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File: Z-8437  
Planner: B. Turcotte

<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING &amp; ENVIRONMENT COMMITTEE</b>
<b>FROM:</b>	<b>JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER</b>
<b>SUBJECT:</b>	<b>APPLICATION BY: MARY SLEEGERS 1925 CULVER DRIVE AND 585, 587 and 589 CLARKE ROAD PUBLIC PARTICIPATION MEETING ON MARCH 23, 2015</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of the Managing Director, Planning and City Planner, with respect to the application of Mary Slegers relating to the property located at 1925 Culver Drive and 585, 587 and 589 Clarke Road the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on March 31, 2015 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject site **FROM** a Restricted Service Commercial (RSC1/RSC3/RSC4) Zone **TO** a Restricted Service Commercial Special Provision (RSC1/RSC3(\*)/RSC4) Zone for the lands at 1925 Culver Drive and a Restricted Service Commercial Special Provision (RSC1/RSC3(\*\*)/RSC4) Zone for the lands at 585, 587, and 589 Clarke Road.

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
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February 25, 2008, General Manager of Planning and Development, Report to the Planning Committee, Wise Athletic Development Academy Inc., 585, 587, 589 Clarke Road.

<b>PURPOSE AND EFFECT OF RECOMMENDED ACTION</b>
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The purpose and effect of the recommended Zoning By-law amendment for lands known as 1925 Culver Drive is to provide for the adaptive re-use of an existing building for a 332 seat place of worship use.

The purpose and effect of the recommended Zoning By-law amendment for lands known as 585, 587 and 589 Clarke Road is to provide for the maintenance of three existing single detached dwellings with a minimum exterior side yard of 5.5 metres.

<b>RATIONALE</b>
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1. The recommended amendments are consistent with, and will serve to implement, the Provincial Policy Statement, 2014;
2. The recommended amendments are consistent with, and will serve to implement, the policies of the Official Plan;

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**LOCATION MAP**




**LOCATION MAP**

Subject Site : 585-589 Clarke Rd and  
1925 Culver Dr  
Applicant: Mary Slegers  
File Number : z-8437

Planner : BT  
Created By : MB  
Date : 2014/11/10  
Scale : 1:2000

**Legend**

 Subject Site

Prepared by : Graphics & Information Services , Planning Division  
Corporation of the City of London  
File-planning/projects/p\_locationmaps/MXD



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3. The recommended amendment to provide for a place of worship use in an existing structure located at 1925 Culver Drive is appropriate and will not negatively impact existing adjacent development;
4. The recommended by-law regulation limiting the capacity of the place of worship use located at 1925 Culver Drive to 332 seats is appropriate given the number of existing on-site parking spaces;
5. The recommended amendment recognizing the existing residential buildings known municipally as 585, 587 and 589 Clarke Road is appropriate and will not negatively impact the existing adjacent development; and,
6. The recommended amendment to provide for a minimum exterior side yard of 5.5 metres (in lieu of 7 metres) for lands known municipally as 585, 587 and 589 Clarke Road is appropriate and will not negatively impact existing adjacent development.

<b>BACKGROUND</b>
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<b>Date Application Accepted:</b> December 9, 2014	<b>Agent:</b> Zelinka Priamo LTD
<b>REQUESTED ACTION:</b>	
<p>Change Zoning By-law Z.-1 for lands known as 585, 587 and 589 Clarke Road <b>FROM</b> a Restricted Service Commercial (RSC1/RSC3/RSC4) Zone which permits such uses as, but not limited to: automobile sales and service establishments; home improvement and furnishing stores; assembly halls; private clubs; commercial recreation establishments; convenience stores; and, personal service establishments <b>TO</b> a Restricted Service Commercial Special Provision (RSC1/RSC3(_)/RSC4) Zone to permit, in addition to those uses noted above, existing single detached dwellings with a minimum exterior side yard depth of 5.5 metres.</p> <p>Change Zoning By-law Z.-1 for lands known as 1925 Culver Drive <b>FROM</b> a Restricted Service Commercial (RSC1/RSC3/RSC4) Zone which permits such uses as, but not limited to: automobile sales and service establishments; home improvement and furnishing stores; assembly halls; private clubs; commercial recreation establishments; convenience stores; and, personal service establishments <b>TO</b> a Restricted Service Commercial Special Provision (RSC1/RSC3(_)/RSC4) Zone to permit, in addition to those uses noted above, a place of worship use. The City may also consider an additional special provision, not requested by the applicant, the purpose and effect of which would be to cap the size of the sanctuary area of the requested place of worship use to 332 seats.</p>	

<b>SITE CHARACTERISTICS:</b>
<ul style="list-style-type: none"> <li>• <b>Current Land Use</b> –commercial recreation and residential</li> <li>• <b>Frontage</b> – 107 metres (along Clarke Road)</li> <li>• <b>Depth</b> – 134 metres (along Culver Drive)</li> <li>• <b>Area</b> – 1.43 hectares (3.5 acres)</li> <li>• <b>Shape</b> - regular</li> </ul>

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<b>SURROUNDING LAND USES:</b>
<ul style="list-style-type: none"> <li>• <b>North</b> - commercial/retail plaza</li> <li>• <b>South</b> - industrial</li> <li>• <b>East</b> - industrial (McCormick Canada)</li> <li>• <b>West</b> - residential (single detached and multi-family dwellings)</li> </ul>

<b>OFFICIAL PLAN DESIGNATION:</b> ( refer to Official Plan Map – pg.6)
<ul style="list-style-type: none"> <li>• Auto-Oriented Commercial Corridor</li> </ul>
<b>EXISTING ZONING:</b> (refer to Zoning Map – refer to pg.7)
<ul style="list-style-type: none"> <li>• Restricted Service Commercial (RSC1/RSC3/RSC4)</li> </ul>

<b>PLANNING HISTORY</b>
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The subject site (which includes lands known municipally as 1925 Culver Drive and 585, 587 and 589 Clarke Road – see Figure 1, pg. 8) is a single lot, owned by the applicant, with 4 distinct municipal addresses.

The westerly portion of the subject property (known municipally as 1925 Culver Drive) contains a one storey, purpose-designed industrial building that would appear to have been constructed prior to 1978. At the time of construction the building was accessed via a driveway that extended from Clarke Road. The building has a history of short-term uses and vacancies. The most recent tenant, Wise Athletic Development Academy, vacated the building in December of 2014 after six years of operation. The building is currently vacant.

The easterly portion of the subject property (known municipally as 585, 587 and 589 Clarke Road) contains three, one storey, single detached dwellings that would appear to have been constructed prior to 1950.

On March 3<sup>rd</sup>, 2008 Municipal Council amended the Z.-1 Zoning By-law for the subject site from a Restricted Service Commercial/Light Industrial (RSC1/RSC4/LI7) Zone to a Restricted Service Commercial (RSC1/RSC3/RSC4) Zone. The purpose and effect of the zoning amendment was to remove the light industrial uses provided for under the Light Industrial (LI1) Zone variation and add uses permitted under the Restricted Service Commercial (RSC3) Zone variation including, but not limited to: commercial recreation establishments and assembly halls. This amendment allowed the Wise Athletic Development Academy to establish their business operations in 1925 Culver Drive.

On July 8<sup>th</sup>, 2008 the Committee of Adjustment granted a Minor Variance for 1925 Culver Drive to allow the Wise Athletic Development Academy to build an outdoor beach volleyball court and sports field subject to the following conditions:

1. A Building Permit be obtained prior to the commencement of construction;
2. The proposed sports field be shifted to the east, in line with the westernmost wall of the building, to provide a buffer between the sports field and the residential uses to the west;
3. Appropriate fencing be installed along the westerly property line to help buffer the residential

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uses;

4. Appropriate lighting be installed on the sports field, the type of lighting and the direction of the lighting to be specified on the site plan; and,
5. Site Plan Approval be obtained to the satisfaction of the General Manager of Planning and Development.

On August 27<sup>th</sup>, 2008 the property owner entered into a Development Agreement with the Corporation of the City of London for lands known municipally as 1925 Culver Drive. The Development Agreement, and associated Site Plan (see Figure 2, pg. 9) provided for: a 1 storey, 1,304 sq. metre (14,036 sq. ft.) commercial recreation establishment; an outdoor volleyball court and play field; buffering elements; a new vehicular access point to Culver Drive (and the closure of the driveway accessing Clarke Road); and, 83 on-site parking spaces. These improvements were completed by 2009.

Lands known municipally as 1925 Culver Drive and 585, 587 and 589 Clarke Road are also the subject of a concurrent Consent Application (See Figure 2, pg. 9). The Consent Application seeks to sever lands known municipally as 1925 Culver Drive (shown as Part "A", Figure 2) from lands known municipally as 585, 587 and 589 Clarke Road that are to be retained (shown as Part "B", Figure 2).

In order for the Consent Application to be considered, the lot dimensions, building setbacks and uses to be carried out on both the severed and retained lots must meet the requirements of the Z.-1 Zoning By-law. In this particular case, the severed lot (Part "A", Figure 2) would meet the minimum lot and building setbacks of the existing Restricted Service Commercial (RSC1/RSC3/RSC4) Zone variation. The proposed use of the severed lot for a place of worship however is not consistent with the current range of permitted uses in the Restricted Service Commercial (RSC1/RSC3/RSC4) Zone variation.

With the exception of the minimum exterior side yard requirement, the retained lot (Part "B", Figure 2) meets all of the minimum lot and building setbacks of the existing Restricted Service Commercial (RSC1/RSC3/RSC4) Zone variation. The proposed use of the retained lot for three existing residential structures is also not contemplated in the current Restricted Service Commercial (RSC1/RSC3/RSC4) Zone variation.

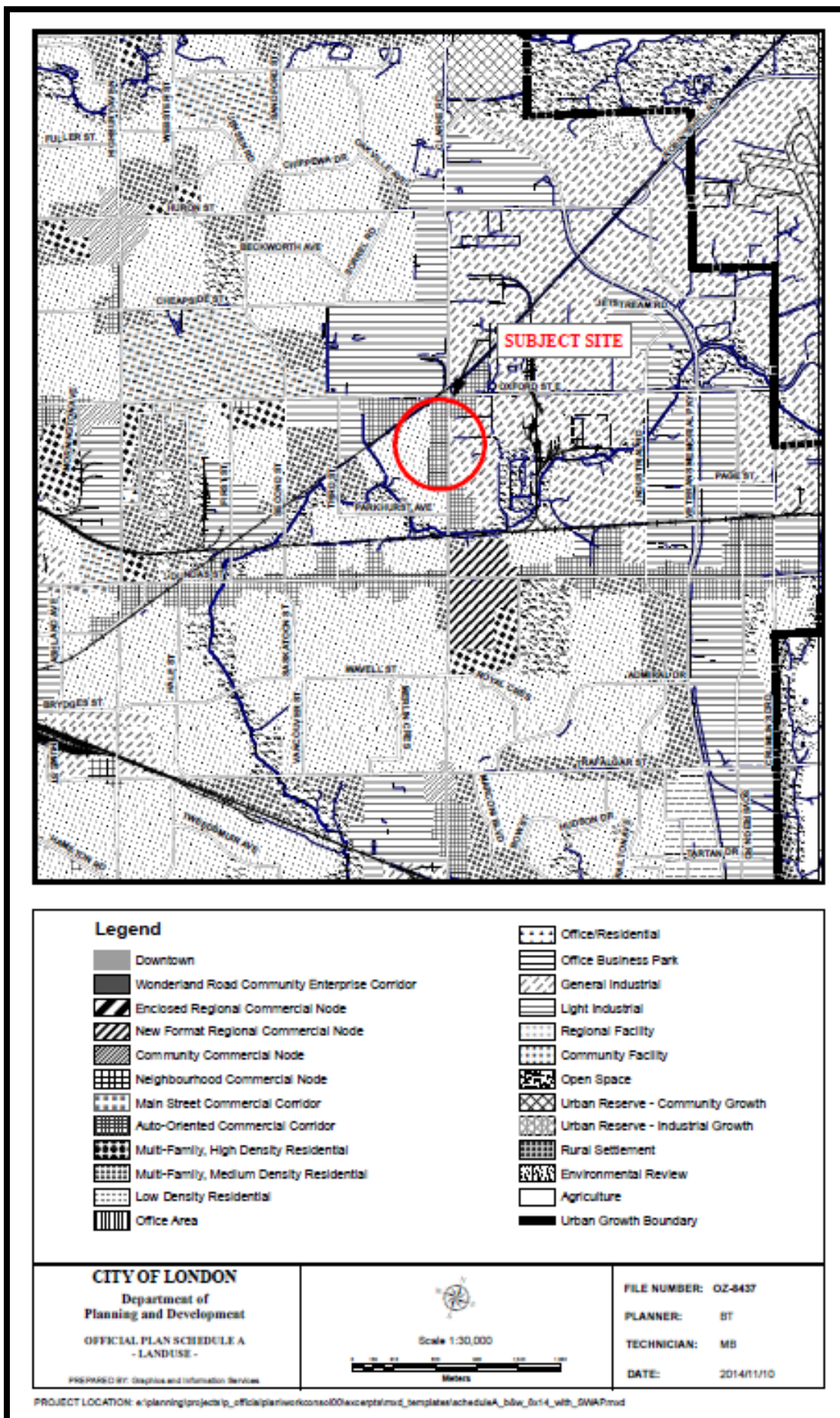
The proposed severance line advanced by way of the Consent Application is depicted on Figure 2 by the double arrowed line dissecting the property.



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Official Plan – Auto-Oriented Commercial Corridor







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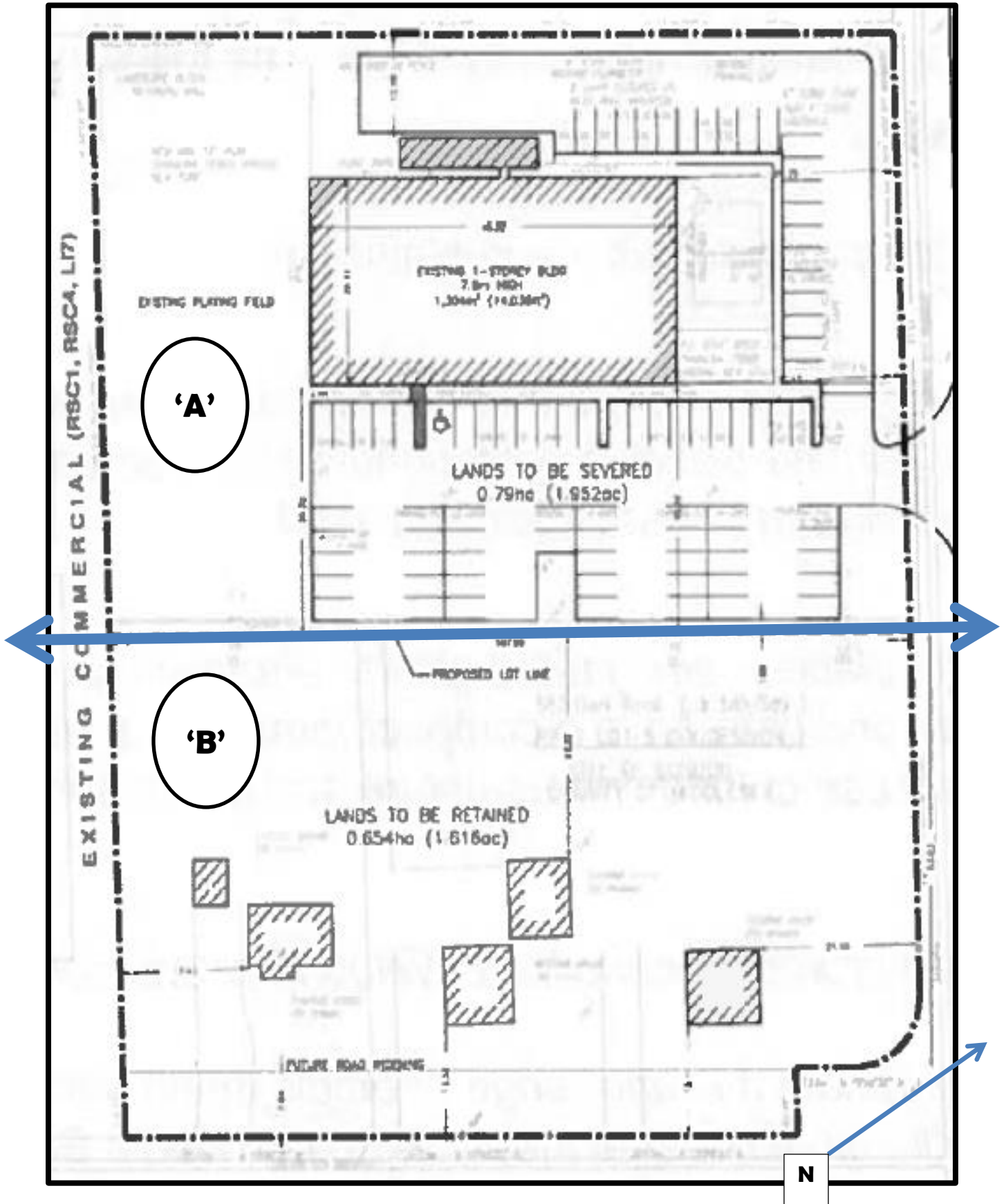
Figure 1 – 1998 Air Photo Depicting Clarke Road Access





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Figure 2 – Site Plan and Proposed Severance



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**SIGNIFICANT DEPARTMENT/AGENCY COMMENTS**

**City of London:**

Transportation Planning and Design:

- The applicant is advised that a road widening dedication, measured 18 metres from the centre line of Clarke Road will be required through the consent application being processed in parallel with the Zoning By-law application.

Environmental and Parks Planning:

- Parkland dedication has not been provided for this site. Consistent with the regulations of the Ontario Planning Act, the owner shall provide cash-in-lieu of parkland equal to 5% of the value of the property assessed on the day before the day of issuance of a building permit. These funds will be collected at the time of Site Plan Approval or consent.

**UTRCA:**

- No objection to the proposed amendment.

<b>PUBLIC LIAISON:</b>	On December 9 <sup>th</sup> , 2014, Notice of Application was sent to 215 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 December 18 <sup>th</sup> , 2014. A "Possible Land Use Change" sign was also posted on the site.	1 reply was received in response to the Public Liaison
<p><b>Nature of Liaison:</b></p> <p>The purpose and effect of the requested Zoning By-law amendment is to recognize the three existing single detached dwellings known municipally as 585, 587 and 589 Clarke Road in the zoning by-law and to provide for a reduced exterior side yard. The requested Zoning By-law amendment also serves to provide for a "place of worship" use in an existing structure known municipally as 1925 Culver Drive.</p> <p>Change Zoning By-law Z.-1 for lands known as 585, 587 and 589 Clarke Road <b>FROM</b> a Restricted Service Commercial (RSC1/RSC3/RSC4) Zone <b>TO</b> a Restricted Service Commercial Special Provision (RSC1/RSC3(_)/RSC4) Zone to permit, in addition to those uses noted above, existing single detached dwellings with a minimum exterior side yard depth of 5.5 metres.</p> <p>Change Zoning By-law Z.-1 for lands known as 1925 Culver Drive <b>FROM</b> a Restricted Service Commercial (RSC1/RSC3/RSC4) Zone <b>TO</b> a Restricted Service Commercial Special Provision (RSC1/RSC3(_)/RSC4) Zone to permit, in addition to those uses noted above, a place of worship use. The City may also consider an additional special provision, not requested by the applicant, the purpose and effect of which would be to cap the size of the sanctuary area of the requested place of worship use to 332 seats.</p> <p>The lands to which this application applies are the subject of an application for Consent by the London Consent Authority (File #B.032/14). The purpose and effect of the Consent Application would be to sever lands known municipally as 1925 Culver Drive from lands known municipally as 585, 587 and 589 Clarke Road.</p>		
<p><b>Responses:</b> One (1) e-mail response was received in response to the Notice of Application. The e-mail has been attached as Appendix 1 to this report.</p>		

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**ANALYSIS**

**What is the Nature of the Application?**

The Champion Life Centre, a local ministry with a congregation of 130 worshipers, has entered into a Purchase and Sale Agreement to acquire lands known municipally as 1925 Culver Drive. While no exterior alterations to the existing one storey, 1,304 square metre (14,036 square foot) building are contemplated, interior alterations would be required to accommodate the proposed place of worship use. Noting the importance of sports and recreation to the ministry's programming, all existing site conditions, including the associated play fields, are to be used and maintained by the Champion Life Centre.

The balance of the subject site, containing three existing single detached dwellings known municipally as 585, 587 and 589 Clarke Road would be retained by the current property owner until such time as these lands are "...redeveloped for uses permitted in the Auto-Oriented Corridor land use designation".

The proposed use of lands known municipally as 1925 Culver Drive for a place of worship is not listed in the Restricted Service Commercial (RSC1/RSC3/RSC4) Zone variation of the Z.-1 Zoning By-law. Similarly, the existing residential uses (operating in the three single detached dwellings) on lands known municipally as 585, 587 and 589 Clarke Road are not listed in the Restricted Service Commercial (RSC1/RSC3/RSC4) Zone.

The application seeks an amendment to the Z.-1 Zoning By-law to add two special provision zones to the existing Restricted Service Commercial (RSC1/RSC3/RSC4) base Zone: one to permit the proposed place of worship use in an existing structure known municipally as 1925 Culver Drive (see Part "A", Figure 2); and one to recognize the existing single detached dwellings (with a minimum exterior side yard depth of 5.5 metres) on lands known municipally as 585, 587 and 589 Clarke Road (see Part "B", Figure 2). The applicant has requested that the zone boundary demarcating the two special provision zones be as shown on Figure 2 above.

The intent of the requested Zoning By-law amendment is to provide for those uses described above. These amendments would serve to facilitate a concurrent consent application that seeks to sever the subject lands into two separate and distinct lots.

The General Provisions of the Z.-1 Zoning By-law require 1 parking spot per 4 persons of "place of worship" capacity. Typically the required number of parking spaces for a proposed place of worship use would be determined based upon a review of submitted engineered drawings and floor plans. Pending the completion of the Offer of Purchase and Sale Agreement, the Champion Life Centre is hesitant to undertake the costs associated with the preparation of these drawings. Given the above, the City of London is also recommending an additional special provision, not requested by the applicant, the purpose and effect of which would be to "cap" the seating capacity of the requested place of worship use to 332 seats. The 'cap' is based on the number of existing parking spaces (shown to be 83 spots on Figure 1, Part A) and the parking ratio advanced in the General Provisions of the Z.-1 Zoning By-law (1 spot per 4 persons of church capacity). It should be noted that engineered drawings would be required at the time of a Building Permit Application or a Change of Use Permit.

The following review of the request to amend the Zoning By-law to provide for the special provisions noted above has had consideration for:

- The policies of the Provincial Policy Statement, 2014;



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- The policies of the Official Plan; and,
- Land use compatibility and intensity.

**Consistency with the *Provincial Policy Statement, 2014***

The Provincial Policy Statement, 2014 (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The objectives of the PPS speak to three main policy areas including: “*Building Strong Healthy Communities*”; “*Wise Use and Management of Resources*” and “*Protecting Public Health and Safety*”. The PPS is more than a set of individual policies; it is intended to be read in its entirety and the relevant policies to be applied in each situation. Section 3 of the *Planning Act* requires that decisions of any authority affecting planning matters “*shall be consistent*” with the PPS. As it relates to the current application, the policies of PPS, particularly as they pertain to “*Building Strong Healthy Communities*”, provide the following direction:

Part V, Section 1.1 of the PPS promotes healthy, livable and safe communities, in part, by encouraging “...*efficient development and land use patterns which sustain the financial well-being of the municipality...*”: and “...*accommodating an appropriate range and mix of residential (including second units; affordable housing and housing for older persons), institutional (including places of worship), recreation and other uses to meet long-term needs*”.

Consistent with Section 1, Part 1.1.1 of the PPS, the recommended zoning amendment will facilitate the redevelopment and long-term use of a site that has historically experienced periods of short term uses and vacancies. Further, the recommended zoning will serve to provide for the range of residential, institutional and recreational uses encouraged by the PPS to meet the long-term needs of the community.

To encourage the wise use of land, and promote efficient development patterns, Part V, Section 1.1.3 and 1.1.6 of the PPS states that “...*new development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities...*”. Section 1.1.6 goes on to state that Planning Authorities should “...*direct and accommodate growth or development in a manner that promotes efficient use and optimization of existing municipal sewage services and municipal water services...*”.

Consistent with Section 1, Part 1.1.3 and Part 1.6.6 of the PPS, the recommended zoning amendment will facilitate the adaptive re-use of two fully serviced sites (sewer, water, stormwater) within an existing built-up area. It will also provide the creation of a suitably sized, and appropriately located, redevelopment lot.

Part V, Section 1.6.7 of the PPS state that Planning Authorities shall promote “...*a land use pattern, density and mix of uses that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.*”

The subject site is flanked by sidewalks, transit routes and bus stops. Consistent with Section 1.6.7 of the PPS, the recommended zoning amendment will provide for a range and mix of uses that have direct access to transit and transit-supportive infrastructure. Enjoying such proximity, the proposed development is conducive to, and supportive of, alternative modes of travel including transit, cycling and walking.

The recommended zoning amendment is consistent with, and will serve to implement, the policies of the *Provincial Policy Statement, 2014*.

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### **Consistency with the Policies of the City of London Official Plan:**

The City of London 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 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.

The subject lands are designated “Auto-Oriented Commercial Corridor” in the City of London Official Plan. Section 4.4 of the Official Plan contains policies specifically intended to guide land use and development of lands designated “Auto-Oriented Commercial Corridor”. The relevant policies of Section 4.1 are considered below including an evaluation of the requested amendment’s conformity with these policies.

#### **Section 4.4.2.5 Location Policies of the Auto-Orient Commercial Corridor designation:**

The Auto-Oriented Commercial Corridor designation is applied to areas along arterial roads where high traffic volumes are present and where services to the travelling public can be concentrated and supported. The intent of the Auto-Oriented Commercial Corridor policies is to promote the clustering of similar service commercial uses having similar functional characteristics and requirements, and to avoid the extension of strip commercial development. The form of development within the designation is oriented toward automobiles and vehicular traffic and serves both a local and broader market area. The development of new permitted uses within the designation may take the form of infilling, redevelopment, or the conversion of existing structures.

The recommended zoning amendments are consistent with the intent and purpose of the Auto-Oriented Commercial Corridor policies of the Official Plan. The recommended amendments would serve to provide for the adaptive reuse of an existing structure for a place of worship use that draws congregants from both a local and broader City area. Additionally, the development concept would provide for the establishment of such a use within the defined limits of an existing commercial corridor.

The recommended amendment to permit three existing residential structures on a separate (retained) lot (as opposed to one residential structure on three separate lots) is consistent with the Auto-Oriented Commercial policies of the Official Plan. Permitting the three existing residential structures on the same lot will facilitate both the consent application and provide for a redevelopment lot of a suitable size and shape to accommodate the range of Auto-Oriented Commercial type uses envisioned in the Official Plan.

#### **Section 4.4.2.4 Permitted Uses:**

Areas designated Auto-Oriented Commercial Corridor are primarily intended for commercial uses that cater to the needs of the travelling public. Permitted uses within the designation include, but are not limited to: hotels and motels; commercial recreation establishments; and, restaurants. Where determined to be appropriate, light industrial type uses, including assembly halls, may also be permitted in the Auto-Oriented Commercial Corridor designation.

Places of worship, like commercial recreation establishments or restaurants, tend to draw “customers” from both a local and City wide area. Recognizing that their “customers” typically

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rely on the private automobile to access “services”, places of worship, like restaurants or hotels, are best suited to locations on high order roads where they are easily accessible to the travelling public. Recognizing this functional similarity, and for the purpose of the present application, a place of worship use has been interpreted as a permitted use in the Auto-Oriented Commercial Corridor.

On April 1<sup>st</sup>, 2014 Municipal Council adopted Official Plan Amendment Number 578 (OPA No. 578) – the purpose of which was to reduce the loss of industrially designated and zoned lands to non-industrial type uses (including assembly halls). To implement the changes contemplated by way of the Official Plan Amendment, Zoning By-law Z.-1 was amended by refining the definition of an “assembly hall” and by adding a new definition for a “place of worship” use.

Prior to OPA No. 578, what the Zoning By-law refers to as a “place of worship” use was, at times, interpreted to be a permitted use under the definition of an “assembly hall” which then meant:

*“...a building or part thereof in which facilities are provided for such purposes as meetings for civic, educational, political, religious, charitable, philanthropic, cultural, private, recreational or social activities and may include a banquet hall or private club”.*

With the adoption of OPA No. 578 the definition of an assembly hall was amended by adding the sentence “This does not include a place of worship” to the end of the definition.

A “place of worship” was subsequently defined to mean:

*“...a building, including but not limited to churches, synagogues, mosques, gurdwaras, mandirs, longhouses and temples, owned or occupied by a religious congregation or religious organization and dedicated exclusively to worship and related religious, social and charitable activities, with or without a hall, auditorium, convent, monastery, office of a faith leader, cemetery, school, day care or a dwelling unit for the faith leader as uses accessory thereto”.*

The subject site is designated an Auto-Oriented Commercial Corridor. The Permitted Use policies of the Auto-Oriented Commercial Corridor include “assembly halls”. The implementing Restricted Service Commercial (RSC3) Zone variation of the Restricted Service Commercial (RSC1/RSC3/RSC4) compound Zone which applies to the subject site recognizes “assembly halls” as a permitted use. Prior to the adoption of OPA No. 578 in April of 2014, the “place of worship” use sought by way of the current rezoning application could have been interpreted as being a permitted use under the then existing “assembly hall” definition. Given that the subject site is not industrially zoned or designated, it does not conflict with the spirit and intent of OPA No. 578 and it is therefore appropriate to re-establish this use as a permitted use on the subject site.

While the development of new single detached dwellings in the Auto-oriented Commercial Corridor is discouraged by policy, the applicant’s request to recognize the existing residential uses in the zoning by-law is consistent with Section 19.5.1 of the Official Plan which states that “...a legally established land use which does not conform to the Plan may be recognized as a permitted use in the Zoning By-law where Council is of the opinion that...the use does not involve hazardous activities or substances that threaten the safety of the surrounding area... the use does not contribute to air or water pollution problems...” and “...the use can, or has achieved an “...acceptable measure of compatibility with adjacent uses and does not interfere with the development of conforming uses in the surrounding area”.

The application does not contemplate any exterior alterations or additions to the existing residential structures. The requested use does not contribute to air or water pollution nor does it involve hazardous activities or substances. The recognition of the existing residential uses on the retained parcel will serve to implement the policies of the Auto-Oriented Commercial



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Corridor by facilitating the creation of a redevelopment lot that is of a sufficient size and configuration to provide for the range of uses anticipated in the Official Plan and the underlying Restricted Service Commercial (RSC1/RS3/RSC4) base Zone.

The recommended amendments to provide for a place of worship use (at 1925 Culver Drive) and existing residential structures not identified as a permitted use (on lands known municipally as 585, 587 and 589 Clarke Road) are consistent with, and will serve to implement, the “Permitted Use” policies of Sections 4.4.2.4 and 19.5.1 of the Official Plan.

**Section 4.4.2.6 Form:**

The built form policies of the Auto-Oriented Commercial Corridor designation state that *“the development of new permitted uses within the designation may take the form of infilling, redevelopment or the conversion of existing structures.”*

The development concept, in-as-much as it retains three existing residential structures and provides for the interior conversion and adaptive re-use of an existing structure, is consistent with, and will serve to implement, the “Form” policies of the Auto-Oriented Commercial Corridor designation.

**Section 4.4.2.6.1 Minimum Lot Frontage, Site Area and Depth:**

With a mind to minimizing potential impacts on adjacent land uses, the policies of the Official Plan state that the *“...Zoning By-law will contain minimum lot frontage, site area and depth requirements so as to direct any future development to sites which can accommodate appropriate setbacks, on-site parking and landscaped areas.”*

Both sites (in a post-severance scenario) meet or exceed, the minimum lot frontage, lot area and lot depth requirements of the requested Restricted Service Commercial (RSC1/RSC3/RSC4) “base” Zone. The requested Special Provision to provide for a minimum exterior side yard of 5.5 metres (in lieu of the required 7 metres) for the “retained parcel” is necessary to facilitate the consent application and to recognize an existing condition.

The recommended amendments are consistent with, and will serve to implement, the Minimum Lot Frontage, Site Area and Lot Depth” policies of the Auto-Oriented Commercial Corridor designation of the Official Plan.

**Sections 4.4.2.6.2 and 4.4.6.3 Combined Access and Access onto Side streets:**

With a mind to minimizing traffic flow issues on high order roads, the policies of the Official Plan encourage the development of combined access points, driveways and parking areas in the Auto-Oriented Commercial Corridor designation.

To minimize potential traffic impacts on adjacent residential areas, the policies of the Official Plan state that, where possible, vehicular access will be oriented to the main arterial road. The policies note that where access from a side street is necessary, *“...appropriate measures will be employed through the site plan approval process to minimize negative impacts on adjacent residential properties.”*

The development concept is consistent with the access policies of the Auto-Oriented Commercial Corridor. A Site Plan Approval process was undertaken in 2008 when 1925 Culver Drive was rezoned to provide for a commercial recreation use. This process facilitated the removal (and formal closure) of the then existing Clarke Road access (shown on Figure 1) for a new access off of Culver Drive access (shown on Figure 2).

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The redevelopment of the retained parcel identified municipally as 585, 587 and 589 Clarke Road, will be subject to a similar Site Plan Approval process. This process, which would be undertaken prior to the redevelopment of these lands, would have consideration for such matters as, but not limited to, access and parking.

The recommended amendments are consistent with, and will serve to implement, the access policies of the Auto-Oriented Commercial Corridor designation.

**Sections 4.4.2.6.4 and 4.4.2.6.5 Buffering and Height Considerations:**

With a mind to minimizing the potential land use impacts of new development on adjacent residential areas, the Auto-Oriented Commercial Corridor policies of the Official Plan state that requirements for rear yard setbacks, buffer strips, and privacy screening shall be applied through the Zoning By-law and Site Plan Control process.

The development concept proposes the adaptive re-use of an existing building located at 1925 Culver Drive for a place of worship use. No exterior alterations or additions to the existing building are contemplated by way of the current application. The development concept does not seek relief from the yard or height requirements of the existing Restricted Service Commercial (RSC1/RSC3/RSC4) base Zone that serves to implement the buffering considerations called for in the Official Plan. The requested Special Provision would simply serve to add a “place of worship” use as a permitted use in the “base” Restricted Service Commercial (RSC1/RSC3/RSC4) Zone.

Excluding a minimum exterior side yard requirement of 7 metres, the retained lot containing lands known municipally as 585, 587 and 589 Clarke Road, meets or exceeds the minimum yard and height requirements of the requested Restricted Service Commercial (RSC1/RSC3/RSC4) base Zone. No exterior alterations or additions to the existing structures are contemplated by way of the current application. The Special Provision seeking relief from the minimum exterior side yard requirement is simply to reflect an existing situation and effect the current consent application. When the retained lands are comprehensively redeveloped for a future auto-oriented use, they would be subject to a Site Plan Approval process. This process would not only have consideration for those access policies noted above, but the height and buffering considerations advanced in the Auto-Oriented Commercial Corridor designation.

The recommended amendments are consistent with, and will serve to implement, the Buffering and Height policies of the Auto-Oriented Commercial Corridor designation.

**Section 4.4.2.9.5 Planning Impact Analysis:**

The requested amendment is subject to the requirement of a Planning Impact Analysis. Proposals for changes in the use of land which require the application of a Planning Impact Analysis are to be evaluated on the basis of criteria relative to the proposed change. In the case of the current proposal, these criteria would include the following:

The compatibility of the proposed uses with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area:

- ❖ The requested place of worship use seeks to occupy an existing structure that is situated between existing residential uses to the east and to the west. According to Section 3.6.4 of the Official Plan, a place of worship use is “...normally associated with, and considered integral to, a residential environment...”.
- ❖ The application does not anticipate exterior alterations, or additions, to the existing structure to provide for the requested place of worship use. The existing building, having previously undergone a Site Plan Approval process for a commercial recreation use, has achieved a

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measure of compatibility with surrounding land uses.

- ❖ Like a commercial recreation use, a place of worship use tends to draw on “customers” from both a local and City wide area. Preferred locations for these “*moderate intensity uses*” include sites on “*major streets*”. Lands known municipally as 1925 Culver Drive enjoy easy access to such a major street (Clarke Road). It should be remembered that prior to the 2008 Site Plan Approval process noted above, 1925 Culver Drive enjoyed immediate access to Clarke Road (see Figure 1).
- ❖ While the policies of the Official Plan discourage the development of new single detached dwellings in the Auto-Oriented Commercial designation, the request to recognize the existing residential structures through a Special Provision will facilitate a consent application and encourage the comprehensive redevelopment of the retained parcel for a use more in keeping with present and future land uses in the area.

The uses proposed on both the retained and severed lot shown on Figure 2 as Part “A” and Part “B” are considered appropriate and unlikely to impact present or future land uses in the area.

The size and shape of the parcel on which a proposal is to be located is to be located, and the ability of the site to accommodate the intensity of the proposed uses:

- ❖ The requested action (as it pertains to the uses sought) would facilitate the severance of the subject lands into two parcels. These two parcels will be of a sufficient size and configuration to accommodate the intensity of uses anticipated by way of the development concept.
- ❖ The requested action (as it pertains to a reduced exterior side yard for the retained lot) is appropriate in-as-much as it will serve to recognize the built setback of the existing residential structures and thereby facilitate the severance application. The future redevelopment of the retained lot would be subject to the yard and height requirements advanced in the base Restricted Service Commercial (RSC1/RSC3/RSC4) Zone.
- ❖ In the absence of engineered drawings and floor plans, the recommended regulation to the Special Provision (advanced by the City of London) “capping” the capacity of the requested place of worship use to 332 seats is appropriate given the parking requirements of the Z.-1 Zoning By-law.

The retained lot is of a suitable size and configuration to accommodate the level of intensity anticipated on the site. The future redevelopment of the severed lot would be subject to requirements of the Restricted Service Commercial (RSC1/RSC3/RSC4) base Zone. These requirements serve to minimize potential land use impacts on adjacent lands.

The potential traffic generated by the proposed change considering the most intense land uses that could be permitted by such a change in use and the likely impact of this additional traffic on City Streets or the pedestrian environment:

- ❖ 1925 Culver Drive was the subject of a recent Site Plan Approval process. The City’s Transportation and Design Section participated in this process that facilitated the establishment of a commercial recreation use in the existing structure. This process resulted in the closure of the then Clarke Road access and the establishment of a new Culver Drive access;
- ❖ No new public roads are anticipated by way of the development concept;
- ❖ The City’s Transportation Planning and Design Section has no objection to the rezoning of the severed lot for a place of worship use;



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- ❖ When comprehensively redeveloped, the retained lot would be subject to a Site Plan Approval process. This process would have consideration for such things as turning movements, access points and parking.

The recommended amendments will not negatively impact the City’s existing transportation systems in the area.

The height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses:

- ❖ No new buildings or exterior alterations to the existing structure located at 1925 Culver Drive are anticipated by way of the current application. A previous Site Plan Approval process to provide for a commercial recreation use in the existing structure was undertaken in 2008;
- ❖ Lands known municipally as 585, 587 and 589 Clarke Road will be subject to a future Site Plan Approval process when a comprehensive redevelopment proposal is advanced for the redevelopment of the site. As was the case above, this Site Plan Approval process will serve to minimize potential impacts of the redevelopment on abutting land uses.

The City of London 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. The recommended amendments will serve to implement the orderly growth and compatibility policies of the Official Plan.

**The Recommended Amendments:**

The application seeks the consideration of a series of Special Provisions to the existing Restricted Service Commercial (RSC1/RSC3/RSC4) Zone:

1925 Culver Drive:

The recommended Special Provision providing for a “place of worship” use in an existing structure has been shown to be appropriate within the context of the land use and compatibility policies of the Official Plan and the “Auto-Oriented Commercial Corridor designation. The use of the outdoor playfields and court for the ministry’s “social” programming is also anticipated by way of the “place of worship” definition.

The recommended regulation to the Special Provision to “cap” the capacity of the place of worship use to 332 seats is viewed as appropriate given the amount of on-site parking spaces and the absence of engineered drawings and floor plans depicting the internal layout of the place of worship and intended capacity.

585, 587 and 589 Clarke Road:

The recommended Special Provision providing for existing residential structures with a minimum exterior side yard of 5.5 metres has been shown to be appropriate within the context of the land use and compatibility policies of the Official Plan and the Auto-Oriented Commercial Corridor designation. The recommended Special Provision will serve to facilitate a concurrent consent application and the creation of a separate and distinct redevelopment lot.

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<b>CONCLUSION</b>
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The purpose and effect of the recommended action is to provide for those Special Provisions sought by way of the current application. The requested Special Provisions have been shown to be appropriate given the policy framework of both the Provincial Policy Statement and the City of London Official Plan. The recommended actions will provide for a range of land uses that are (or will be) compatible with, and a good fit within, the existing area.

<b>PREPARED BY:</b>	<b>SUBMITTED BY:</b>
<b>BRIAN TURCOTTE</b> SENIOR PLANNER, CURRENT PLANNING PLANNING SERVICES	<b>M. TOMAZINCIC</b> MANAGER, CURRENT PLANNING PLANNING SERVICES
<b>RECOMMENDED BY:</b>	
<b>JOHN M. FLEMING, MCIP, RPP</b> MANAGING DIRECTOR, PLANNING AND CITY PLANNER	

February 20<sup>th</sup>, 2014  
 BJT/

Y:\Shared\implemen\DEVELOPMENT APPS\2014 Applications 8309 to\8437Z - 585-589 Clarke Rd and 1925 Culver Dr (BT)\Planning and Environment Committee Signed Report.docx

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

<u>Telephone</u>	<u>Written</u>
Name/Address	Judy Brennan 1822 Culver Drive



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File: Z-8437  
Planner: B. Turcotte

## Appendix 1

### E-mail Response Responses to Notice of Application

Mr. Salih:

A request has been made for a zoning by-law regarding 1925 Culver Dr., and 585,587,589 Clarke Road.

Today was the deadline to comment on this and with the holidays time slipped away.

I am very, very concerned about any endeavor by the owner of the Clarke Rd. Dwellings which as we know were

in appalling condition and used to house vulnerable citizens.

Regardless of the person running that organization a great deal of responsibility rests with the owner.

It is my concern that this property will be used for low quality housing as it now is but with more units.

Culver Drive is a narrow winding street so I am also concerned about parking and possible traffic flow issues and dangerous conditions.

There are a number of families with young children in the condos adjacent to 1925.

I prefer to see this remain as light commercial use with off street parking only.

I hope that you can look into this - The contact person is Brian Turcotte - 519-661-2500 - ext 4651

Thank you

Judy Brennan  
1822 Culver

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Planner: B. Turcotte

**Bibliography of Information and Materials  
Z-8437**

**Request for Approval:**

City of London Zoning Amendment Application Form, completed by Zelinka Priamo, October 24<sup>th</sup>, 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 File No. Z-8437 unless otherwise stated)**

**Other:**

Site and photographs, February, 2015

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Appendix "A"

Bill No. (number to be inserted by Clerk's Office)  
2015

By-law No. Z.-1-15 \_\_\_\_\_

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 1925 Culver Drive and lands located at 585, 587 and 589 Clarke Road.

WHEREAS Mary Slegers has applied to rezone an area of land located at 1925 Culver Drive and 585, 587 and 589 Clarke Road, as shown on the map attached to this by-law, as set out below;

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) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 1925 Culver Drive and 585, 587 and 589 Clarke Road as shown on the attached map comprising part of Key Map No. A108, from a Restricted Service Commercial (RSC1/RSC3/RSC4) Zone to a Restricted Service Commercial Special Provision (RSC1/RSC3(\*)/RSC4) Zone and a Restricted Service Commercial Special Provision (RSC1/RSC3(\*\*)/RSC4) Zone.
- 2) Section Number 28.4 of the Restricted Service Commercial (RSC3) Zone is amended by adding the following Special Provision:
  - ) RSC3(\*) 1925 Culver Drive
    - a) Additional Permitted Use[s]
      - i) place of worship in the existing building
    - b) Regulations:
      - i) Place of Worship Capacity 332 persons  
(Maximum)
- 3) Section Number 28.4 of the Restricted Service Commercial (RSC3) Zone is amended by adding the following Special Provision:
  - ) RSC3(\*\*) 585, 587 and 589 Clarke Road
    - c) Additional Permitted Use[s]
      - i) existing residential dwellings
    - d) Regulation[s]
      - i) Exterior side yard 5.5 metres (18 feet)  
(min)

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

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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 March 31, 2015.

Matt Brown  
Mayor

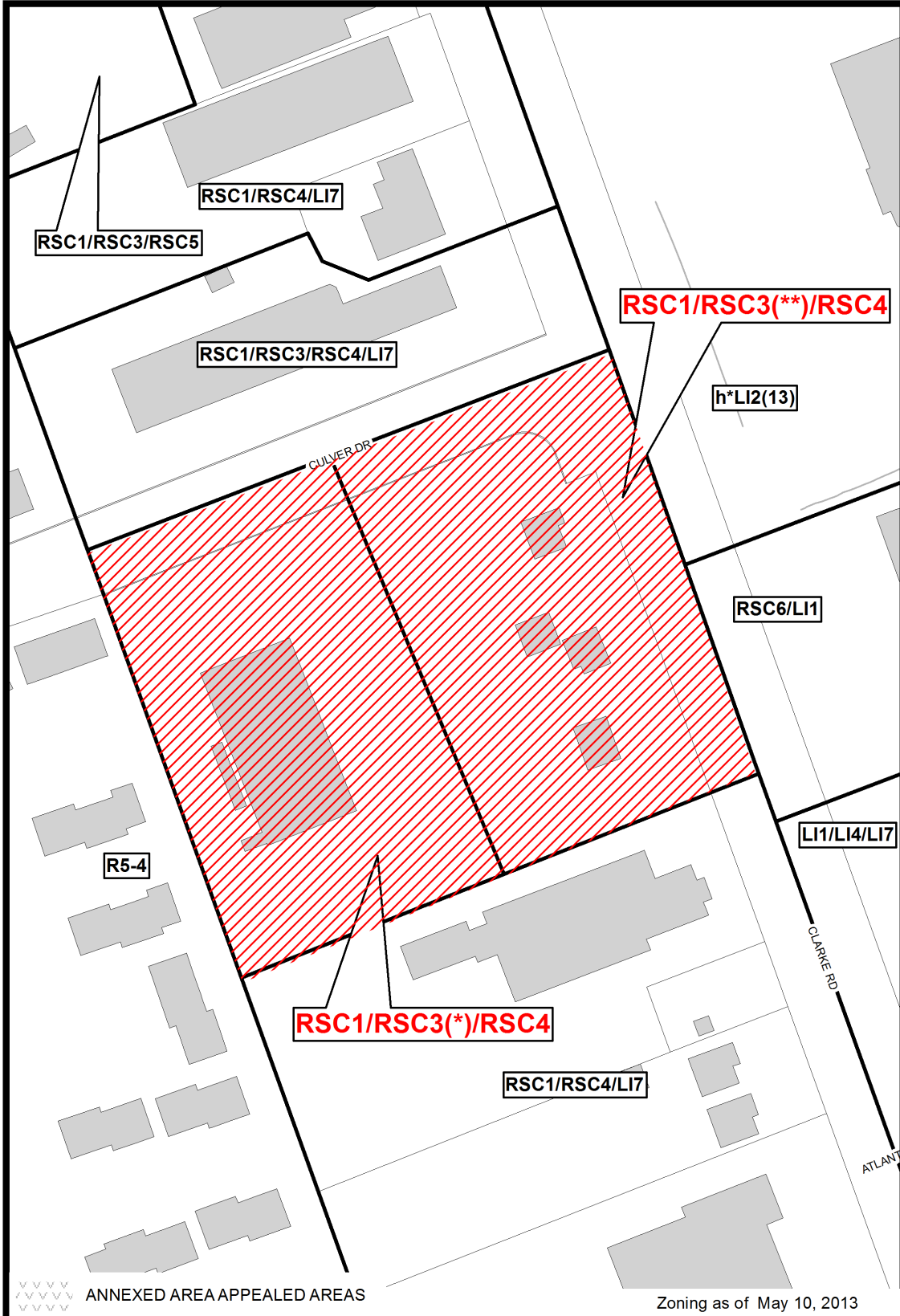
Catharine Saunders  
City Clerk

First Reading - March 31, 2015  
Second Reading – March 31, 2015  
Third Reading - March 31, 2015


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File: Z-8437  
Planner: B. Turcotte

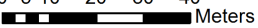
AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)




File Number: Z-8437  
 Planner: BT  
 Date Prepared: 2015/02/26  
 Technician: TT  
 By-Law No: Z.-1-

SUBJECT SITE 

1:1,250

0 5 10 20 30 40 Meters 



Geodatabase