TO: CHAIR AND MEMBERS - PLANNING COMMITTEE
FROM: R. W. PANZER
GENERAL MANAGER OF PLANNING AND DEVELOPMENT
SUBJECT: APPLICATION BY RJKM HOLDINGS
425 WHARNCLIFFE ROAD SOUTH
PUBLIC PARTICIPATION MEETING ON WEDNESDAY JUNE 14, 2006 @ 4:30PM

RECOMMENDATION

That, on the recommendation of the General Manager of Planning and Development, the following actions be taken with respect to the application of RJKM Holdings relating to the property located at 425 Wharncliffe Road South:

(a) the request to amend the Official Plan to change the designation of the subject property from Highway Service Commercial which allows service commercial uses to a Chapter 10 "Policies for Special Area" to permit auto sales BE REFUSED;

(b) the proposed by-law attached hereto as Appendix "A" BE INTRODUCED at a future meeting of Municipal Council to amend Zoning By-law No. Z-1 (in conformity with the Official Plan as amended in File OZ-7109) to change the zoning of 425 Wharncliffe Road South FROM a Highway Service Commercial (HS2) Zone which permits a range of service commercial uses TO a Highway Service Commercial Special Provision (HS2(____)) Zone to also permit offices, medical/dental offices, clinics, laboratories, retail stores and liquor, beer and wine store; and

(c) that three readings of the recommended Zoning By-law amendment BE WITHHELD until the Official Plan amendment proposed through file OZ-7109 is in effect.

PURPOSE AND EFFECT OF THE RECOMMENDED AMENDMENT

1. To deny a request for a special policy in the Official Plan and associated zoning that would allow for an automotive sales lot in the Highway Service Commercial designation for the subject site.

2. To zone the subject lands to permit a broader range of commercial uses including offices and various retail stores.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

OZ-7109 and Z-7043 (brought forward to Planning Committee for a public meeting on June 14, 2006)

RATIONALE

1. There have been a number of requests in recent years to expand the concentration of automobile sales uses along Wharncliffe Road. Staff has consistently directed these uses to lands further south on Wharncliffe Road south of Commissioners Road.
2. Lands along Wharncliffe Road South were designated Restricted Service Commercial as part of the Longwoods Community Plan. These lands provide a more appropriate location for commercial uses that require outdoor storage and display areas such as the requested automobile sales establishment.

3. The subject site is in a location that would be better suited for offices or other commercial uses. The introduction of a new automotive sales establishment would have a detrimental impact on the area developing for the larger range of retail uses.

4. The recommended zoning amendment will broaden the range of commercial uses permitted on the site and is consistent with an Official Plan amendment for the Highway Service Commercial designation being brought to Planning Committee on June 14th, 2006.

BACKGROUND

The subject lands at 425 Wharncliffe Road were previously zoned Commercial 1 in CP By-law 954-43. In 1993, as part of the area zoning program, the subject lands were zoned Highway Service Commercial under Zoning By-law Z-1. In 2004, the Burger King restaurant which had existed for over 15 years closed and has remained vacant since that time. In 2006, the property was purchased by the current owner and an Official Plan and Zoning By-law amendment application was submitted.

<table>
<thead>
<tr>
<th>Date Application Accepted: March 30, 2006</th>
<th>Agent: Grant McLaney</th>
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</table>

REQUESTED ACTION: Possible change to the Official Plan to add a special Chapter 10 Policy, Policies for Specific Areas, to permit automotive sales and service uses on the subject site.

Possible change to Zoning By-law Z-1 from a Highway Service Commercial (HS2) Zone which permits animal hospitals, restricted automotive uses, convenience service establishments, convenience stores, duplicating shops, financial institutions, personal service establishments, restaurants, video rental establishments, automobile repair garages and taxi establishments to a Highway Service Commercial Special Provision (HS2( )) Zone which would also permit automobile sales and service establishments.

The purpose and effect of the amendment is to permit an automobile sales and service establishment on the subject lands.

SITE CHARACTERISTICS:

- Current Land Use – vacant restaurant
- Frontage - 54.3 metres (178.5 feet)
- Depth - 60 metres (196.8 feet)
- Area - 3269 sq. metres (35,190 sq. feet)
- Shape - rectangular
SURROUNDING LAND USES:
- North - fast food restaurants
- South - automotive repair garage, restaurant financial institution, and veterinary clinic
- East - commercial, automotive repair garage, car lot and offices
- West - industrial, residential and landfill

OFFICIAL PLAN DESIGNATION: (refer to map on page 5)
- Highway Service Commercial - The Highway Service Commercial designation is primarily intended for commercial uses that cater to the commercial needs of the traveling public. Types of service commercial uses that generate significant amounts of traffic and draw patrons from a wide area may also be located within these areas.

EXISTING ZONING: (refer to map on page 6)
- Highway Service Commercial HS2 - permits animal hospitals, automotive uses, restricted, convenience service establishments, convenience stores, duplicating shops, financial institutions, personal service establishments, restaurants, video rental establishments, brewing on premises establishment, automobile repair garages and taxi establishments

PLANNING HISTORY

Based on a number of recent development inquiries and applications along the Wharncliffe Road South commercial corridor, the City of London Planning Division has initiated a policy review of the commercial lands designated Highway Service Commercial on the east and west side of Wharncliffe Road between Baseline Road West and Devonshire Avenue. The review concluded a broader range of office and retail uses should be permitted within the study area. A larger review of the commercial policies and land use designations for the City of London will be undertaken as part of the 2006 Official Plan Review.

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

Environmental and Engineering Services Department:
The Environmental and Engineering Services Department (EESD) offers the following comments with respect to the above application.

- EESD has concerns regarding the number, location and type of access and the need for auxiliary turn lanes to serve the subject site. Therefore, EESD recommends that further development of the site require a site plan approval or similar development application that addresses the concerns in detail.

- The subject lands are located in the Central Thames subwatershed. When the site is developed, stormwater management may be required in accordance with the Central Thames Subwatershed Study. Facilities such as an oil/grit separator may be required for quality control of stormwater flows.

- It is noted that the Euston Road Landfill site is located west of the subject site. These properties are within an area designated as the landfill impact zone. Any proposed development in this impact zone area will require further review and potentially a Record of Site Condition may be required before development can proceed. EESD prefers that the Record of Site Condition, if required, be provided before the zone changes occur.

Therefore we recommend that appropriate holding provisions be applied to the subject lands to address the above transportation, stormwater management and landfill impact zone concerns.
LEGEND

- DOWNTOWN AREA
- REGIONAL SHOPPING AREA
- COMMUNITY SHOPPING AREA
- NEIGHBOURHOOD SHOPPING AREA
- ASSOCIATED SHOPPING AREA COMMERCIAL
- BUSINESS DISTRICT
- ARTERIAL MIXED USE DISTRICT
- HIGHWAY SERVICE COMMERCIAL
- RESTRICTED/HIGHWAY SERVICE COMMERCIAL
- RESTRICTED SERVICE COMMERCIAL
- COMMERCIAL POLICY AREA
- MULTI - FAMILY, HIGH DENSITY RESIDENTIAL
- MULTI - FAMILY, MEDIUM DENSITY RESIDENTIAL
- LOW DENSITY RESIDENTIAL

- OFFICE AREA
- OFFICE/RESIDENTIAL
- OFFICE BUSINESS PARK
- GENERAL INDUSTRIAL
- LIGHT INDUSTRIAL
- REGIONAL FACILITY
- COMMUNITY FACILITY
- OPEN SPACE
- URBAN RESERVE - COMMUNITY GROWTH
- URBAN RESERVE - INDUSTRIAL GROWTH
- RURAL SETTLEMENT
- ENVIRONMENTAL REVIEW
- AGRICULTURE
- URBAN GROWTH BOUNDARY

THIS IS AN EXCERPT FROM THE PLANNING DIVISION'S WORKING CONSOLIDATION OF SCHEDULE A TO THE CITY OF LONDON OFFICIAL PLAN, WITH ADDED NOTATIONS.
COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: HS2

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 APARTS.
- R9 - MEDIUM TO HIGH DENSITY APARTS.
- 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

2) FOR TOWNSHIP ZONES PLEASE SEE THE RELEVANT ZONING BY-LAW FOR A DESCRIPTION OF REGULATIONS

CITY OF LONDON
DEPARTMENT OF PLANNING AND DEVELOPMENT

ZONING BY-LAW NO. Z-1

SCHEDULE A

THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS
These, among other issues may be addressed in greater detail as necessary through future applications such as the site plan approval process.

<table>
<thead>
<tr>
<th>PUBLIC LIAISON:</th>
<th>Notice of application to amend the Official Plan and zoning by-law was sent to 62 surrounding property owners on March 1, 2006. A notice appeared in the “Living in the City” section of the London Free Press on Saturday March 11, 2006. 3 telephone responses were received</th>
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<tbody>
<tr>
<td>Nature of Liaison:</td>
<td>Possible change to the Official Plan to add a special Chapter 10 Policy, Policies for Specific Areas, to permit automotive sales and service uses on the subject site. Possible change to Zoning By-law Z.-1 from a Highway Service Commercial (HSZ) Zone which permits animal hospitals, restricted automotive uses, convenience service establishments, convenience stores, duplicating shops, financial institutions, personal service establishments, restaurants, video rental establishments, automobile repair garages and taxi establishments to a Highway Service Commercial Special Provision (HS2( )) Zone which would also permit automobile sales and service establishments. The purpose and effect of the amendment is to permit an automobile sales and service establishment on the subject lands.</td>
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<tr>
<td>Responses:</td>
<td>All three of the responses objected to the development of a car lot on this location. Issues were expressed about the visual appearance of the proposed use, noise including a public address system, traffic, access, the in appropriate location of the use and that it should be located further south on Wharncliffe Road, the need for another automotive use in the area, lighting, and the use of the site as a restaurant, office or another commercial use.</td>
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**ANALYSIS**

**Existing Situation and Applicant Proposal:**

**Existing Situation**

The subject property is located at 425 Wharncliffe Road South, on the west side of Wharncliffe Road between Euston Road and Centre Street. Currently, the subject property is a 373 sq. metre (4,022 sq. feet) vacant fast food restaurant, formerly the Burger King, which closed in 2004-2005. The property has a total lot area of 3,269 sq. metres (35,190 sq. feet), a lot frontage of 54.3 metres (178 feet) and two accesses onto Wharncliffe Road.

The existing development pattern along the east and west side of Wharncliffe Road is comprised of commercial and service commercial uses that include fast food restaurants, medical/dental offices, automotive repair shops, retail stores, financial institutions, personal service establishments, automotive sales, and a veterinary clinic.

Lands to the west of the site are generally industrial in nature with outdoor storage. These uses have existed for some time and generally enjoyed a legal non-conforming status. The long term intent for this area is to re-develop for Multi-family, High Density Residential. Lands further to the west form part of the former Euston landfill site that has been converted to a passive recreational park. Northwest of the site is an established low density residential neighbourhood.

Wharncliffe Rd. S. is classified as an arterial road and carries an average annual daily traffic volume of 33,000 vehicles. The subject property is served by public transit stops along the frontage of the property which provides convenient public access should the property re-develop for commercial uses.
Applicant Proposal
The applicant is proposing an auto sales showroom and sales lot for the subject property. Vehicle service and repairs are not proposed by the applicant, however the current and proposed zoning amendment would permit such a use. The applicant has indicated they would be maintaining the existing building, in its current location but would be modifying the façade and altering the interior of the building for the proposed use.

To permit such an automotive sales use the applicant has requested an amendment to Chapter 10 “Special Policies for Specific Areas” of the Official Plan and a special provision to the Highway Service Commercial designation. A site plan of the proposed use has not been submitted.

Official Plan Policies:
Currently, the subject lands are designated Highway Service Commercial which are primarily intended for commercial uses that cater to the commercial needs of the traveling public but are not generally intended to accommodate retail uses that would typically locate in the Downtown, Shopping Area, or Commercial District designations. Uses that are considered appropriate in this designation include hotels, motels, automotive services, convenience commercial uses, personal services, commercial recreation establishments, restaurants, assembly halls, drive-in theatres, and other types of commercial uses that offer a service to the traveling public.

The intent of the automotive services is to permit, in some instances, a restricted range of automotive uses including; an automobile service station, gas bar, or a car wash. An automobile sales lot as requested by the applicant is not a permitted use under this policy. As such, an Official Plan amendment application has been submitted to permit automobile sales on the subject property.

Planning Impact Analysis
Section 4.8 of the Official Plan sets out criteria to be reviewed in the expansion and/or addition of the Service Commercial designation and provides direction in determining the appropriateness of land use changes. Four specific areas are addressed; compatibility, size and shape of the parcel(s), the supply of vacant land and/or buildings and potential traffic generation.

Compatibility
The subject site is currently surrounded by highway service type uses including restaurants, and automotive services. An application submitted by The Beer Store requested a broader range of office and retail uses be added to the Highway Service Commercial Zone for the lands at 414 Wharncliffe Road South. The City of London initiated an application to review the appropriateness of these uses on all the lands within the Wharncliffe Road Highway Service Commercial designation. The review determined the uses were appropriate and that the uses would enhance the neighbouring Community Shopping Area and Associated Shopping Area Commercial designation to the south.

During the review, the subject application was submitted and considered concurrently with the review. It is determined that automotive sales lots are not appropriate at this location. The subject property abuts lands to the west that are currently light industrial in nature but have been designated and zoned for high density residential housing (apartment building). There is no intervening land use that may reduce the nuisances of an automobile sales lot such as noise from external speaker systems, exterior lighting, and customer traffic.

Further, automotive sales lots, by their nature, affect the streetscape, its appearance, continuity and function. Office and retail uses are encouraged in this area to support the surrounding commercial designations. The redevelopment of the site for an automotive sales lot would not support the Wharncliffe Road commercial corridor, the Community Shopping Area and/or the Associated Shopping Area to the south.
Size and Shape of Parcel
The subject site has a lot area of 3269 sq. metres and a lot frontage of 54.3 metres which is sufficient to support a small scale automotive sales lot with adequate landscaping and off-street parking. Similarly, the site could support a variety of other office and retail uses which may be more appropriate at this location and would not have as much of an effect on the future development of high density lands to the west and south of the site.

Supply of Vacant Land
The majority of the Wharncliffe Road corridor from Horton Street to Commissioners Road has been developed and maintains a low vacancy rate. A few automotive sales and service establishments are located within the area; however, only one has been zoned for this use, Dalmar Motors. The balance of these uses are considered legal non-conforming. The Official Plan has not contemplated automotive sales lots in this area of Wharncliffe Road but has rather directed them to lands further to the south. These lands are located south of Southdale Road, adjacent to the former Home Depot site, and have been designated Restricted Service Commercial which permits the requested automobile sales use. These lands provide a more appropriate location for the requested use.

Potential Traffic Generation
Wharncliffe Road is classified as an arterial road that has an ultimate travel capacity for the roadway is 36,000 vehicles per day; the current rate is 33,000 vehicles per day. The EESD has expressed concerns with the number, location and type of access and the need for auxiliary turn lanes to serve the subject site. Therefore, EESD recommends that further development of the site requires site plan approval or a similar development application that will address these concerns in detail. It should be recognized the these comments would also relate to a variety of other intensive commercial uses currently permitted for the site.

Zoning By-Law Regulations:
The subject site is zoned Highway Service Commercial (HS2) which permits animal hospitals, restricted automotive uses, convenience service establishments, convenience stores, duplicating shops, financial institutions, personal service establishments, restaurants, video rental establishments, brewing on premises establishment, automobile repair garages and taxi establishments with a minimum lot frontage of 30 metres and a maximum lot coverage of 30 percent.

Lands to the west are zoned Residential R9 which permit for apartment uses at a height of 22 metres and a density ranging from 75 units per hectare to 150 units per hectare. One parcel, 58 Paddington Avenue, has a compound zone which includes a Residential R9 Zone and a Restricted Service Commercial RSC6 Zone which permits automotive sales and service with an automobile body shop. This zone was applied to the site to recognize an existing automotive body shop use when Zoning By-law Z-1 came into effect in 1993.

Is the Official Plan Amendment and the Zoning By-law Amendment Appropriate?
No, the requested amendments are not appropriate at this location. The lands have been designated for Highway Service Commercial and have historically developed with service commercial uses. Lands immediately to the west are designated and zoned for high density residential. While a small number of automobile sales lots exist along the Wharncliffe Road commercial corridor only one existing site, 475 Wharncliffe Road, has been zoned to permit the use and the other automobile sales lots exist either as legal non-conforming uses or illegal uses.

The Official Plan has not contemplated automotive sales lots in this area of Wharncliffe Road but has rather directed them to lands further south. Lands south of Southdale Road and adjacent to the former Home Depot site have been designated Restricted Service Commercial which permits the requested automobile sales use. These lands provide a more appropriate location for the requested use.

However, as a result of a recent commercial review for this area, it has been determined that an expansion to the permitted range of uses for this site is warranted. Specifically, liquor, beer and wine stores, retail stores, offices, medical/dental offices, clinics and medical laboratory uses are
seen as complimentary uses to the neighbouring Community Shopping Area and Associated Shopping Area. Staff are recommending that a special provision zone that would include these uses in addition to the current range of permitted uses be applied to the subject site.

The EESD has requested a holding provision to address transportation, stormwater management and landfill impact zone issues that would typically be considered during the site plan review stage. Staff are not recommending the requested zone, as submitted by the applicant, but are recommending a special provision zone that would expand the range of uses to include more office and retail type uses. This same base zone applied to 425 Wharncliffe Road and did not include a holding provision. Recognizing that the changes in permitted uses is minor in nature staff are not recommending the holding provision be applied to the subject lands.

CONCLUSION

An automobile sales lot as requested by the applicant is not considered to be compatible with the adjacent residential lands to the west of the subject property. Impacts from an automobile sales lot include noise from outside speaker systems, lighting required for security purposes, and customer vehicle noise. The City is considerably limited in its ability to minimize these potential impacts through the site plan approval process. Further automotive sales lots, by their nature, visually affect the streetscape and its continuity.

As a result of a recent review for this area, it was determined that liquor, beer and wine stores, retail stores, offices, medical/dental offices, clinics and medical laboratory uses are appropriate at this location. Staff are recommending an amendment to permit these uses.

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<tr>
<th>PREPARED BY:</th>
<th>SUBMITTED BY:</th>
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<tbody>
<tr>
<td>B. PAGE</td>
<td>J.M. FLEMING</td>
</tr>
<tr>
<td>PLANNER II - IMPLEMENTATION</td>
<td>MANAGER - IMPLEMENTATION</td>
</tr>
</tbody>
</table>

RECOMMENDED BY:

R. W. PANZER
GENERAL MANAGER OF PLANNING AND DEVELOPMENT

June 6, 2006
BP/bp
Attach
## Responses to Public Liaison Letter and Publication in “Living in the City”

<table>
<thead>
<tr>
<th>Telephone</th>
<th>Written</th>
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<tbody>
<tr>
<td>Jenna Mangano – Highway Ave</td>
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<tr>
<td>Ms. Robinson</td>
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<tr>
<td>Catherine Greene</td>
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</table>
By-law No. Z.-1-06

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 425 Wharncliffe Road South

WHEREAS The RJKM Holdings has applied to rezone an area of land located at 425 Wharncliffe Road South, as shown on the map attached to this by-law, as set out below;

AND WHEREAS upon approval of Official Plan Amendment Number this rezoning will conform 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 425 Wharncliffe Road South, as shown on the attached map comprising part of Key Map No. 114, from a Highway Service Commercial (HSZ) Zone to a Highway Service Commercial Special Provision (HSZQ) Zone.

1) Section 27, Highway Service Commercial (HS) Zone, to By-law Z.-1 is amended by adding the following Special Provisions:

Section No. 27.4 ) HS2 ()

a) Additional Permitted Uses
   i) offices,
   ii) medical/dental offices,
   iii) clinics,
   iv) laboratory,
   v) retail stores and
   vi) liquor, beer and wine stores.

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. P.13, either upon the date of the passage of this by-law or as otherwise provided by the said Section.

PASSED in Open Council on,

Anne Marie DeCicco
Mayor

First Reading - Kevin Bain
Second Reading - City Clerk
Third Reading -