That, on the recommendation of the General Manager of Planning and Development, based on the application of The City of London relating to the property located at 1350 Wharncliffe Road South, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on April 14, 2008 to amend Zoning By-law No. Z.-1 in conformity with the Official Plan to change the zoning of the subject lands **FROM** an Urban Reserve (UR6) Zone which permits uses that legally existed at the time of passage of the Zoning By-law in addition to a limited range of recreation uses **TO** a Holding Urban Reserve Special Provision (h-17-h-42.UR6( )) Zone to permit a limited amount of Business Office uses, a Private School, an Antique Store, a Restaurant associated with an Antique Store, a Self-storage Establishment, a custom workshop, and a Garden Store within the legally existing buildings subject to holding provisions for municipal servicing and a hydrogeological evaluation.

**IT BEING NOTED** that the proposed Zoning By-law amendment is intended to be applied only to the portion of the subject site that is south of the future Bradley Avenue extension. The proposed Zoning By-law is not intended to be applied to the portion of the subject site that has been identified for the future extension of Bradley Avenue and any remnant portion of the subject site to the north of the future extension of Bradley Avenue.

**PREVIOUS REPORTS PERTINENT TO THIS MATTER**

August 30, 1999 Report to Planning Committee – 1350 Wharncliffe Road S (John and Danielle Arroyas). This report was before Planning Committee with a recommendation to introduce an Official Plan amendment for a site specific policy to permit a range of commercial uses and a corresponding Zoning By-law amendment to permit the same range of uses.

**PURPOSE AND EFFECT OF RECOMMENDED ACTION**

The proposed amendment is to restore a limited range of commercial uses that were deleted as a result of the Annexed Area Zoning By-law Z.-051390 in 2005.

**RATIONALE**

1. The recommended Zoning By-law amendment is consistent with an existing policy relating to the subject lands in Chapter 10 of the Official Plan – Policies for Specific Areas.

2. The recommended Zoning By-law amendment recognizes the uses that currently exist on the subject site.

3. The recommended Zoning By-law amendment restores the uses that were deleted as a result of the Annexed Area Zoning By-law amendment.
November 9, 1992, prior to annexation, Council for the Town of Westminster approved a Zoning By-law amendment for the subject site by adding the following uses:
- a Montessori school;
- an Antique shop; and,
- a Wood working shop.

September 7, 1999, Council approved an amendment to Chapter 10 – Policies for Specific Areas – of the Official Plan to permit the following additional uses within legally existing buildings:
- an antique shop;
- a restaurant associated with the antique shop;
- a woodworking shop;
- a self storage building;
- a private school;
- general offices; and,
- the sale of seasonal nursery and garden stock.

September 7, 1999, Council approved a Zoning By-law amendment to delete “Montessori school” from the list of permitted uses and added the following additional uses:
- general office;
- a private school;
- a restaurant associated with an antique shop;
- a self storage building; and,
- the sale of seasonal nursery and garden stock.

June 27, 2005, Council approved the Annexed Area Zoning By-law Amendment (Z.-I-051390) which inadvertently zoned the subject site Urban Reserve (UR6).

- The UR6 Zone replaced the existing uses with a limited range of recreation uses and any legally existing use.
- Policy 10.1.3.lxx) of the Official Plan was not amended and continues to list the specific range of uses for the subject site as established by Official Plan amendment in 1999.
- December 20, 2007, the property owner brought the matter to the attention of Planning Staff.
- February 2008, the City of London initiated a Zoning By-law amendment to reinstate the uses that were permitted prior to the Annexed Area Zoning By-law Amendment.
Date Application Accepted: 06 February 2008 | Agent: 

**REQUESTED ACTION:** Possible amendment to the Zoning By-law Z-1 FROM an Urban Reserve (UR6) Zone which permits uses that legally existed at the time of passage of the Zoning By-law in addition to a limited range of recreation uses TO a holding Urban Reserve Special Provision (h-17·h-42·UR8( )) Zone to permit a limited amount of Business Office uses, a Private School, an Antique Store, a Restaurant associated with an Antique Store, a Self-storage Establishment, a custom workshop, and a Garden Store subject to holding provisions for municipal servicing and hydrogeological evaluation.

**SITE CHARACTERISTICS:**
- **Current Land Use** – Residential, Antique store, Self-storage establishment
- **Frontage** – Approximately 121.92 metres (400.00 feet)
- **Depth** – Approximately 331.93 metres (1089.00 feet)
- **Area** – 40,468.56 square metres (10 acres)
- **Shape** – Irregular

**SURROUNDING LAND USES:**
- **North** – Vacant lands reserved for future residential development.
- **South** – Vacant lands reserved for future industrial development.
- **East** – Vacant lands reserved for future industrial development.
- **West** – Vacant lands reserved for future industrial development.

**OFFICIAL PLAN DESIGNATION:** (refer to maps on page 5 & 6)
- Urban Reserve-Industrial Growth
- Bradley Avenue Extension on Schedule "C"

**EXISTING ZONING:** (refer to map on page 7)
- UR6
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.
LEGEND

ROAD CLASSIFICATION

EXPRESSWAY
FREEWAYS
ARTERIAL
PRIMARY COLLECTOR
SECONDARY COLLECTOR

PROPOSED ROAD CORRIDOR

PROPOSED EXPRESSWAY
PROPOSED FREEWAYS
PROPOSED ARTERIAL
PROPOSED PRIMARY COLLECTOR
PROPOSED SECONDARY COLLECTOR

PROPOSED INTERCHANGE

DEFERRED AREAS

THIS IS AN EXCERPT FROM THE PLANNING DIVISION'S WORKING CONSOLIDATION OF SCHEDULE C TO THE CITY OF LONDON OFFICIAL PLAN, WITH ADDED NOTATIONS

CITY OF LONDON
DEPARTMENT OF PLANNING AND DEVELOPMENT

OFFICIAL PLAN
SCHEDULE C - TRANSPORTATION CORRIDORS

FILE NO.
Z-7498

MAP PREPARED:
March 10, 2008

SCALE 1:30,000
COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: UR6

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
- NSA - Neighbourhood Shopping Area
- BDC - Business District Commercial
- AC - Arterial Commercial
- HS - Highway Service Commercial
- RSC - Restricted Service Commercial
- CC - Convenience Commercial
- AS - Automobile Service Station
- ASA - Associated Shopping Area Commercial

2) ANNEXED AREA APPEALED AREAS

- OR - Office/Residential
- CC - 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
- ASC - Agricultural Commercial
- RRD - Rural Settlement Commercial
- TGS - Temporary Garden Suite

- "H" - Holding Symbol
- "D" - Density Symbol
- "H" - Height Symbol
- "B" - Bonus Symbol
- "T" - Temporary Use Symbol

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

FILE NO: Z-7498
MAP PREPARED: 2008/03/10
CK

1:6500
0 100 Meters
PLANNING HISTORY

See "Background" section of this report.

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

London Hydro
No objection.

Upper Thames River Conservation Authority (UTRCA)
No objection.

Transportation Advisory Committee (TAC)
The TAC commented that it would be in the City's interest, and if the opportunity arises, to acquire the portion of the arterial road corridor on Bradley Street that runs through the above-noted property.

Environmental and Engineering Services Department (EESD)

TRANSPORTATION
- As shown on the location map attached to the Notice of Application, the Bradley Avenue extension will traverse the north east corner of this property. This alignment was identified in the approved Environmental Assessment for the Bradley Avenue extension. It is therefore recommended that provisions be included in the zoning that preclude development of any kind be permitted on the future right-of-way alignment. It is noted these lands could be protected from development if left as urban reserve.

SANITARY
- Presently there are no municipal sanitary services available to service the subject site, and will not be for some time. It is recommended holding provision h-17 be placed on the subject lands to ensure the orderly development of lands and the adequate provision of municipal services. The h-17 shall not be deleted until full municipal sanitary sewer services are available to service this site and are connected to.
- It is also necessary to apply a holding provision h-42, relating to the need for a hydrogeological evaluation to be carried out with respect to the on site private sanitary treatment system, should flows generated on the site warrant this. Under the City of London Official Plan Section 17.2.5 iv) it indicates that development applications proposing the use of individual wastewater treatment systems for effluent in quantities greater than 4,500 litres per day must be supported by a hydrogeological study that demonstrates such system can operate satisfactorily on the site. MOE procedure D-5-4 (http://www.ene.gov.on.ca/envision/np/d5-4.htm#3) outlines the groundwater analysis for proposed developments of this nature.
- With respect to construction of a private facility, this would be regulated by the Ontario Building Code for flows less than 10,000 litres per day, and for flows over 10,000 litres/day the Ontario Water Resources Act and Environmental Protection Act would apply.
- Ultimately, this area is tributary to the future Southside Pollution Control Plant.

WATER
- Water is available from the existing 400mm watermain on Wharncliffe Road South.
STORMWATER & DRAINAGE

- Presently, the majority of the site does not have a municipal storm outlet. The North-East corner of the site is tributary to White Oak Stormwater Management Facility #2.

- The subject lands are located in the Dingman Creek subwatershed. When the site is developed, the Owner shall comply with the stormwater management targets and criteria identified in the Dingman Creek Subwatershed Planning Study, which may include, but not be limited to quantity control and quality control of storm flows, erosion control, stream morphology, etc.

EESD recommends that appropriate holding provisions be applied to the subject lands. The holding provisions may be removed once all concerns have been addressed. The servicing concerns may be addressed through future development processes such as consent to sever, site plan and subdivision approvals.

PUBLIC LIAISON:

On February 13, 2008, Notice of Application was sent to 4 property owners in the surrounding area. Notice of Application was also published in the "Living in the City" section of the London Free Press on Saturday, February 16, 2008. On March 22, 2008, Notice of Public Meeting was sent to 4 property owners in the surrounding area. Notice of Public Meeting was published in the "Living in the City" section of the London Free Press on March 20, 2008.

Nature of Liaison: Possible amendment to the Zoning By-law Z.-1 FROM an Urban Reserve (UR6) Zone which permits that uses that legally existed at the time of passage of the Zoning By-law in addition to a limited range of recreation uses TO an Urban Reserve Special Provision (UR6( )) Zone to permit a limited amount of Business Office uses, a Private School, an Antique Store, a Restaurant associated with an Antique Store, a Self-storage Establishment, a custom workshop, and a Garden Store.

Responses: 0 Responses

ANALYSIS

- Council for the City of London has previously resolved in 1999 that the proposed uses are appropriate for the subject site.

- In 2005, the Annexed Area Zoning By-law inadvertently deleted the range of permitted uses.

- Chapter 10 – Policies for Specific Areas – of the Official Plan continues to recognize the proposed uses as permitted uses for the subject site.

- This amendment is intended to bring Zoning By-law Z.-1 in conformity with the Official Plan.

- The proposed Zoning By-law amendment is intended to be applied to the portion of the subject site south of the future Bradley Avenue extension. The proposed Zoning By-law is not intended to be applied to the portion of the subject site that has been identified for the future extension of Bradley Avenue and any remnant portion of the subject site to the north of the future extension of Bradley Avenue.

- The future extension of Bradley Avenue will not be impacted by the proposed Zoning By-law amendment given that the proposed uses are limited to the existing buildings.
By ensuring that the range of commercial uses are limited to existing building, the proposed zone continues to recognize the intent of the Urban Reserve to protect large tracts of land from premature development in order to provide for future comprehensive development on the subject site.

CONCLUSION

- The proposed Zoning By-law amendment is consistent with the existing policy relating to these lands within Chapter 10 of the Official Plan – Policies for Specific Areas.
- It is intended that this amendment will reinstate the uses that were inadvertently deleted as a result of the Annexed Area Zoning By-law.
- The requirement which limits the proposed uses to existing buildings is in keeping with the intent not to prejudice the future intended use of these lands for industrial uses.
- The future Bradley Avenue extension will not be compromised by the proposed Zoning By-law amendment.

PREPARED BY:  
M. Tomazincic  
PLANNER II

SUBMITTED BY:  
John Fleming, MCIP, RPP  
MANAGER – LAND USE PLANNING, IMPLEMENTATION

RECOMMENDED BY:  
R. W. Panzer, MCIP, RPP  
GENERAL MANAGER OF PLANNING AND DEVELOPMENT

March 27, 2008
MT/mt
Y:/shared/IMPLEMENT/DEVELOPMENT APPS/2008 Applications/7498Z – 7498Z – 1350 Wharncliffe Road S (Draft 2)
WHEREAS the City of London has applied to rezone an area of land located at 1350 Wharncliffe 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:

Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to a portion of the lands located at 1350 Wharncliffe Road South, as shown on the attached map comprising part of Key Map No. 143, from an Urban Reserve (UR6) Zone to a holding Urban Reserve Special Provision (h-17-h-42:UR6( )) Zone.

1) Section Number 49 of the Urban Reserve Zone to By-law No. Z.-1 is amended by adding the following Special Provision:

49.3 UR6( )

a) Additional Permitted Uses:
   i) Office, business;
   ii) Private school;
   iii) Antique store;
   iv) Restaurant in association with an Antique Store;
   v) Self-storage establishment;
   vi) Custom workshop;
   vii) Garden store.

b) Regulations for additional permitted uses:
   i) Notwithstanding other regulations to the contrary, the maximum building floor areas, building heights and building locations, shall be as existing on the date of this by-law;
   ii) Restricted to existing buildings;
   iii) Total Gross Floor Area - Restaurant
       (150 square metres)
       (1,614 square feet)(Maximum)
   iv) Total Gross Floor Area - Office, business
       (300 square metres)
       (3,229 square feet)(Maximum)

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 April 14, 2008.
Anne Marie DeCicco-Best
Mayor

Kevin Bain
City Clerk

First Reading – April 14, 2008
Second Reading – April 14, 2008
Third Reading – April 14, 2008
AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z-1)

File Number: Z-7498
Planner: MT
Date Prepared: 2007/03/17
Technician: CK
By-Law No: Z-1

SUBJECT SITE

SCALE 1:6500

ANNEXED AREA APPEALED AREAS

Zoning as of 2007/10/22
Bibliography of Information and Material – Z-7498

Request for Approval
City of London Official Plan and/or Zoning Refinement Request Form, completed by Michael Tomazincic.

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


Previous Reports/Resolutions Pertinent to this Matter
City of London. Report to Planning Committee, Weldwood Farms, August 30, 1999


Correspondence: (located in City of London File No. Z-7498 unless otherwise stated)

City of London
Tomazincic M., City of London Planning Division. E-mail to J. Arroyas. 16 January 2008

Tomazincic M., City of London Planning Division. E-mail to F. Boniferro. 20 February 2008

Tomazincic M., City of London Planning Division. E-mail to F. Boniferro. 20 February 2008

Lupton P., Wastewater and Drainage Engineering Division. E-mail to M. Tomazincic. 19 February 2008

Lupton P., Wastewater and Drainage Engineering Division. E-mail to M. Tomazincic. 06 March 2008

Weldwood Farms
Arroyas J., Weldwood Farms. Facsimile to M. Tomazincic. 20 December 2007

Arroyas J., Weldwood Farms. Facsimile to M. Tomazincic. 11 January 2008

Siskinds
Boniferro F., Siskinds LLP. E-mail to M. Tomazincic. 20 February 2008

Boniferro F., Siskinds LLP. E-mail to M. Tomazincic. 20 February 2008

Agency Review and Public Responses: (located in City of London File No. Z-7498 unless otherwise stated)

London Hydro

UTRCA
Creighton C., UTRCA. Notice of Application. 22 February 2008

Transportation Advisory Committee
Mercier B., Transportation Advisory Committee. E-mail 10 March 2008

Environmental and Engineering Services Division (EESD)
Burgess L., Development Services Division. Letter 13 March 2008

Public Responses
Telephone

Facsimile

E-mail

Letter