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File: TZ-8353
Planner: Nicole Musicco

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: HEALTH ZONE NURSE PRACTITIONER LED CLINIC 1-34 BARBERRY COURT, 35-48 IVY COURT, 49-81 VINEWOOD COURT, 82-100 PRIMROSE COURT PUBLIC PARTICIPATION MEETING ON AUGUST 26, 2014

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of Health Zone Nurse Practitioner Led Clinic relating to the property located at 1-34 Barberrry Court, 35-48 Ivy Court, 49-81 Vinewood Court, 82-100 Primrose Court the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on September 2, 2014 to amend Zoning By-law No. Z.-t, in conformity with the Official Plan, by extending the Temporary (T-64) Zone.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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TZ-7888 – On June 8, 2011 the Family Health Nurse Practitioner-Led clinic to operate from a residential unit at 6 Barberrry Court which would provide health services to the residents living within the housing unit and the external neighbourhood.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of the requested Zoning By-law amendment is to extend permission for a Family Health Nurse Practitioner-Led clinic to operate from one of the residential unit located at 6 Barberrry Court to provide health services to the residents living within the Allen Rush Gardens Unit and external to the community for an additional 3-year period.

RATIONALE

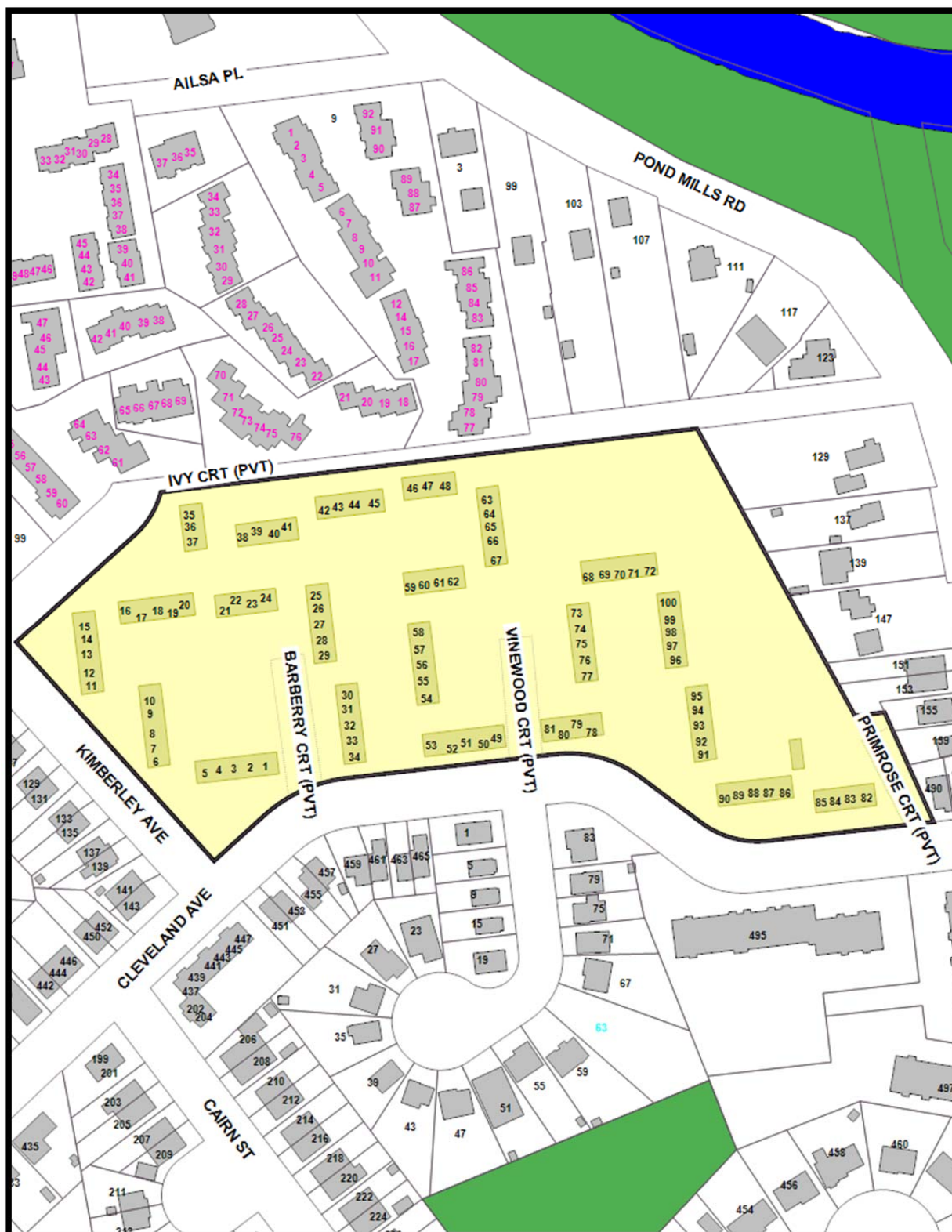
- The recommended amendment is consistent with the Provincial Policy Statement which requires that public service facilities be strategically located to support the effective and efficient delivery of emergency management services and, where feasible, be co-located to promote cost-effectiveness and facilitate service integration.
- The recommended amendment is consistent with the policies of the Official Plan which permits temporary use of land, buildings or structures for a purpose that is otherwise prohibited by this Plan, for renewable periods not exceeding three years.
- The proposed use will be accommodated within an existing unit and will not result in the construction of buildings or building additions that will undermine the long-term residential zoning of the subject lands.

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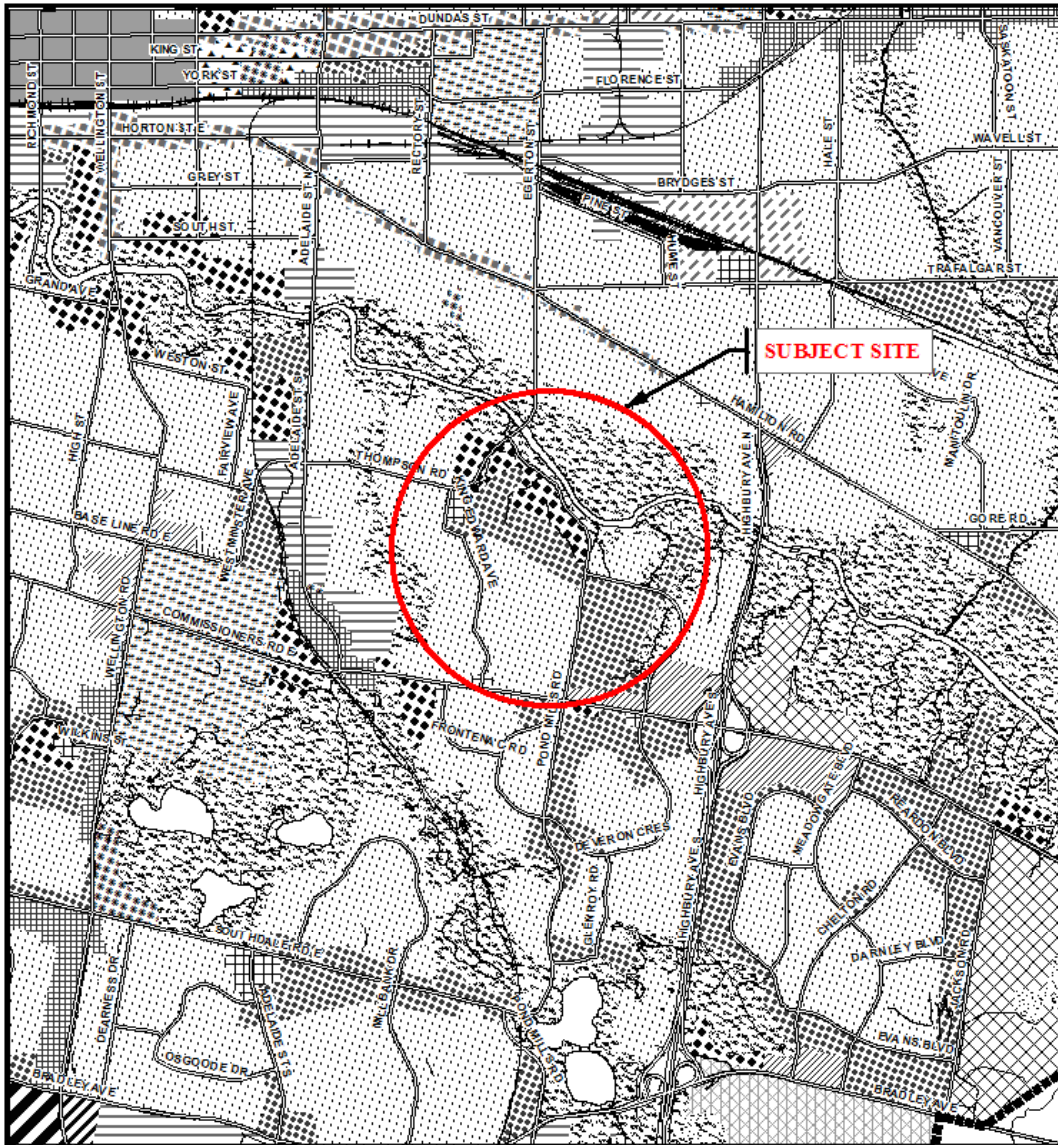
- The existing use has achieved a measure of compatibility and acceptability within the community and therefore an extension to the current Temporary Zone is not anticipated to result in negative impacts to the immediate neighbourhood.

Location Map



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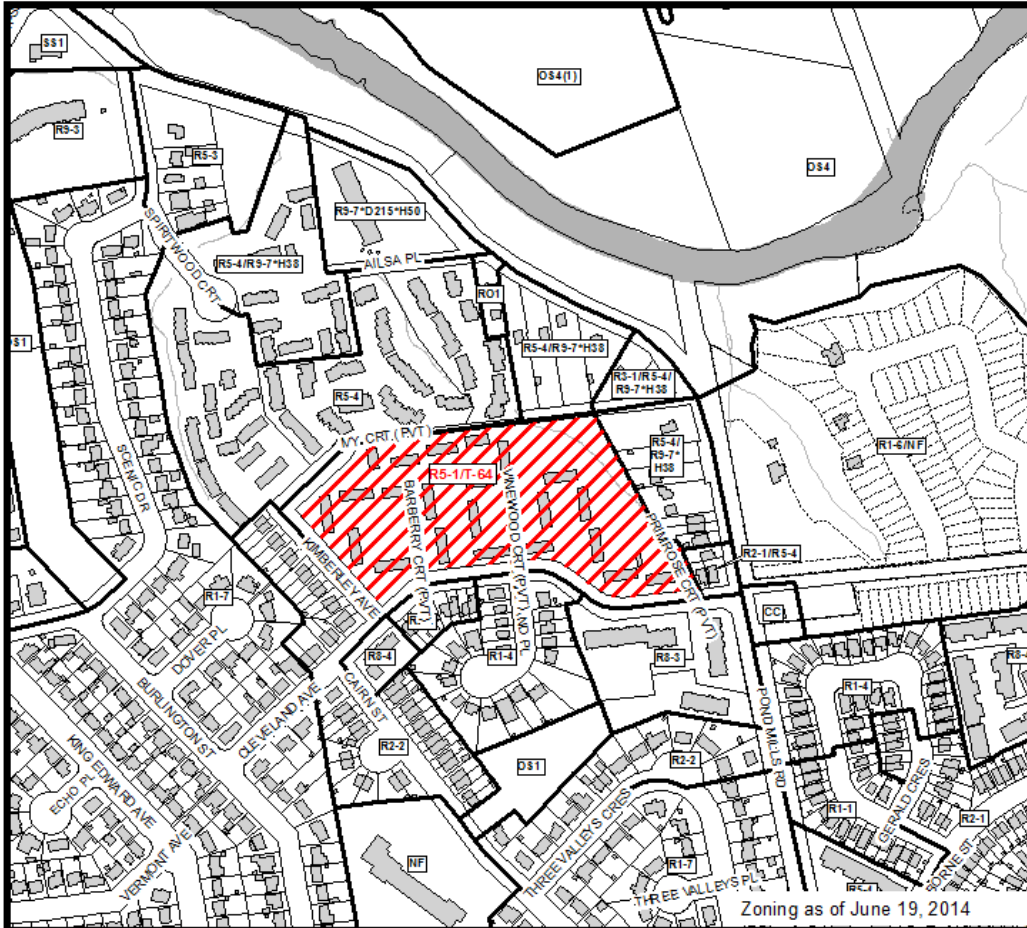
Legend	
	Downtown
	Wonderland Road Community Enterprise Corridor
	Enclosed Regional Commercial Node
	New Format Regional Commercial Node
	Community Commercial Node
	Neighbourhood Commercial Node
	Main Street Commercial Corridor
	Auto-Oriented Commercial Corridor
	Multi-Family, High Density Residential
	Multi-Family, Medium Density Residential
	Low Density Residential
	Office Area
	Office/Residential
	Office Business Park
	General Industrial
	Light Industrial
	Regional Facility
	Community Facility
	Open Space
	Urban Reserve - Community Growth
	Urban Reserve - Industrial Growth
	Rural Settlement
	Environmental Review
	Agriculture
	Urban Growth Boundary

<p>CITY OF LONDON Department of Planning and Development</p> <p>OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p><small>PREPARED BY: Graphics and Information Services</small></p>	 Scale 1:30,000 0 100 200 300 400 500 Meters	<p>FILE NUMBER: TZ-8353</p> <p>PLANNER: NM</p> <p>TECHNICIAN: CK</p> <p>DATE: 2014/07/17</p>
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PROJECT LOCATION: e:\planning\proj\ctsip_officialplan\work\cnso\00\excerpts\mod_templates\scheduleA_NEW_b&w_8x14_with_SWAP.mxd

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COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: R5-1/T-64

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

- | | |
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| <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 |
|--|---|

<p>CITY OF LONDON PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES</p> <p>ZONING BY-LAW NO. Z-1 SCHEDULE A</p>	<p>FILE NO: TZ-8353 NM</p> <hr/> <p>MAP PREPARED: 2014/07/18 CK</p> <hr/> <p style="text-align: center;">1:5,000</p> <p style="text-align: center;">0 25 50 100 150 200 Meters</p>
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THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS

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BACKGROUND

Date Application Accepted: May 15, 2014	Agent: Health Zone Nurse Practitioner Clinic
REQUESTED ACTION: Possible amendment to Zoning By-law Z-1 to TO extend the Residential R5/Temporary (R5-1/T-64) Zone which allows cluster townhouses and a Family Health Nurse Practitioner-Led clinic on a temporary period not exceeding three (3) years.	

SITE CHARACTERISTICS:
<ul style="list-style-type: none"> • Current Land Use – Cluster Townhouse with one Nurse Practitioner led clinic operating from 6 Barberry Court. • Frontage – Kimberly – approximately 120m. • Depth – 300 meters • Area – 4.1 hectares • Shape - Irregular

SURROUNDING LAND USES:
<ul style="list-style-type: none"> • North - Mix of cluster townhouse and single detached dwellings • South - Mix of single detached, semi-detached and apartment buildings • East - Mix of single detached, semi-detached dwellings which are zoned to permit cluster townhouses and apartment buildings. • West - Semi-detached dwellings

OFFICIAL PLAN DESIGNATION: (refer to Official Plan Map)
Multi-family Medium Density Residential
EXISTING ZONING: (refer to Zoning Map)
Residential R5/Temporary (R5-1/T-64) Zone

PLANNING HISTORY

In November 2008, a Nurse Practitioner-Led Clinic was opened in Allan Rush Gardens and Southdale housing complexes as pilot projects involving partners from Fanshawe College, London Health Sciences Centre, St. Joseph's Health Care, Middlesex-London Health Unit, the Salvation Army, and VON of Middlesex Elgin, among others, to provide primary health and social care needs in these two neighbourhoods where half the residents did not have a family doctor.

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In August, 2009 the funding for this pilot project expired and the clinics were closed requiring the patients to travel to farther destinations to seek medical attention. However, in August, 2010 the Government of Ontario has resumed funding for the Nurse Practitioner-Led Clinic program. In order to be eligible for the funding, the zoning for the subject lands must permit the requested Nurse Practitioner-Led Clinic use.

In 2011, the Health Zone Nurse Practitioner-led Clinic applied for a 3-year temporary zone to allow for a Nurse Practitioner Clinic to operate from a residential unit at 6 Barberrry Court which would provide health services to the residents living within the Allen Rush Gardens Housing Unit and the external neighbourhood. On June 8, 2011 the application went to Planning Committee, followed by Municipal Council where the application was approved.

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

PUBLIC LIAISON:	On May 21, 2014, Notice of Application was sent to 208 property owners in the surrounding area. Notice of Application was also published in the <i>Public Notices and Bidding Opportunities</i> section of <i>The Londoner</i> on May 22, 2014. A "Possible Land Use Change" sign was also posted on the site.	4 replies were received
<p><u>Nature of Liaison:</u> The purpose and effect of the requested Zoning By-law amendment is to permit a Family Health Nurse Practitioner-Led clinic under the direction of the University of Western Ontario Nurse Practitioner program operating from a residential unit at 6 Barberrry Court to provide health services to the residents living within the Allen Rush Gardens Housing Unit and the external neighbourhood. Possible amendment to Zoning By-law Z-1 to extend the Residential R5/Temporary (R5-1/T-64) Zone which allows cluster townhouses and a Family Health Nurse Practitioner-Led clinic under the direction of the University of Western Ontario Nurse Practitioner program on a temporary period not exceeding three (3) years.</p>		
<p><u>Public Comments:</u> Most of responses seeking clarification on the purpose of the application. Generally, no major concerns with request for the continued use of the Nurse Practitioner-Led Clinic. Seeking clarification on the specific services that the Practitioner Clinics provide. Concerns with the condition of the townhouse units.</p> <p><u>Response to Public Concerns:</u> The London and Middlesex Housing Corporation advised that the appropriate building inspections were completed to meet zoning requirements and to ensure renovations and expansion of the unit were conducted in accordance with all By-Laws. Regarding the concern with mold, the LMHC has a requirement to conduct full mold abatement to eradicate mold when necessary. The Nurse Practitioner Led Clinics provide primary care, counseling, social support, and patient/family education. Within these areas they have four main components: women's health, chronic disease management, mental health, and family health. NPs are not licensed to order narcotic drugs.</p>		

Comments:

Development Services – City of London

The Environmental and Engineering Services Department has not identified any concerns with respect to the aforementioned Zoning By-law amendment application.

Wastewater and Drainage Engineering – City of London

No comment.

Urban Forestry

No comments.

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Sanitary

No comment.

Transportation

Division provides no comment.

Upper Thames River Conservation Authority

Given that the clinic will be located in an existing residential unit, the UTRCA has no objections to this application or permit requirements

UTRCA Review Fees

Consistent with the UTRCA Board of Directors approved policy, Authority Staff are authorized to collect fees for the review of Planning Applications. The fee is \$200 and will be invoiced under a separate cover.

ANALYSIS

Subject Lands

The subject lands are bordered by Cleveland Avenue to the south, Kimberly Avenue to the west, and Ivy Court to the north. Cleveland and Kimberly Avenues are designated as local roads and Ivy Court is a private road. The subject lands are designated Multi-Family, Medium Density Residential and zoned to permit cluster townhouse and stacked cluster townhouse dwellings. The surrounding lands are zoned to permit multi-unit forms of housing including semi-detached dwellings, cluster dwellings, and apartment buildings.

Nature of the Application

The requested amendment is to allow for the extended use of a Nurse Practitioner-Led clinic within an existing dwelling unit on a temporary basis not exceeding three (3) years. The subject lands previously accommodated a Nurse Practitioner-Led clinic on a pilot project basis with great success which resulted in a 3 year temporary zone being approved in 2011. The main services that they provide include: Primary care, counseling, social support, and patient/family education. There are four main areas of focus that include: women's health, chronic disease management, mental health, and family health. Nurse Practitioners are not licensed to order narcotic drugs.

Provincial Policy Statement

The Provincial Policy Statement, 2014 (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS promotes healthy, liveable and safe communities by: encouraging efficient development and land use patterns which sustain the financial well-being of the municipality; accommodate an appropriate range and mix of residential, employment and other land uses; and, promoting cost effective standards to minimize land consumption and servicing costs.

Policy 1.1.1 - (Managing and Directing Land Use to Achieve Efficient Development and Land Use Patterns) of the PPS states that healthy, liveable, and safe communities are sustained by: (b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs.

- The requested amendment to facilitate the integration of residential and institutional uses (in the form of a Nurse Practitioner-Led Clinic) is consistent with the policies of the PPS.

Policy 1.6 (Infrastructure and Public Service Facilities) of the PPS requires planning authorities to provide public service facilities that shall be coordinated efficient and cost effective accommodating projected needs. (including Nurse Practitioner-Led Clinics).

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- The PPS also requires that public service facilities be co-located to promote cost-effectiveness and facilitate service integration. The requested extension to facilitate the integration of a multi-disciplinary Nurse Practitioner-Led Clinic within a residential complex is consistent with the policies of the PPS.

Official Plan

The Official Plan contains Council's objectives and policies to guide the short-term and long-term physical development of the municipality. The policies promote orderly urban growth and compatibility among land uses. While the objectives and policies in the Official Plan primarily relate to the physical development of the municipality, they also have regard for relevant social, economic and environmental matters.

Policy 19.4.5 of the Official Plan allows Council to pass by-laws to authorize the temporary use of land, buildings or structures for a purpose that is otherwise prohibited by this Plan, for renewable periods not exceeding three years, in accordance with the provisions of the Planning Act, provided that the general intent and purpose of the Official Plan are maintained.

In enacting a Temporary Use By-law, Council shall have regard for the following matters:
Compatibility of the proposed use with surrounding land uses

- The request for the extension of the Nurse Practitioner-Led Clinic is intended to provide a service to the surrounding area. The clinic is intended to be local in nature providing service to those who live immediately within the residential housing complex or within proximity to the site. The proposed use is intended serve the local community and will not dispense or store any medication on site.

Any requirement for temporary connection to municipal services and utilities;

- No additional requirements for temporary connection to municipal services and utilities are required.

The potential impact of the proposed use on transportation facilities and traffic in the immediate area;

- Given the localized nature of the clinic service area, there are no negative impacts of the proposed use anticipated on transportation facilities and traffic in the immediate neighbourhood.

Access requirements for the proposed use;

- Access is intended to be provided from the existing vehicular access points at Ivy Court, Barberry Court, Vinewood Court, and Primrose Court. Access will also be provided from the existing network of pedestrian pathways. The City of London Transportation Division does not have any concerns with the proposal for the extension.

Parking required for the proposed use, and the ability to provide adequate parking on-site;

- Given the small-scale and localized nature of the service area, there are no requirements for additional parking.

The potential long-term use of the temporary use;

- The potential long-term use of the temporary use is subject to provincial government funding. The requested temporary zone allows the municipality to assess the requested use over a period of three years and determine whether the integration of clinic and residential uses is appropriate over the longer term. There are no impediments that would preclude the subject site from returning to its previous long-term use as a residential dwelling unit when it is no longer being utilized for its proposed temporary use.

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Zoning By-law

The Zoning By-law is a comprehensive document used to implement the policies of the Official Plan by regulating the use of land, the intensity of the permitted use, and the built form. This is achieved by applying various zones to all lands within the City of London which identify a list of permitted uses and regulations that define the limits within which development can occur. Collectively, the permitted uses and regulations assess the ability of a site to accommodate a development proposal. It is important to note that all three criteria of use, intensity, and form must be considered and deemed to be appropriate prior to the approval of any development proposal.

Section 50.1 - General Purpose of the T Zone - describes the rationale behind the Temporary Zoning provisions. This section states that the Temporary zone:

...provides for and regulates temporary uses in accordance with Section 39 of the Planning Act and Section 19 of the City's Official Plan. This zone permits temporary uses for a specified period of time after which the Temporary (T-) Zone symbol and text are removed and revert back to the main zone. The establishment of a temporary use permanently on a property can only occur by way of a zoning bylaw amendment under Section 34 of the Planning Act. To facilitate the requested amendment, it is recommended that the current Temporary Zone be extended for a period not exceeding three years.

CONCLUSION

The request to amend the Zoning By-law to permit a Family Health Nurse Practitioner-Led clinic Operating from a residential unit at 6 Barberry Court is intended to provide health services to the residents living within the housing complex and the external neighbourhood. The recommended amendment is consistent with the Planning Act, the policies of the PPS, the Official Plan, and provides health care services to the neighbourhood. The proposed use has achieved a measure of compatibility within the community, as a result, an extension of the temporary zone for a period of 3-years is being recommended.

PREPARED BY:	SUBMITTED BY:
NICOLE MUSICCO – PLANNER II CURRENT PLANNING	MICHAEL TOMAZINCIC, MCIP, RPP MANAGER, CURRENT PLANNING
RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER	

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Responses to Public Liaison Letter and Publication in “The Londoner”

<u>Telephone</u>	<u>Written</u>
Louise Davidson	Jennifer Anderson
Nancy Lazar	

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Bibliography of Information and Materials
TZ-8353

Request for Approval:

City of London Zoning By-law Application Form, completed by Health Zone Nurse Practitioner Led Clinic, May 15, 2014.

Reference Documents:

Ontario. Ministry of Municipal Affairs and Housing. *Planning Act, R.S.O. 1990, CHAPTER P.13*, as amended.

Ontario. Ministry of Municipal Affairs and Housing. *Provincial Policy Statement*, 2014.

City of London. *Official Plan*, June 19, 1989, as amended.

City of London. *Zoning By-law No. Z.-1*, May 21, 1991, as amended.

Correspondence: (all located in City of London TZ-8353 unless otherwise stated)

City of London -

Abushehada I, Manager Development Engineering, Development Services – June 24, 2014

City of London Planning Division. Various e-mails with ????. January 16, 2007 to November 15, 2007.

Moore R, Wastewater and Drainage Engineering – May 23, 2014.

Postma R, Forestry Technology – May 22, 2014.

Departments and Agencies -

Creighton C., UTRCA. Letter to N. Musicco – June 10, 2014.

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Appendix "A"

Bill No. (number to be inserted by Clerk's Office)
2014

By-law No. Z.-1-14_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 1-34 Barberry Court, 35-48 Ivy Court, 49-81 Vinewood Court, 82-100 Primrose Court.

WHEREAS Health Zone Nurse Practitioner Led Clinic has applied to rezone an area of land located at 1-34 Barberry Court, 35-48 Ivy Court, 49-81 Vinewood Court, 82-100 Primrose Court, as shown on the map attached to this by-law, as set out below;

AND WHEREAS the Municipal Council of the Corporation of the City of London, by By-law No. Z.-1-112032 approved the Temporary Use for 1-34 Barberry Court, 35-48 Ivy Court, 49-81 Vinewood Court, 82-100 Primrose Court for a period not exceeding-three (3) years beginning June 20, 2011.

AND WHEREAS this rezoning conforms to the Official Plan;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

- 1) Section Number 50.2 of By-law No. Z.-1 is amended by changing the Temporary Zone as follows:

64) T-64

This temporary use is hereby extended for a temporary period not exceeding three (3) years from the date of the passing of this By-law beginning September 2, 2014.

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 September 2, 2014.

Agenda Item # Page #

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J. Baechler
Mayor

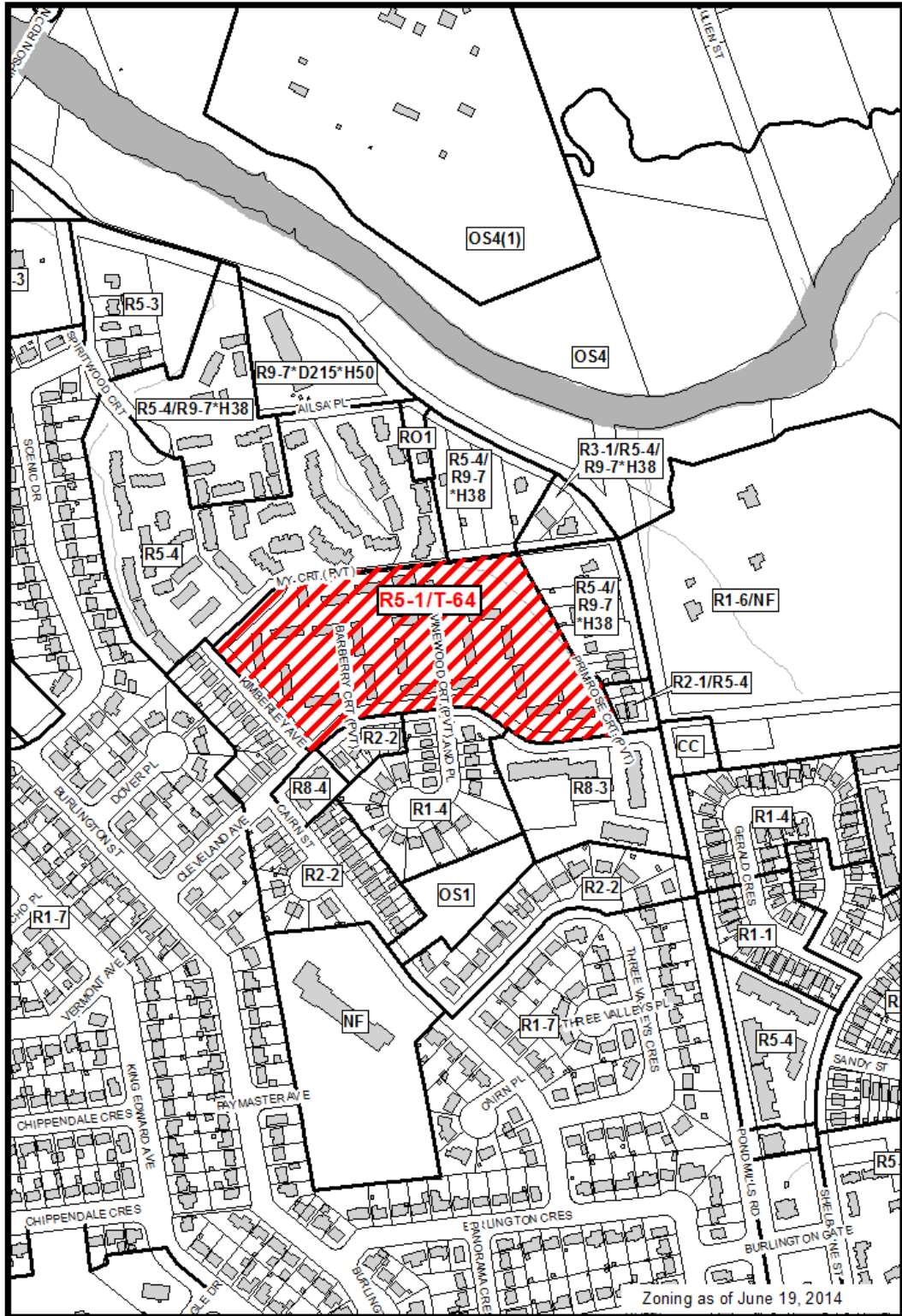
Catharine Saunders
City Clerk

First Reading - September 2, 2014
Second Reading - September 2, 2014
Third Reading - September 2, 2014

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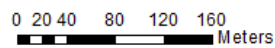
AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



File Number: TZ-8353
 Planner: NM
 Date Prepared: 2014/07/18
 Technician: CK
 By-Law No: Z.-1-

SUBJECT SITE

1:4,500



Geobase