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Z-8467
Sonia Wise

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: SIFTON PROPERTIES LIMITED 460-500 BERKSHIRE DRIVE PUBLIC PARTICIPATION MEETING ON JUNE 1, 2015

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, with respect to the application of Sifton Properties Limited relating to the property located at 460-500 Berkshire Drive, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on June 16, 2015 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** a Convenience Commercial/Commercial Recreation (CC/CR) Zone, **TO** a Convenience Commercial Special Provision/Commercial Recreation Special Provision (CC6(_)/CR(_)) Zone.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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None

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of the requested Zoning By-law amendment is to permit a broader range of convenience commercial uses, including medical/dental offices and pharmacies, and permit a reduction in the number of required parking spaces for the site.

RATIONALE

1. The recommended Zoning By-law amendment is consistent with the Provincial Policy Statement 2014, which promotes healthy, livable and safe communities by accommodating an appropriate range and mix of uses.
2. The recommended amendment is consistent with the permitted uses of the Official Plan contemplated in the Multi-family, Medium Density Residential designation.
3. The recommended zone provides an opportunity to infill on-site vacancies in an existing commercial complex by accommodating a range of uses that are similar to, and compatible with, the existing commercial uses and surrounding neighbourhood.
4. The property, existing built form, and on-site parking is sufficient to support the broadened uses without resulting in any negatively impacts for abutting uses.

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Z-8467
Sonia Wise



LOCATION MAP

Subject Site : 460-500 Berkshire Drive
Applicant: Sifton Properties Ltd
File Number : Z-8467

Planner : SW
Created By : TT
Date : 2015/04/23
Scale : 1:3,000

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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Z-8467
Sonia Wise

BACKGROUND

Date Application Accepted: March 10, 2015	Agent: Sifton Properties Limited
REQUESTED ACTION: Possible change from a Convenience Commercial/Commercial Recreation (CC/CR) Zone to a Convenience Commercial Special Provision/Commercial Recreation Special Provision (CC6(_)/CR(_)) Zone to permit a broader range of convenience commercial uses, including medical/dental offices and pharmacies and to permit a reduction in the number of required parking spaces for the site.	

SITE CHARACTERISTICS:
<ul style="list-style-type: none"> • Current Land Use – Club House and Convenience Centre • Frontage – 114m • Depth - Irregular • Area – 11,716m² • Shape – Irregular

SURROUNDING LAND USES:
<ul style="list-style-type: none"> • North - Residential • South - Open Space • East - Residential • West - Residential

OFFICIAL PLAN DESIGNATION: (refer to Official Plan Map)
<ul style="list-style-type: none"> • Multi-family, Medium Density Residential (MFMDR)
EXISTING ZONING: (refer to Zoning Map)
<ul style="list-style-type: none"> • Convenience Commercial/Commercial Recreation (CC/CR)

PLANNING HISTORY

Minor Variance A.82/65 – 1965 – request to permit a nursery school in the private club.

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

March 19, 2015: London Hydro – No objection

March 20, 2015: WADE – No objection

March 30, 2015: Transportation - Transportation has no comment regarding the proposed by-law amendment. If a site plan is required traffic issues like road widening dedication and access will be discussed in greater detail.

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Z-8467
Sonia Wise

April 2, 2015: Water Engineering – No objection

April 7, 2015: UTRCA – No objection

April 22, 2015: EESD – No concerns

PUBLIC LIAISON:	On March 18, 2015, Notice of Application was sent to 32 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 March 19, 2015. A “Possible Land Use Change” sign was also posted on the site.	5 replies were received
<p>Nature of Liaison: Possible change to Zoning By-law Z.-1 FROM a Convenience Commercial/Commercial Recreation (CC/CR) Zone which permits convenience service establishments without a drive-through facility, convenience stores without a drive-through facility, financial institutions without a drive-through facility, personal service establishments without a drive-through facility, commercial recreation establishments, golf courses, private clubs, private outdoor recreation clubs, private parks, recreational buildings, and recreational golf courses, TO a Convenience Commercial Special Provision/Commercial Recreation Special Provision (CC6(_)/CR(_)) Zone which permits bake shops without drive-through facilities, commercial schools without drive-through facilities, florist shops without drive-through facilities, pharmacies without drive-through facilities, restaurants eat-in, without drive-through facilities, brewing on premises establishments, convenience business service establishments without drive-through facilities, day care centres without drive-through facilities, offices without drive-through facilities, studios without drive-through facilities, food stores without a drive-through facility, restaurants, take-out without a drive-through facility, dwelling units, together with any other permitted uses, medical/dental offices, convenience service establishments without a drive-through facility, convenience stores without a drive-through facility, financial institutions without a drive-through facility, personal service establishments without a drive-through facility, commercial recreation establishments, golf courses, private clubs, private outdoor recreation clubs, private parks, recreational buildings and recreational golf courses with a reduction in parking for the entire site.</p>		
<p>Responses: All responses requested additional clarification or information regarding the proposed Zoning By-law Amendment. Three responses expressed concern for any changes to Berkshire Park which is not part of this application.</p>		

ANALYSIS

Subject Site Description

The subject site is located along Berkshire Drive and north of Berkshire Park, with residential uses to the north, east and west. The site is municipally known as 460-500 Berkshire Drive and has two buildings on site which function as a club house and a convenience commercial centre.

The convenience commercial building, known as Berkshire Plaza, is oriented closer to the street and is a two storey structure with a convenience store of 203m² (2,181 sq ft) and the London Property Management Association Office of 42m² (449 sq ft) occupying units on the ground floor. The majority of the building is currently vacant, which would be most benefitted by the proposed zoning amendment application.

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Z-8467
Sonia Wise

The club house, known as Berkshire Club, is located towards the rear (south) boundary of the site and used by the nearby residential properties. The building contains recreational and fitness facilities as well as the rental administration offices for Sifton's Berkshire and Westmount residential rental accommodations. There are three tennis courts located to the southeast of the site and an outdoor pool located along the southern boundary at the rear of the club.

Proposal

The proposed amendment seeks to introduce a broader range of convenience commercial uses permitted on site. There is a small prospective pharmacy (less than 140m²) and a medical/dental office (less than 93 m²) which are proposed to occupy vacant units on the ground floor. The previous use of the second floor of the convenience commercial building was a fitness centre, and is currently vacant. There are additional tenant negotiations underway for a fitness centre to locate on the upper floor, which is currently a permitted use under the commercial recreation zone. The proposed changes will occur in the interior of the existing buildings and will not result in the expansion or alteration to the built form.

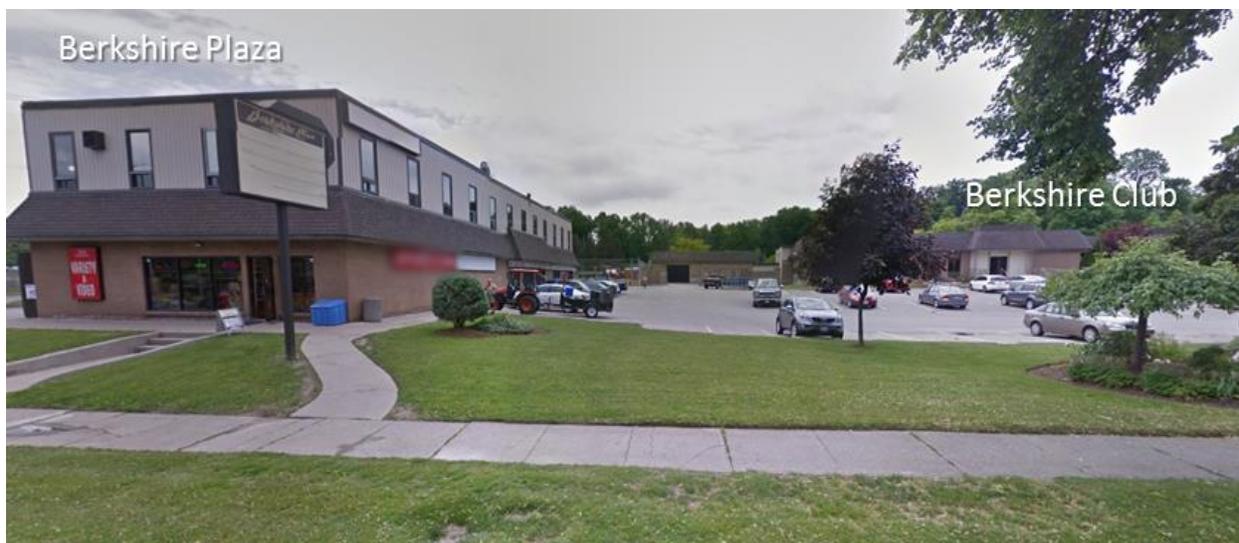


Figure 1 – Streetview of 460 & 500 Berkshire Drive

Provincial Policy Statement

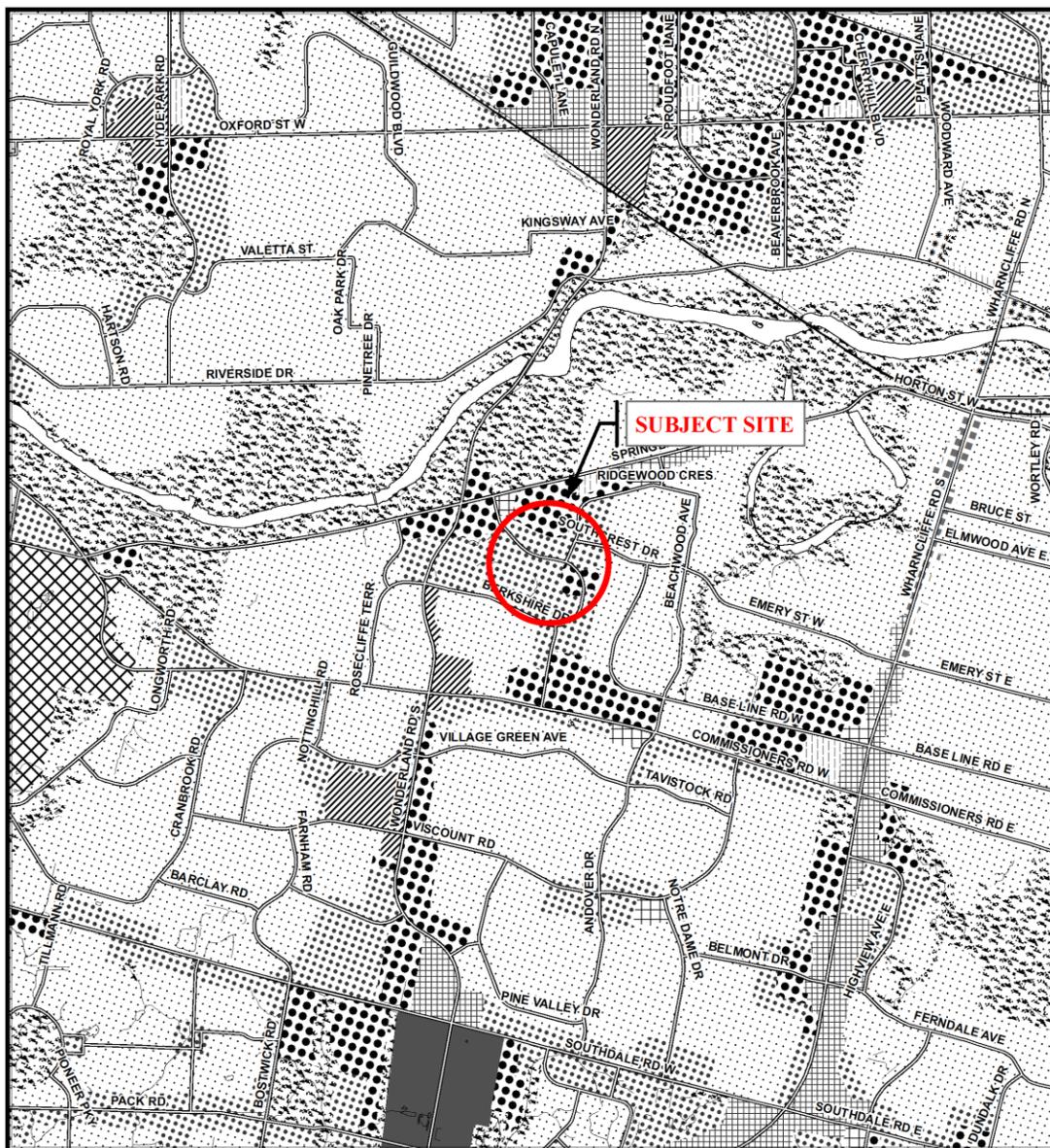
The Provincial Policy Statement (PPS) 2014, provides policy direction on matters of provincial interest related to land use planning and development. The PPS is intended to be read in its entirety and the relevant policies are to be applied to each situation.

Section 1.1 *Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns* of the PPS encourages healthy, livable and safe communities which are sustained by accommodating an appropriate range and mix of residential, employment and recreational uses to meet long-term needs. 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. The site is within an existing settlement area and appropriately enhances the mix of commercial uses. The proposed convenience commercial uses efficiently utilize the existing infrastructure, public service facilities and supports public transit.

Section 1.3 *Employment* requires planning authorities to promote economic development and competitiveness by providing for an appropriate mix and range of employment uses, and providing opportunities for a diversified economic base. The site is suitable for small-scale commercial employment uses and proposes additional uses which support the needs of existing and future businesses.

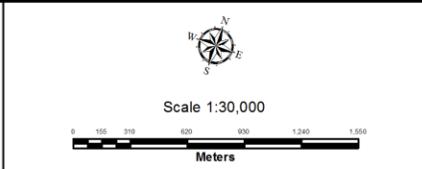
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Z-8467
Sonia Wise



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

CITY OF LONDON
Department of
Planning and Development
OFFICIAL PLAN SCHEDULE A
- LANDUSE -
PREPARED BY: Graphics and Information Services



FILE NUMBER: Z-8467
PLANNER: SW
TECHNICIAN: TT
DATE: 2015/04/23

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Z-8467
Sonia Wise



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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 |
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CITY OF LONDON
PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES

ZONING
BY-LAW NO. Z.-1
SCHEDULE A



FILE NO:
Z-8467 **SW**

MAP PREPARED:
2015/04/23 **TT**

1:2,000
0 10 20 40 60 80
Meters

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

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Z-8467
Sonia Wise

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.

The subject lands are designated Multi-Family, Medium Density Residential which permits multiple-unit residential developments with low-rise profiles. The Multi-family, Medium Density Residential designation may serve as a suitable transition between Low Density Residential areas and more intensive forms of land use. Some secondary permitted uses that are considered to be integral to, or compatible with, medium density residential development may be permitted, such as small-scale office developments and commercial recreation establishments.

Commercial Recreation Uses – Policy

Commercial recreation facilities such as arenas, swimming pools, and fitness centres may be permitted in the Multi-family, Medium Density Residential designation through an amendment to the Zoning By-law and where the locational and operational criteria are met. New commercial recreation facilities are required to be located on a primary collector road or higher, and not abut any lands zoned or used for low density residential purposes.



Figure 2 – Streetview of Berkshire Club

Commercial Recreation Uses – Analysis

The subject site is ingrained within a well-established residential community and has been operating for more than 40 years. The commercial recreation facility is a resource to the local area and has achieved a high degree of compatibility with the adjacent neighbourhoods. The commercial nature of the site has not reduced or interfered with the suitability of the surrounding designated area to accommodate residential uses, as the adjacent residential area is almost entirely built out. The site has made use of landscaping, privacy screening and building setbacks to protect the amenity of adjacent residential properties. There is further separation to the south and east of the site where Berkshire Park buffers the non-residential uses from the rest of the residential community.

New Commercial Recreation uses are intended to be situated on primary collector or arterial roads, though the subject lands are located on a secondary collector road instead. The site provides good access to the surrounding residential community and travelling public despite being on a lower order road, and is considered to be an existing legal non-conforming situation.

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Convenience Commercial Uses – Policy

The preferred location for convenience commercial uses and service stations is within the various Commercial land use designations; however, it is recognized that on some sites in residential designations where specific locational and land use compatibility criteria are met, this type of development may be appropriate as a secondary use. The policies of the Plan recognize existing convenience commercial uses and service stations that are appropriately located in Residential designations.

Convenience commercial uses and service stations are intended to be located on arterial roads, primary collector roads, or at the intersections of major roads, where it can be demonstrated that such uses are compatible with surrounding land uses and will not have an adverse impact on the traffic-carrying capacity of roads in the area. Convenience commercial uses and service stations in residential designations which were legally existing on the date of the adoption of this Plan, but which do not meet the locational criteria of the Plan, will be regarded as legal non-conforming uses.

The size of individual convenience commercial uses and service stations will be specified in the Zoning By-law, and will be at a scale which is compatible with surrounding land uses. Convenience commercial centres or stand-alone uses should not exceed 1,000 square metres (10,764 square feet) of gross leasable area. For those centres with more than 500m² of gross floor area, a broader range of uses are permitted, including offices and pharmacies.



Figure 3 – Berkshire Plaza West Façade

Convenience Commercial Uses – Analysis

The subject site is designed to function at a neighbourhood scale while providing services to surrounding residential areas and the travelling public. Although the preferred location for convenience commercial uses is along primary collector roads, arterial roads and major road intersections, the site meets the intent for access and connectivity while being located on a secondary collector road.

The convenience commercial building currently provides 456m² of gross floor area for convenience commercial uses, with a potential for up to the maximum 1,000m². Additional floor space is available on the second floor of the building which could provide an additional 544m² of leasable area. The building currently has a variety store occupying a portion of the ground floor, and vacancies on the ground floor as well as the second floor.

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**Z-8467
Sonia Wise**

The building at 460 Berkshire Drive was purpose-built to accommodate convenience commercial activities, and the proposed uses are an appropriate range for the site and consistent with those contemplated by the Official Plan. The proposed uses service the day to day convenience needs of the immediate neighbourhood and are considered to be of low impact and similar to the other permitted and operating convenience commercial uses on-site. Permitting the broader recommended uses is not anticipated to result in any negative impacts for City streets, pedestrian and vehicular safety or the surrounding properties. The convenience commercial uses will increase the diversity of uses available to better satisfy the shopping and service needs of nearby residents and shoppers, and improve the vitality of the building and site.

Zoning By-law

The existing and proposed zoning for the site is known as a compound zone, where the lot may be used exclusively for any use permitted in any one of the zones included in the compound zone symbol, or for any combination of uses permitted in any of the zones included in the compound zone symbol. Parking for the development of the lands is required to be calculated for each of the individual uses, whether it is for a single use or a combination of uses.

The convenience commercial special provision zone is appropriate to allow for a broader range of uses on-site and to allow for a reduction in the parking for the site. The additional uses are community focused and of a local scale, which will occupy existing vacancies within the building(s). There are no drive-through facilities permitted with the uses to ensure the site is not dominated by vehicular activity.

The additional uses include the following:

- bake shops without drive-through facilities;
- commercial schools without drive-through facilities;
- florist shops without drive-through facilities;
- pharmacies without drive-through facilities;
- restaurants eat-in, without drive-through facilities;
- brewing on premises establishments;
- convenience business service establishments without drive-through facilities;
- day care centres without drive-through facilities;
- offices without drive-through facilities;
- studios without drive-through facilities;
- food stores without a drive-through facility
- restaurants, take-out without a drive-through facility;
- dwelling units, together with any other permitted uses;
- medical/dental offices
- convenience service establishments without a drive-through facility;
- convenience stores without a drive-through facility;
- financial institutions without a drive-through facility;
- personal service establishments without a drive-through facility;

The commercial recreation special provision is appropriate to allow for a reduction in the parking required for the site while maintaining the existing range of permitted uses. The uses that will continue to be allowed to operate and be established include commercial recreation establishments, golf courses, private clubs, private outdoor recreation clubs, private parks, recreational buildings and recreational golf courses.

Parking

The site is a mixture of commercial recreation uses and convenience commercial uses. The proposal is for a Convenience Commercial Special Provision/Commercial Recreation Special Provision (CC6(_)/CR(_)) Zone. The special provisions proposed for both portions of the compound zone are for a reduction in the required parking for the site to a total of 90 spaces

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Z-8467
Sonia Wise

provided.

The parking for the site is shared between the two buildings and all respective users. The parking demand is fairly evenly distributed during morning, afternoon and evening periods, and the shared layout provides flexibility to accommodate various potential peak times for individual uses. The common parking area also enables a single vehicle trip to be used for multiple on-site activities.

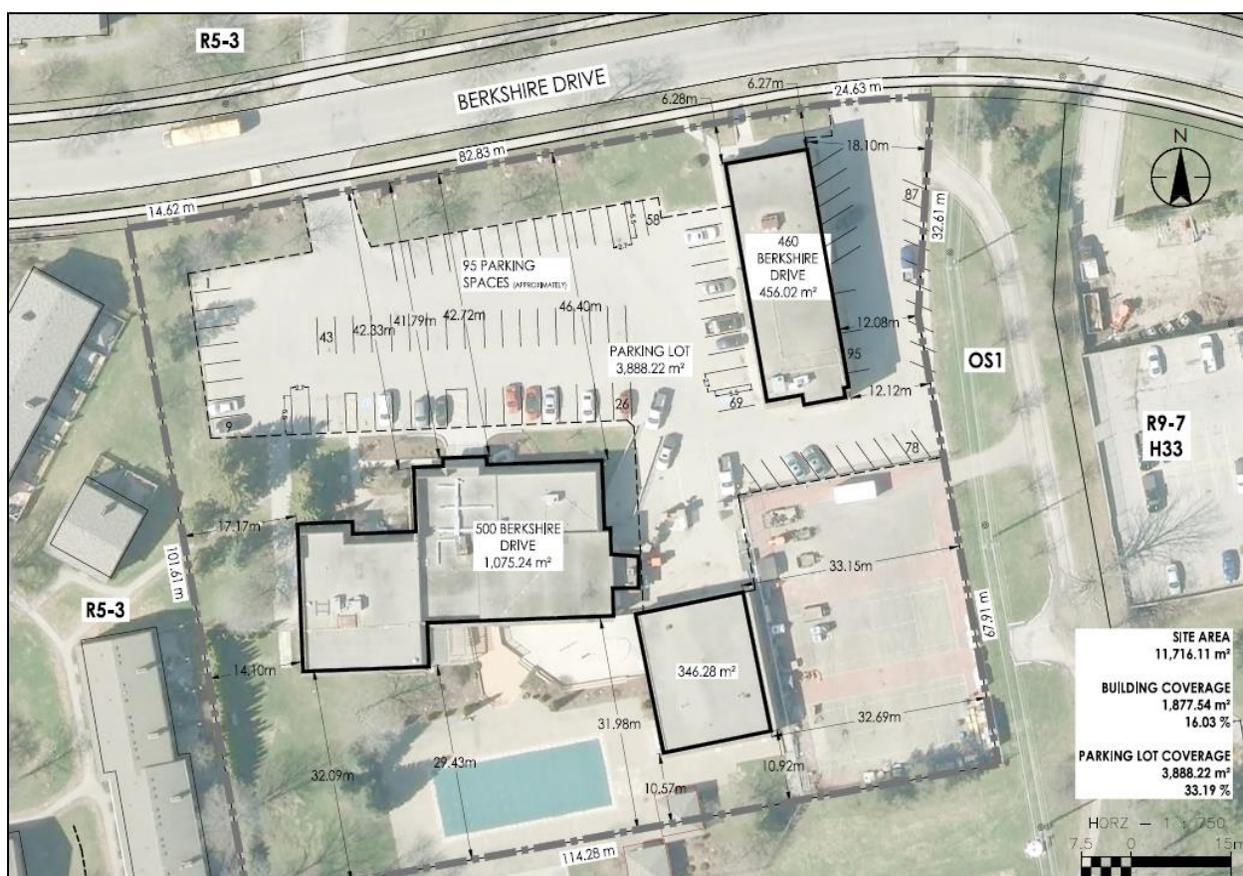


Figure 4 – Site Plan

The site is centrally located within the neighbourhood and is in close proximity to many of the residents of the apartments and townhouses in the Berkshire Community, who are the primary users. The site is a walkable and bikeable destination with existing sidewalks on both sides of Berkshire Drive for pedestrians, and pathways providing connections south through the park. There are 10 bicycle parking spaces provided on site which surpasses the requirement of 7 spaces. The owner has also indicated that there will be additional bicycle parking installed later in 2015 to better cater to cyclist trips.

The site provides 90 parking spaces which reflects the existing parking layout and availability. The 90 spaces will be required for the proposed and future mix of uses establishing on-site. The parking reduction is a minor adjustment which is appropriate for the specific location and the function of the property.

CONCLUSION

The recommended Zoning By-law amendment is consistent with the policies of the Provincial Policy Statement (2014) and the City of London Official Plan. Permitting the additional convenience commercial uses will enhance the site’s viability and encourage revitalization of the existing commercial built form to make better use of existing City infrastructure. The recommended zone and parking reduction allows for an appropriate development that is consistent with the character of the neighbourhood and the use of the land.

Agenda Item # Page #

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Z-8467
Sonia Wise

REPAIRED BY:	SUBMITTED BY:
SONIA WISE CURRENT PLANNING	MICHAEL TOMAZINCIC, MCIP, RPP MANAGER, CURRENT PLANNING
RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER	

April 27, 2015

/SW

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PEC Report.docx

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Z-8467
Sonia Wise

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

<u>Telephone</u>	<u>Written</u>
Elizabeth and James Boswell 26 Berkshire Court, London N6J 387	Terrance Rengger 181 Berkshire Drive, London N6J 3R5
Berkshire Variety 460 Berkshire Drive, London N6J 3S1	

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Z-8467
Sonia Wise

Bibliography of Information and Materials
Z-8467

Request for Approval:

City of London Zoning Amendment Application Form, completed by Sifton Properties Limited, March 2, 2015

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.

Stantec. *Zoning Amendment Map*, February 27, 2015.

Sifton. *ZBA Proposal Summary Report*, February, 2014.

Correspondence: (all located in City of London File No. Z-8467 unless otherwise stated)

Abushehada, I., Development Services. Memo to S. Wise. April 22, 2015.

Moore, R., WADE. Email to S. Wise. March 20, 2015

Macpherson A., City of London Parks Planning and Design. Letter to H. McNeely. October 5, 2007.

Leunissen J., City of London Planning Division. Memo to H. McNeely. July 25, 2007.

Departments and Agencies -

Creighton C., UTRCA. Letter to S. Wise. April 7, 2015.

Dalrymple, D. London Hydro. Memo to S. Wise. March 19, 2015.

Other:

Site visit March 27, 2015 and photographs of the same date.

Agenda Item # Page #

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Z-8467
Sonia Wise

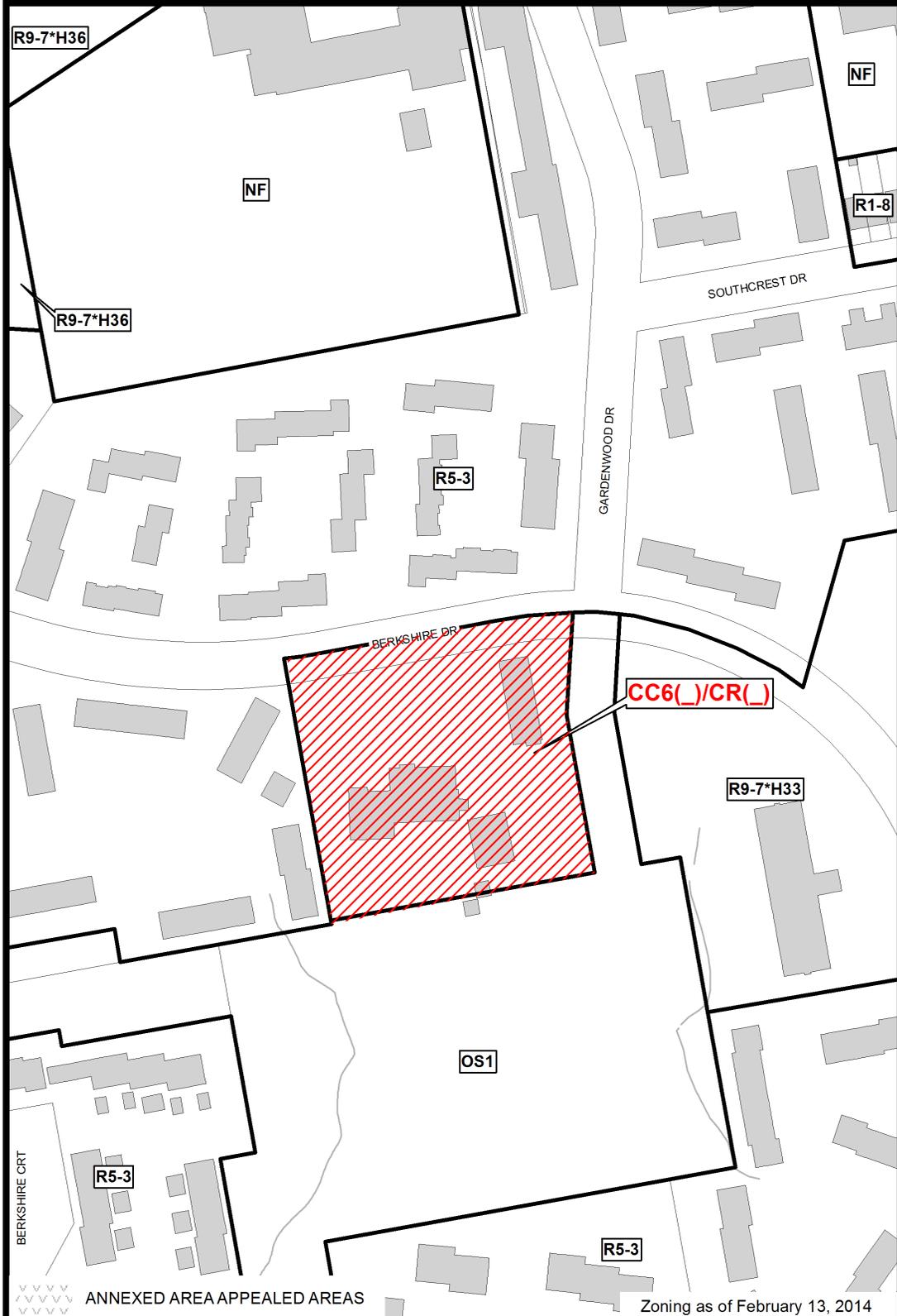
Catharine Saunders
City Clerk

First Reading - June 16, 2015
Second Reading - June 16, 2015
Third Reading - June 16, 2015

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Z-8467
Sonia Wise

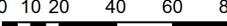
AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



File Number: Z-8467
 Planner: SW
 Date Prepared: 2015/04/23
 Technician: TT
 By-Law No: Z.-1-

SUBJECT SITE 

1:2,000

0 10 20 40 60 80 Meters 



Geodatabase