

Report to Planning and Environment Committee

To: Chair and Members
Planning and Environment Committee

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

Subject: 15370070 Canada Inc. c/o Zelinka Priamo Ltd.
1544 Dundas Street
File Number: Z-9671, Ward 2
Public Participation Meeting

Date: January 9, 2024

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of 15370070 Canada Inc., c/o Zelinka Priamo Ltd. relating to the property located at 1544 Dundas Street:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting January 23, 2024, to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, The London Plan, to change the zoning of the subject property **FROM** an Associated Shopping Area Commercial (ASA4) Zone, **TO** an Associated Shopping Area Commercial Special Provision (ASA1(_)) Zone;

IT BEING NOTED, that the above noted amendment is being recommended for the following reasons:

- i) The recommended amendment is consistent with the *Provincial Policy Statement, 2020 (PPS)*, which encourages the regeneration of settlement areas and land use patterns within settlement areas that provide for a range of uses and opportunities for intensification and redevelopment.
- ii) The recommended amendment conforms to *The London Plan*, including but not limited to the Key Directions, City Design and Building policies, and the Urban Corridor Place Type policies; and;
- iii) The recommended amendment would permit a new land use that is considered appropriate within the surrounding context and will facilitate the reuse of the existing commercial building.

Executive Summary

Summary of Request

The applicant has requested an amendment to the Zoning By-law Z.-1 to rezone the property from an Associated Shopping Area Commercial (ASA4) Zone, to an Associated Shopping Area Commercial Special Provision (ASA1(_)) Zone.

Purpose and the Effect of Recommended Action

Staff are recommending approval of the requested Zoning By-law amendment with additional special provisions that will permit a take-out pizza restaurant within the existing 1-storey commercial building. Special provisions requested by the applicant and recommended by staff include: an additional use for a take-out restaurant and regulations to recognize the existing lot frontage; rear yard depth; landscaped open space and; 9 off-street parking spaces for the take-out restaurant.

Linkage to the Corporate Strategic Plan

This recommendation supports the following Strategic Areas of Focus:

- **Economic Growth, Culture, and Prosperity** by supporting small and growing businesses, entrepreneurs and non-profits to be successful.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

None.

1.2 Planning History

There have been no previous planning applications on the subject site.

1.3 Property Description and Location

The subject site is located on the north-east corner of the Dundas Street and First Street intersection, within the Argyle Planning District. The site has an area of 0.05 hectares with a frontage of 10.86 metres along Dundas Street. The subject site has vehicular access from First Street with parking provided through 9 surface parking spaces. Currently, the site contains a vacant 1-storey commercial building that was previously occupied by a Money-Mart.

The surrounding area consists of auto repair shops to the north, restaurants and retail stores to the east, multiple hotels and an entrance to Kiwanis Park to the south, and auto sales to the west. The surrounding buildings are mainly in the form of one storey commercial buildings. Dundas Street is a four-lane road with an estimated daily traffic count of 27,000 vehicles per day, and First Street is a two-lane road with an estimated daily traffic count of 5,500 vehicles per day. The nearest bike lanes are located along Second Street, and public sidewalks are provided on both sides along Dundas Street.

Site Statistics:

- Current Land Use: Vacant Commercial
- Frontage: 10.86 metres (35.62 feet)
- Depth: 35.7 metres (117.12 feet)
- Area: 0.05 hectares (0.12 acres)
- Shape: Regular (Rectangle)
- Located within the Built Area Boundary: Yes
- Located within the Primary Transit Area: No

Surrounding Land Uses:

- North: Restricted Service Commercial
- East: Commercial
- South: Commercial
- West: Commercial

Existing Planning Information:

- Existing The London Plan Place Type: Urban Corridors Place Type
- Existing Special Policies: N/A
- Existing Zoning: Associated Shopping Area Commercial 4 (ASA4)

Additional site information and context is provided in Appendix B.

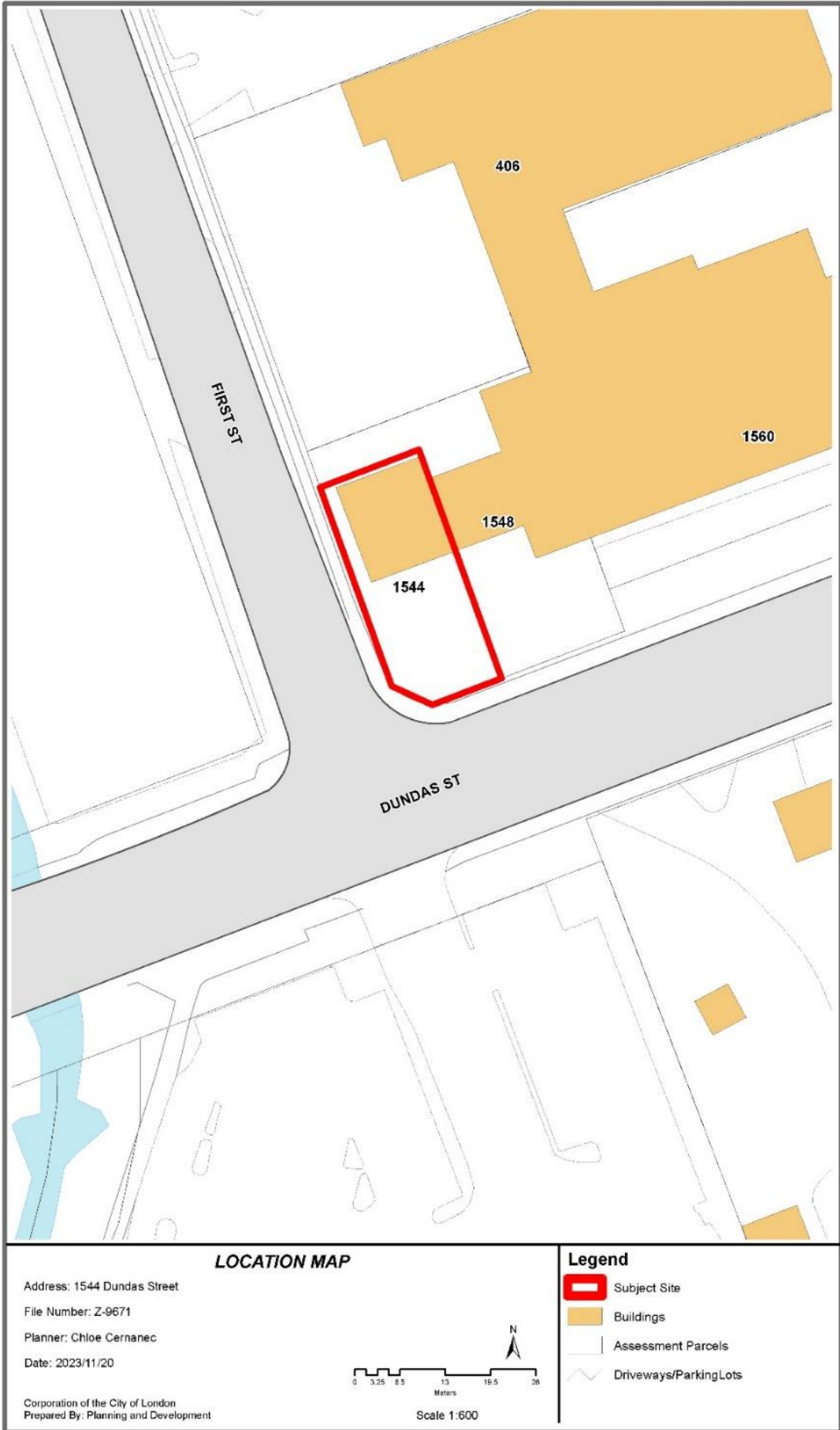


Figure 1- Aerial Photo of 1544 Dundas Street and surrounding lands



Figure 2 - Streetview of 1544 Dundas Street (view looking North)



Figure 3 - Streetview of 1544 Dundas Street (view looking West)

2.0 Discussion and Considerations

2.1 Proposal

The applicant is proposing to establish a take-out 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 applicant is proposing to add a “*Restaurant, Take-Out*” use as an additional permitted use to the existing one-storey commercial building. The proposed use would consist of internal changes to the site, with no changes to the exterior of the existing building. The site will continue to utilize the existing parking arrangement for a total of 9 surface-parking spaces for the new proposed use.

The proposed development includes the following features:

- Land use: Vacant Commercial
- Form: One-storey Commercial Building
- Height: 1 storey (< 3m)
- Residential units: 0
- Density: N/A
- Gross floor area: 203m²
- Building coverage: 37%
- Parking spaces: 9 off-street parking spaces
- Bicycle parking spaces: 3 spaces
- Landscape open space: 0%
- Functional amenity space: 0m²

Additional information on the development proposal is provided in Appendix B.

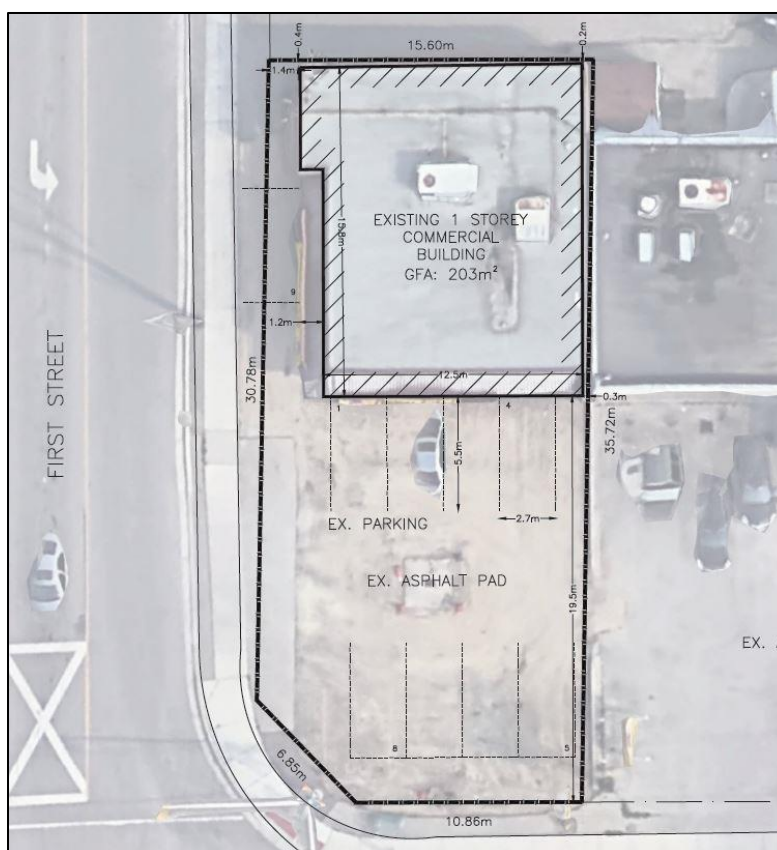


Figure 4 - Conceptual Site Plan (Received October 2023)

2.2 Requested Amendment(s)

The applicant has requested an amendment to the Zoning Bylaw Z.-1 to rezone the property from an Associated Shopping Area Commercial (ASA4) Zone, to an Associated Shopping Area Commercial Special Provision (ASA1(_)) Zone.

The following table summarizes the special provisions that have been proposed by the applicant and those that are being recommended by staff.

Regulation (ASA1)	Required	Proposed/Recommended
Additional Permitted Use		Restaurant; take-out services
Lot Frontage (m) Min	30 metres	As existing
Rear Yard Depth (m) Min	3.0 metres	As existing
Lot Coverage (%) Max	30%	As existing
Landscaped Open Space (%) Max	15%	As existing
Off Street Parking Min (rate/number)	10 spaces	9 spaces (for new use)

2.3 Internal and Agency Comments

The application and [associated materials](#) were circulated for internal comments and public agencies to review. Comments received were considered in the review of this application; however, no major issues were identified by staff.

Detailed internal and agency comments are included in Appendix C of this report.

2.4 Public Engagement

On November 13, 2023, Notice of Application was sent to 28 property owners and residents in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on November 16, 2023. A “Planning Application” sign was also placed on the site.

There were no responses received during the public consultation period.

2.5 Policy Context

The Planning Act and the Provincial Policy Statement, 2020

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the *Provincial Policy Statement, 2020 (PPS)*. The *Planning Act* requires that all municipal land use decisions affecting planning matters shall be consistent with the *PPS*.

The mechanism for implementing Provincial policies is through the Official Plan, The London Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal (OLT) approval of The London Plan, the City of London has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest are reviewed and discussed in The London Plan analysis below.

As the application for a Zoning By-law amendment complies with The London Plan, it is staff's opinion that the application is consistent with the *Planning Act* and the *PPS*.

The London Plan, 2016

The London Plan (TLP) includes evaluation criteria for all planning and development applications with respect to use, intensity and form, as well as with consideration of the following (TLP 1577-1579):

1. Consistency with the Provincial Policy Statement and all applicable legislation.
2. Conformity with the Our City, Our Strategy, City Building, and Environmental policies.
3. Conformity with the Place Type policies.
4. Consideration of applicable guideline documents.
5. The availability of municipal services.
6. Potential impacts on adjacent and nearby properties in the area and the degree to which such impacts can be managed and mitigated.
7. The degree to which the proposal fits within its existing and planned context.

Staff are of the opinion that all the above criteria have been satisfied.

3.0 Financial Impact/Considerations

3.1 Financial Impact

There are no direct municipal financial expenditures with this application.

4.0 Key Issues and Considerations

4.1 Land Use

The proposed use is consistent with the policies of the PPS that promote healthy, liveable and safe communities (PPS 1.1.1) and encourage economic development (PPS 1.3.1).

The proposed use is contemplated in the Urban Corridors Place Type in The London Plan (The London Plan, 837). 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 (The London Plan, 826).

4.2 Intensity

The proposed intensity is consistent with the policies of the PPS that encourage an efficient use of land (PPS 1.1.3.2) and facilitate intensification and redevelopment (PPS 1.1.3.4).

The existing one-storey commercial building and associated surface parking are not within the intensity contemplated in The Urban Corridors Place Type, as the minimum permitted height is two (2) storeys (The London Plan, 839). However, given no new development, no exterior changes and no changes to the site layout are proposed as part of this zoning application, staff are satisfied that the subject site continues to be an appropriate shape and size to accommodate the existing and proposed new use. The take-out restaurant is not anticipated to have any negative impacts on the surrounding neighbourhood (The London Plan, 840_1).

4.3 Form

Given no new development, no exterior changes, and no changes to the site layout are proposed as part of this zoning application, staff are satisfied that the subject site continues to be an appropriate shape and size to accommodate the proposed new use (The London Plan, 840_4).

4.4 Zoning

The applicant has requested to rezone the subject site to an Associated Shopping Area Commercial Special Provision (ASA1(_)) Zone to expand the range of permitted uses on the subject lands while establishing a restaurant use with take-out services in the current building. The following summarizes the special provisions that have been proposed by the applicant and recommended by staff in order to recognize the existing site layout.

1. *Recognize the existing lot frontage of 10.86 metres, whereas 30 metres is required.*
2. *Recognize the existing rear yard depth of 0.2 metres, whereas 3.0 metres is required.*
3. *Recognize the existing landscaped open space of 0%, whereas 15% is required.*

Given the site has existed with the existing built form and lot configuration for an extended period of time and has achieved a level of compatibility within the surrounding context it is appropriate to recognize these existing conditions through the proposed zoning by-law amendment allowing for the continued use of the site for a wider range of potential uses.

4. *Recognize the existing off-street parking situation of 9 spaces, whereas 10 spaces are required.*

The intent of minimum parking rates is to ensure that adequate parking can be accommodated on-site and that surrounding uses are not negatively affected by off-site impacts. The requested special provision is to recognize the existing parking area on the subject site that accommodates a total of 9 surface-parking spaces, whereas 10 spaces is the minimum required. The subject lands have successfully operated with 9 on-site parking spaces with no known parking concerns. Therefore, staff is satisfied that the existing parking spaces will continue to sufficiently accommodate the needs of the site and will not negatively impact surrounding properties.

Conclusion

The applicant has requested an amendment to Zoning By-law Z.-1 to rezone the property from an Associated Shopping Area Commercial (ASA4) Zone, to an Associated Shopping Area Commercial Special Provision (ASA1(_)) Zone. Staff are recommending approval of the requested Zoning Bylaw amendment with special provisions.

The recommended action is consistent with the *Provincial Policy Statement, 2020 (PPS)* and conforms to The London Plan.

Prepared by: Chloe Cernanec
Planner, Planning Implementation

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

Recommended by: Heather McNeely, MCIP, RPP
Director, Planning and Development

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

Copy:
Britt O'Hagan, Manager, Current Development
Michael Pease, Manager, Site Plans
Brent Lambert, Manager, Development Engineering

Appendix A – Zoning Bylaw Amendment

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 1544 Dundas Street.

WHEREAS this amendment to the Zoning By-law Z.-1 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 to lands located at 1544 Dundas Street, as shown on the attached map comprising part of Key Map No. A108, **FROM** an Associated Shopping Area Commercial (ASA4) Zone **TO** an Associated Shopping Area Commercial Special Provision (ASA1(_)) Zone.
2. Section Number 24.4 of the Associated Shopping Area Commercial ASA1 Zone is amended by adding the following Special Provisions:

ASA1() 1544 Dundas Street

a. Additional Permitted Use:

- i. Restaurant; take-out services

b. Regulations:

- | | |
|--|--|
| i. Lot Frontage
(Minimum) | As existing on the date of passing
this by-law. |
| ii. Rear Yard Setback
(Minimum) | As existing on the date of passing
this by-law. |
| iii. Landscaped Open Space
(Minimum) | As existing on the date of passing
this by-law. |
| iv. Off-Street Parking for
Restaurant; take-out services
(Minimum) | 9 spaces |

This Amendment shall come into effect 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.

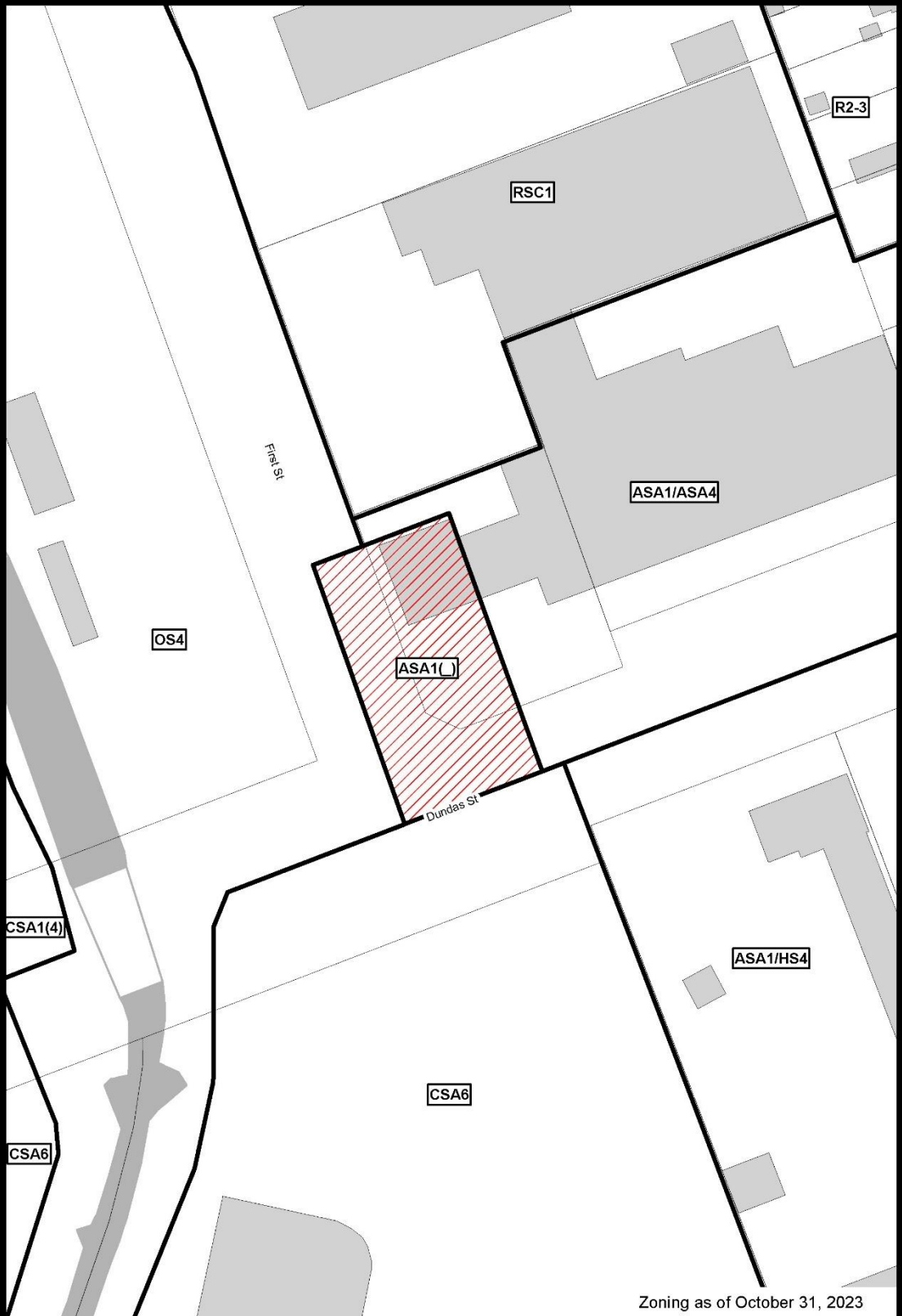
PASSED in Open Council on January 23, 2024, subject to the provisions of PART VI.1 of the *Municipal Act, 2001*.


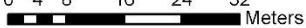

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – January 23, 2024
Second Reading – January 23, 2024
Third Reading – January 23, 2024

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



<p>File Number: Z-9671 Planner: CC Date Prepared: 2023/11/20 Technician: RC By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:800</p> <p>0 4 8 16 24 32 Meters </p> <p></p>
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Appendix B - Site and Development Summary

A. Site Information and Context

Site Statistics

Current Land Use	Vacant Commercial
Frontage	10.86 metres (35.62 feet)
Depth	35.7 metres (117.12 feet)
Area	0.05 hectares (0.12 acres)
Shape	Regular (rectangle)
Within Built Area Boundary	Yes
Within Primary Transit Area	No

Surrounding Land Uses

North	Restricted Service Commercial (Auto Repair Shops)
East	Commercial (Restaurants)
South	Commercial (Hotels)
West	Commercial (Auto Sales)

Proximity to Nearest Amenities

Major Intersection	Highbury Avenue North and Dundas Street, 834m
Dedicated cycling infrastructure	Second Street, 383m
London Transit stop	Dundas Street, 0m
Public open space	Kiwanis Park – North, 430m
Food store	Walmart Supercentre, 2,040m
Community/recreation amenity	East Lions Community Centre, 1,577m

B. Planning Information and Request

Current Planning Information

Current Place Type	Urban Corridor, fronting a Civic Boulevard (Dundas Street)
Current Special Policies	N/A
Current Zoning	Associated Shopping Area Commercial 4 (ASA4)

Requested Designation and Zone

Requested Place Type	Urban Corridor, fronting a Civic Boulevard (Dundas Street)
Requested Special Policies	N/A
Requested Zoning	Associated Shopping Area Commercial Special Provision 1 (ASA1(_))

Requested Special Provisions

Regulation (ASA1)	Required	Proposed
Additional Permitted Use		Restaurant; take-out services
Lot Frontage (m) Min	30 metres	As existing
Rear Yard Depth (m) Min	3.0 metres	As existing
Lot Coverage (%) Max	30%	As existing
Landscaped Open Space (%) Max	15%	As existing
Off Street Parking Min (rate/number)	10 spaces	9 spaces (for new use)

Appendix C – Internal and Agency Comments

Parks – Received November 6, 2023

- This application is to permit additional uses in and existing building, Parks has no comments.

Urban Design – Received November 6, 2023

- As there are no changes to the existing building's exterior and the proposed use is limited to the existing building, there are no Urban Design comments related to this application (Z-9671, 1544 Dundas Street).

Site Plan – Received November 6, 2023

- No comments.

London Hydro – Received November 6, 2023

- 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.

UTRCA – Received November 16, 2023

- The subject lands **are** regulated by the UTRCA due to the presence of a riverine flooding hazard associated with Pottersburg Creek. As the proposed use will be located within an existing building with adequate dry access, the UTRCA has **no objections** to the submitted application.

Heritage – Received November 20, 2023

- Archaeological potential is identified on the property at 1544 Dundas Street based on the City's Archaeological Management Plan. Given that the proposal is to permit a new use with no new construction, no soil disturbance is anticipated. Therefore, an Archaeological Assessment is not required for this application. Archaeological potential still remains on the property.

Ecology – Received November 20, 2023

- Currently no ecological planning issues related to this property and/or associated study requirements.
- 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.

Engineering – Received November 22, 2023

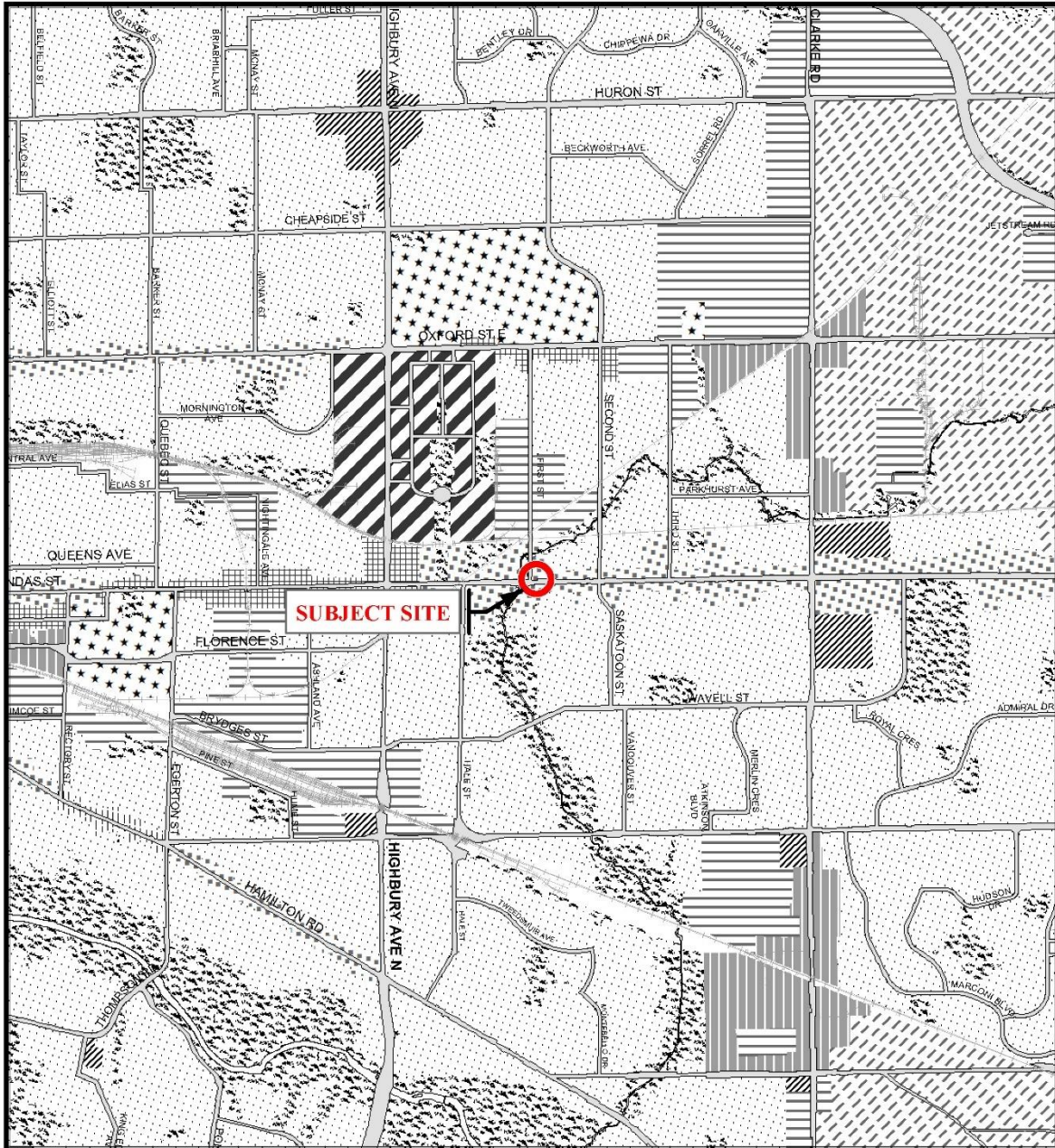
- Engineering has no concerns or comments for the PAC at 1544 Dundas Street. It is our understanding there are no exterior changes proposed to the site.

Appendix D – Public Engagement

No public comments were received for this application.

Appendix E – 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 | |

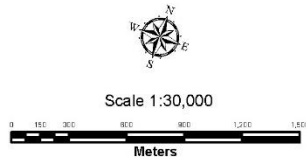
This is an excerpt from Planning & Development's working consolidation of Map 1 - Place Types of the London Plan, with added notations.

CITY OF LONDON

Official Plan

**LONDON PLAN MAP 1
- PLACE TYPES -**

PREPARED BY: Planning & Development



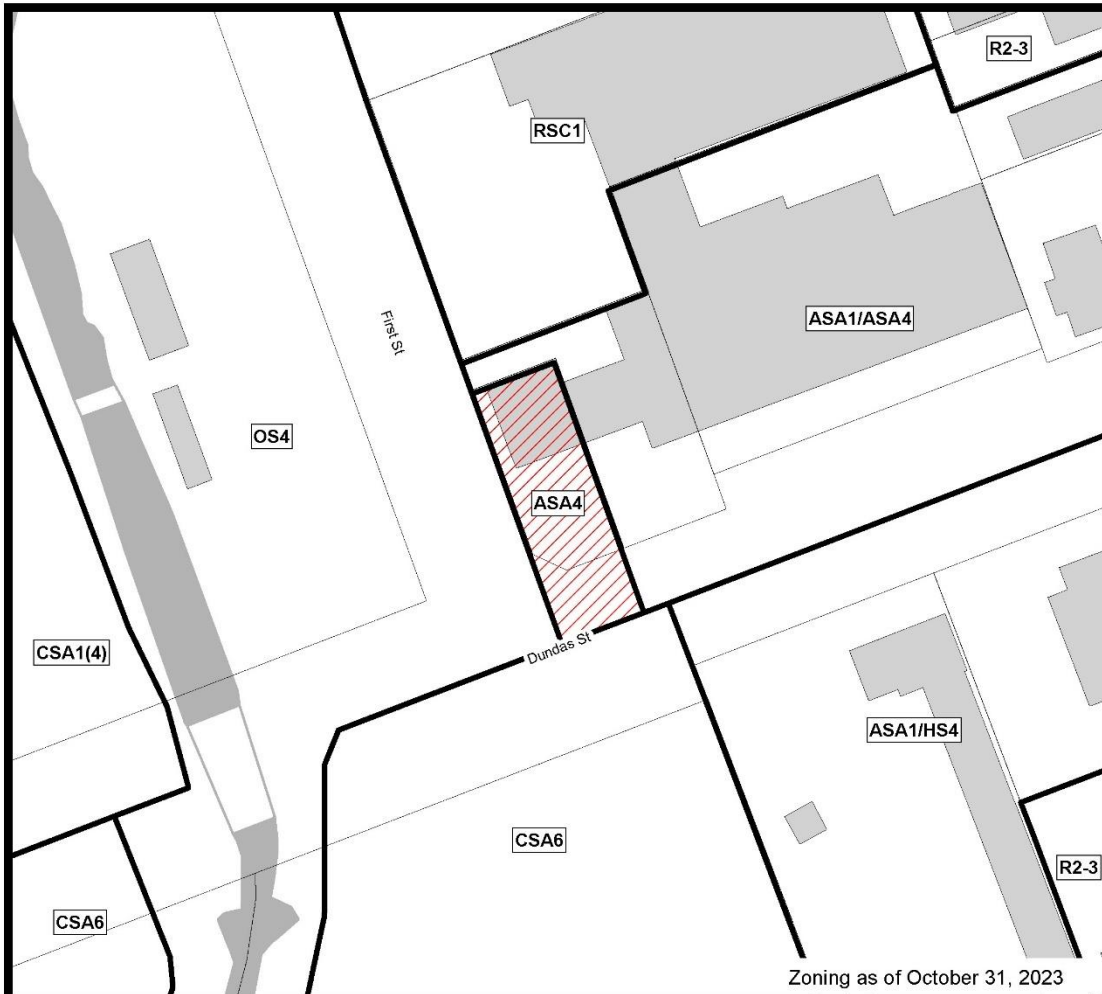
File Number: Z-9671

Planner: CC

Technician RC

Date: 2023/11/20

Zoning By-law Z.-1 – Zoning Excerpt



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

1) *LEGEND FOR ZONING BY-LAW Z-1*

- | | |
|--|---|
| <ul style="list-style-type: none"> 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 | <ul style="list-style-type: none"> 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**



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

FILE NO:

Z-9671

CC

MAP PREPARED:

2023/11/20

RC

1:1,000

0 5 10 20 30 40 Meters