

Planning Justification Report

15370070 Canada Inc.
1544 Dundas Street
City of London



August 15, 2023



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1.0 INTRODUCTION

Zelinka Priamo Ltd., on behalf of 15370070 Canada Inc., has submitted a Zoning By-law Amendment application to the City of London relating to the lands known municipally as 1544 Dundas Street (the “subject lands”) to expand the range of permitted uses on the lands.

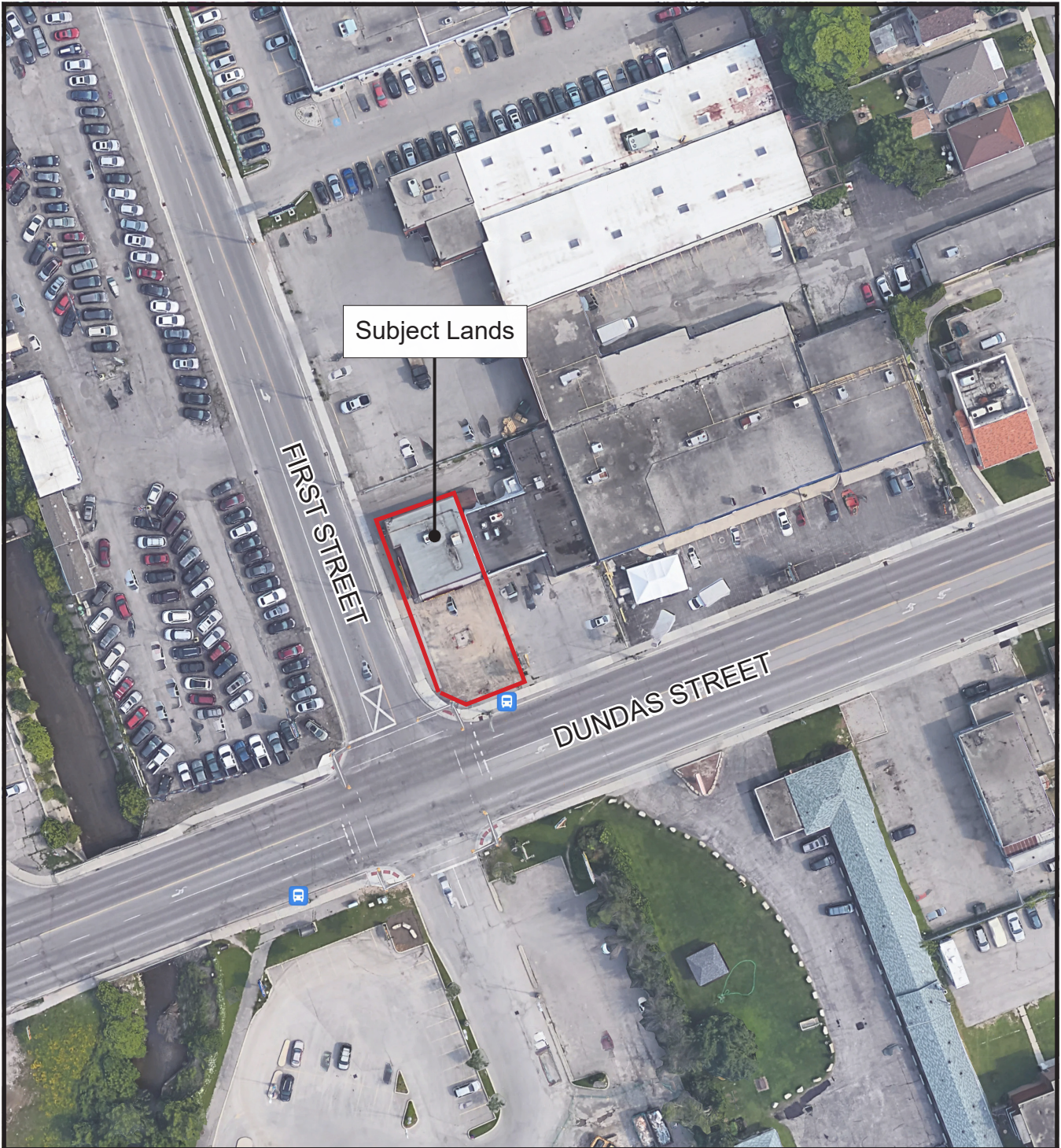
The purpose of this Planning Justification Report is to evaluate the proposed Zoning By-law Amendment within the context of existing land use policies and regulations, including the 2020 Provincial Policy Statement, The London Plan (the 2016 City of London Official Plan), and the City of London Zoning By-law Z.-1.

2.0 SUBJECT LANDS

The subject lands consist of an irregular parcel of land, known legally as Pt Lot 7, Concession 1 in the City of London. The subject lands are located on the north east corner of Dundas Street and First Street, approximately 116m west of Spruce Street (Figure 1). The subject lands have an area of approximately 521 sq.m. (5,616 sq. ft.); a frontage of approximately 10.7m (35ft); and, a depth of approximately 35.7m (117.1m²). The subject lands abut commercial uses to the north and east; Dundas Street and the entrance to Kiwanis Park to the south; and, First Street to the west. A wide range of land uses surround the subject lands including low density residential, auto-oriented commercial, community facilities, and open space.

The subject lands are occupied by a one (1) storey commercial building, which is currently vacant. Vehicular access to the lands is provided in the form of a single, full-turns driveway off of First Street. Parking on the subject lands is provided though 9 surface parking spaces. Several public transit stops are located near the subject lands, providing connections throughout the city. Pedestrian sidewalks are located on both sides of Dundas Street.

According to the City of London Official Plan, the subject lands are within the “*Urban Corridor*” Place Type Designation as shown on ‘Map One – Place Types’, and, have frontage along a “*Civic Boulevard*” street classification as identified on ‘Map Three – Street Classifications’



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FIGURE 1 - LOCATION
image retrieved from Google Earth, 2018

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Image 1 – The subject lands looking north from Dundas Street



Image 2 – Commercial uses present beside the subject lands, looking northwest from Dundas Street.



3.0 SURROUNDING LAND USE CONTEXT

The existing streetscapes within the immediate vicinity of the subject lands consist primarily of an auto-oriented commercial setting with some low-rise residential dwellings.

This portion of the Dundas Street right-of-way prioritizes the movement of the automobile. The vehicular portion of the right-of-way consists of two westbound lanes and two eastbound lanes, with turning lanes where necessary. There is no cycling infrastructure. Pedestrian sidewalks are provided on both sides of the right-of-way, and a signalized intersection at Dundas Street and First Street provides for safe pedestrian movement.

The subject lands are generally surrounded by auto-oriented commercial uses, and some residential uses. The land uses within a 400m and 800m radii of the subject lands, representing an approximate 5-minute and 10-minute walking distance, respectively, are shown in Figure 2.

The existing land uses within a 400m, 5-minute walk radius of the subject lands are as follows:

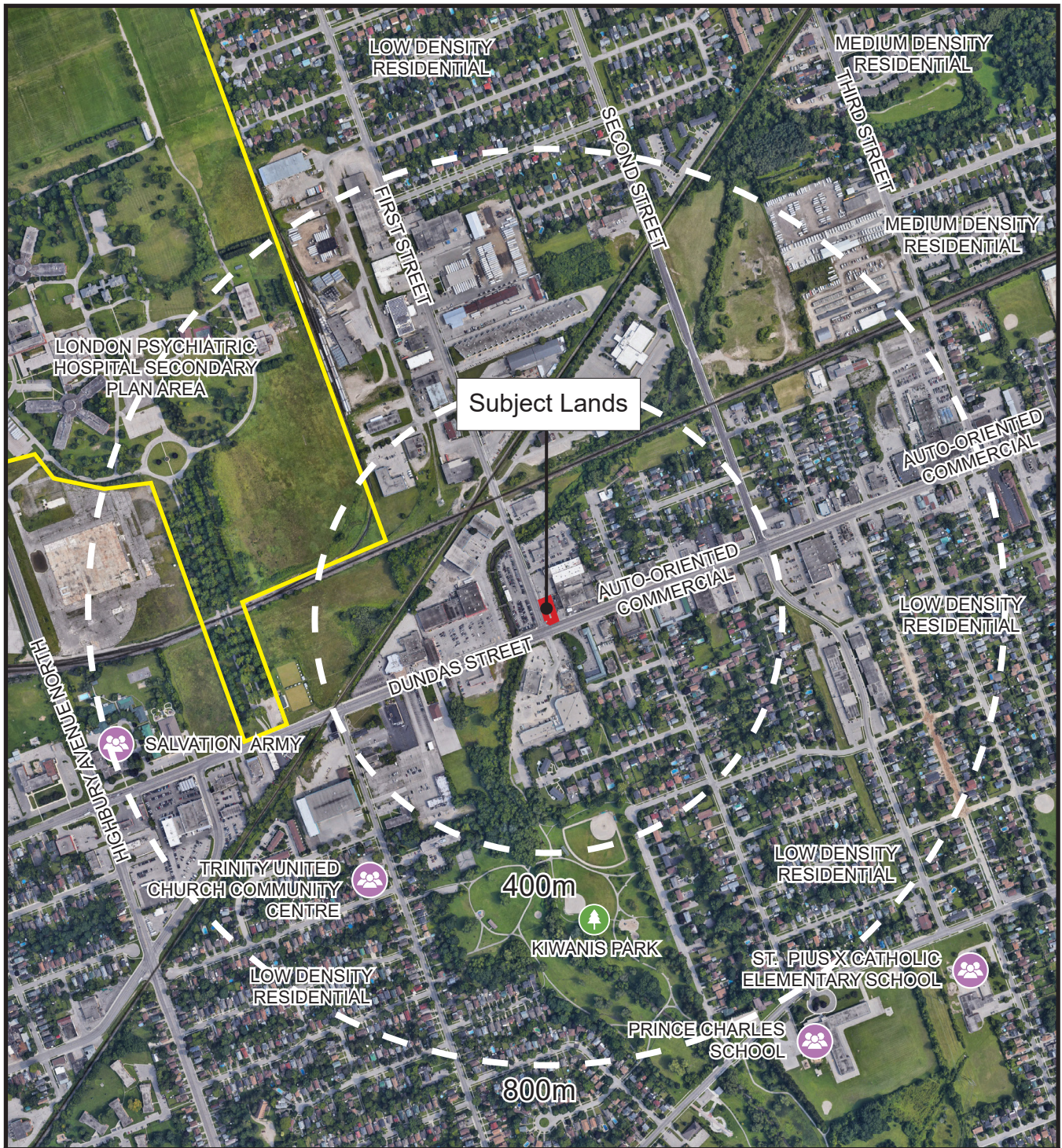
North: Land uses north of the subject lands consist of auto-oriented commercial uses (i.e., car dealerships) and their associated surface parking areas.

East: Abutting the subject lands to the east are more single-storey commercial uses (pharmacy, electronics store, barber shop, etc.) and their associated surface parking areas.

South: The subject lands abut commercial uses to the south, across Dundas Street, and the principal entrance to Kiwanis Park.

West: Land uses to the west of the subject lands, across First Street, consist of auto-oriented commercial uses (primarily car dealerships), and their associated surface parking areas.

Lands within an 800m, 10-minute walk radius consist primarily of a range of auto-oriented commercial with some residential uses, motels, and restaurants. Notably, the primary entrance to Kiwanis Park is located directly to the south of Dundas Street, beside Pottersburg Creek, approximately 50m to the southwest of the subject lands.



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FIGURE 2 - SURROUNDING CONTEXT

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Image 2 – Low-density residential uses nearby the subject lands to the East.



Image 1 – Other commercial uses present across Dundas Street from the subject lands (Value Village and Parkway Motel pictured below).



4.0 PROPOSED DEVELOPMENT

The subject lands are not proposed to be redeveloped at this time. The purpose of the Zoning By-law Amendment application is to expand upon the range of permitted uses on the subject lands to permit a “*Restaurant, Take Out*” use, in addition to the range of other permitted uses listed under the “*Associated Shopping Area 1 (ASA1) Zone*”.

The owner of the subject lands wants to establish a pizza restaurant wherein patrons would order and pick-up pizza on the premises, but consumption on the premises would not be permitted. As such, the owner is proposing to add a “*Restaurant, Take-Out*” use as an additional permitted use to the existing one (1) storey commercial building.

A conceptual site plan illustrating the existing conditions is provided on the next page in Figure 3.

Vehicular access will be maintained through unrestricted, full-turn vehicular access provided by a single driveway from First Street. Since there are no physical changes, a total of 9 parking spaces will continue to remain on the subject lands.

5.0 PROPOSED ZONING BY-LAW AMENDMENT

Since the lands are currently zoned “*Associated Shopping Area Commercial 4 (ASA4) Zone*”, to expand the range of permitted uses on the subject lands, a Zoning By-law Amendment will be required. The subject lands are proposed to be rezoned to a site-specific, special regulation “*Associated Shopping Area 1 (ASA1(_)) Zone*” with an additional special provision to bring the existing parking area into conformity with the Zoning By-law.

Due to the limited range of permitted uses under the “*Associated Shopping Area Commercial 4 (ASA4) Zone*”, it is recommended the subject lands be rezoned to a less restrictive zone so as to forgo the need for a new Zoning By-law Amendment application in the future, should the owner choose to establish a new use identified under the ASA1 zone.

6.0 PLANNING ANALYSIS

The following sections of this report provide analysis on the proposed Zoning By-law Amendment application with respect to applicable policy and regulatory documents.

6.1 Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS), issued under the authority of Section 3 of the Planning Act, “*provides policy direction on matters of provincial interest related to land use planning*” in order to ensure efficient, cost-effective development and the protection of resources. All planning applications, including Zoning By-law Amendment applications, are required to be consistent with these policies. The proposed Zoning By-law Amendment is consistent with the PPS for the following reasons:

- The proposed amendment promotes efficient development expanding the range of permitted uses, providing an opportunity for intensification on underutilized lands within a settlement area, being within the built-up area of the City of London (1.1.1a, 1.1.3.1, 1.1.3.2a);
- There is sufficient existing infrastructure capacity to service the subject lands through full municipal services, avoiding the need for unjustified and uneconomical expansion (1.1.3.2b, 1.6.6.2);



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FIGURE 3 - BASE PLAN

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- The subject lands are serviced by pedestrian sidewalks via the Wonderland Road South right-of-way, supporting the use of active transportation; and, are situated along an existing transit route, supporting existing transit opportunities (1.1.3.2f);
- The existing zoning on the subject lands provides for appropriate regulations, including lot requirements, building setbacks, lot coverage, and parking that are established as appropriate for the subject lands. There are no anticipated risks to public health and safety from the proposed application (1.1.3.4); and,
- The proposed Zoning By-law Amendment provides an opportunity to establish a broader mix of uses on the subject lands to meet long-term employment needs (1.3.1a).

Given the above, the proposed Zoning By-law Amendment application conforms to the 2020 Provincial Policy Statement.

6.2 The London Plan (City of London Official Plan, 2016)

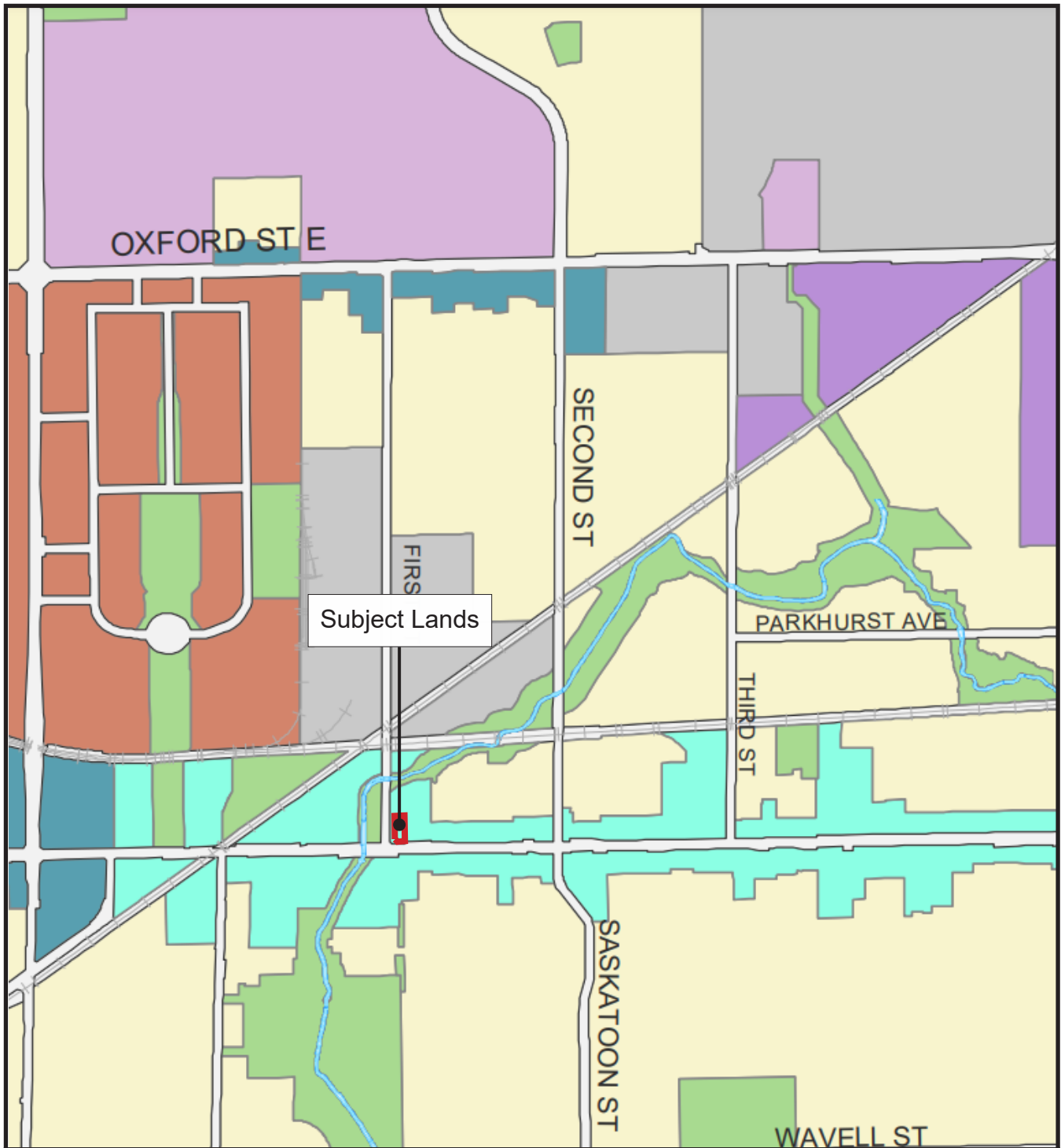
The London Plan is the policy framework for all planning in London. It emphasizes growing inward and upward to reduce the costs of growth, creating walkable communities, revitalizing urban neighbourhoods and business areas, protecting farmlands, and reducing greenhouse gases and energy consumption.

The subject lands are identified as being within the “*Urban Corridor*” Place Type (Figure 4, next page) along an “*Urban Thoroughfare*” Street Classification in The London Plan.

Section 826_ states that the “*Urban Corridor*” Place Type will constitute a form of development similar to that of Rapid Transit Corridors (being vibrant, mid-rise mixed-use communities), but at a slightly lower intensity. The “*Urban Corridor*” Place Type constitutes an important part of London’s communities, providing opportunities for a range of residential, retail, service, office, cultural, recreational and institutional uses within an easy walking distance to the proposed rapid transit system.

- The proposed Zoning By-law Amendment requests an expanded range of uses, allowing for efficient and flexible use of the subject lands, and takes advantage of existing servicing, for a small-scale commercial use (826_); and,
- The proposed primary use of the subject lands, being a “*Restaurant, Take-Out*” represents a form of development that compliments the “*Urban Corridor*” Place Type, and supports the proposed rapid transit system, giving transit users choice in retail opportunities along a rapid transit system (830_4).

Given the above, the proposed Zoning By-law Amendment is consistent with the planned function of the *Shopping Area* Place Type.



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FIGURE 4 - PLACE TYPES

image retrieved from The London Plan, Map 1

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6.3 City of London Zoning By-law Z.-1

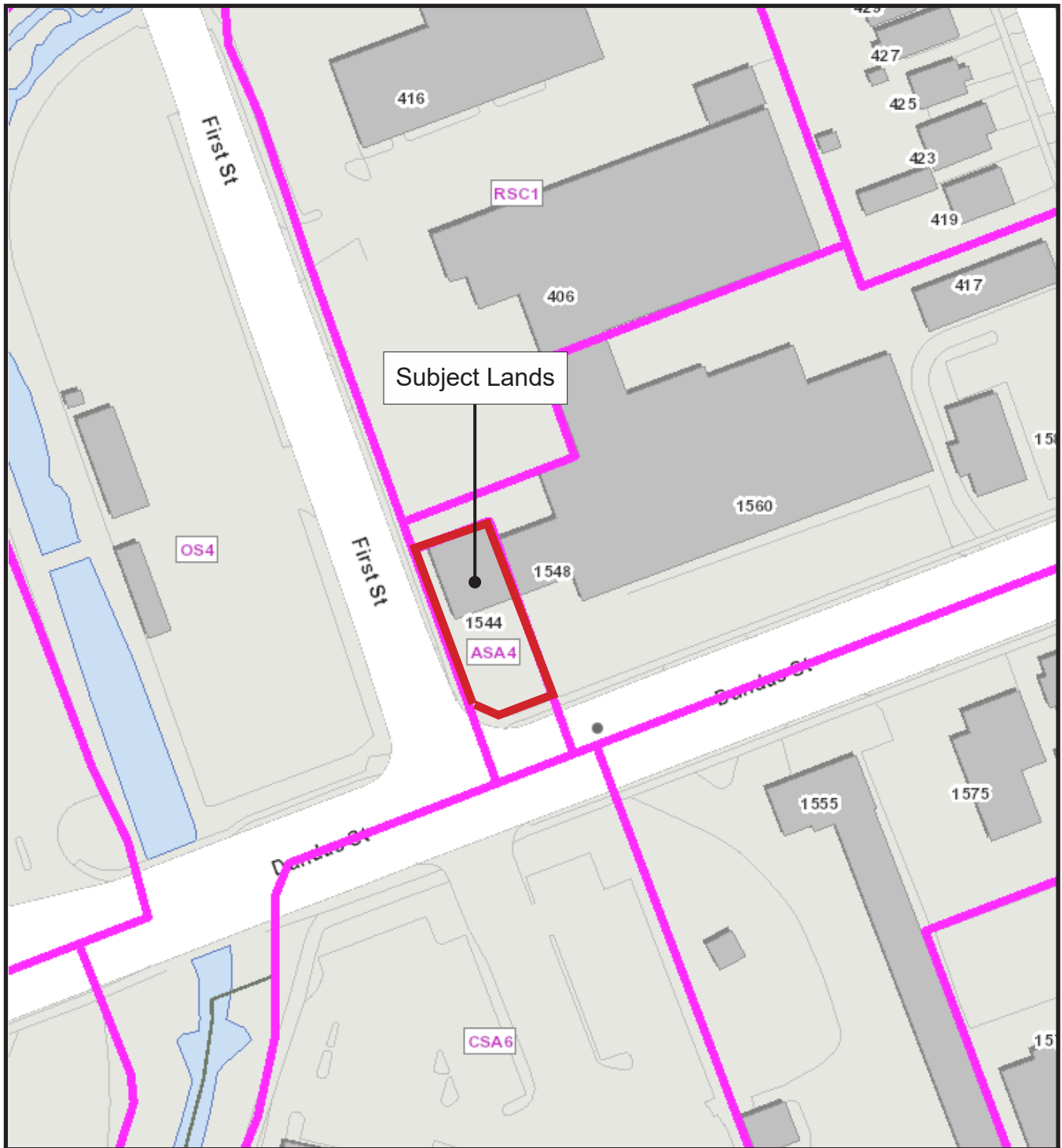
Currently, under the “*Associated Shopping Area Commercial 4 (ASA4) Zone*”, permitted uses include:

- Assembly halls;
- Commercial recreation establishments;
- Funeral homes;
- Private clubs; and,
- Schools.

The owner of the subject lands is proposing to rezone the lands to a site-specific, special regulation “*Associated Shopping Area 1 (ASA1(□)) Zone*” with an additional special provision to bring the existing parking area into conformity with the Zoning By-law, and expand the range of uses on the subject lands, specifically to permit a “*Restaurant, Take-Out*”.

The ASA4 zone variation generally allows for community and commercial recreational uses, including assembly halls; commercial recreation establishments; funeral homes; private clubs; and, schools.

No other site-specific regulations, including lot requirements, yard setbacks, or parking reductions, are proposed. The proposed Zoning By-Law Amendment application can then be regarded only as a minor change of the permitted uses, recognizing that the form, scale, massing, and intensity of the existing buildings is already permitted on the lands. No undue adverse impacts on adjacent lands are anticipated as a result of the proposed Zoning By-law Amendment. As such, and as noted throughout this report, the proposed Zoning By-law Amendment to permit an expanded range of uses on the subject lands, through the establishment of a new zone, is appropriate.



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FIGURE 5 - ZONING

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7.0 CONCLUSIONS

The proposed Zoning By-law Amendment seeks to expand the range of existing uses on the subject lands. The subject lands represent an opportunity to expand the commercial uses as it would make efficient use of the existing buildings; has the potential for further development on the lands; and, the location of the subject lands, being along a major arterial road in the City and future rapid transit line, provides the lands with good access to the general public.

The proposed Zoning By-law Amendment to expand the range of permitted uses on the subject lands is appropriate as the proposed amendment conforms with the general intent of The London Plan, and would pose no significant undue impacts on surrounding land uses.

Based on the above, and as detailed throughout this Planning Justification Report, the proposed Zoning By-law Amendment is consistent with the intent and policies as set forth in provincial and municipal planning legislation. As such, the proposed amendment is considered appropriate and represents good land use planning, and is in the public's interest.