

TO:	CHAIR AND MEMBERS
	PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: SPIKE'S INDOOR BEACH VOLLEYBALL 120 WESTON STREET PUBLIC PARTICIPATION MEETING ON JUNE 15, 2015

### **RECOMMENDATION**

That, on the recommendation of the Managing Director, Planning and City Planner, with respect to the application of Spike's Indoor Beach Volleyball relating to a portion of the property located at 120 Weston Street the proposed by-law <u>attached</u> hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on June 25, 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 Holding Residential R9 Special Provision (h●h-5●h-8●R9-7(4)●H40) Zone which permits a wide range of residential uses **TO** a Holding Residential R9 Special Provision (h●h-5●h-8●R9-7(\_)●H40) Zone.

#### PREVIOUS REPORTS PERTINENT TO THIS MATTER

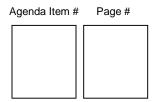
None

### PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of the recommended zoning change is to permit the continued operation of the existing indoor beach volleyball facility within the existing building on the subject lands.

## **RATIONALE**

- i) The recommended amendment is supported by the objectives of the *Provincial Policy Statement*, 2014, which promotes healthy, liveable and safe communities by encouraging efficient development and land use patterns and by accommodating an appropriate range and mix of land uses to meet current and projected needs of the Municipality;
- ii) The recommended amendment conforms to the intent of the secondary permitted uses policies for the Multi-Family, High Density Residential Designation outlined in Section 3.6 of the Official Plan;
- iii) The volleyball facility is recognized as a permitted temporary use in the City's Comprehensive Zoning By-law Z.-1;
- iv) The existing indoor volleyball facility represents an appropriate use of the existing industrial building until such time as the property is redeveloped for its anticipated long term function as a combination of high and low density residential.





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Scale: 1:3,000

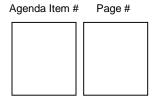
Date: 2015/05/20

Subject Site: 120 Weston Street (portion)

Applicant: Spike's Indoor Beach Volleyball Inc.

File Number : Z-8475

Subject Site



### **BACKGROUND**

Date Application Accepted: March 30, 2015 Agent: Kirkness Consulting Inc.

**REQUESTED ACTION:** Amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** a Holding Residential R9 Special Provision (h•h-5•h-8•R9-7(4)•H40) Zone and a Holding Residential R2 (h•h-8•R2-2) which permits a wide range of residential uses, **TO** a (h•h-5•h-8•R9-7(\_)•H40) Zone and a Holding Residential R2 (h•h-8•R2-2) Zone to permit an indoor beach volleyball facility in addition to the existing range of permitted residential uses.

## **SITE CHARACTERISTICS:**

- Current Land Use Vacant Industrial Buildings and Indoor Beach Volleyball Facility
- Frontage 186 metres
- **Depth** 247 metres
- Area 4 hectares
- Shape Irregular

# **SURROUNDING LAND USES:**

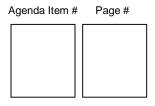
- North Parkland
- South Low Density Residential
- East CN Railway and Vacant Lands
- West Low Density Residential

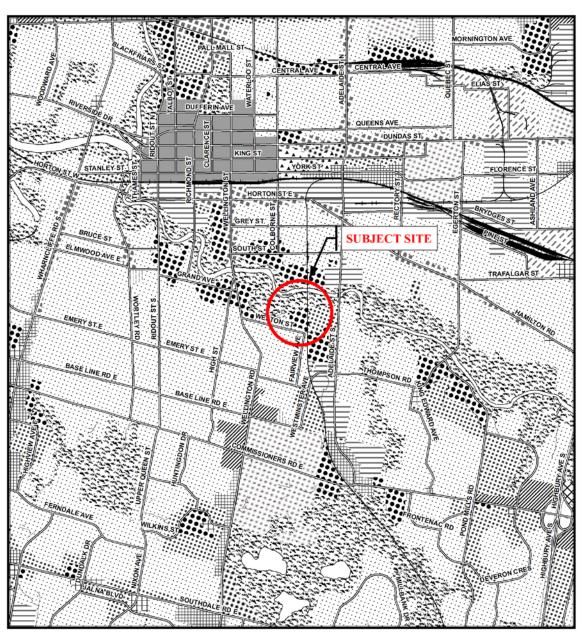
# **OFFICIAL PLAN DESIGNATION:** (refer to Official Plan Map on page 4)

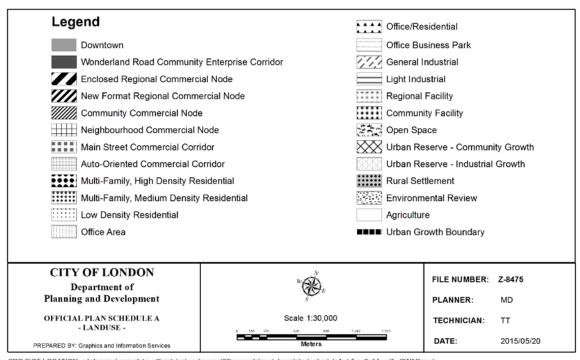
Multi-Family, High Density Residential

**EXISTING ZONING:** (refer to Zoning Map on page 5)

• Holding Residential R9 Special Provision (h●h-5●h-8●R9-7(4)●H40) Zone



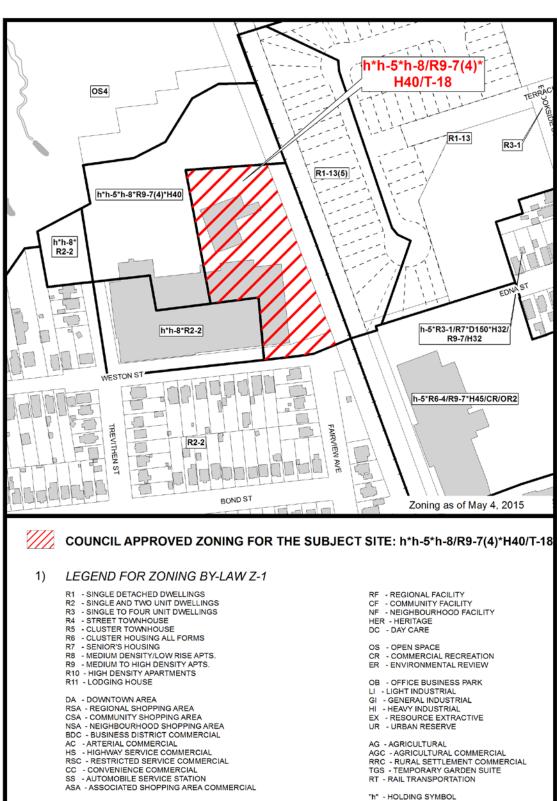




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File: Z-8475

Planner: M. Tomazincic



OR - OFFICE/RESIDENTIAL
OC - OFFICE CONVERSION
RO - RESTRICTED OFFICE
OF - OFFICE

# CITY OF LONDON

PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES

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

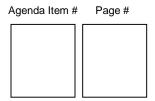


FILE NO: Z-8475 MD MAP PREPARED: 2015/05/20 TT 1:2,500 0 12.525 50 75 100 Meters

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

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



File: Z-8475

Planner: M. Tomazincic

### **PLANNING HISTORY**

Beginning in 1996, the property has been the subject of a series of 3-year temporary zones allowing for the operation of an indoor beach volleyball facility within the existing industrial building.

# SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

## **Transportation Planning and Design:**

No comment

# Wastewater and Drainage

No Comment

#### **Urban Design:**

No comment

## **Upper Thames River Conservation Authority:**

No objection

PUBLIC LIAISON:	On April 8 <sup>th</sup> , 2015, Notice of Application was sent to <b>(79)</b> 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 April 9 <sup>th</sup> , 2015. A "Possible Land Use Change" sign was also posted on the site.	Zero <b>(0)</b> replies were received
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Nature of Liaison: The purpose and effect of this zoning change is to permit the continued use of the existing indoor beach volleyball facility within the existing building on the subject lands. Change Zoning By-law Z.-1 from a Holding Residential R9 Special Provision (h●h-5●h-8●R9-7(4)●H40) Zone and a Holding Residential R2 (h●h-8●R2-2) which permit a wide range of residential uses, **TO** a (h●h-5●h-8●R9-7(\_)●H40) Zone and a Holding Residential R2 (h●h-8●R2-2) Zone to permit an indoor beach volleyball facility in addition to the existing range of permitted residential uses.

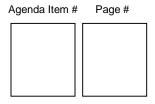
Responses: N/A

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## **Subject Site:**

The subject site is located on the north side of Weston Street, east of Wellington Road. This portion of Weston Street is classified as a Secondary Collector Road on Schedule C – Transportation Corridors – to the City of London Official Plan with an approximate traffic volume of 1,000 vehicles per day.

A small south (front) portion of the subject site is designated Low Density Residential and the larger north (rear) portion of this site is designated Multi-family, High Density Residential on Schedule A to the City of London Official Plan (Land Use).



The existing building is oriented towards, and has access from, Weston Street. While the overall subject site also has flankage onto Tevithen Street, only a portion of the site is subject to this requested Zoning By-law amendment and that portion does not extend to Tevithen Street.

The overall subject site has a Weston Street frontage of approximately 188.0 metres. However, only a portion of the subject site has been requested for consideration under this application. That portion of the subject site that is subject to this application has a frontage of 60 metres.

The subject site is a former industrial facility which has been the subject of a series of Temporary Zones and subsequent extensions dating back to 1996, each requesting to permit a Neighbourhood Commercial Recreation Establishment'.

## **Nature of Application:**

The purpose and intent of this application is to permit the continued operation of an indoor recreational beach volleyball facility on a long-term basis within the existing industrial building on the subject lands.

## **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 institutional 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 is appropriate for and efficiently uses the infrastructure, public transit and existing public service facilities.

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 proposed use of the site is suitable for employment uses and contemplates a new use which supports the needs of existing and future businesses.

Section 1.7 Long-Term Economic Prosperity in the PPS supports opportunities for economic development and community investment-readiness, which is consistent with the development of the subject site to attract and grow small businesses.

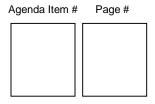
# City of London Official Plan

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.

## 3.4. Multi-family, High Density Residential

The subject lands are designated Multi-Family, High Density Residential which is intended to accommodate large-scale, multiple-unit forms of residential development.

The primary permitted uses in the Multi-Family, High Density Residential designation shall include low-rise and high-rise apartment buildings; apartment hotels; multiple-attached dwellings;



emergency care facilities; nursing home; rest homes; homes for the aged; and rooming and boarding houses. Zoning on individual sites would not normally allow for the full range of permitted uses.

Secondary permitted uses that are considered integral to, and compatible with, high density residential development, including group homes, home occupations, community facilities, funeral homes, **commercial recreation facilities** [emphasis added], small-scale office developments, and office conversions, may be permitted according to the provisions of Section 3.6.

#### 3.6.7. Commercial Recreation Facilities

Commercial recreation facilities such as arenas, swimming pools, and fitness centres may be permitted in the Multi-Family, Medium Density Residential and Multi-Family, High Density Residential designations through an amendment to the Zoning By-law and subject to the following provisions:

#### Location

i) The property proposed for development shall be located on an arterial or primary collector road and shall not abut any existing or zoned low density residential uses.

The subject site is not located on an arterial or primary collector does and abuts existing zoned low density residential uses. While this may seemingly preclude the approval of the recommended amendment, it should be noted that he subject site is a remnant industrial facility and the lands that are *actually* zoned for low density residential uses encompass portions of the subject site which also accommodate a remnant industrial use. In other words, while portions of the subject site are zoned for low density residential uses, they do not accommodate these uses. Therefore, while an evaluation of a zoning map may reveal that the portion of the site that is the subject of this application abuts low density residential zoned lands, the actual use of the subject site is not consistent with this designation.

### Compatibility

ii) The proposed use will not substantially reduce the suitability of the designated area to accommodate residential uses.

The recommended amendment is not intended to permit a commercial recreation establishment as the *sole* permitted use. The recommended amendment is intended to add an additional commercial recreation use to the existing high density residential zone to maintain the existing high density residential uses over the long-term, while permitting an additional permitted use of an indoor beach volleyball facility until such time as the long term zoning and designation will be fulfilled.

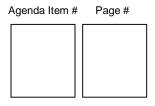
#### Buffering

iii) Provision shall be made for landscaping, privacy screening, building setbacks and other measures that may be necessary to protect the amenity of adjacent residential properties.

As previously mentioned, the subject site is a former industrial facility which accommodates the recommended use within the existing building. While there are existing low density residential uses immediately to the south of the subject site, the recommended indoor beach volleyball use has been in operation since 1996 in its existing configuration and has achieved a measure of compatibility among its adjacent land uses. Given that it is maintained within an existing industrial building, and given its history of compatibility with the adjacent uses, no additional provisions are recommended.

# Planning Impact Analysis

iv) The proposed use may be subject to a zone change and Planning Impact Analysis as provided for in Section 3.7.



File: Z-8475

Planner: M. Tomazincic

## 3.7 Planning Impact Analysis

Planning Impact Analysis will be used to evaluate applications for an Official Plan amendment and/or zone change, to determine the appropriateness of a proposed change in land use, and to identify ways of reducing any adverse impacts on surrounding uses. Planning Impact Analysis is intended to document the criteria reviewed by municipal staff through the application review process to assess an application for change. Depending upon the situation, other criteria may also be considered. The following relevant criteria have been evaluated as part of this requested amendment:

a) Compatibility of proposed uses with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area.

The recommended use is contained within an existing building that has achieved a measure of compatibility with the surrounding low density residential area since 1996. Given the history of compatibility of this facility, the recommended amendment to permit the indoor beach volleyball use over the longer-term is not anticipated to introduce any new impacts to the existing neighbourhood.

b) The size and shape of the parcel of land on which a proposal is to be located, and the ability of the site to accommodate the intensity of the proposed use;

The property is appropriate for the development as the site has been considered and vetted through the site plan approval process. The recommended use has been at this location since 1996 and over the years the subject site has demonstrated its ability to accommodate the intensity of the recommended use.

c) The supply of vacant land in the area which is already designated and/or zoned for the proposed use;

Currently, the proposed use may be permitted in areas zoned for the commercial recreation establishment use. There is one site which permits commercial recreation establishments in the immediate area located at 6 Weston Street. However, there is an existing building on this site which accommodates a Loyal Order of Moose Lodge. A vacant parcel of land zoned to permit Commercial Recreation uses, immediately abutting the Moose Lodge to the west, is owned by the City of London. Therefore, while there are lands in the immediate area zoned one permit the recommended use, these lands are not readily available.

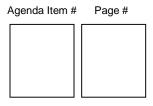
d) The height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses;

The proposed use is intended to be accommodated within a remnant industrial building. No new buildings are proposed to be constructed as part of this amendment.

 The extent to which the proposed development provides for the retention of any desirable vegetation or natural features that contribute to the visual character of the surrounding area;

The proposed use is intended to be accommodated within a remnant industrial building and limited to the southeast portion of the subject site and therefore no new development is proposed. And while the northern portions of the larger overall site do comprise a vegetated area, the portion of the subject site that is being considered for this amendment does not contain any desirable vegetation or natural features that contribute to the visual character of the surrounding area.

f) The location of vehicular access points and their compliance with the City's road access policies and Site Plan Control By-law, and the likely impact of traffic generated by the



proposal on City streets, on pedestrian and vehicular safety, and on surrounding properties;

The existing accesses which have served the subject site since 1996 are proposed to be maintained. Transportation Engineering Staff expressed no concern with the requested amendment.

g) The exterior design in terms of the bulk, scale, and layout of buildings, and the integration of these uses with present and future land uses in the area;

The recommended use will be contained within an existing industrial building. No new development is proposed as part of this amendment.

h) The potential impact of the development on surrounding natural features and heritage resources;

The proposed development and use will not have any impact on surrounding natural features and there are no heritage resources that may be impacted.

i) Constraints posed by the environment, including but not limited to locations where adverse effects from landfill sites, sewage treatment plants, methane gas, contaminated soils, noise, ground borne vibration and rail safety may limit development;

The site is located adjacent to the Canadian National Railway spur line and any potential noise, vibration or rail related impacts on the site are recognized as existing conditions. The requested amendment to continue to maintain an indoor beach volleyball facility does not represent the introduction of a new, sensitive use and therefore also represents an existing condition.

*j)* Compliance of the proposed development with the provisions of the City's Official Plan, Zoning By-law, Site Plan Control By-law, and Sign Control By-law;

The proposal is consistent with the Official Plan and requires a Zoning By-law amendment to permit the recommended use. The recommended amendment is not intended to remove the long term use for high density residential development, but seeks to add an additional permitted use of an indoor beach volleyball facility until such time as the long term residential uses can be implemented.

k) Measures planned by the applicant to mitigate any adverse impacts on surrounding land uses and streets which have been identified as part of the Planning Impact Analysis;

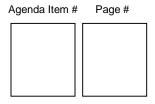
No new development is being proposed through this amendment. The recommended use has achieved a measure of compatibility with the surrounding residential area an no new impacts are anticipated. The recommended use is an indoor facility where most of the noise, lighting, and activities are contained with minimal impacts on surrounding sensitive uses.

I) Impacts of the proposed change on the transportation system, including transit.

No new impacts are anticipated.

# Zoning By-law Z.-1:

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 that use, and the built form. This is achieved by applying various zone variations to all lands within the City of London which identify a list of permitted uses and regulations that frame the context within which development can occur. These regulations may include: setbacks from property lines, building height, lot coverage



requirements, floor area, and parking requirements, among others. Collectively, the permitted uses and regulations assess the ability of a site to accommodate a development proposal.

The recommended use has operated from the subject as a Temporary Use since 1996. That Temporary Use zone permitted the indoor beach volleyball facility through the following provision:

A portion of land located at 120 Weston Street, north side, at Fairview Avenue, comprising part of Key Maps No. A107, may be used for a Neighbourhood Commercial Recreation Establishment, where the use is conducted inside the existing building with the exception of an outdoor patio with a maximum area of 60 square metres (650 square feet) and a 12 square metre (130 square feet) breezeway addition.

The above temporary zone also included a special parking standard of 1 parking space per 20m<sup>2</sup> of floor area which has serviced the use over since that time.

The recommended amendment seeks to incorporate the above temporary use into a special provision of the Residential R9 zone in order to maintain the high density residential uses provided by the R9 zone over the long term while allowing the indoor beach volleyball use to adaptively reuse the existing industrial building in the interim period until such time as the subject site can be redeveloped for its long term intent.

# CONCLUSION

The recommended amendment is supported by the objectives of the *Provincial Policy Statement, 2014*, and conforms to the intent of the secondary permitted uses policies for the Multi-Family, High Density Residential Designation outlined in Section 3.6 of the Official Plan;

The volleyball facility is recognized as a permitted temporary use in the City's Comprehensive Zoning By-law Z.-1 and the recommended amendment to rezone the lands to permit the existing indoor volleyball facility use as a special provision of the Residential R9 zone represents an appropriate use of the existing industrial building until such time as the property is redeveloped for its anticipated long term function as a combination of high and low density residential.

PREPARED AND SUBMITTED BY:	RECOMMENDED BY:
MICHAEL TOMAZINCIC, MCIP, RPP MANAGER, CURRENT PLANNING	JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND
MANAGER, CORRENT FLANNING	CITY PLANNER

May 21, 2015

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# Appendix "A"

 $\begin{array}{ll} Bill \ No. \ (\text{number to be inserted by Clerk's Office}) \\ 2015 \end{array}$ 

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

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 120 Weston Street.

WHEREAS Spike's Indoor Beach Volleyball has applied to rezone an area of land located at 120 Weston Street, as shown on the map attached to this by-law, as set out below;

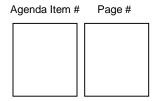
AND WHEREAS this rezoning conforms to the Official Plan;

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 120 Weston Street, as shown on the attached map compromising part of Key Map No. 107, from an Holding Residential R9 Special Provision (h●h-5●h-8●R9-7(4)●H40) Zone to a Holding Residential R9 Special Provision (h●h-5●h-8●R9-7(\_)●H40) Zone.
- 2) Section Number 13.4 of the Residential R9 (R9-7) Zone is amended by adding the following Special Provision:
  - \_) R9-7(\_) 120 Weston Street
    - a) Additional Permitted Uses:
      - i) Indoor Beach Volleyball Facility
      - ii) Food service area in association with the Indoor Beach Volleyball Facility
      - iii) Convenience Store
    - b) Regulation[s]
      - i) Indoor Beach Volleyball Facility is conducted inside the existing building with the exception of an outdoor patio.
      - ii) Outdoor patio with a maximum area of 60 square metres (650 square feet) and a 12 square metre (130 square feet) breezeway addition may be permitted in association with the Indoor Beach Volleyball Facility
      - iii) A food service area inside the main building no greater than 300 square metres (3,229 square feet) of gross floor area shall be permitted in association with the Indoor Beach Volleyball Facility
      - iv) Parking Standard for additional 50 parking spaces permitted uses (Minimum)
      - v) Gross Floor Area 100 square metres for Convenience Stores (1,076 square feet) (Maximum)

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act*, *R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

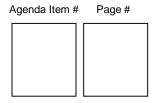


PASSED in Open Council on June 25, 2015.

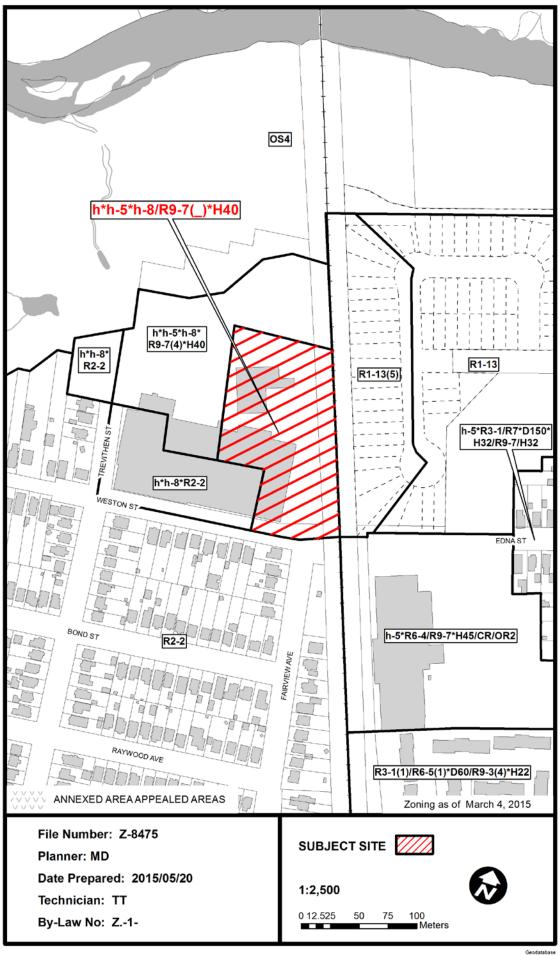
Matt Brown Mayor

Catharine Saunders City Clerk

First Reading – June 25, 2015 Second Reading – June 25, 2015 Third Reading – June 25, 2015



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



Geodatabase