

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: Kanwal Dentistry Professional Corporation
367 Springbank Drive
File Number: Z-9722, Ward 11
Date: June 11, 2024

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of Kanwal Dentistry Professional Corporation relating to the property located at 367 Springbank Drive:

- (a) The proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting June 25, 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** a Residential R2/Office Conversion (R2-2/OC4) Zone, **TO** an Arterial Commercial Special Provision (AC2(_)) Zone;
- (b) The Site Plan Approval Authority **BE REQUESTED** to consider the following design issues through the site plan process:
 - i) As parking exceeds minimum requirements the applicant is encouraged to convert spaces for additional outdoor amenity space;
 - ii) Specify the location of the medical/dental waste;
 - iii) Relocate the proposed bicycle parking;

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;
- ii) The recommended amendment conforms to the policies of The London Plan, including but not limited to the Key Directions and Urban Corridor Place Type.
- iii) The recommended amendment would facilitate the establishment of office and residential uses that are appropriate for the context of the site.

Executive Summary

Summary of Request

The applicant has requested an amendment to the Zoning By-law Z.-1 to rezone the property from a Residential R2 and Office Conversion (R2-2/OC4) Zone to an Arterial Commercial Special Provision (AC2(_)) Zone, with provisions to permit an existing reduced interior side yard setback, a reduced parking area setback, and to permit a dwelling unit in the basement of the building.

Purpose and the Effect of Recommended Action

The recommended action will permit a dentist's office, along with two dwelling units and an addition to the existing building. Staff are recommending approval of the proposed Zoning By-law Amendment with the requested special provisions.

Linkage to the Corporate Strategic Plan

This recommendation supports the following Strategic Areas of Focus:

- **Housing and Homelessness**, by ensuring London's growth and development is well-planned and considers use, intensity, and form.
- **Housing and Homelessness**, by increasing access to a range of quality, affordable, and supportive housing options that meet the unique needs of Londoners.
- **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 Property Description and Location

The subject lands, municipally known as 367 Springbank Drive, are located on the north side of Springbank Drive, west of Seawood Avenue and east of Mary Avenue in the Southcrest Planning District. The lands are relatively flat in topography, and currently contain a single detached dwelling and a detached garage to the east of the dwelling.

The surrounding uses consist of a mix of office conversions, commercial uses, and low-density residential uses. The property is adjacent to a low-density residential neighbourhood (to its north and west), and is in relative proximity to neighbourhood amenities such as parks (Kensal Park and Greenway Park), a school (Kensal Park French Immersion Public School), and a cemetery (Woodland cemetery).

Site Statistics:

- Current Land Use: Residential (single detached dwelling)
- Frontage: 16.9 metres
- Area: 710m²
- Shape: regular (rectangle)
- Located within the Built Area Boundary: Yes
- Located within the Primary Transit Area: Yes

Surrounding Land Uses:

- North: Low-density residential
- East: Low-density residential
- South: Neighbourhood shopping centre
- West: Low-density residential, car wash

Existing Planning Information:

- The London Plan Place Type: Urban Corridor Place Type
- Existing Zoning: Residential R2 and Office Conversion (R2-2/OC4) Zone

Additional site information and context is provided in Appendix B.



Figure 1- Aerial Photo of 367 Springbank Drive and surrounding lands



Figure 2 - Streetview of 367 Springbank Avenue (view looking north)

2.0 Discussion and Considerations

2.1 Development Proposal

The applicant is proposing to add an addition to the existing building which would contain the proposed dentist office use and would create space in the upper floor and basement for dwelling units (one on each floor). The existing driveway is proposed to be expanded to provide 5 parking spaces behind the building, leaving space for a landscaped buffer around the parking area.

The proposed development includes the following features:

- Land use: Mixed-use (office and residential)
- Form: Dentist office with accessory dwelling units (basement and upper floor)
- Height: 2 storeys (7.5m)
- Residential units: 2
- Building coverage: 17.8%
- Parking spaces: 5 (surface)
- Bicycle parking spaces: 4
- Landscape open space: 22%

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

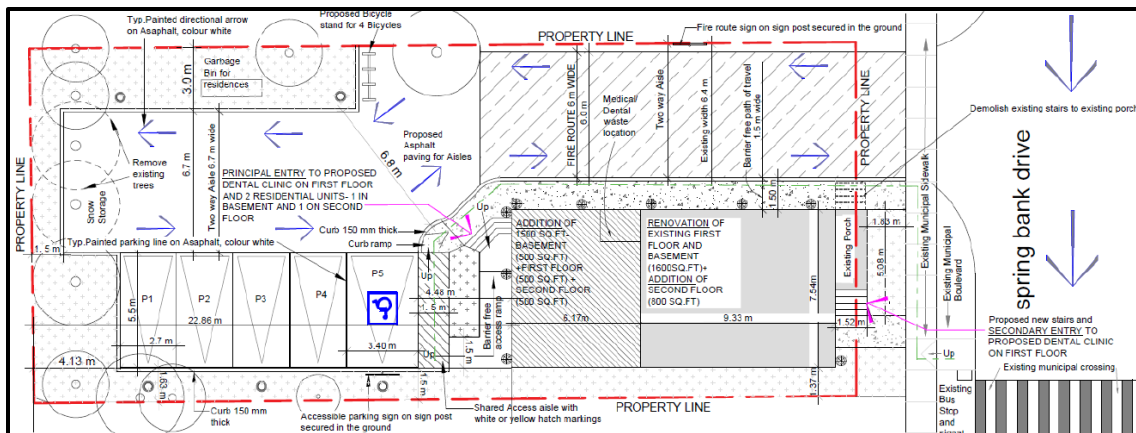


Figure 3 - Conceptual Site Plan (March 2024)



Figure 4 - Renderings of proposed building (March 2024)

Additional plans and drawings of the development proposal are provided in Appendix C.

2.2 Requested Amendment(s)

The applicant has requested an amendment to the Zoning Bylaw Z.-1 to rezone the property from a Residential R2 and Office Conversion (R2-2/OC4) Zone to an Arterial Commercial Special Provision (AC2(_)) Zone.

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

Regulation (AC2(_))	Required	Proposed
Permitted use	Dwelling units, above the first floor	Dwelling units (regardless of floor)
Minimum interior side yard setback	6.0m	1.37m (existing)
Minimum parking area setback	3.0m	1.5m

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 and are addressed in Section 4.0 of this report.

No key issues were identified by staff and agencies.

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

2.4 Public Engagement

On March 28, 2024, Notice of Application was sent to 84 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 April 11, 2024. 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

None.

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 subject site is located within the Urban Corridor Place Type, which contemplates a wide range of residential, retail, service, office, cultural, institutional, hospitality, entertainment, and recreational uses. The proposed office and residential uses align with the range of permitted uses contemplated within the Place Type and will help contribute to the vision of the Urban Corridor Place Type (TLP_830).

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 proposed building is in keeping with the intensity contemplated in the Urban Corridor Place Type, which requires a minimum height of two storeys (TLP Table 9) and sets a maximum area for office uses of 5000m² for individual buildings (TLP 840_5.). The proposed addition to the existing building maintains an appropriate intensity on the subject site, and provides appropriate buffers from adjacent lots to ensure compatibility (TLP 840_1.).

4.3 Form

The proposed form is consistent with the Urban Corridor Place Type's form policies and the City Design Policies. The proposed building would remain close to the front lot line (TLP 841_2.) and the parking is screened and located behind the building, helping ensure a high-quality pedestrian environment (TLP 841_9.).

4.4 Zoning

As part of the proposed Zoning By-law Amendment, the applicant is seeking special provisions one being for the location of a dwelling unit in the basement of the building, as well as setbacks for the west interior side yard and from the parking area to the west lot line.

The Arterial Commercial (AC2) Zone restricts dwelling units to above the first floor, which is generally intended to ensure that the main floor of a building in the Zone would be occupied by a commercial or office use. Given the proposed unit is within the basement Staff are supportive of the regulation as the unit would not detract from the main level dental office use. The proposed basement unit would be required to meet building code.

As existing, the building has a setback of 1.37 metre from the west lot line. The proposed special provision for the west interior side yard setback would establish the existing setback into the zoning, and would not lead to any setbacks smaller than the existing one. The proposed parking is located behind the building, and would be 1.5 metre from the west lot line. The setback keeps parking spaces set back slightly further than the building, and thus provides a similar setback and buffering from the adjacent property. Neither of the setback special provisions are expected to cause compatibility issues with adjacent properties.

Conclusion

The applicant has requested an amendment to the Zoning By-law Z.-1 to rezone the property from a Residential R2/Office Conversion (R2-2/OC4) Zone to an Arterial Commercial Special Provision (AC2(_)) Zone. Staff are recommending approval of the requested Zoning Bylaw amendment with special provisions.

The recommended action is consistent with the PPS 2020, conforms to The London Plan and will permit a dental office with accessory dwelling units.

Prepared by: Noe O'Brien
Planner, Planning and Development

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
Brent Lambert, Manager, Development Engineering

Appendix A – Zoning Bylaw Amendment

Bill No. (number to be inserted by Clerk's Office)
2024

By-law No. Z.-1-

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 367 Springbank Drive.

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 367 Springbank Drive as shown on the attached map comprising part of Key Map No. A106, **FROM** a Residential R2/Office Conversion (R2-2/OC4) Zone **TO** an Arterial Commercial Special Provision (AC2(_)) Zone.
2. Section Number 26.4 of the Arterial Commercial (AC) Zone is amended by adding the following Special Provisions:

AC2(_) 367 Springbank Drive

a. Additional permitted uses

- i) Dwelling units (below the first floor)

b. Regulations

- i) West interior side yard setback for buildings no greater than 8 metres in height (minimum) – 1.3m
- ii) Parking area setback (minimum) – 1.5m

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. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

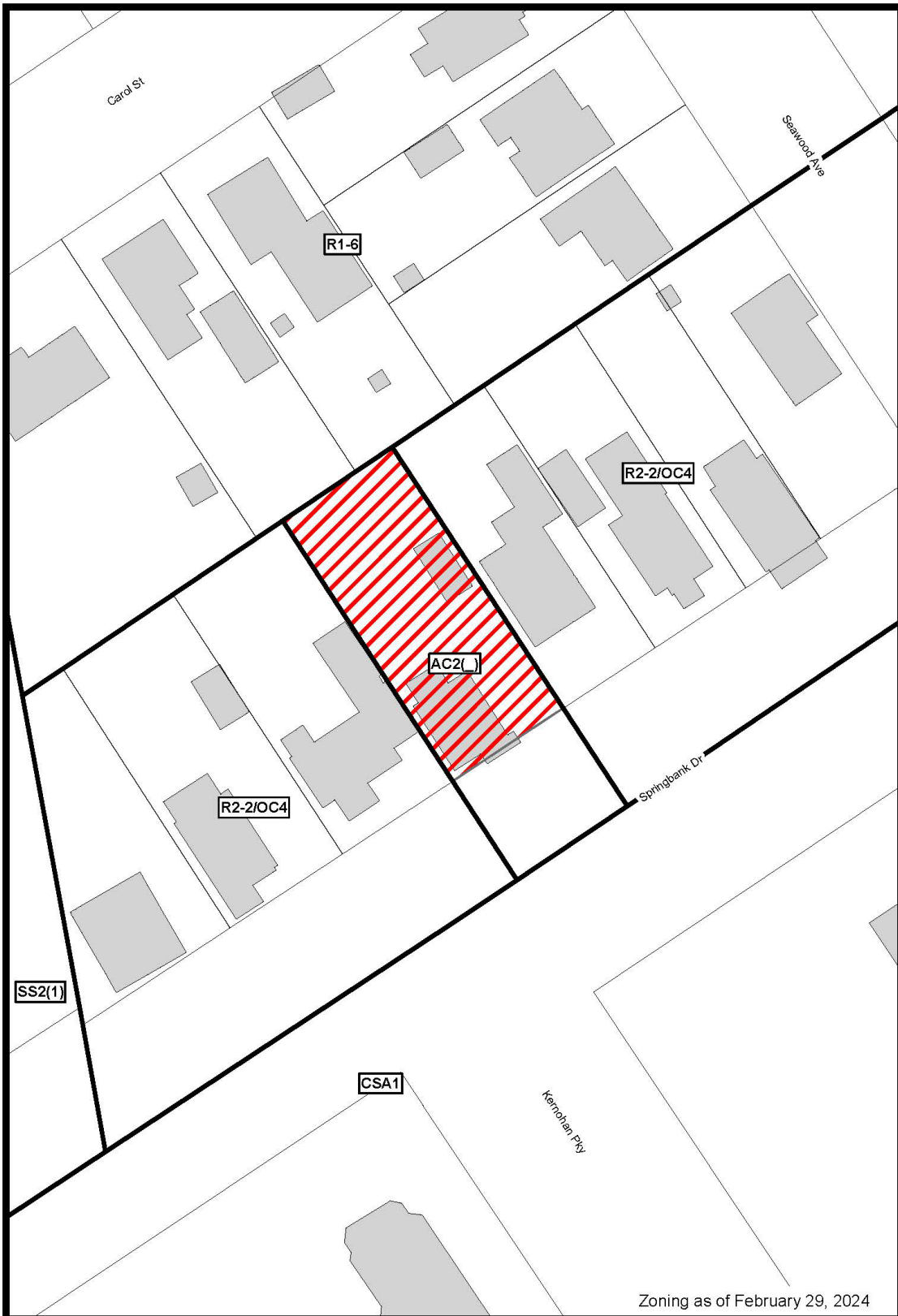
PASSED in Open Council on June 25, 2024

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – June 25, 2024
Second Reading – June 25, 2024
Third Reading – June 25, 2024

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



Zoning as of February 29, 2024

File Number: Z-9722
Planner: NO
Date Prepared: 2024/03/27
Technician: JI
By-Law No: Z.-1-

SUBJECT SITE 

1:600

0 3 6 12 18 24 Meters



Appendix B - Site and Development Summary

A. Site Information and Context

Site Statistics

Current Land Use	Residential (single detached dwelling)
Frontage	16.9 metres
Area	710 m ²
Shape	Regular (rectangle)
Within Built Area Boundary	Yes
Within Primary Transit Area	Yes

Surrounding Land Uses

North	Low-density residential
East	Low-density residential
South	Neighbourhood shopping centre
West	Low-density residential, car wash

Proximity to Nearest Amenities

Major Intersection	Springbank Drive and Wonderland Road South, 1.1km
Dedicated cycling infrastructure	Springbank Drive, adjacent
London Transit stop	Kernohan Parkway and Springbank Drive, 60m
Public open space	Kensal Park, 550m
Commercial area/use	Springbank Centre, adjacent
Food store	Giant Tiger, 100m
Primary school	Kensal Park French Immersion Public School, 200m
Community/recreation amenity	Springbank Gardens Community Centre, 1.5km

B. Planning Information and Request

Current Planning Information

Current Place Type	Urban Corridor Place Type along a Civic Boulevard
Current Special Policies	None
Current Zoning	R2-2/OC4

Requested Designation and Zone

Requested Place Type	No change requested
Requested Special Policies	No change requested
Requested Zoning	AC2()

Requested Special Provisions

Regulation (AC2())	Required	Proposed
Permitted use	Dwelling units, above the first floor	Dwelling units (regardless of floor)
Minimum interior side yard setback	6.0m	1.37m (existing)
Minimum parking area setback	3.0m	1.5m

C. Development Proposal Summary

Development Overview

The applicant is proposing to add an addition to the existing building, as well as to add a dentist office to the building. The addition would house the dentist office and would create space in the upper floor and basement for dwelling units (one on each floor). The existing driveway is proposed to be expanded to provide 5 parking spaces behind the building, leaving space for a landscaped buffer around the parking area.

Proposal Statistics

Land use	Mixed-use (office and residential)
Form	Dentist office with accessory dwelling units (basement and upper floor)
Height	2 storeys (7.5m)
Residential units	2
Building coverage	17.8%
Landscape open space	22%
New use being added to the local community	Yes

Mobility

Parking spaces	5 (surface)
New electric vehicles charging stations	Unknown
Secured bike parking spaces	4
Completes gaps in the public sidewalk	N/A
Connection from the site to a public sidewalk	Yes
Connection from the site to a multi-use path	N/A

Environmental Impact

Tree removals	2
Tree plantings	0
Tree Protection Area	No
Loss of natural heritage features	N/A
Species at Risk Habitat loss	N/A
Minimum Environmental Management Guideline buffer met	N/A
Existing structures repurposed or reused	Yes
Green building features	Unknown

Appendix C – Additional Plans and Drawings



Building rendering (front view)

Appendix D – Internal and Agency Comments

Heritage

- h-18 holding provision recommended (as Ministry letter for confirmation of archaeological assessment not yet received).

Ecology

Based on the mapping and plans provided, the proposed accessory uses and related works within the lands to be re-zoned EX1 appear to be at least 120 m from the identified natural heritage features currently zoned as Environmental Reserve (ER) both on and adjacent to the subject lands. As such, neither an SLSR nor an EIS has been required.

However, recent review of the *W12A Landfill Expansion Environmental Assessment – Biology* study prepared for the City for the lands to the south by AECOM dated August 2021 mapped:

- a small narrow extension of Significant Wildlife Habitat (SWH) for Monarch extending along Scotland Drive extending within 120 m of the lands to be re-zoned EX1, and
- habitat for two endangered Species at Risk birds (Bobolink and Eastern Meadowlark) within 120 m of the lands to be re-zoned EX1 and off-site but on the lands to the southeast (see Figure 6 of the W12A study).

Therefore, it is requested that:

1. a biologist screen for and map any existing Monarch habitat (i.e., mainly Common Milkweed plants) that may be impacted by the proposed works
2. that if and where required that any removals of such plants be avoided over August and September (when Monarchs eggs tend to be laid and hatched); and
3. any habitat removed (if required) be replaced by planting Common Milkweed (and potentially other native milkweeds) within the remaining SWH for Monarch on the subject lands.

We further suggest that the proponent reach out to MECP to ensure their proposed works are in conformity with the *Endangered Species Act*.

A copy of the *W12A Landfill Expansion Environmental Assessment – Biology* (AECOM, August 2021) can be provided on request.

Engineering

- By proceeding with the re-zoning this site, the applicant acknowledges that due to pressure zone limitations and site topography, adequate fire flow cannot be provided for this development. Further, the existing 100mm watermain on Scotland Dr appears to be undersized to service the proposed Development. As part of the zoning approval, h-166 holding provision will be required to ensure a watermain capacity analysis is completed and any required watermain upgrades constructed.

Matters for siteplan:

Wastewater:

- Bre-ex Aggregates approx. 56.4 Ha aggregate extraction operation proposal summary to allow for concrete and asphalt batching plants.
- There is no municipal sanitary sewer available or in close proximity. The lands are outside the UGB.

Water:

- - Water is available via the municipal 100mm watermain located on Scotland Dr. which is part of the City's low level water distribution system (hydraulic grade line of 301.8m).
 - The existing 100mm watermain in this area has limited capacity and substandard pressure. There is no fire protection available from this watermain. A capacity analysis of the existing watermain is required to demonstrate there is adequate capacity for the proposed development. The capacity analysis shall include all demands on Scotland Dr. between White Oak Road and Wellington Road. If upsizing of the existing watermain is required, it is to be completed by the applicant at no cost to the city.
 - It is proposed that the applicant and their engineer should meet with Water Engineering to further scope the study and to receive information on demands along Scotland Dr.

- A water servicing report will be required to address domestic water demands, fire flows and water quality.
- Water servicing shall be configured as to avoid the creation of a regulated drinking water system.

Stormwater:

Specific comment for this site:

- The site is within the Dingman Creek Screening Area of UTRCA and therefore the applicant is to engage as early as possible with UTRCA to confirm any requirements/approvals for this site.
- Currently, the proposed site on Scotland Drive is located outside of the Urban Growth Boundary and there is no municipal storm sewer or storm outlet to service this site. As per the Drainage By-Law, section 5.2, where no storm sewer is accessible the applicant shall provide a dry well or storm water retention system which is certified by a Professional Engineer to the satisfaction of the City Engineer.
- The subject site is not tributary to any storm sewers is therefore to be self-contained and provide storage for up to the 250 year event. Given the sensitivity of the feature on the site (wetland) and features adjacent to the property (Provincially Significant Wetland, ESA), the Owner shall be required to provide measures (e.g., quality control, environmental action plan, robust Erosion Sediment Control measures, etc.) to prevent any mitigation of materials into the adjacent lands and water features. Therefore, The consultant is to provide a SWM functional report indicating how the site is proposed to be serviced (e.g. on-site controls, LID, etc.).In addition , the consultant to demonstrate what is approach of managing the stormwater runoff quantity and quality.
- The requirement for water quality treatment to meet a minimum of 80% TSS shall be provided within the proposed design to the standards of the Ministry of the Environment, Conservation & Parks (MECP) and to the satisfaction of the City Engineer.
- Should the applicant require any chemicals or salt to be stored on site, it is recommended that these materials are stored in a self-contained and floodproofed facility such that there would be no negative impacts to the natural heritage features on site, on the adjacent site and/or to any fish habitat within the adjacent Dingman tributary and downstream SWMF (i.e., Tributary C, which is a cold water fishery)
- As per 9.4.1 of The Design Specifications & Requirements Manual (DSRM), drainage is to be self-contained. The owner is required to provide a lot grading plan for stormwater flows and major overland flows on site and ensure that stormwater flows are self-contained on site, up to the 100 year event and safely convey the 250 year storm event.
- Any future development applications within subject lands that are not serviced by municipal water or wastewater systems may be subject to a suitability study of the hydrogeological conditions that includes an assessment of water supply and sewage disposal system impacts from the proposed development(s) associated with the site. If required, the hydrogeological assessment shall be prepared by a qualified professional and demonstrate, to the satisfaction of the City, that private water well(s) and private sewage disposal system(s) can be established that meet the appropriate standards and will not impact adjacent properties and/or natural heritage features
- The Owner shall allow for conveyance of overland flows from external drainage areas that naturally drain by topography through the subject lands
- Stormwater run-off from the subject lands shall not cause any adverse effects to adjacent or downstream lands.
- An erosion/sediment control plan that will identify all erosion and sediment control measures for the subject site and that will be in accordance with City of London and MECP standards and requirements, all to the specification and satisfaction of the City Engineer. This plan is to include measures to be used during all phases of construction. These measures shall be identified in the Storm/Drainage Servicing Report.
- All applicants and their consultants shall ensure compliance with the City of London, Design Specifications and Requirements Manual, Ministry of the Environment, Conservation & Parks (MECP) Guidelines and Recommendation, and the SWM criteria ,as well as, targets for the Dingman Creek Subwatershed.
- Additional SWM related comments will be provided upon future review of this site.

General comments for sites within Dingman Creek Subwatershed:

- The subject lands are located in the Dingman Subwatershed. The Owner shall provide a Storm/Drainage Servicing Report demonstrating compliance with the SWM criteria and environmental targets identified in the Dingman Subwatershed Study that may include but not be limited to, runoff volume control, quantity/quality control (80% TSS), erosion, stream morphology, etc.
- The Owner agrees to promote the implementation of SWM Best Management Practices (BMP's) within the plan, including Low Impact Development (LID) where possible, to the satisfaction of the City Engineer.
- The owner is required to provide a lot grading plan for stormwater flows and major overland flows on site and ensure that stormwater flows are self-contained on site, up to the 100 year event and safely conveys up to the 250 year storm event, all to be designed by a Professional Engineer for review.
- The Owner shall allow for conveyance of overland flows from external drainage areas that naturally drain by topography through the subject lands.
- Stormwater run-off from the subject lands shall not cause any adverse effects to adjacent or downstream lands.
- An erosion/sediment control plan that will identify all erosion and sediment control measures for the subject site shall be prepared to the specification and satisfaction of the City Engineer and shall be in accordance with City of London and MECP (formerly MOECC) standards and requirements.
-
- **Transportation:**
 - Right-of-way dedication of 18.0 m from the centre line be required along 3696 & 3832 Scotland Dr. Currently there is no road widening at the above location. Therefore a widening of 7.942m is required to attain 18m from centreline.
 - Detailed comments regarding access design and location will be made through the site plan process.

UTRCA

- Comments to be provided under separate cover.

Urban Design

1. Maintain the existing berm along Scotland Drive and provide additional landscaping (including four season plantings with mature trees) on top of the berm for sufficient screening between the proposed development and the public street.

Parks Planning

- Industrial uses, parkland dedication is waived as per By-law CP-25.
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Landscape Architecture

1. For trees outside of significant Natural Heritage Features, the summation of tree diameter to be destroyed shall correspond to the number of Replacement Trees required in accordance with London Plan Policy 399; all trees over 10cm in diameter, measured at a height of 1.4m above the ground, shall be replaced at a rate of 1 tree for every 10cm diameter removed.
2. All trees within site over 50cm dbh are protected by the Tree Protection Bylaw and would require permits to injure or remove. Any person who contravenes any provision of this By-law is guilty of an offence and if convicted under this By-law is liable to a minimum fine of \$500.00 and a maximum fine of \$100,000.00, where the fine is not a set fine. To apply for a removal permit, contact Forestry Dispatcher at trees@london.ca with details of your request.

Site Plan

- Site Plan not required – jurisdiction of MNRF.

London Hydro

- 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.

Appendix E – Public Engagement

No public comments were received as part of this application.