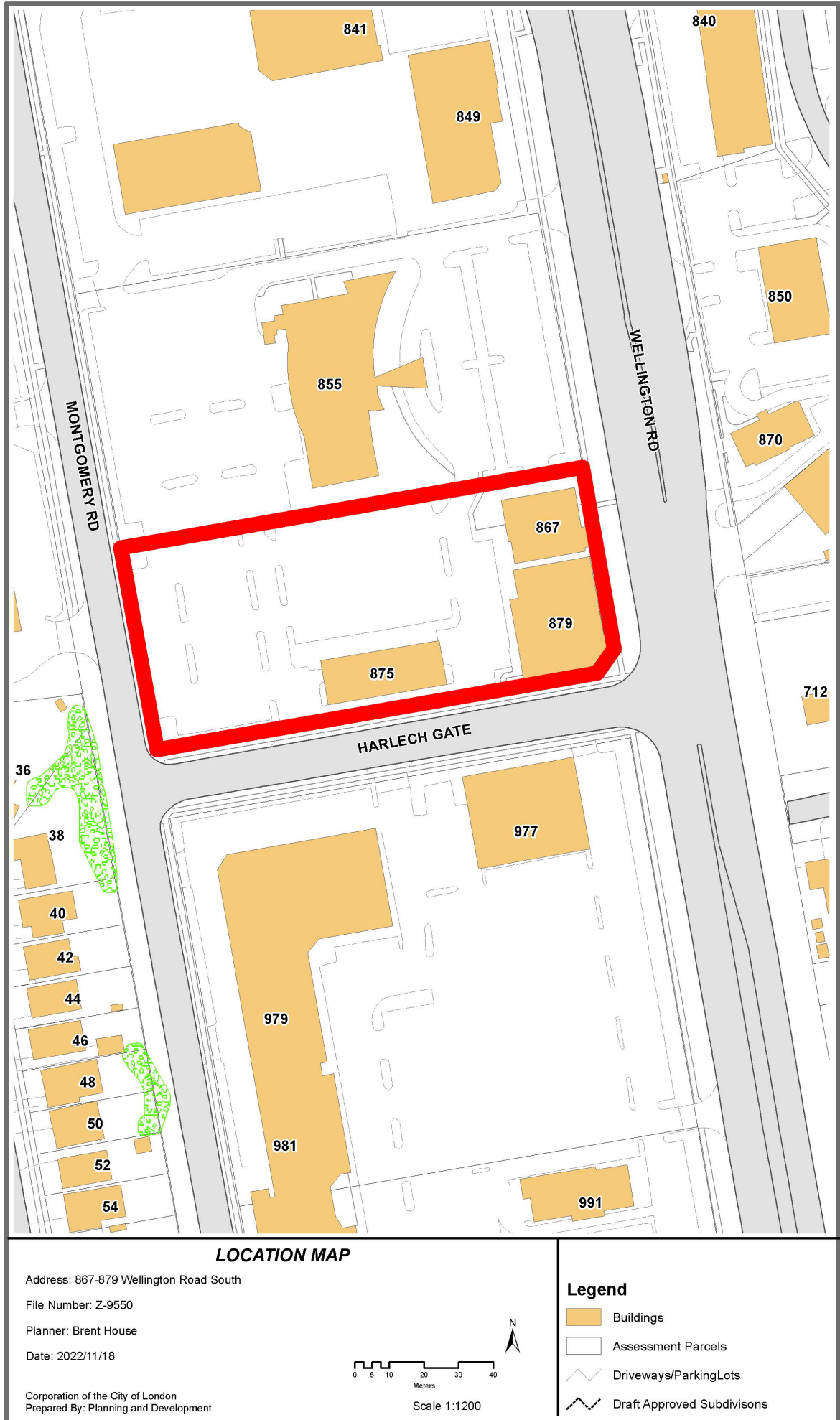
- Current Land Use – multi-unit commercial building, stand-alone restaurant, and a stand-alone car wash.
- Frontage – 57.6 metres
- Depth – 139.6 metres
- Area – 0.80 hectares (1.97 acres)
- Shape – Rectangular

1.4 Surrounding Land Uses

- North – Hotel
- East – Residential Development

- South – Neighbourhood Shopping Centre
- West – Neighbourhood Shopping Centre

1.5 Location Map

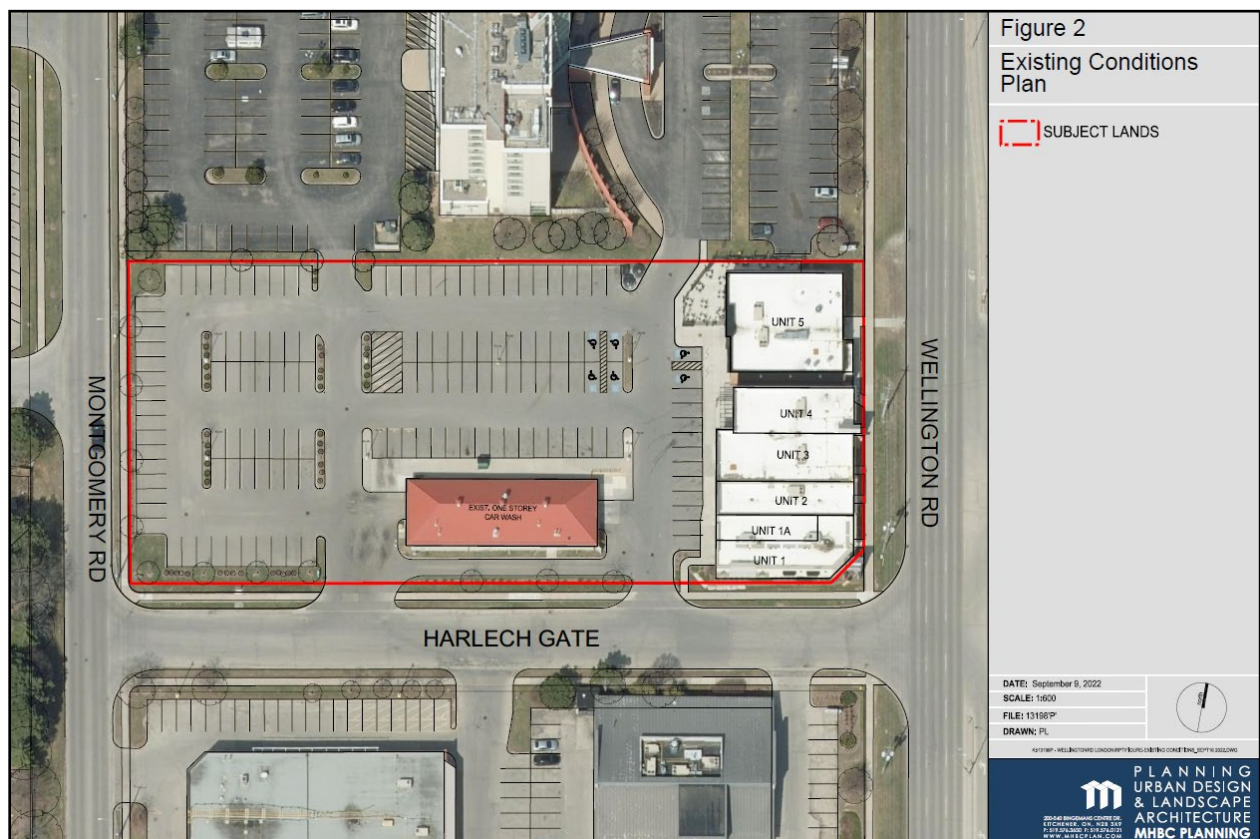


2.0 Discussion and Considerations

2.1 Development Proposal

The applicant has requested to rezone the subject lands to permit a shoe store within one of the vacant commercial units. The request to add an Associated Shopping Area Commercial (ASA1) Zone will allow for a broader range of commercial uses within the existing plaza development, most notably retail stores. No additional development or site alterations are proposed as part of this amendment.

Figure 3: Existing conditions plan



2.2 Requested Amendment

The applicant has requested to rezone the lands to add an additional Associated Shopping Area (ASA1) Commercial Zone to the property. The request is to allow for a broader range of commercial uses within the existing plaza development, most notably retail stores. Uses permitted in the ASA1 Zone that are not permitted in the current HS1/HS4 Zone include: retail stores, pharmacies, dry cleaning and laundry plants, grocery stores and printing establishments.

2.3 Community Engagement (see more detail in Appendix B)

Through the community engagement process, no phone calls or emails were received.

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. 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). Expanding the range of uses on the subject site

within the built-up area of the city will encourage the reuse of an existing building, which is consistent with these policies of the PPS.

The London Plan

The London Plan is the new Official Plan for the City of London. On May 25th, 2022, an Ontario Land Tribunal decision resolved all remaining policy appeals within The London Plan, effectively bring The London Plan into full force and effect.

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 proposed use supports these Key Directions by providing a convenient service to Londoners in the urban area of the city. The reuse of the building is a wise use of existing infrastructure in the interim, until such time as the site can be comprehensively redeveloped in line with the vision of the Rapid Transit Corridor.

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, transit-supportive development, intensification, and infrastructure planning to achieve cost-effective 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 range of uses that are suitable within the existing site context. The proposed zoning amendment would facilitate new uses on the subject lands which 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 mix and range of uses by providing for additional retail uses within the broader range of commercial uses within the surrounding area. The amendment will promote opportunities for economic development and community investment-readiness. Lastly, the recommended amendment provides a use or service in close proximity to residential neighbourhoods, thereby reducing the number of vehicle trips.

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

The London Plan

The Rapid Transit Corridor Place Type permits a broad range of residential, retail, service, office, cultural, recreational, and institutional uses (837_1). Mixed-use buildings are encouraged and uses with large floor plates, and single use non-residential buildings will be discouraged in the corridor (837_2 and 837_3). The London Plan also identifies that where there is a mix of uses within an individual building, retail and service uses will be encouraged to front the street at grade (837_4).

In this instance, the additional retail services that the ASA1 Zone permits will allow for a broader range of uses than what is currently permitted on the subject lands and provides opportunities to allow for the continued use of the existing commercial buildings on site. Although the Rapid Transit Corridor Place Type is intended for a higher intensity mix of residential and non-residential uses, this is an efficient use of land and the existing infrastructure on site in the interim until the site is further redeveloped with a comprehensive form of mixed-use development. The proposed Zone complements the existing range of uses such as commercial, restaurants and financial services on the subject lands as well as the residential uses in the vicinity and is considered appropriate with the existing neighbourhood context. It should be noted that many of the surrounding parcels to the south, north and west are zoned with multiple ASA Zone variations. The addition of the ASA Zone to the subject lands provides further flexibility to help fill future vacancies with appropriate land uses.

4.3 Issue and Consideration #3: Zoning

The applicant has requested to rezone the lands from the existing Highway Service Commercial (HS1/HS4) Zone to a Highway Service Commercial and Associated Shopping Area Commercial (HS1/HS4/ASA1) Zone to allow for a broader range of commercial uses within the existing plaza development, most notably retail stores. The HS1/HS4 Zone currently permits different uses than what is allowed in a singular ASA1 Zone, such as assembly halls, private clubs, taverns, hotels, and motels. The additional uses that an ASA1 Zone would provide to the subject lands would be retail stores, pharmacies, dry cleaning and laundry plants, grocery stores and printing establishments.

The proposed amendment to add additional permitted uses on the subject lands does not seek any site alteration or additional special provisions as the existing site conditions can accommodate the proposed use and will continue to conform to the current zoning regulations.

Conclusion

The recommended amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the policies of The London Plan. The recommended amendment would permit a range of land uses that are appropriate and compatible within the surrounding context.

Prepared by: Brent House
Planner I

Reviewed by: Mike Corby, MCIP, RPP
Manager, Planning Implementation

Recommended by: Britt O'Hagan, MCIP, RPP
Acting Director, Planning and Development

Submitted by: Scott Mathers, MPA, P. Eng
Deputy City Manager, Planning and Economic
Development

Appendix A

Bill No. (number to be inserted by Clerk's Office)
2023

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 867-879 Wellington Road.

WHEREAS Bates Real Estate Corporation has applied to rezone an area of land located at 867-879 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 867-879 Wellington Road, as shown on the attached map comprising part of Key Map No. A111, from a Highway Service Commercial (HS1/HS4) Zone to a Highway Service Commercial and Associated Shopping Area Commercial (HS1/HS4/ASA1) Zone.

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.

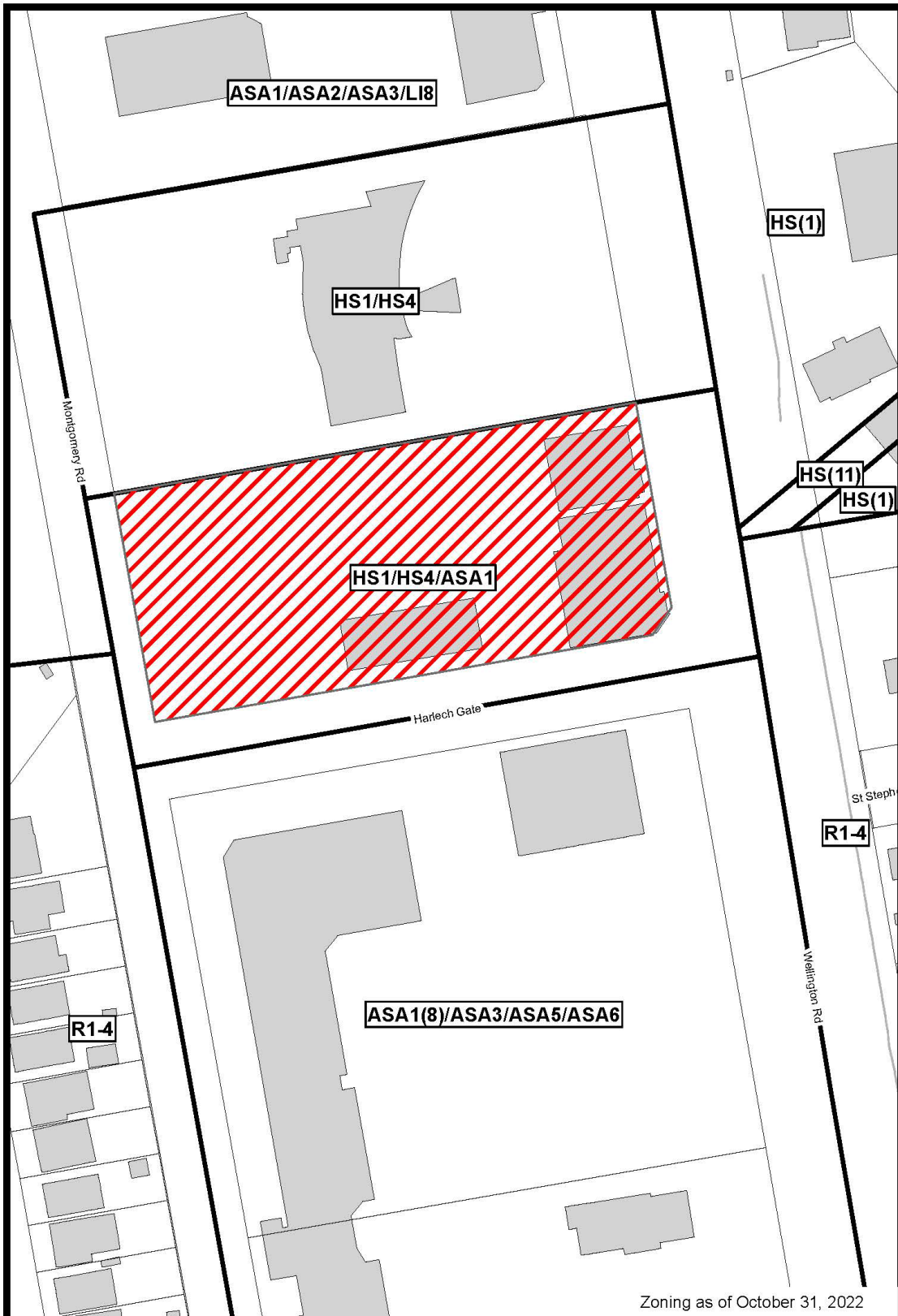
PASSED in Open Council on January 24, 2023.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – January 24, 2023
Second Reading – January 24, 2023
Third Reading – January 24, 2023


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



File Number: Z-9550
Planner: BH
Date Prepared: 2022/11/18
Technician: JI
By-Law No: Z.-1-

SUBJECT SITE 

1:1,200

0 5 10 20 30 40
 Meters



Appendix B – Public Engagement and Agency/Departmental Comments

Community Engagement

Public liaison: On October 13, Notice of Application was sent to property owners and tenants in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on October 14, 2022. A “Planning Application” sign was also posted on the site.

No public replies were received.

Nature of Liaison: The purpose and effect of this zoning change is to permit a retail store. Possible change to Zoning By-law Z.-1 FROM a Highway Service Commercial (HS1/HS4) Zone, TO a Highway Service Commercial and Associated Shopping Area Commercial (HS1/HS4/ASA1) Zone. The City may also consider additional special provisions.

Responses: None.

Agency/Departmental Comments

October 18, 2022: Urban Design

Urban Design has no concerns with the proposal.

October 20, 2022: Water Engineering

No comments.

October 17, 2022: Parks Planning and Design

No comments.

November 1, 2022: Ecology Planning

No comments.

October 20, 2022: Engineering

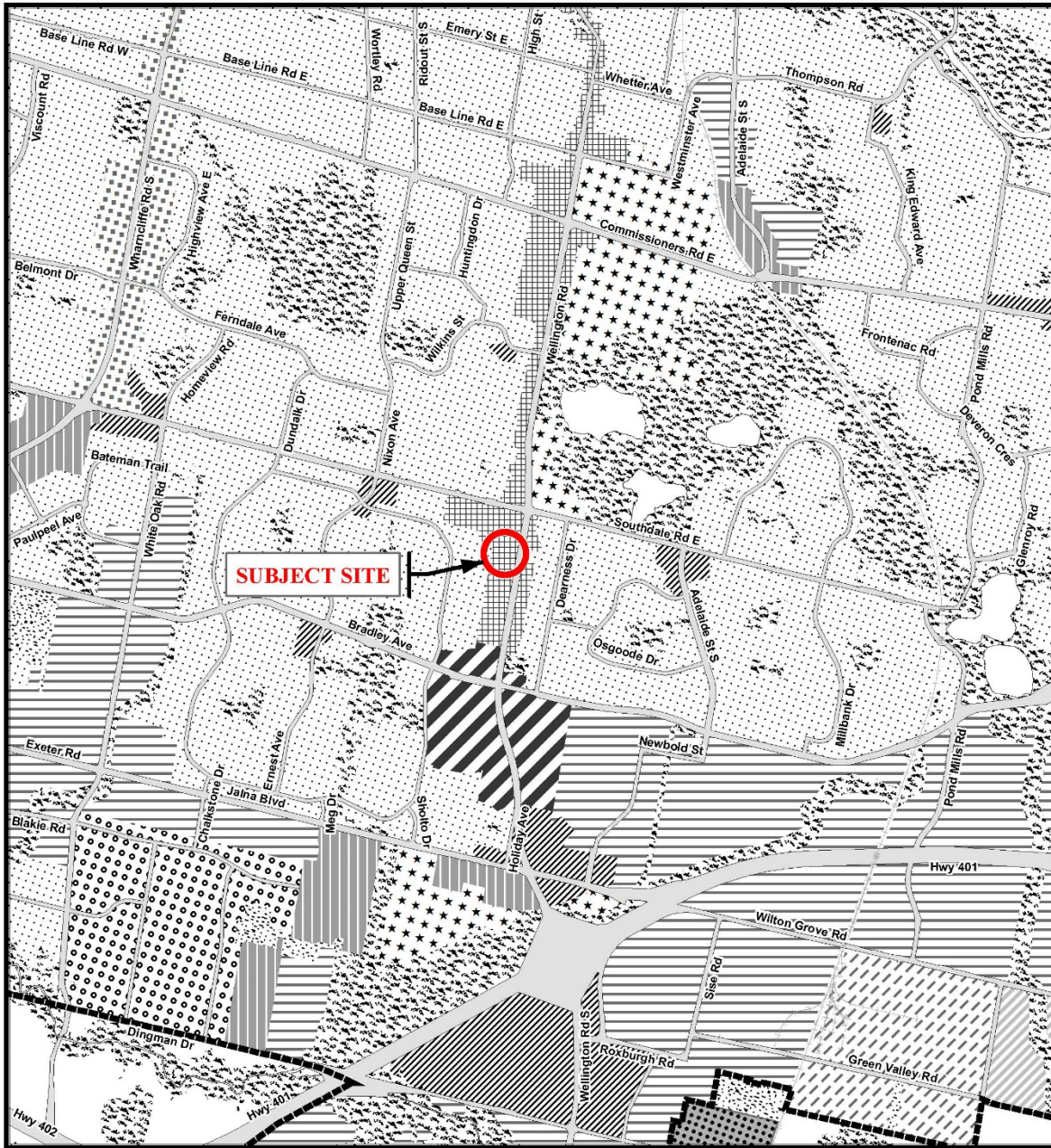
No comments.

October 27, 2022: London Hydro

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.

Appendix C – Relevant Background

The London Plan – Map 1 – Place Types



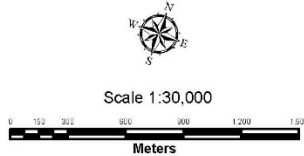
Legend

- | | | |
|------------------------|--------------------------|---|
| Downtown | Future Community Growth | Environmental Review |
| Transit Village | Heavy Industrial | Farmland |
| Shopping Area | Light Industrial | Rural Neighbourhood |
| Rapid Transit Corridor | Future Industrial Growth | Waste Management Resource Recovery Area |
| Urban Corridor | Commercial Industrial | Urban Growth Boundary |
| Main Street | Institutional | |
| Neighbourhood | Green Space | |

This is an excerpt from Planning & Development's working consolidation of Map 1 - Place Types of the London Plan, with added notations.

CITY OF LONDON
Official Plan
LONDON PLAN MAP 1
- PLACE TYPES -

PREPARED BY: Planning & Development



File Number: Z-9550
Planner: BH
Technician: JI
Date: 2022/11/18

Zoning By-law Z.-1 – Zoning Excerpt



Zoning as of April 30, 2021



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: HS1/HS4

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

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



FILE NO:

Z-9550

BH

MAP PREPARED:

2022/11/18

Jl

1:1,500

0 5 10 20 30 40 Meters

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