

September 15, 2023

# Planning Justification Report

## Proposed Zoning By-law Amendment (Rocky's Harley Davidson)

900 Wilton Grove Road  
London, ON  
N6N 1C7

Prepared For:

### **Blackbridge Property Inc.**

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Prepared By:



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# 1.0 Introduction

## 1.1 Purpose

Monteith Brown Planning Consultants (“MBPC”), on behalf of our client, Blackbridge Property Inc. (c/o Brian Jacobs) is pleased to submit an application for a proposed Zoning By-Law Amendment for 900 Wilton Grove Road (“the subject lands”), and legally described as CON 2 PT LOT 22 RP 33R14642 PART 1 in the City of London, Ontario.

Our client owns and operates Rocky’s Harley-Davidson, a motor vehicle repair and sales establishment, and is seeking planning approval to permit the development of accessory personal service establishment uses that would be complementary to the existing use. Specifically, the proposed Zoning By-law Amendment would permit an accessory tattoo parlour and an accessory barber shop within the existing building on the subject lands.

The intent of this report is to analyze the land use planning merits of the proposed Zoning By-Law Amendment application, within the context of the surrounding community and relevant planning documents, including: the Provincial Policy Statement 2020, the London Plan and the City of London Zoning By-Law Z.-1.

## 1.2 Site Description

The subject lands are located in south London and are triangular in shape (see Figure 1 below). The property has an area of approximately 1.01 ha (2.50 acres) and approximately 163 metres of frontage on Wilton Grove Road.

The subject lands contain an existing motorcycle sales and repair shop located on the northern side of the property away from Wilton Grove Road south of, and visible from, Highway 401. Parking areas are located to the southwest and southeast of the existing building with the western portion of the property being vacant and consisting of a grass-covered area.

Figure 1 | Aerial Photograph of Subject Lands



Source: London CityMap, 2022 Aerial Imagery

Figure 2 | Photo of Subject Lands Looking North from Wilton Grove Road



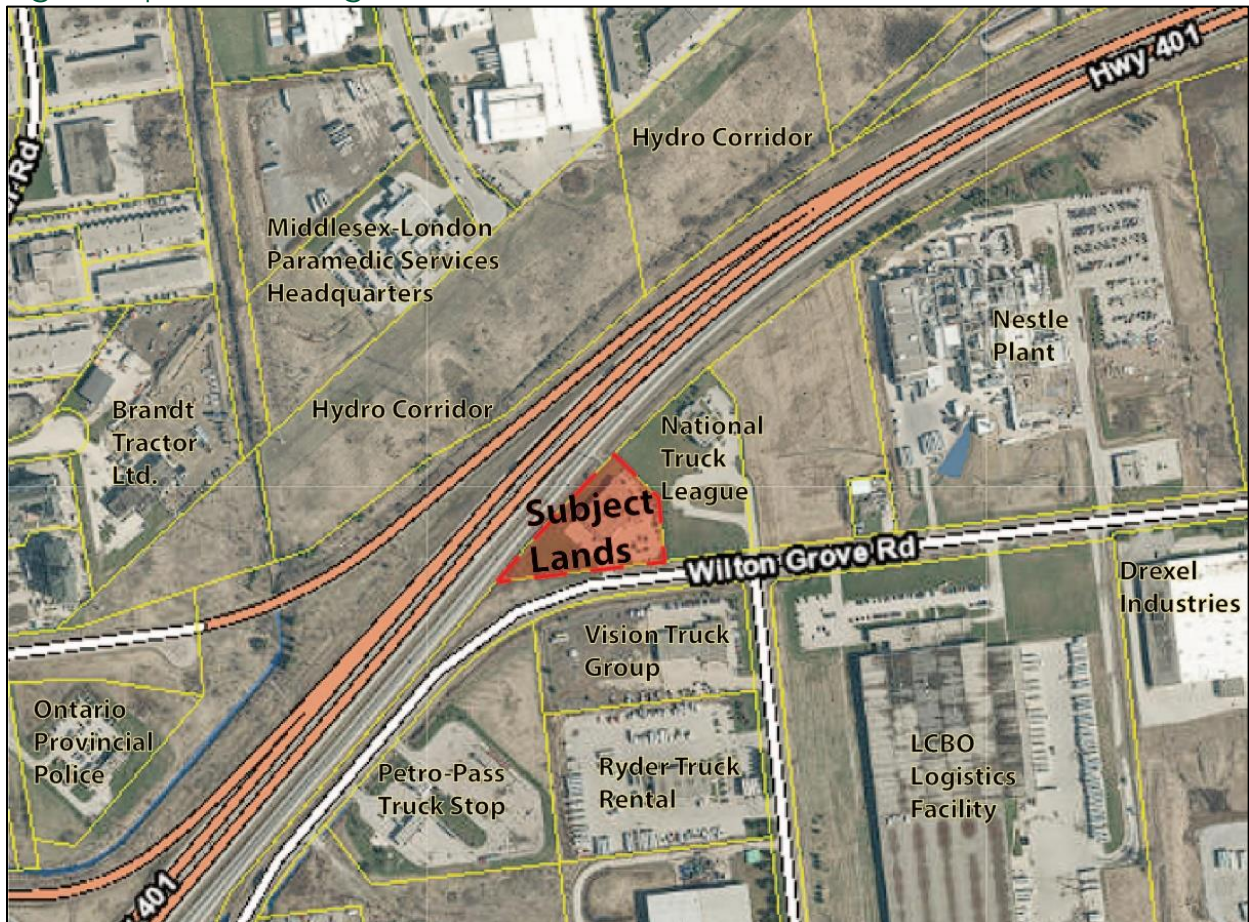
Source: Google Maps Street View



### 1.3 Land Use Context

The subject lands are located within the community of Wilton Grove, which consists predominantly of light industrial, heavy industrial, and commercial uses. The subject lands are directly adjacent to a trucking insurance business use to the east, the Highway 401 Corridor to the north and west, and Wilton Grove Road to the south. The lands further to the north and west are occupied by a hydro line corridor, as well as institutional and industrial uses. The lands to the south are occupied by an HVAC supply company, truck stop, and a truck repair business. An automotive repair shop, Nestle plant, and LCBO logistics facility are located further to the east (Figure 3).

Figure 3 | Surrounding Land Use Context



Source: London CityMap, 2022 Aerial Imagery

### 1.4 Pre-Application Consultation

A Request for Pre-consultation and Proposal Summary were submitted to the City of London on June 1, 2022. Further to correspondence from City Planning staff, a pre-consultation meeting was not deemed to be required to due to the lack of concerns raised by staff. This correspondence and the Record of Pre-Application Consultation have been attached as **Appendix A** to this report.

The following Studies, Reports, Background, or Information to be completed and submitted with the application form were identified:

- Zoning By-law Amendment Application and Fee
- Planning Justification Report
- Zoning Data Sheet

## 2.0 Development Proposal

Currently, our client owns and operates an automotive sales and service establishment use at 900 Wilton Grove Road, specifically catering to the sale and servicing of motorcycles. In addition to providing these services, our client's business is heavily community-oriented and sponsors events that draw tourism and ridership from across Ontario and the U.S. In keeping with this culture, our client is proposing to provide additional personal service uses on-site that cater to the demographics of their customers that would serve to occupy their customers while their vehicles are being serviced.

The existing building is approximately 1,818 m<sup>2</sup> (19,568 ft<sup>2</sup>) in size and includes floor space for the sale of motorcycles, areas for vehicle repair, as well as office space for staff. Our client is proposing to renovate the interior of the building, repurposing approximately 28 m<sup>2</sup> (300 ft<sup>2</sup>) of the existing floor area to contain a proposed personal service establishment in the form of a combined barber shop and tattoo parlour.

The proposed personal service establishment uses would be provided by our client and operate fully within the existing building and only during normal operating hours of the main permitted use. Both proposed uses would be compatible and complementary to the existing motorcycle sales and service use. Additionally, the proposed uses would only be accessed internally via the sales establishment, not through a separate exterior access.

The site currently contains 53 car parking spaces, with a further 6 motorcycle parking spaces, along with 6 more motorcycle parking spaces proposed. It is important to note that no expansion to the building footprint or site alteration is proposed and access to the site would continue to be provided from the existing entrance from Wilton Grove Road.

Figure 4 | Existing Site Plan



Source: MBPC, 2023



## 3.0 Planning Framework & Analysis

The following section will provide an overview and analysis of the existing planning framework, identify the key policies and by-laws that relate to the subject lands, and discuss the Zoning By-law Amendment application required to permit the proposed development.

### 3.1 Provincial Policy Statement

The PPS provides policy direction on matters of provincial interest related to land use planning and development. Any decision by a planning authority that requires approval under the Planning Act “shall be consistent with” policy statements issued under the Act. The PPS is intended “to be read in its entirety”, and decision makers must balance a range of policy directives when deciding whether or not a planning proposal is consistent with the PPS, rather than prioritizing one set of policies over another (PPS, Part III).

The proposed zoning by-law amendment is consistent with Provincial policy directives regarding efficiently using land within settlement areas, as the application will provide additional services within an established commercial building (Policy 1.1.3.2). The inclusion of additional accessory commercial uses on site would provide an appropriate mix of commercial and industrial uses on the subject lands and would promote economic investment in the community by supporting local growing business (s. 1.3.1). The preferred method of servicing development in the settlement area is full municipal water and sewage services (s. 1.6.6.2). The subject lands are currently serviced by municipal water and sewer services and, since the proposed uses would be located within the existing building, no changes to servicing are proposed. The additional land use also promotes long-term economic prosperity, providing additional revenue streams, jobs and building a community surrounding Rocky’s-Harley Davidson (Policy 1.7.1)

Development and site alteration is not permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources are conserved (s. 2.6.2). Within the Record of Pre-consultation, staff have provided comments that the City’s Archaeological Management Plan identifies the subject lands as having archaeological potential. Considering that the proposed uses would be located within the existing building and there is no site alteration proposed, staff have confirmed that an archaeological assessment would not be required.

The PPS also does not permit development and site alteration within or on lands adjacent to natural heritage features unless it has been demonstrated that there will be no negative impacts on the natural heritage features or their functions (s. 2.1.1, 2.1.5, 2.1.8). The subject lands and adjacent lands do not contain any designated natural heritage or natural hazard features.

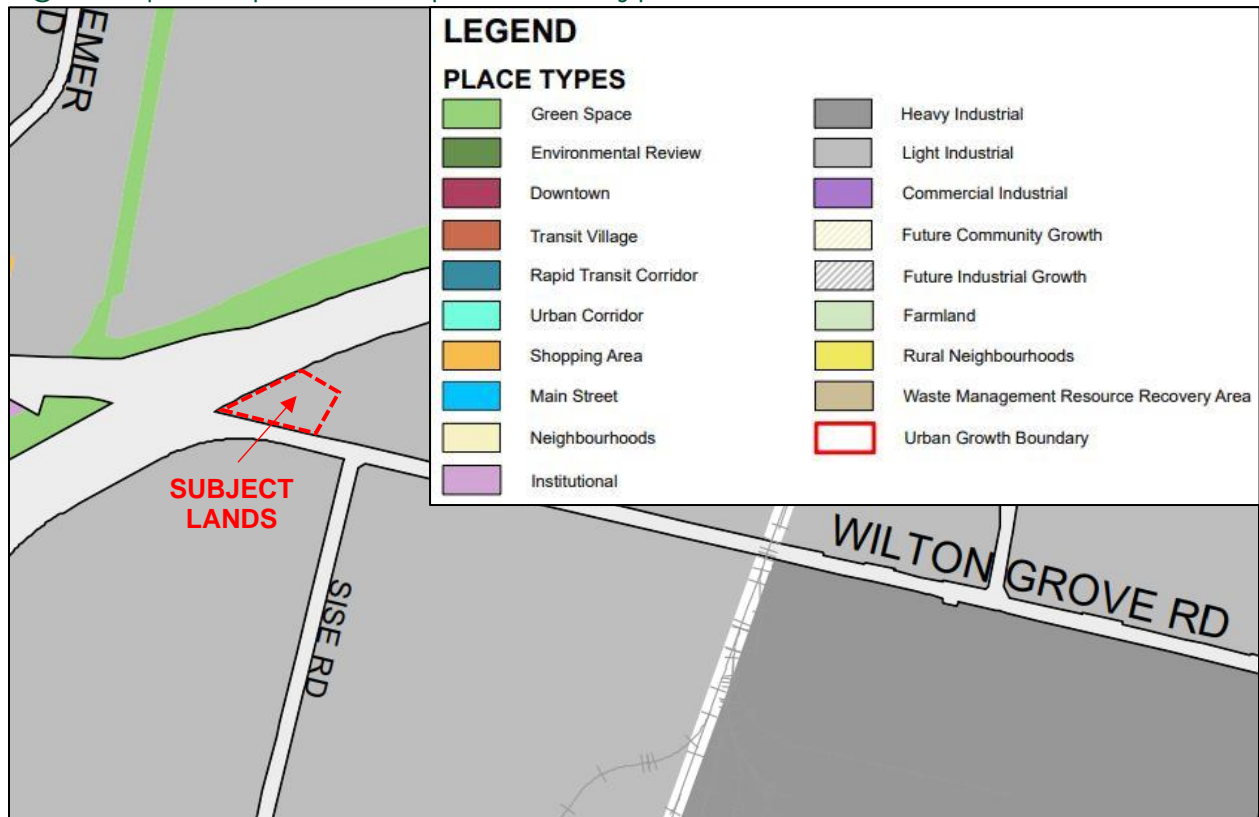
Considering the above analysis, the proposed Zoning By-law Amendment application is consistent with the Provincial Policy Statement.



### 3.2 The London Plan

Map '1' of the London Plan identifies the subject lands within the 'Light Industrial' Place Type (see Figure 4 below). The 'Light Industrial' Place Type permits a broad range of industrial uses that are unlikely to impose significant impacts on surrounding light industrial land uses due to their emissions such as noise, odour, and vibration (Policy 1110).

Figure 5 | Excerpt from Map 1 – Place Types



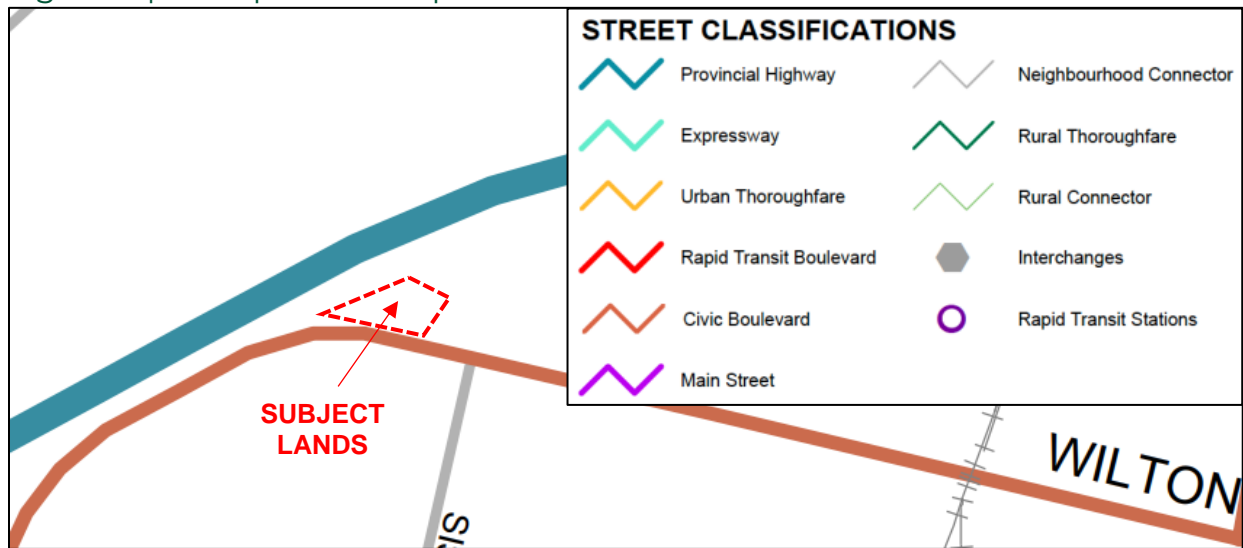
Source: London Plan, 2023

Specifically, in the Light Industrial Place Type, the London Plan permits automotive body shops provided that the use does not detract from the industrial operations of the surrounding area (Policy 1115). It is noted that the existing automotive sales and service use has been in operation for an extended period and has not resulted in any identified land use conflicts. Additionally, small-scale retail and service uses that will not detract from industrial operations of the surrounding lands may be permitted up to a floor area of 1,000 m<sup>2</sup>. Building heights within the Commercial and Industrial Place Types are not to exceed two storeys (Policy 1124). The proposed accessory personal service establishment uses would be small in scale with a combined area of 28 m<sup>2</sup>. The proposed uses would service customers of the existing automotive repair and sales use operating on the site, as well as potentially serving employees of businesses in the surrounding area.

Given that the proposed tattoo parlour and barber shop are to be located within the existing building and the nature of the proposed uses would not cause any emissions of noise, vibration, or odour, it is not anticipated that the Zoning By-law Amendment would detract from existing industrial operations in the area.

The London Plan identifies the subject lands as being located along a “Civic Boulevard” on Map 3 – Street Classifications (Figure 6, next page). Street Classifications generally restrict the land use allowed, if it is designated in a neighbourhood place type. There are only a few specific implications of a street classification in an industrial place type, that do not apply to the subject property.

Figure 6 | Excerpt from Map 3 – Street Classifications

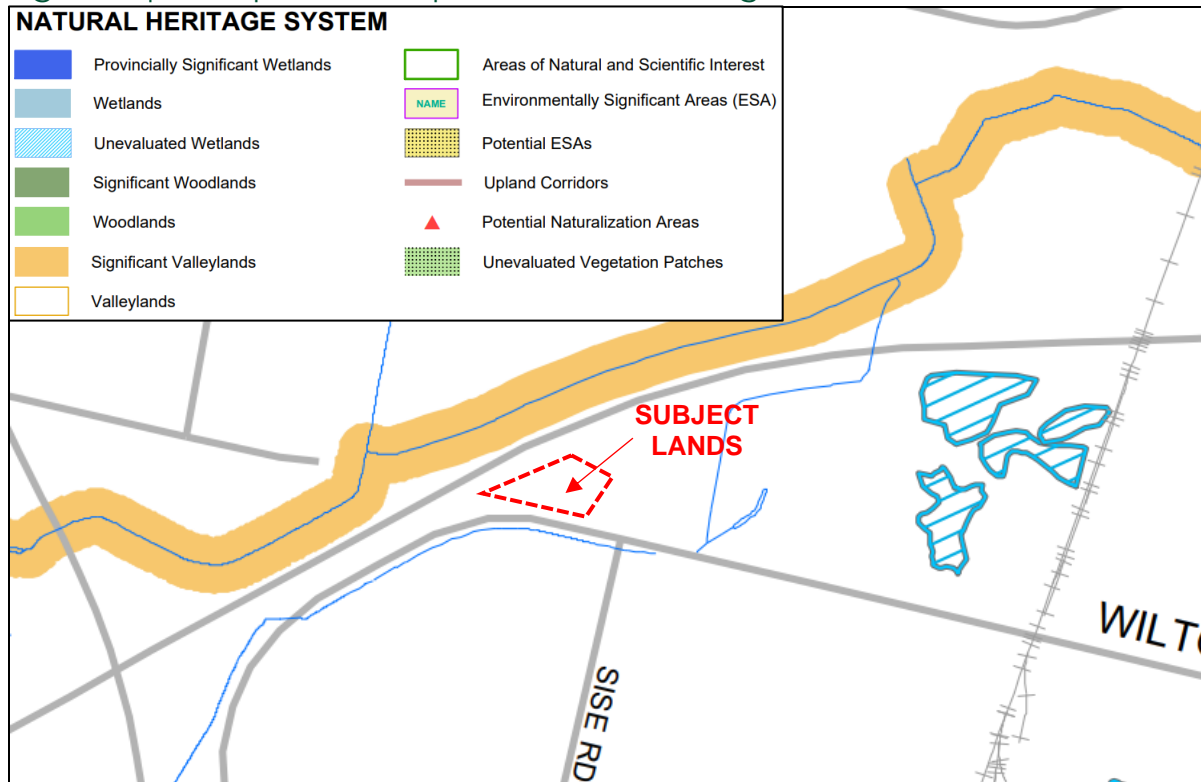


Source: London Plan, 2023

No natural Heritage Features have been identified on Map 5 of the London Plan or current aerial imagery (Figure 7, next page). The subject lands fall just outside a Conservation Authority Regulation limit as identified on map 6 – Hazards and Natural Resources (Figure 8, next page) and further confirmed on the City of London Zoning Map.

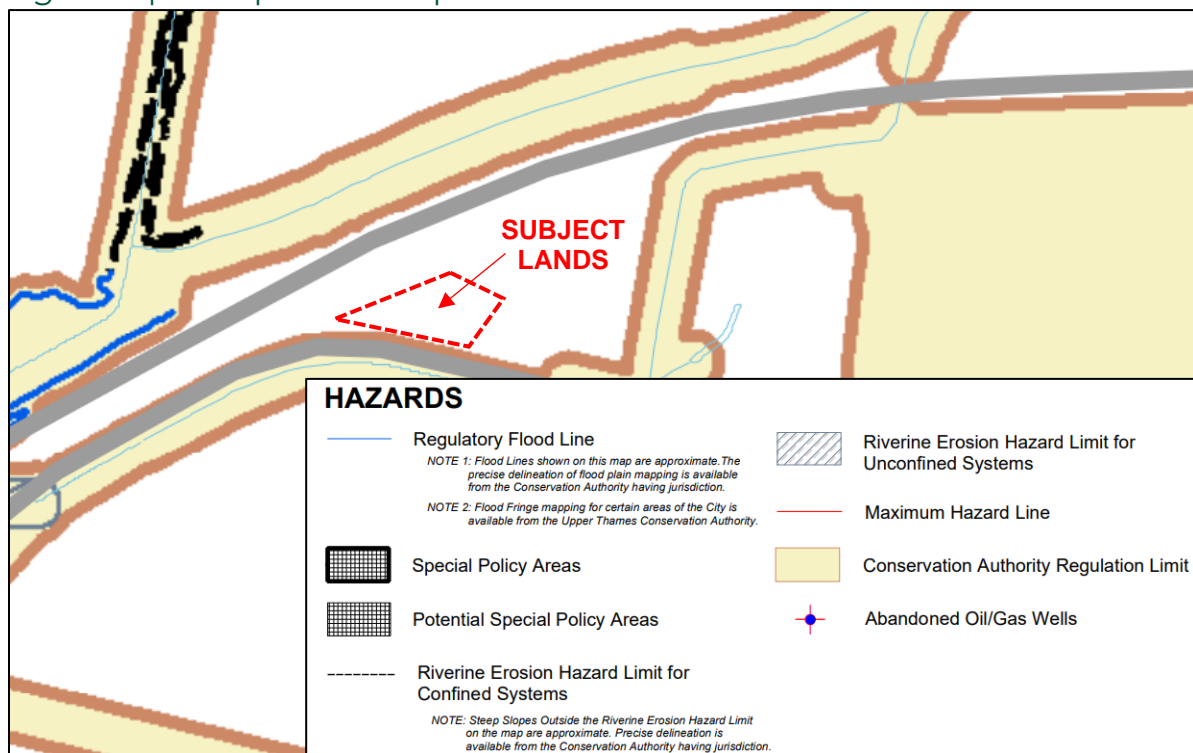
According to the London Plan, an archaeological assessment is required where a proposal involves development or site alteration, and if it is determined through the application of the Archaeological Management Plan model that any part of a subject area possesses archaeological resource potential or known archaeological resources (Policy 616). As no site alteration or development is being proposed by adding an accessory personal service land use to the current light industrial/commercial land use, an archaeological assessment is not required.

Figure 7 | Excerpt from Map 5 – Natural Heritage



Source: City Mapping

Figure 8 | Excerpt from Map 6 – Hazards and Natural Resources



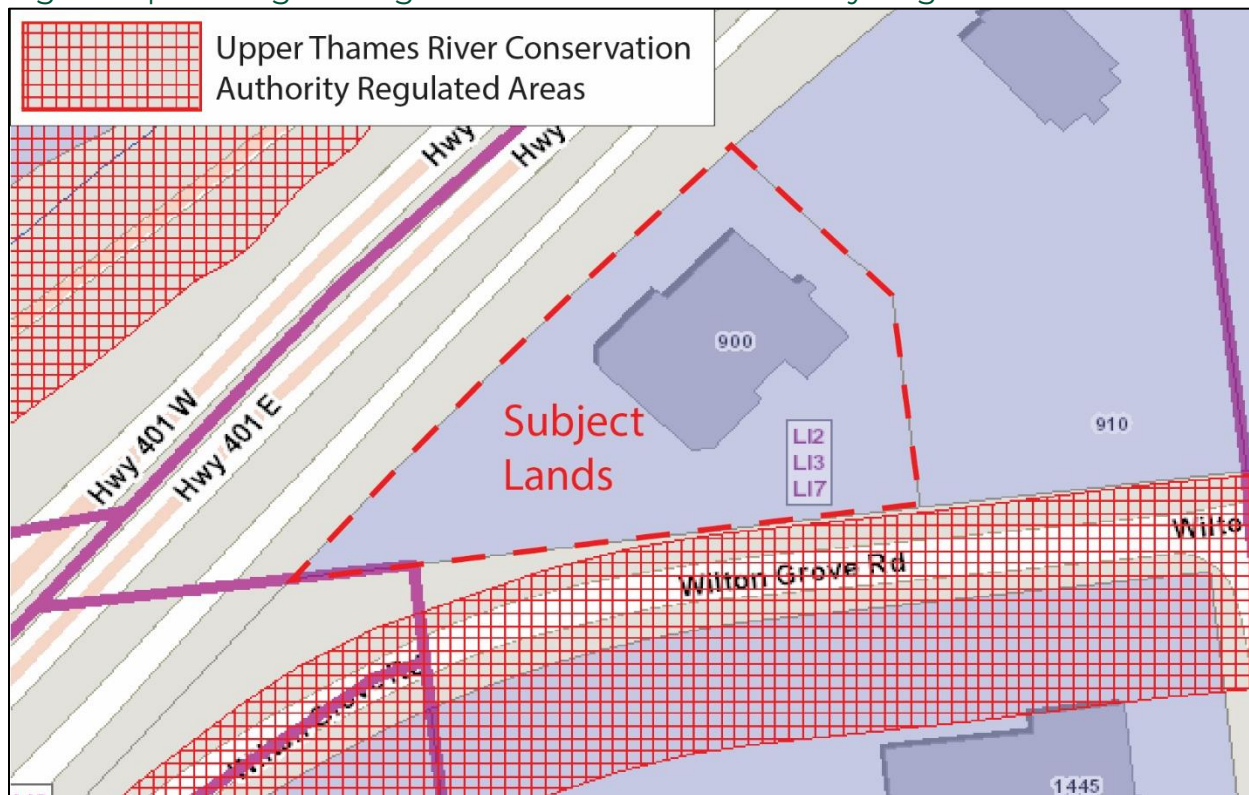
Source: London Plan

Based on the above policies, the proposed development conforms to the existing Place Type and policies of the London Plan.

### 3.3 City of London Zoning By-law Z.-1

The City of London Zoning By-law Z.-1 zones the subject lands as 'Light Industrial (LI2, LI3, LI7)' (Figure 9, below). The Light Industrial zones that apply to the subject lands permit a wide range of commercial and light industrial uses including automotive body shops and automotive repair garages under the LI7 zone.

Figure 9 | Existing Zoning and Conservation Authority Regulated Areas



Source: City of London Zoning Map, 2023

Personal service establishments are not currently permitted in the LI2, LI3, or LI7 zones, prompting the requirement for the Zoning By-law amendment as proposed. A site-specific zoning provision is being requested to allow the accessory personal service establishment land use. As previously discussed in this report, the proposed barber shop and tattoo parlour would be located and operate wholly within the existing building, would be complementary and accessory to the principal use on the property. There are no anticipated negative impacts of the proposed uses on the existing industrial uses located in the surrounding area. It is noted that personal service establishment uses are permitted within other 'Light Industrial' zone variations.

The City of London Defines "accessory" as (s.2, Definitions): "a use, building or structure customarily incidental, subordinate and exclusively devoted to the main use and carried on with such main use, building or structure on the same lot. (Z.-1-051390)"



As confirmed by the City's Planning and Legal Departments, a personal service establishment use is not customarily incidental to an automobile sales and service establishment use. As such, the proponent is seeking to amend the Zoning By-law to permit the use.

The subject lands are currently able to accommodate approximately 53 typical parking spaces which significantly exceeds the minimum 37 spaces (1 space per 50 m<sup>2</sup> gross floor area) required for the Automobile Body Shop, as well as Automobile Sales & Service Establishment uses (s.s. 4.19, 10b). As the proposed personal service establishment would be accommodated within an approximate 28 m<sup>2</sup> portion of the existing building, it would only require one additional space (calculated at a rate of 1 space per 30 m<sup>2</sup>), for a total requirement of 38 spaces across the site. As such, the current site **exceeds the parking requirement by 15 spaces**.

The Zoning By-law Amendment is proposed to include a site-specific provision, LI7-(XX), to limit the size of the proposed personal service uses to ensure that they remain accessory and subordinate to the principal use on the subject lands, being the automotive sales and repair business.

A Zoning Data Sheet has been prepared and submitted with the application to identify the required and proposed provisions relating to the subject lands.

## 5.0 Proposed Planning Approvals

### 5.1 Zoning By-law Amendment

As noted in Section 2 of this report (above), our client is proposing to include personal service establishment uses (specifically a tattoo parlour and barber shop) which will be accessory to the existing automotive repair garage use. The existing building is approximately 1,818 m<sup>2</sup> (19,568 ft<sup>2</sup>) in size and includes floor space for the sale of motorcycles, areas for vehicle repair, and office space for staff.

A Zoning By-law Amendment is proposed to rezone the subject lands FROM 'Light Industrial (LI2, LI3, LI7)' TO 'Light Industrial – Special (LI2, LI3, LI7-XX)' to permit personal service establishments as a permitted use in addition to the uses currently permitted on the subject lands. The following special provisions are proposed:

*Notwithstanding any other provisions of the By-law to the contrary, on lands zoned Light Industrial LI7(X) on Schedule 'A' of this By-law, the following provisions shall apply:*

*LI7(X)*

*a) Additional Permitted Uses*

*i. Personal service establishment, specifically a tattoo parlour and a barber shop*

*b) Regulation*

*i. Maximum floor area of personal service establishment  
2% of total Gross Floor Area*

## 6.0 Conclusion

Based on the above analysis, the proposed Zoning By-law Amendment application is consistent with the Provincial Policy Statement 2020 and conforms to the London Plan, and the City of London Zoning By-Law Z.-1.

The following materials have been submitted to the City of London Planning Department along with this report in support of the Zoning By-law Amendment application:

- One (1) copy of a Zoning By-law Amendment Application form;
- One (1) copy of a Conceptual Site Plan;
- One (1) copy of a Zoning Data Sheet;
- One (1) copy of the Authorization as Agent form;

The application fees will be submitted directly to the Municipality under separate cover by our client.

We trust that the enclosed information is satisfactory to address the submission requirements and look forward to working with staff to advance the applications. If you have any questions regarding this matter or require any additional information, please do not hesitate to contact me.

Respectfully Submitted,

MONTEITH BROWN PLANNING CONSULTANTS



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Jay McGuffin, MCIP, RPP  
Vice President, Principal Planner  
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# Appendix A

## Record of Pre-Application Consultation







London  
CANADA

## RECORD OF PRE-APPLICATION CONSULTATION

The following form is to be completed and signed off at/following the Pre-application Consultation Meeting (PACM).

Date: June 19, 2022

TO: Eric Steele, Monteith Brown

FROM: Nancy Pasato

RE: 900 Wilton Grove Road

ATTENDEES: Nancy Pasato, Senior Planner – Planning Implementation, Planning and Development, City of London  
Eric Steele, Planner – Monteith Brown Planning Consultants

PLANNING APPLICATION TEAM: Nancy Pasato, Senior Planner ([npasato@london.ca](mailto:npasato@london.ca)), Marienka Bishop-Kovac ([mbishopk@london.ca](mailto:mbishopk@london.ca)); Brent Lambert, Senior Engineering Technologist ([blambert@london.ca](mailto:blambert@london.ca)), Michael Greguol, Heritage Planner ([mgreguol@london.ca](mailto:mgreguol@london.ca)), Craig Smith, Planner, Parks Planning & Design ([crsmith@london.ca](mailto:crsmith@london.ca)), Lisa McNiven, Landscape Architect ([lmcniven@london.ca](mailto:lmcniven@london.ca)), Shane Butnari, Ecologist Planner ([sbutnari@london.ca](mailto:sbutnari@london.ca))

City staff reviewed your Proposal Summary submitted June 1, 2023, at an Internal Review Meeting on June 15, 2023. The following form summarizes a preliminary list of issues to be considered during the processing of your application. We have also identified the initial material submissions (Studies, Reports, Background or Information) that must be submitted along with the completed application form, required fees and this Record of Pre-Application Consultation Form before your application will be accepted as complete for opening and processing.

### Proposed Development

- London Plan Place Type: Light Industrial Place Type
- Current Zone: Light Industrial (LI2/LI3/LI7)
- Proposal: Zoning By-Law Amendment to permit an accessory barber shop and tattoo parlour within the existing building (Rocky's Harley Davidson). The proposal is to renovate the interior of the building and repurpose approximately 28 m<sup>2</sup> (300 ft<sup>2</sup>) of the existing floor area for the proposed personal service establishment uses. The proposed uses would be provided by Rocky's and operate fully within the existing building and only during normal operating hours of the main permitted use.

### Major Planning Issues Identified

- None
- Consider parking regulations as part of the application – if a reduction in parking is needed based on the existing parking layout, include in the application

### Heritage

#### Major Issues

Archaeological potential is identified on the City's *Archaeological Management Plan* for the property located at 900 Wilton Grove Road.

#### Matters for OPA/ZBA

Per Policy 616\_ of The London Plan: *an archaeological assessment is required where a proposal involves development or site alteration, and if it is determined through the application of the Archaeological Management Plan model that any part of a subject area possesses archaeological resource potential or known archaeological resources.*

## Matters for Site Plan

None

## Complete Application Requirements

- None
  - As the existing proposal does not appear to result in new ground disturbance, an Archaeological Assessment is not required.
  - Archaeological potential remains on the property at 900 Wilton Grove Road. Any future project that may require soil disturbance, may require archaeological assessment.
  - It is an offence under Section 48 and 69 of the Ontario Heritage Act for any party other than a consultant archaeologist to make alterations to a known archaeological site or to remove any artifact or other physical evidence of past human use or activity from an archaeological site.
  - Should previously undocumented (i.e., unknown, or deeply buried) archaeological resources be discovered, they may be a new archaeological site and therefore be subject to Section 48(1) of the Ontario Heritage Act. The proponent or person discovering the archaeological resources must cease alteration of the site immediately and engage a consultant archaeologist to carry out archaeological fieldwork, in compliance with Section 48(1) of the Ontario Heritage Act. Archaeological sites recommended for further archaeological fieldwork or protection remain subject to Section 48(1) of the Ontario Heritage Act and may not be altered, or have artifacts removed from them, except by a person holding an archaeological license.
  - If human remains/or a grave site is discovered, the proponent or person discovering the human remains and/or grave site must cease alteration of the site immediately. The Funerals, Burials and Cremation Services Act requires that any person discovering human remains must immediately notify the police or coroner and the Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures, Ontario Ministry of Government and Consumer Services.

## **Parkland**

- No comments/requirements

## **Ecology**

### Major issues identified

- No Natural Heritage Features on, or adjacent to the site have been identified on Map 5 of the London Plan or based on current aerial photo interpretation.

### Ecology – complete application requirements

- None.

### Notes

- None.

## **Landscape Architecture**

- No comments/requirements

## **Urban Design**

- Since there are no changes to the existing exterior building, there are no major Urban Design comments related to the expansion of the building's permitted uses at 900 Wilton Grove Road.
- Urban Design encourages consideration of enhanced landscaping and tree planting between the highway and the existing development [TLP, 1125].

## **Engineering**

- No comments/requirements

## **Site Plan**

- SP not required for use.

Studies, Reports, Background or Information to be completed and submitted with the application form

- Zoning By-law Amendment Application and Fee
- Planning Justification Report
- Zoning Data Sheet
- Image for use on sign/webpage
- Electronic copy of all submitted materials (USB) – AODA

PRE-APPLICATION CONSULTATION HAS OCCURRED

PLANNER: Nancy Pasato

PROPONENT: Eric Steele

DATE: June 19, 2023

**NOTE: no pre consultation meeting required.**

**Disclaimer**

The pre-application consultation process is intended to identify issues early in the process and to identify the reports, studies and information required to be submitted as part of a complete application. A complete application enables Council to make informed decisions within a reasonable period of time and ensures that the public and other stakeholders have access to the relevant information early in the process. While every effort has been made to identify information needs at this stage, additional issues and/or information needs may be identified through the application review process and may be requested at that time. Should a formal submission of an application not materialize within 9 months, a subsequent Pre-Application Consultation Meeting (PACM) will be required.

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For more information, please contact:

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