

File: Z-8574

Planner: Mike Corby

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: HLH INVESTMENTS LTD. 746 WATERLOO STREET PUBLIC PARTICIPATION MEETING ON MARCH 29, 2016

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of HLH Investments Ltd. relating to the property located at 746 Waterloo Street, the proposed by-law attached hereto as Appendix "A" BE INTRODUCED at the Municipal Council meeting on April 5, 2016 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 Special Provision (CC(1)) Zone, TO a Convenience Commercial Special Provision (CC6(_)) Zone.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

"None"

PURPOSE AND EFFECT OF RECOMMENDED ACTION

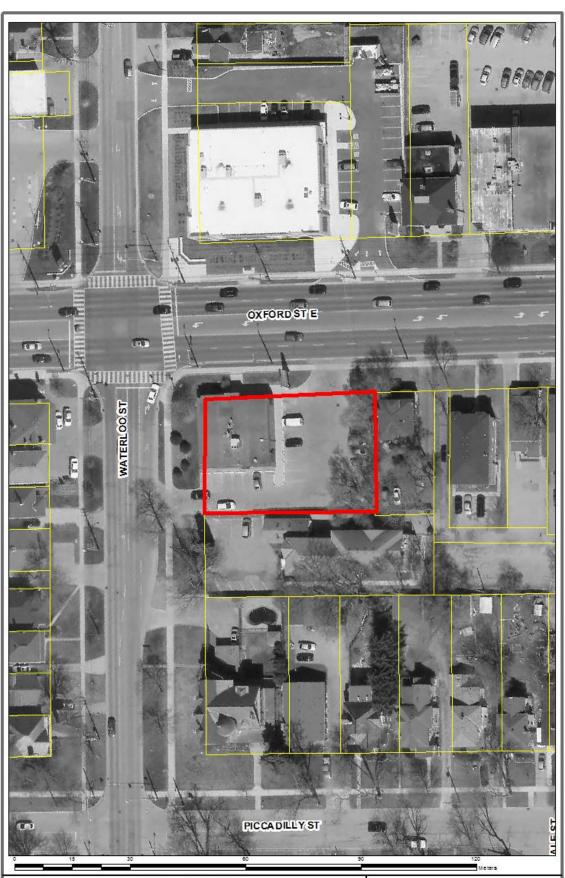
The purpose and effect of the requested Zoning By-law amendment is to expand the range of permitted uses and increase the maximum gross floor area specific to pharmacies, animal clinics and restaurant, eat-in to 350m² in keeping with the total gross floor area of the existing structure.

RATIONALE

- 1. The recommended Zoning By-law amendment is consistent with the Provincial Policy Statement 2014, which promotes healthy, liveable and safe communities by accommodating an appropriate range and mix of uses.
- 2. The recommended amendment is consistent with the Official Plan related to existing Convenience Commercial uses located in residential designations.
- 3. The recommended zone facilitates increased usability of the subject site by accommodating a range of uses that are appropriate and compatible with the surrounding area, providing an increased opportunity to fill the on-site vacancy.
- 4. The recommended amendment is not anticipated to create any new negative impacts beyond those that had previously occurred with the former retail store located at the subject site.
- 5. The recommended amendment is intended to ensure that any redevelopment of the subject site requires that the new building location be at the Northwest corner of the site (similar to the existing building location) and away from the more sensitive residential uses located to the east and south of the subject site.

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LOCATION MAP

Subject Site: 746 Waterloo Street Applicant: HLH Investments Limited File Number : Z-8574

Legend



Planner: MC

Scale: 1:750

Created By : TT Date : 2016/01/08

Subject Site

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BACKGROUND

Date Application Accepted: January 4, 2016

Agent: Michelle Doornbosch (Zelinka

Priamo Ltd)

REQUESTED ACTION: Change Zoning By-law Z.-1 from Convenience Commercial Special Provision (CC(1)) Zone which permits convenience service establishments, convenience stores, financial institutions and personal service establishments all without drive-through facilities to a Convenience Commercial Special Provision (CC6(_)) Zone which permits bake shops, commercial schools, florist shops, pharmacies, restaurants (eat-in), brewing on premises establishment, studios, offices, day care centres, convenience business service establishments, food stores, restaurants (take-out), medical/dental offices, dwelling units (together with any other permitted use) and the uses currently permitted on the site all without drive-through facilities. The special provision will also permit Animal Clinics as a new use.

SITE CHARACTERISTICS:

- Current Land Use Vacant Building
- Frontage 44.6 metres
- **Depth** 29.7 metres
- **Area** 0.134 hectares (0.33 acres)
- Shape Rectangular

SURROUNDING LAND USES:

- North New Rexall Pharmacy/ Low Density Residential
- South Residential/Montessori School
- East Small Scale Commercial/Residential
- West Small Scale Commercial/Residential/Montessori

OFFICIAL PLAN DESIGNATION: (refer to Official Plan Map)

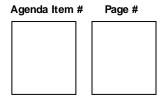
Multi-Family, Medium Density Residential

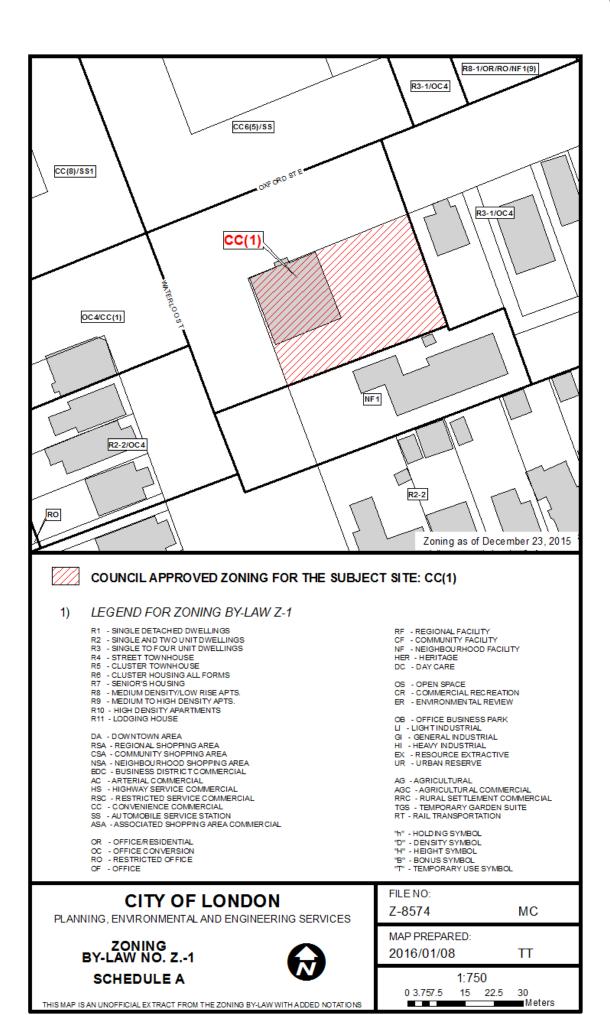
EXISTING ZONING: (refer to Zoning Map)

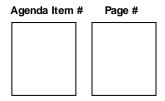
Convenience Commercial Special Provision (CC(1))

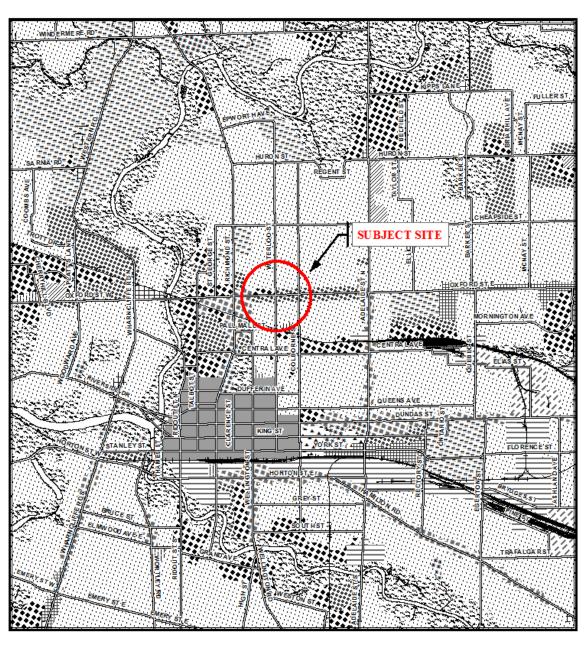
PLANNING HISTORY

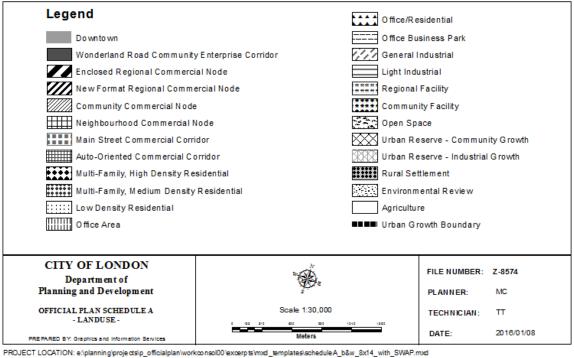
The subject site was previously used as a pharmacy (Pharma Plus) which relocated across the street almost a year and half ago and has remained vacant since.

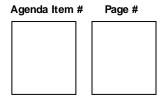












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SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

Parks Planning – January 20, 2016

The Environmental and Parks Planning Section has reviewed the requested application for a zoning by-law amendment at 746 Waterloo Street and has no comment.

As the lands are not being re-developed parkland dedication will not be required. However, if the site is to re-develop, parkland dedication consistent with the provisions of the Planning Act will be required.

<u>Transportation – January 26, 2016</u>

Access to Waterloo Street is to be restricted to right in/right out/left out <u>no left in,</u> due to the proximity of the drive way access to the intersection of Waterloo Street and Oxford Street.

PUBLIC LIAISON:

On January 13, 2016, Notice of Application was sent to 72 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on January 14, 2016. A "Possible Land Use Change" sign was also posted on the site.

1 reply was received

Nature of Liaison: The purpose and effect of the requested Zoning By-law amendment is to expand the range of permitted uses and increase the maximum gross floor area specific to pharmacies, animal clinics and restaurant, eat-in to 350m2 in keeping with the total gross floor area of the existing structure.

Change Zoning By-law Z.-1 from Convenience Commercial Special Provision (CC(1)) Zone which permits convenience service establishments, convenience stores, financial institutions and personal service establishments all without drive-through facilities to a Convenience Commercial Special Provision (CC6(_)) Zone which permits bake shops, commercial schools, florist shops, pharmacies, restaurants (eat-in), brewing on premises establishment, studios, offices, day care centres, convenience business service establishments, food stores, restaurants (take-out), medical/dental offices, dwelling units (together with any other permitted use) and the uses currently permitted on the site all without drive-through facilities. The special provision will also permit Animal Clinics as a new use.

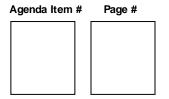
Responses:

- Outdoor patio noise at night time if a Restaurant or Bar is established.
- Limit outdoor Animal Storage to day time only.
- No expansion of schools.

ANALYSIS

Subject Site

The subject site is located at 746 Waterloo Street which is on the Southeast corner of Waterloo Street and Oxford Street. The site has an existing 350m² (3767sq.ft.) building on it which was formerly a Pharma Plus drug store which is now relocated across the street. There are 24 existing parking spaces in the side and rear of the property with access points on both Waterloo and Oxford Street. The building sits at the northwest corner of the property abutting the



intersection.



Nature of Application

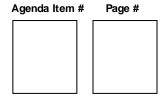
The proposed Zoning By-law amendment is seeking to expand the range of permitted uses and increase the maximum gross floor area specific to pharmacies, animal clinics and eat-in restaurants, to 350m^2 in keeping with the total gross floor area of the existing structure. The proposed application will change the existing Convenience Commercial Special Provision (CC(1)) zone to a Convenience Commercial Special Provision CC6(_) zone. The CC6 zone permits a wider range of commercial uses then those uses permitted in the basic CC zone. The applicant is also seeking an additional permitted use in the form of an Animal Clinic.

<u>Use</u>

The Provincial Policy Statement (PPS) 2014, provides policy direction on matters of provincial interest related to land use planning and development. 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. It also promotes cost-effective development patterns and standards to minimize land consumption and servicing costs and encourages settlement areas to be the main focus of growth and development.

This proposed application ensures that additional growth is accommodated within a settlement area and increases the vitality of the site and surrounding area by permitting a greater mix of uses on the site. The proposed additional uses can efficiently use the existing infrastructure and public service facilities in place while requiring no additional land consumption or servicing costs. The proposal will effectively reuse the vacant building which will once again help support and contribute to a healthy and livable community.

Section 1.3 *Employment* of the PPS 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 increased range of uses provided through the recommended zoning amendment will provide an appropriate mix and range of employment uses and allow the subject site the opportunity to diversify its economic base. The amendment also achieves the goal of Section 1.7 *Long-Term Economic Prosperity* in the PPS which supports opportunities for economic development and community investment-

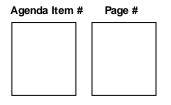


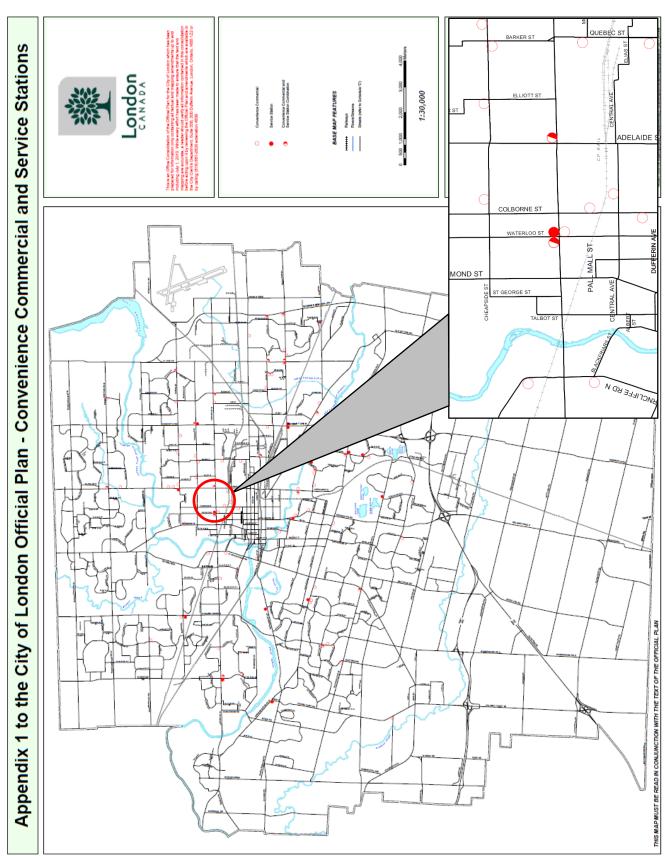
readiness. The amendment increases the ability of the subject site to attract businesses thereby supporting the long term prosperity of the area.

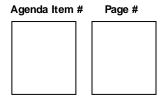
Official Plan

The Official Plan identifies that the "preferred location for convenience commercial uses and service stations is within the various Commercial land use designations." [3.6.5] The Multi-Family, Medium Density Residential designation however recognizes existing convenience commercial and service station uses which meet the criteria established in policy 3.6.5. Existing uses which do not meet the criteria in this Plan are legal non-conforming uses and may also be recognized as permitted uses in the Zoning By-law [(3.3.1ii)]. The subject site is one of those locations which has been recognized as a Convenience Commercial use in a residential designation as the use existed on the date of adoption of this Plan, and is recognized as legal use. The existing development also meets the required function outlined in the Official Plan as the building is designed to function at a neighbourhood scale while providing services to surrounding residential areas and the travelling public. It is also meets the preferred location criteria as it is located at an intersection along an arterial road where the proposed uses will be considered compatible with surrounding land uses and will not have a serious adverse impact on the traffic-carrying capacity of roads in the area. The location of those existing Convenience Commercial uses and Service Stations that are recognized by the Plan and are shown on Appendix Schedule 1, Convenience Commercial and Service Stations. [3.6.5 i), ii)c), iii), ii)a)]

The Official Plan also limits uses for CC zones based on the size of the subject site to help with compatibility issues. Convenience commercial sites that are under $500m^2$ in size are permitted a reduced range of uses while those in excess of $500m^2$ are permitted the full range of uses permitted in the CC zone variations. The subject site is well over the $500m^2$ existing at approximately $1340m^2$ permitting the wider range of uses [3.6.5 ii)a)] which is in keeping with the proposed rezoning application.







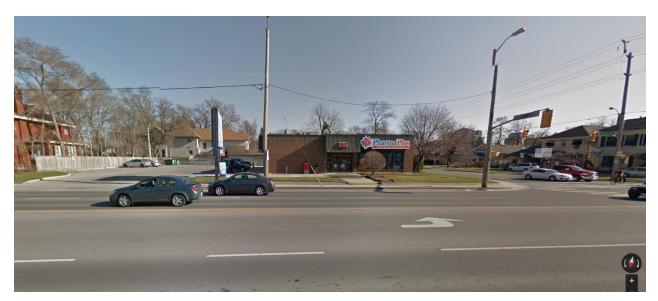
Intensity

The subject site previously existed as a Retail Store with a pharmacy and small Canada Post office within it. The parking requirement was 1 space per $20m^2$ and the site was able to accommodate the intensity of the use and functioned well. The proposed rezoning will introduce a wider range of potential uses however the intensity of these uses will not exceed what was previously permitted. The existing site layout is also self-regulating in the sense that the maximum amount of parking is relatively fixed at 24 spaces restricting the potential intensity of uses. Any future use or uses would be required to conform to the Zoning By-law and its parking standards. If a proposal exceeded the requirements because of an increase in intensity it would require a subsequent application under the Planning Act.

As mentioned, the applicant has requested that animal clinics, pharmacies and eat-in restaurants, be permitted an increased gross floor area of 350m^2 in order to fit within the existing building whereas the current zoning would permit pharmacies at a total gross floor area of 300m^2 and restaurants at 150m^2 . These uses are compatible at the proposed intensity given that the most intense use, in this case a restaurant at 350m^2 , can be accommodated on the site with the a parking requirement of 24 spaces which currently exists. Animal Clinics and Pharmacy uses would have more than adequate parking available on-site and no additional impacts would be felt if the uses were implemented.

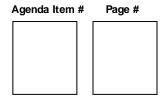
Form

The existing building form consists of a one-storey building situated at the northwest corner of the property with the building entrance oriented towards Oxford Street which is readily accessible for pedestrian traffic and to the parking area located in the rear and side of the lot. The proposed recommendation will have no change on the existing form.



The existing form is in keeping with section 3.6.5 v) (Form of Development) of the Official Plan as the building functions as a stand-alone use functioning at a small scale and does not lend itself to be better served in a large commercial designation. The scale of the existing development is also appropriate as it is has proven to be compatible with the surrounding land uses and community and there is no reason additional uses cannot function within this scale of development and remain compatible. The Official Plan also notes that the scale should not exceed 1000m^2 which the current structure does not. The current building exists at a size of 350m^2 and the CC zone limits lot coverage to 30%. That means the maximum building size at one-storey would be 402m^2 and even at two storeys would be below the 1000m^2 .

In the event that the subject site is redeveloped in the future, the recommended amendment includes regulations that require the building to be located in generally the same area of the lot



as the current building so that the building setback from the more sensitive residential uses is maximized.

Zoning

As mentioned the proposed Convenience Commercial (CC6) zone will implement a wider range of additional uses on the subject site. These additional uses are considered appropriate given the above mentioned policies of the Official Plan. The Animal Clinic use however does not exist in any of the existing convenience commercial zone variations of the Zoning By-law and is generally implemented on a site-specific basis. The intensity of the Animal Clinic use is minimal and parking ratios exist at 1 space per 45m^2 which translates into 8 spots if the entire building was used for such a use. The proposed use is not anticipated to have adverse impacts on the surrounding land uses and this is an appropriate location for an Animal Clinic as its location would be accessible to the surrounding community as well as the travelling public as it is located along an arterial road.

The applicant requested that pharmacies, eat-in restaurants, and animal clinic uses be permitted up to a GFA of 350m². The request is required because the CC6 zone limits GFA to 300m² for pharmacies and 150m² for restaurants to ensure they develop in a form and scale compatible with the surrounding uses. The applicant has identified that the intent of the future use would be on an individual basis and it would use the whole of the existing structure. With that in mind Staff recognizes the site has previously functioned as a retail store at 350m² and the restaurant use at 350m² can be accommodated under the existing site layout. Therefore, Staff is recommending the increase in GFA to permit a maximum of 350m² for these specific uses as the site can affectively accommodate them and remain compatible.

Staff identified that any future development on the site should maintain a similar building location in order to create a buffer from the abutting land uses. In order to ensure this Staff is recommending that the Zoning By-law amendment include a maximum setback of 1 metre on the front and exterior side yard to ensure this protection is achieved and a street oriented develop is created.

CONCLUSION

The recommended 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. It is also is consistent with the Official Plan related to existing Convenience Commercial uses located in residential designations. The recommended zone facilitates increased usability of the subject site by accommodating a range of uses that are appropriate and compatible with the surrounding area, providing an increased opportunity to fill the onsite vacancy while the existing built form and on-site parking is capable of supporting the requested uses without resulting in any negative impacts onto abutting uses.

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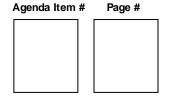
PREPARED BY:	SUBMITTED BY:			
MIKE CORBY	MICHAEL TOMAZINCIC, MCIP, RPP			
CURRENT PLANNING	MANAGER, CURRENT PLANNING			
RECOMMENDED BY:				
JOHN M. FLEMING, MCIP, RPP				
MANAGING DIRECTOR, PLANNING AND CITY PLANNER				

January 25, 2016
MC/mc
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Responses to Public Liaison Letter and Publication in "The Londoner"

Telephone	<u>Written</u>
	Piccadilly Area Neighbourhood Association



Bibliography of Information and Materials Z-8574

Request for Approval:

City of London Zoning By-law Application Form, completed by Zelinka Priamo Ltd., December 11, 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.

Zelinka Priamo Ltd. Planning Justification Report, December 8, 2015.

Correspondence: (all located in City of London File No. Z-8574 unless otherwise stated)

City of London -

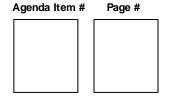
Page B., City of London Parks Planning and Design. Memo to M. Corby. January 20, 2016.

Giesen A., City of London Transportation Planning & Design. E-mail to M. Corby. January 26, 2016.

Departments and Agencies -

Creighton C., UTRCA. Letter to M. Corby. February 8, 2016.

Bezzina, J., London Hydro. FAX to M. Corby. January 18, 2016.



Appendix "A"

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

By-law No. Z.-1-16_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 746 Waterloo Street.

WHEREAS HLH Investments Ltd. has applied to rezone an area of land located at 746 Waterloo 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 746 Waterloo Street, as shown on the attached map comprising part of Key Map No. A.107, from a Convenience Commercial Special Provision (CC(1)) Zone to a Convenience Commercial Special Provision (CC6(_))Zone.
- 2) Section Number 29.4 of the Convenience Commercial (CC6) Zone is amended by adding the following Special Provision:

) CC6 () 746 Waterloo Street

a) Additional Permitted Use

i) Animal Clinic

b) Regulation[s]

i) Gross Floor Area (maximum)

Animal Clinics 350 square metres

(3767 sq.ft.)

Pharmacies 350 square metres

(3767 sq.ft.))

Restaurants, eat in 350 square metres

without drive through (3767 sq.ft.))

facilities

Maximum front yard 1.0 metre

setback

Maximum exterior 1.0 metre

side yard setback

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.

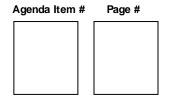
PASSED in Open Council on April 5, 2016.

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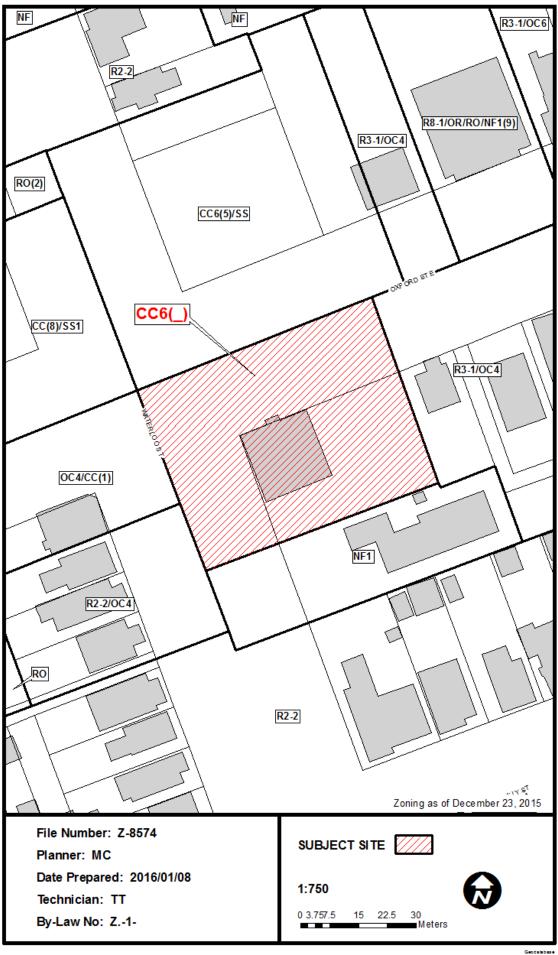
Matt Brown Mayor

Catharine Saunders City Clerk

First Reading - April 5, 2016 Second Reading - April 5, 2016 Third Reading - April 5, 2016



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



Geodalabase