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File No: OZ-7941  
Planner: N. Musicco

<b>TO:</b>	<b>CHAIR AND MEMBERS BUILT AND NATURAL ENVIRONMENT COMMITTEE</b>
<b>FROM:</b>	<b>JOHN M. FLEMING DIRECTOR OF LAND USE PLANNING &amp; CITY PLANNER</b>
<b>SUBJECT:</b>	<b>APPLICATION BY: 1209571 ONTARIO LIMITED 485, 495, 503, 517 AND 519 YORK STREET PUBLIC PARTICIPATION MEETING ON MONDAY SEPTEMBER 26, 2011 @ 5:10PM</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of the Director of Land Use Planning & City Planner, the following actions be taken with respect to the application of 1209571 Ontario Limited relating to the properties located at 485, 495, 503, 517, and 519 York Street:

- (a) The proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on October 3, 2011 to amend the Official Plan to add a special policy to section 4.4.2.11 of the Official Plan – Specific Auto-Oriented Commercial Corridors – for the lands on the south side of York Street, between Maitland Street and William Street, to permit Service Office uses in addition to the list of permitted uses described in section 4.4.2.4 of the Official Plan; and
- (b) The proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at th sectione Municipal Council meeting on October 3, 2011 to amend Zoning By-law No. Z-1 (in conformity with the Official Plan, as amended in part (a) above) to change the zoning of the property located at 519 York Street **FROM** a Restricted Service Commercial (RSC2/RSC4) Zone which permits Animal clinics, Automobile rental establishments, Automobile repair garages, Automobile sales and service establishments, Automobile supply stores; Automotive uses, restricted; Bulk beverage stores, Dry cleaning and laundry depots, Liquor, beer and wine stores, Pharmacies, Convenience stores, Day care centres, Duplicating shops Financial institutions, Florist shops, Personal service establishments **TO** a Restricted Service Commercial Special Provision (RSC2/RSC4( )) Zone to add 'clinic' and 'service office' with a maximum gross floor area of 2000 m<sup>2</sup> to the list of above permitted uses.

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
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Z-7879 – 519 York Street **FROM** a Restricted Service Commercial (RSC2.RSC4) Zone **TO** a Restricted Service Commercial Special Provision (RSC2.RSC4( )) Zone to add 'clinic' to the list of above permitted uses. Application was withdrawn by applicant on April 27, 2011. File was closed and application was revised and resubmitted. (OZ-7941).

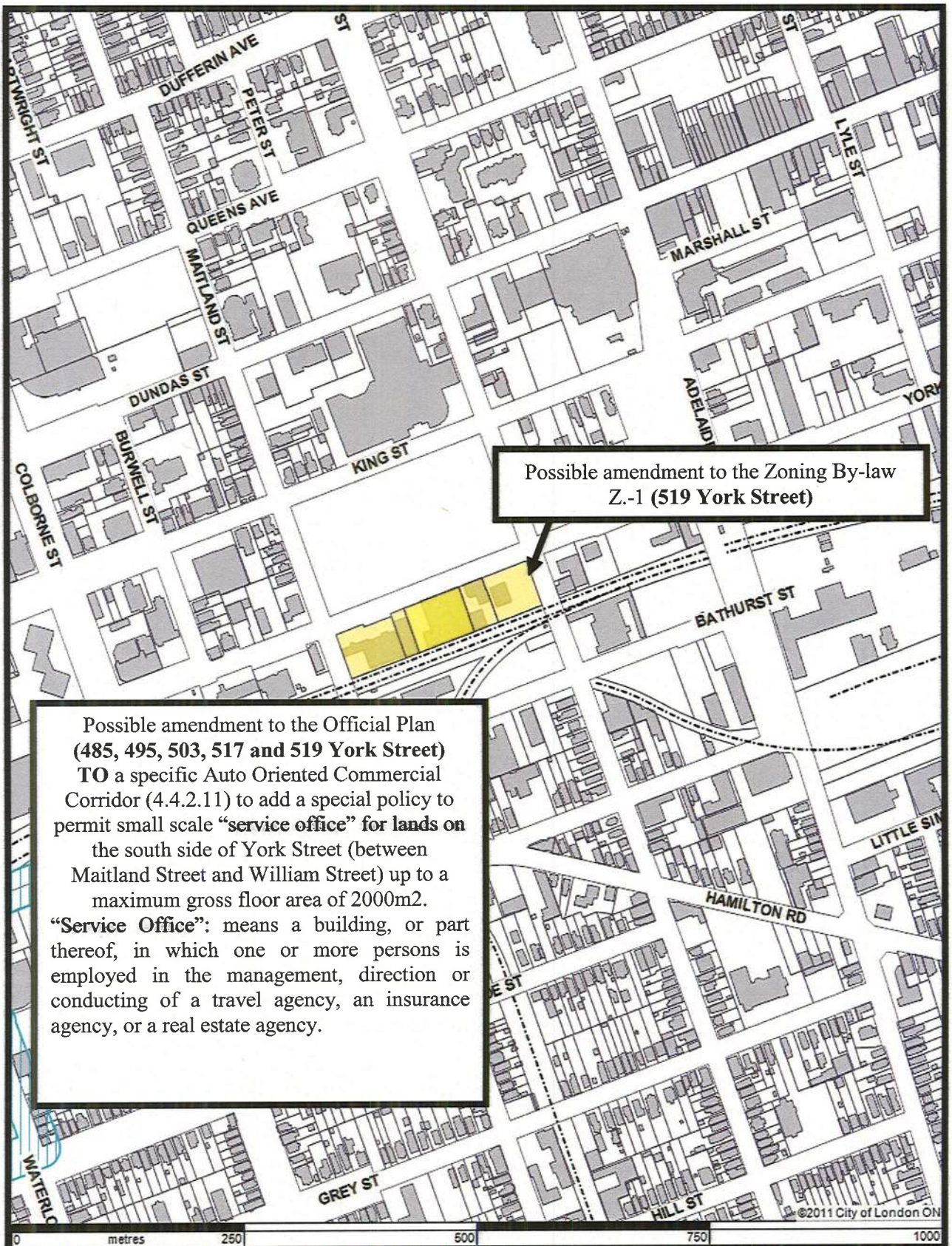
<b>PURPOSE AND EFFECT OF RECOMMENDED ACTION</b>
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The requested amendment is to add 'clinic' and 'service office' to the list of permitted uses.

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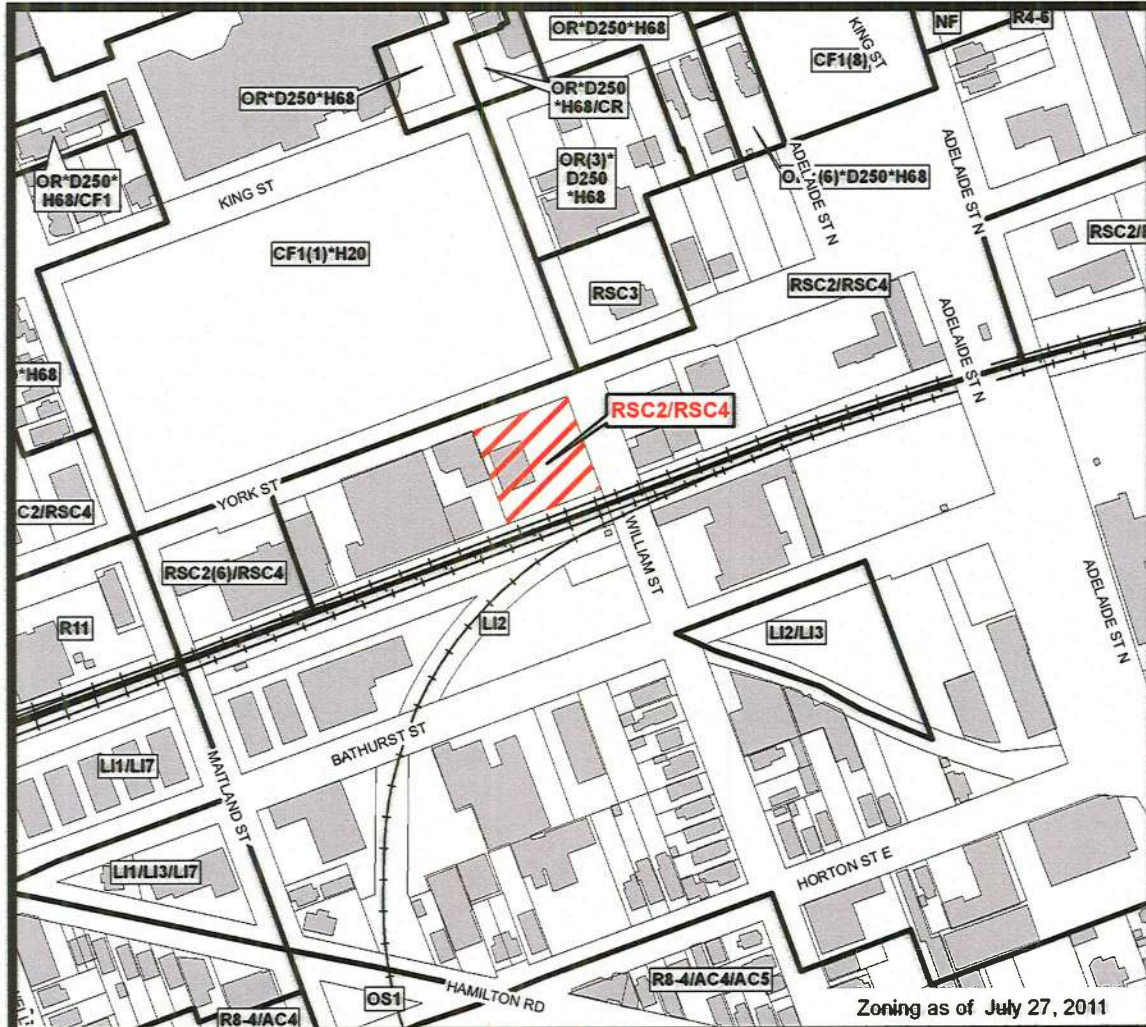
**RATIONALE**

- The recommended amendments are consistent with the polices of the Provincial Policy Statement (2005).
- The requested Official Plan designation is compatible with the existing and proposed uses in the area.
- The subject lands are located along an arterial road where high traffic volumes are present and where services to the traveling public can be concentrated and supported.
- The subject lands are of a size and shape to accommodate the proposal.



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**COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: RSC2/RSC4**

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

- 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
  
- 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
  
- "T" - HOLDING SYMBOL
- "D" - DENSITY SYMBOL
- "H" - HEIGHT SYMBOL
- "B" - BONUS SYMBOL
- "T" - TEMPORARY USE SYMBOL

2) **ANNEXED AREA APPEALED AREAS**

**CITY OF LONDON**  
PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES

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



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

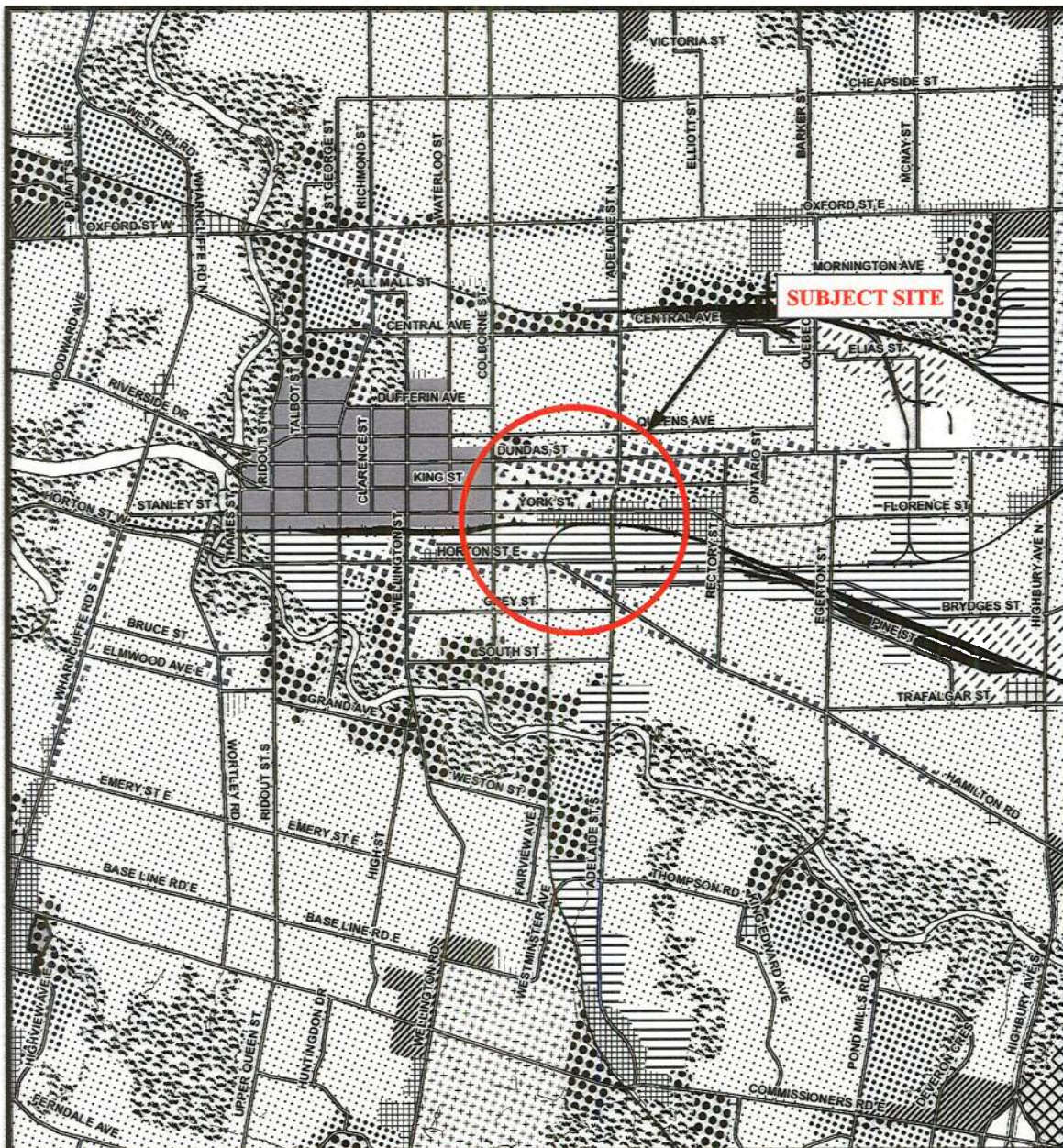
FILE NO:  
OZ-7941 NM

MAP PREPARED:  
2011/08/23 CK

1:3,000  
0 15 30 60 90 120 Meters

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File No: OZ-7941  
 Planner: N. Musicco



**Legend**

- |  |                                   |
|--|-----------------------------------|
| Downtown Area                            | 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                       |
| Office/Residential                       | Urban Growth Boundary             |
|  | Areas Under Appeal                |

**CITY OF LONDON**  
 Department of  
 Planning and Development  
 OFFICIAL PLAN SCHEDULE A  
 - LAND USE -

PREPARED BY: Graphics and Information Services



FILE NUMBER: OZ-7941

PLANNER: NM

TECHNICIAN: CK

DATE: 2011 Aug 23

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**BACKGROUND**

<b>Date Application Accepted:</b> July 6, 2011	<b>Agent:</b> Zelinka Priamo Ltd. (Stephen Cornwell)
<p><b>REQUESTED ACTION:</b> Possible amendment to Schedule 'A' of the Official Plan <b>FROM</b> an Auto Oriented Commercial Corridor <b>TO</b> Auto Oriented Commercial Corridor Special Policy to add 'service office' to the list of permitted uses. In the alternative, Council may also consider an amendment to the Official Plan <b>FROM</b> an Auto Oriented Commercial Corridor Designation <b>TO</b> a Chapter 10 (Policies for Specific Areas) to add 'service office' to the list of permitted uses. Possible amendment to the Zoning By-law Z.-1 <b>FROM</b> a Restricted Service Commercial (RSC2/RSC4) Zone which permits Animal clinics, Automobile rental establishments, Automobile repair garages, Automobile sales and service establishments, Automobile supply stores; Automotive uses, restricted; Bulk beverage stores, Dry cleaning and laundry depots, Liquor, beer and wine stores, Pharmacies, Convenience stores, Day care centres, Duplicating shops Financial institutions, Florist shops, Personal service establishments <b>TO</b> a Restricted Service Commercial Special Provision (RSC2/RSC4( )) Zone to add 'clinic' and 'service office' to the list of above permitted uses.</p>	

<p><b>SITE CHARACTERISTICS:</b></p> <ul style="list-style-type: none"> <li>• <b>Current Land Use</b> – Automobile Rental Establishment</li> <li>• <b>Frontage</b> – 49.3 meters</li> <li>• <b>Depth</b> – 50.9 meters</li> <li>• <b>Area</b> – 2,482 m<sup>2</sup></li> <li>• <b>Shape</b> - Square</li> </ul>
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<p><b>SURROUNDING LAND USES:</b></p> <ul style="list-style-type: none"> <li>• North: School</li> <li>• South: Commercial / Mini Warehousing</li> <li>• East: Retail / Funeral Home</li> <li>• West: Automotive Uses</li> </ul>
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<p><b>OFFICIAL PLAN DESIGNATION:</b> Auto Oriented Commercial Corridor (refer to map)</p> <p>Uses considered to be appropriate include hotels; motels; automotive uses and services; commercial recreation establishments; restaurants; sale of seasonal produce; building supply outlets and hardware stores; furniture and home furnishings stores; warehouse and wholesale outlets; nursery and garden stores; animal hospitals or boarding kennels; and other types of commercial uses that offer a service to the traveling public.</p> <p>The permitted secondary uses includes uses which serve employees of adjacent employment areas including eat-in restaurants; financial institutions; personal services; convenience commercial uses; a limited amount and range of retail uses; day care centres; <i>medical and dental offices and clinics</i>; and offices associated with wholesale warehouse or construction and trade outlets, and similar support offices may also be permitted in appropriate locations.</p>
<p><b>EXISTING ZONING:</b> Restricted Service Commercial (RSC2/RCS4) (refer to map)</p> <p>The permitted uses include: Animal clinics, Automobile rental establishments, Automobile repair garages, Automobile sales and service establishments, Automobile supply stores; Automotive uses, restricted; Bulk beverage stores, Dry cleaning and laundry depots, Liquor, beer and wine stores, Pharmacies, Convenience stores, Day care centres, Duplicating shops Financial institutions, Florist shops, Personal service establishments</p>

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**PLANNING HISTORY**

On February 28, 2011 a Zoning By-law amendment application was submitted requesting a rezoning **FROM** a Restricted Service Commercial (RSC2/RSC4) Zone which permits Animal clinics, Automobile rental establishments, Automobile repair garages, Automobile sales and service establishments, Automobile supply stores; Automotive uses, restricted; Bulk beverage stores, Dry cleaning and laundry depots, Liquor, beer and wine stores, Pharmacies, Convenience stores, Day care centres, Duplicating shops Financial institutions, Florist shops, Personal service establishments **TO** a Restricted Service Commercial Special Provision (RSC2/RSC4( )) Zone to add 'clinic' to the list of above permitted uses. On April 28, 2011 a request was received by Zelinka Priamo Limited to place the application on-hold. On May 18, 2011 a revised proposal summary was submitted requesting the addition of the "clinic" AND "service office". On July 15, 2011 an Official Plan and Zoning By-law Amendment application was submitted (OZ-7941).

**SIGNIFICANT DEPARTMENT/AGENCY COMMENTS**

<b>PUBLIC LIAISON:</b>	<p>On July 15, 2011 a Notice of Application was sent to 28 property owners in the surrounding area. Notice of Application was also published in the "Living in the City" section of the London Free Press on July 16, 2011. A "Possible Land Use Change" sign was also posted on the site.</p> <p>On August 18, 2011 a REVISED Notice of Application was sent to 53 property owners in the surrounding area. Notice of Application was also published in "Living in the City" section of the London Free Press on August 20, 2011.</p>	<b>RESPONSES:</b> 8 telephone 13 written
<p><b>Nature of Liaison:</b> Possible amendment to Schedule 'A' of the Official Plan <b>FROM</b> an Auto Oriented Commercial Corridor <b>TO</b> Auto Oriented Commercial Corridor Special Policy to add 'service office' to the list of permitted uses. In the alternative, Council may also consider an amendment to the Official Plan <b>FROM</b> an Auto Oriented Commercial Corridor Designation <b>TO</b> a Chapter 10 (Policies for Specific Areas) to add 'service office' to the list of permitted uses. Possible amendment to the Zoning By-law Z.-1 <b>FROM</b> a Restricted Service Commercial (RSC2/RSC4) Zone which permits Animal clinics, Automobile rental establishments, Automobile repair garages, Automobile sales and service establishments, Automobile supply stores; Automotive uses, restricted; Bulk beverage stores, Dry cleaning and laundry depots, Liquor, beer and wine stores, Pharmacies, Convenience stores, Day care centres, Duplicating shops Financial institutions, Florist shops, Personal service establishments <b>TO</b> a Restricted Service Commercial Special Provision (RSC2/RSC4( )) Zone to add 'clinic' and 'service office' to the list of above permitted uses.</p> <p><b>Nature of Revised Application:</b> <i>(Note: Italics represents revisions)</i> Possible amendment to the Zoning By-law Z.-1 <b>FROM</b> a Restricted Service Commercial (RSC2/RSC4) Zone which permits Animal clinics, Automobile rental establishments, Automobile repair garages, Automobile sales and service establishments, Automobile supply stores; Automotive uses, restricted; Bulk beverage stores, Dry cleaning and laundry depots, Liquor, beer and wine stores, Pharmacies, Convenience stores, Day care centres, Duplicating shops Financial institutions, Florist shops, Personal service establishments <b>TO</b> a Restricted Service Commercial Special Provision (RSC2/RSC4( )) Zone to add 'clinic' and 'service office' to the list of above permitted uses. <i>Possible amendment to Schedule "A", Land Use, to the Official Plan for the City of London for lands located at 485, 495, 503, 517 and 519 York Street (on the southside of York Street between Maitland Street and William Street, up to a maximum gross floor area of 2000m<sup>2</sup>) as indicated on "Schedule 1" attached hereto from <b>FROM</b> Auto Oriented Commercial Condor <b>TO</b> Auto Oriented Commercial Corridor Special Policy to add "service office" to the list of permitted uses.</i></p>		

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**Responses:**

- Seven (7) telephone calls in opposition of the application.
- One (1) telephone call was received in support of the application.
- Thirteen (13) letters of opposition received:

**551 York Street:** "The addition to add the word "clinic" to me specifically would allow the property to be used as an establishment such as the Methadone Clinic which there is already one located 500 metres, just two blocks from the proposed location" (Two letters received from 551 York Street).

**350 William Street:** "If we were told explicitly that a dental or chiropractic clinic was to open at this location, we would have no issues....However, the vagueness if the word "clinic" by itself with the fact that this type of use has now become the general location for these types of establishments....If another methadone clinic goes in here down at the corner, my property values will sink to near zero over night". (Two letters received from 350 William Street).

**517 York Street:** "I object to the proposed amendment....my fear is that whoever wants this amendment may try to sneak in a methadone clinic...I have put in many years building up a successful business in spite of all of the obstacles.....I fear for my business and for my property values if this amendment goes through".

**485 York Street and 495 York Street:** "How can you allow a clinic to operate in front of London's largest highschool and then approve an application to allow a second location directly behind this school.....We do not agree with this zoning amendment to go through".

**551 King Street/ 541 Dundas Street/ 399 William Street/ 533 Dundas Street / 422 William Street / 540 Dundas Street:** "Opposed to amendment....Methadone Clinics should not be opening two blocks away from each other.....The existing clinic has managed to ruin our neighbourhood".

**317 Simcoe Street:** "Personally approve of the zoning change for 519 York Street".

**SOHO Community Association:** "It is not explicitly stated what kind of clinic the developers would like to permit with this change....We assume that this change might be meant to accommodate a methadone clinic use....Serious concerns about the use.....Concern that a nearby clinic would concentrate all kinds of problems on Dundas Street and would spill over in nearby residential areas....(William Street and Horton Street, Maitland Street and Horton Street and Bathurst Street and Horton Street)...We have some concerns about the proximity of this site to the Men's Mission on York Street and the Centre of Hope on Wellington Street.....We have some concern about the timing of the application.....it concerns us that this change might permit a new clinic to open even with the Interim Control By-law.....This application for a rezoning at this time seems to subvert the spirit of the review of the zoning for methadone clinics that is underway, and the City's effort to take patients and neighbour's concerns into consideration.....We urge that the BNEC recommend that this application be set deferred until the City's review of the regulation regarding methadone is complete".

**Upper Thames River Conservation Authority**

The Upper Thames River Conservation Authority Source Protection Area Assessment Report was reviewed in order to confirm whether the subject property is located within a vulnerable area. The Assessment Report for the Upper Thames watershed delineates three types of vulnerable areas: Wellhead Protection Areas, Highly Vulnerable Aquifers, and Significant Groundwater Recharge Areas. The subject property is located within an area with highly Vulnerable Aquifers. At this time, certain activities on this property may be considered Moderate or Low threats to drinking water.

**London Police**

"I have grave concerns that if this is allow would have serious detrimental impact on this neighbourhood should a methadone clinic open in this area.....As a police officer who has worked in the City of London for over 25 years I can attest to the fact the existing Methadone Clinic has dramatically increased criminal and suspicious behaviour since opening....The London Police Department is strongly opposed to this proposal."

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**London Police (Deputy Chief)**

Letter received pertaining to statistical data on calls for service, types of calls for service and Provincial Offence Notices that London Police have investigated at the methadone clinic located at 528 Dundas Street.

**Thames Valley District School Board**

Expressed concerns about the safety of the students if a Methadone Clinic is established at the location. TVDSB intends to attend the public participation meeting.

**H. B Beal Secondary School**

"Our issues lie with the impact that such Methadone Clinics have on neighbours and the community. As you may be aware the existing methadone clinic at 528 Dundas Street is directly across the street from Beal. It is from this firsthand experience that we are able to identify several concerns related to this type of clinic being located in proximity to a school". Beal Secondary School is opposed to the application.

**Sanitary Sewers Division**

No comment.

**Storm Water Management Division**

No comment.

**Water Engineering**

No concerns.

**Transportation Division**

No comment.

**Engineering Review Division**

No concerns.

**Urban Design**

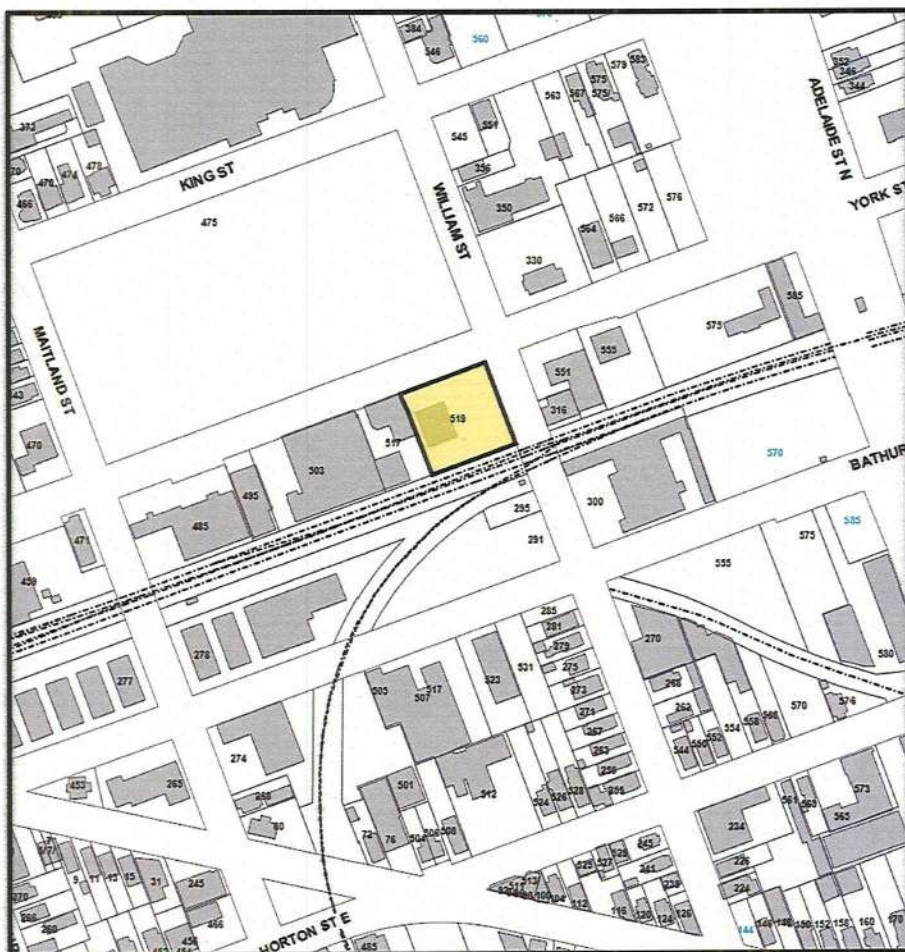
No concerns.

**London Hydro**

No objection.

**Urban Forestry**

No concerns.



**ANALYSIS**

The subject site is located on the south side of York Street between Maitland Street and William Street. The subject site has a land area of 2,482 m<sup>2</sup> with a frontage of 49.3 metres. The abutting land uses include a School to the north, Commercial / Mini Warehousing to the south, Retail and Funeral Home to the east and Automotive Uses to the west. The existing building is 560 m<sup>2</sup> and currently there are 54 parking spaces available.



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**File No: OZ-7941  
Planner: N. Musicco**

**Proposal**

The proposed amendment is to permit a “clinic” and “service offices” at this location. The “clinic” use is consistent with the existing land use designation pattern currently existing across from the property on the north-easterly corner of William Street and York Street. However, “service offices” are not permitted in the current Zoning or Official Plan. Therefore Official Plan and Zoning By-law amendment have been requested. No external changes have been proposed.

The following analysis is a summary of the relevant land use guidelines and policy documents used to evaluate the requested Official Plan and Zoning By-law amendment.



**City Initiated Official Plan Amendment**

The request for the “service office” use requires an amendment to the Official Plan. Through review of the application, planning staff are recommending an amendment to the Official Plan to include “service office” on 485, 495, 503, 517 and 519 York Street. *“Service Office”: means a building, or part thereof, in which one or more person is employed in the management, direction of conducting of a travel agency, an insurance agency or a real estate office.*

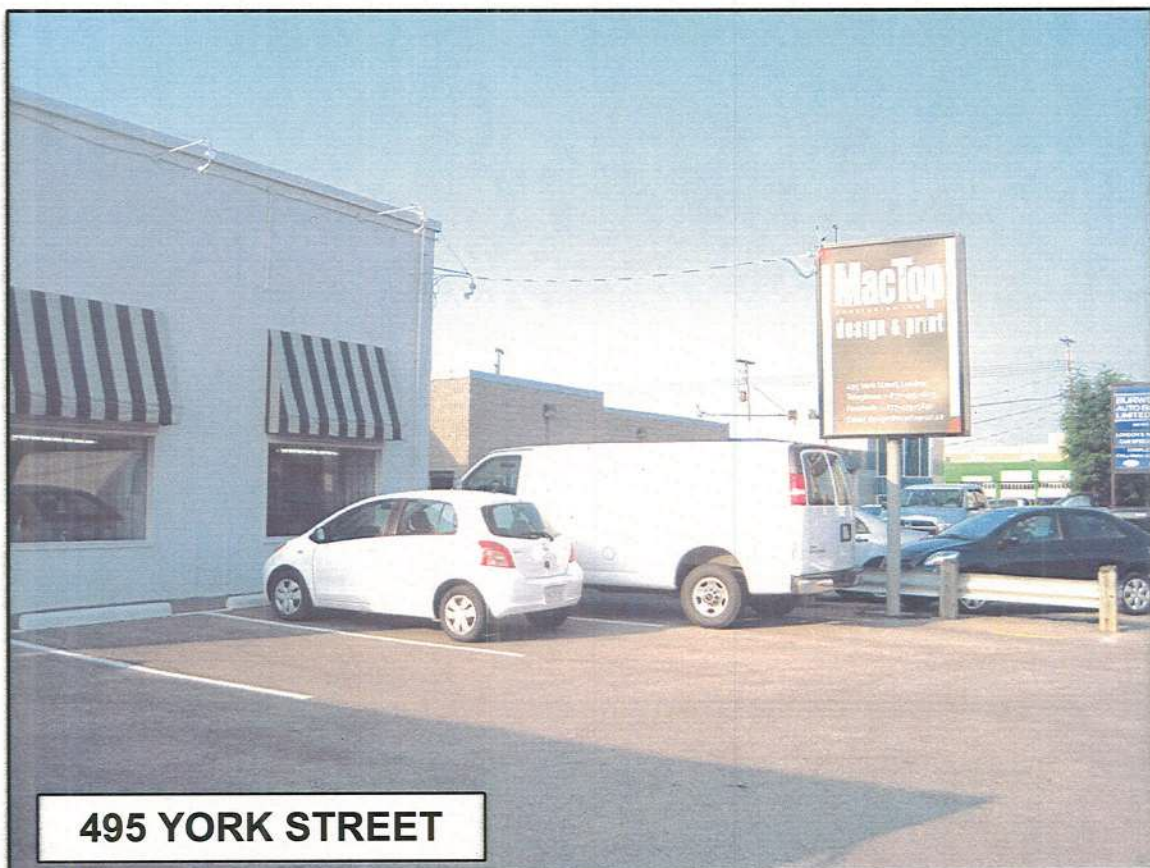
The recommended amendment fits the intent of the area and is a reasonable extension of offices that are permitted in the downtown, however will not subtract from the planned function of the offices within the downtown area. The properties located north east of the subject lands are zoned variations of Office Residential (OR). The OR zone provides for and regulates offices and residential uses within mixed-use buildings, normally within the transition areas between the Downtown and nearby residential neighbourhoods.

This section of York Street is an isolated corridor, bound by a single loaded road and the railway tracks. The recommended amendment provides an opportunity to reuse these challenging sites by expanding the range of uses to include small scale office that will include a travel agency, an insurance agency or a real estate office.

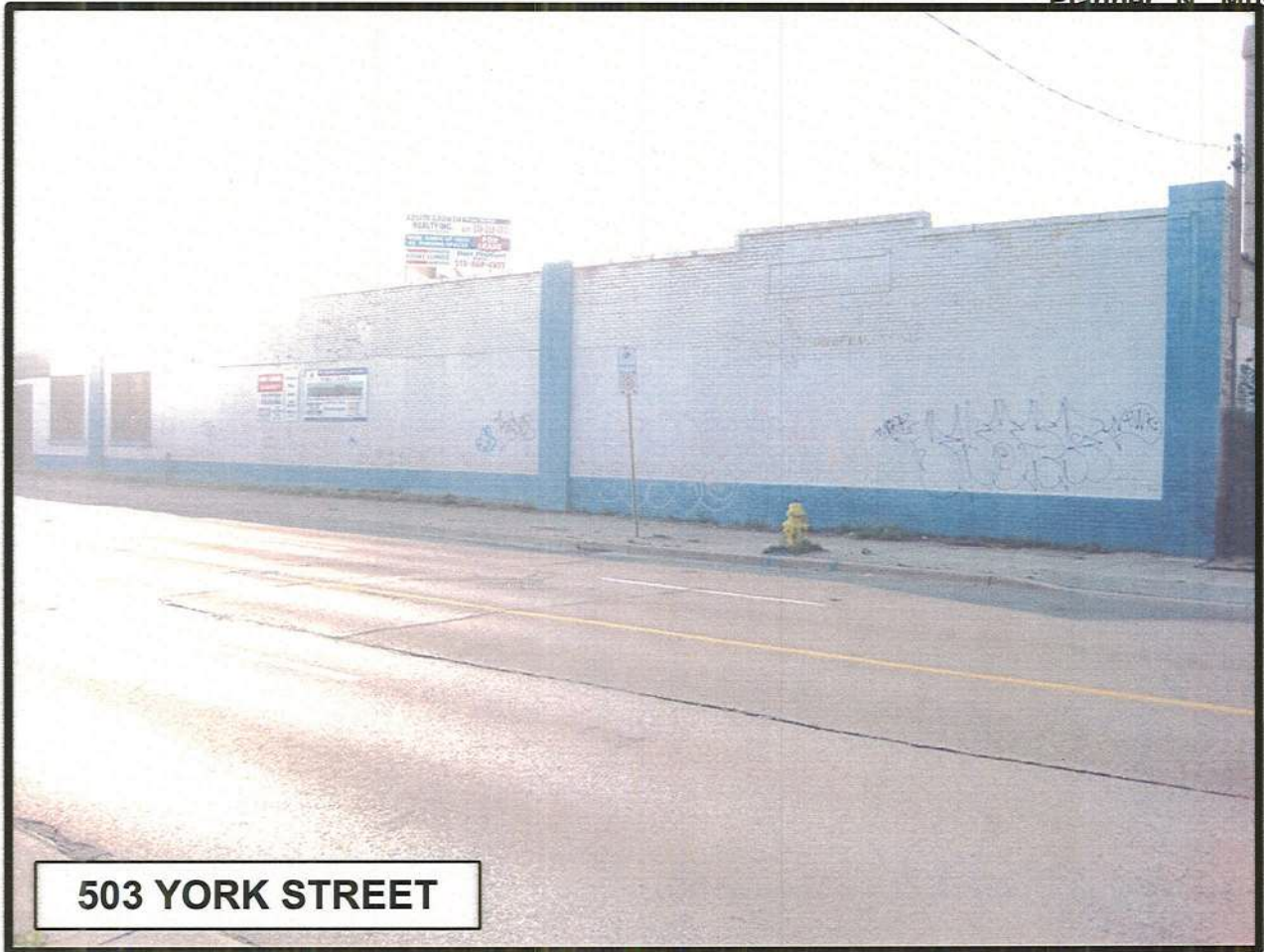
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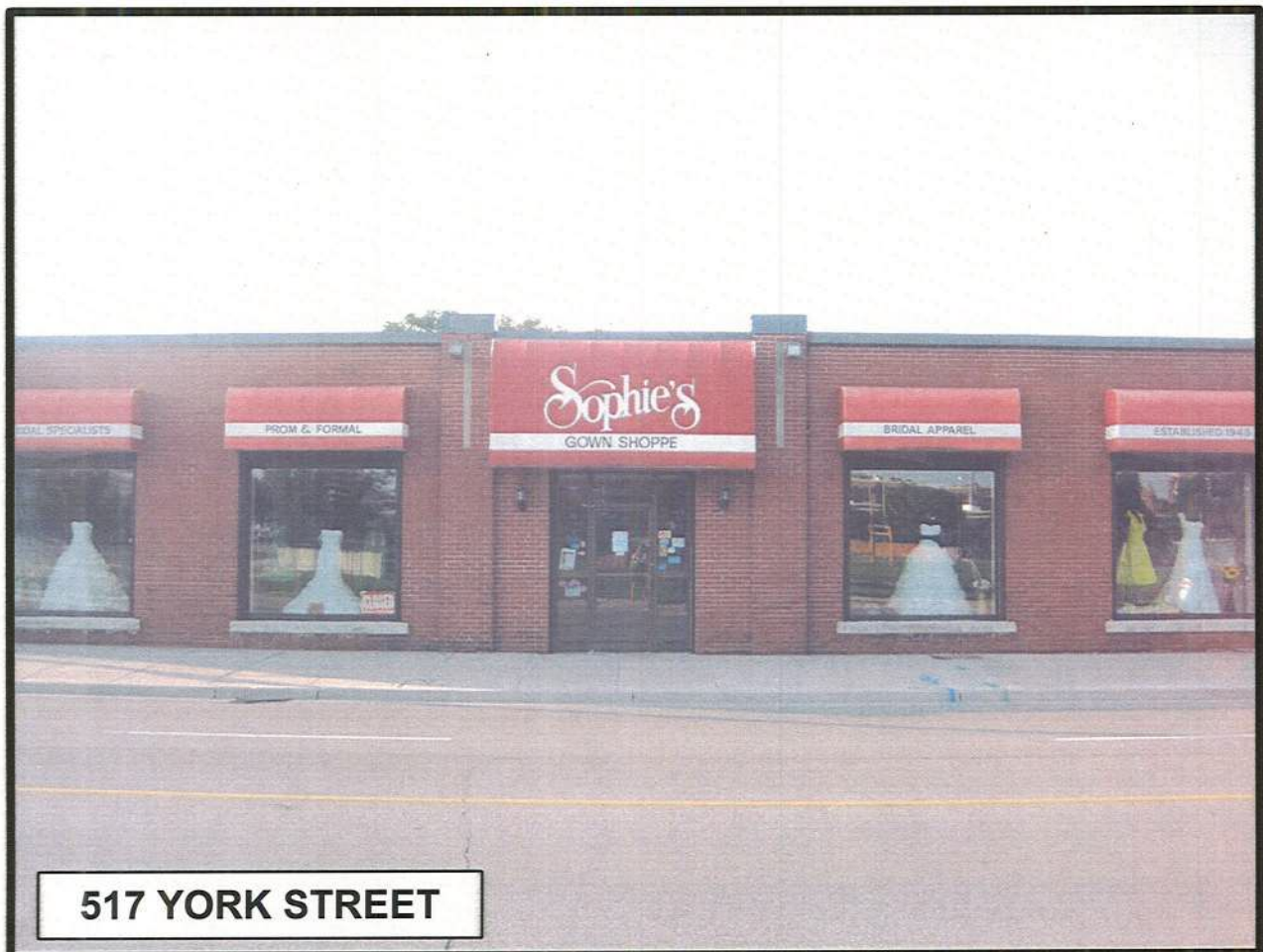
File No: OZ-7941  
Planner: N. Musicco



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**503 YORK STREET**



**517 YORK STREET**

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**Response to Public Concerns**

The issue of methadone clinics has been the subject of considerable discussion within the City of London for several years. Neighbourhood concerns, business interests, community health issues and public policy are all considerations that have been brought forward through this discussion. As a result of complaints relating to methadone clinics in London, Municipal Council directed the General Manager of Planning and Development to review current policy and regulations regarding methadone clinics and to prepare a draft report for circulation to the appropriate organizations and agencies and to consider including a separation distance restricting methadone clinics from locating adjacent or close to schools, churches or community centres.

On November 8<sup>th</sup>, 2010, Planning Staff submitted a report to Planning Committee on the subject of Methadone Clinics and Methadone Dispensaries. The report provided background on methadone, how methadone is regulated, the community value of methadone treatment, a review of methadone clinics in London, and an outline of planning issues associated with methadone clinic uses. The report concluded with proposed policy direction. Staff recommended that the report be received and circulated for review and feedback from City departments, the College of Physicians and Surgeons, the College of Pharmacists, the Center for Mental Health and Addiction, other key stakeholders and the general public. At that meeting a number of concerns were expressed by members of the community. The Planning Committee requested that staff prepare and interim control by-law for consideration by the Committee and Council.

On November 15, 2010, Planning Committee received a report and Council subsequently passed an Interim Control By-law which applies to all lands within the municipal boundaries of the City of London. An Interim Control By-law is a legal mechanism to temporarily control land uses until such time as a study can be prepared and more permanent controls can be considered. In this case, the interim control by-law prohibits the use of land, buildings or structures for the purposes of new Methadone Clinics and Methadone Dispensaries for one year. This was passed to provide time for municipal staff to complete a study and form a recommendation to municipal council regarding land use issues and regulations for Methadone Clinics and Methadone Dispensaries. The temporary restriction prevents new clinics and dispensaries from establishing until the study is completed. It is important to note that the interim control by-law does not affect existing methadone clinics and dispensaries and does not affect pharmacies.

For the purposes of the interim control bylaw, "Methadone Clinic" will be defined as follows:

- A. **"Methadone Clinic"** means a building or part of a building which is used principally for the preparation and/or dispensing of methadone and may include provision of counselling and other support services- but does not include a Hospital.
- B. For the purposes of this interim control by-law, "Methadone Dispensary" will be defined as follows: **"Methadone Dispensary"** means a business selling or filling methadone prescriptions for customers as the primary activity of the business, but excludes a pharmacy or a pharmacy that is accessory and ancillary to a Hospital."
- C. While this by-law is in force and effect no new Methadone Clinics or Methadone Dispensaries will be permitted on the lands within the municipal boundaries of the City of London as shown on the plan, attached hereto and identified as IC-1 on Schedule "A".
- D. This By-law shall be in force and effect for a period of one year from the date of passing of this by-law.

An appeal was filed in opposition to the City of London Interim Control By-law prohibiting the establishment of new methadone clinics or methadone dispensaries in the City of London. An Ontario Municipal Board hearing was held the week of June 6-10, 2011. The decision of the OMB upheld the decision of Council to enact the Interim Control By-law. At this time the establishment of a new methadone clinic or methadone dispensary is specifically prohibited.

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As per the interim control by-law, methadone clinics and dispensaries are not permitted to be established at this location. Through the City of London methadone study further regulation and policies may be adopted by Council regarding this use. The applicant has not applied for a methadone clinic or dispensary to be located on this site.

**Provincial Policy Statement**

The *Provincial Policy Statement, 2005* (PPS) provides policy direction on matters of provincial interest related to land use planning and development. It is intended to be read in its entirety and the relevant policies are to be applied in each situation. As it relates to this application, the PPS provides some direction to this matter.

Section 1.1.1(2) of the Provincial Policy Statement provides that “accommodating an appropriate range and mix of residential, employment (including industrial, commercial and institutional uses), recreational and open space to meet the long-term needs” helps to sustain healthy, livable and safe communities.

Section 1.1.3.2 indicates that Land use patterns within *settlement areas* shall be based on: a) densities and a mix of land uses which:

- (a) 1. efficiently use land and resources;
- 2. are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; and
- 3. minimize negative impacts to air quality and climate change, and promote energy efficiency.
- (b) a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3.

Section 1.1.3.3 states that Planning authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

*The proposal subject to this application is consistent with these policies.*

**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 social, economic and environmental matters.

The subject site is currently designated Auto Oriented Commercial Corridor in the Official Plan. Areas designated Auto-Oriented Commercial Corridor provide locations for a broad range of commercial uses that, for the most part, are not suited to locations within Commercial Nodes or Main Street Commercial Corridors because of their building form, site area, access or exposure requirements. Generally, permitted uses cater to vehicular traffic and single purpose shopping trips. Depending on the nature of the use, customers are drawn from passing traffic or a wide-ranging market area

**Commercial Land Use Designations**

Commercial land use designations provide the primary location for retail and service commercial land uses. They provide for the orderly development and distribution of commercial uses consistent with the objectives of the Official Plan.

It is intended that the development and use of areas in Commercial designations such as Auto Oriented Commercial Corridor (Section 4.2.1) have regard for, and:

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- i) Promote the orderly distribution and development of commercial uses to satisfy the shopping and service needs of residents and shoppers;
- ii) Minimize the impact of commercial development on adjacent land uses and on the traffic-carrying capacity of adjacent roads;
- iii) Provide sufficient land at appropriate locations to meet the need for new commercial development; and,
- iv) Encourage intensification and redevelopment in existing commercial areas within the built-up area of the City to meet commercial needs, to make better use of existing City infrastructure and to strengthen the vitality of these areas.

Planning Objectives (4.2.2.1)

- i) Promote the grouping of service commercial uses into integrated forms of development that have common access points and parking facilities.
- ii) Encourage infilling and consolidation of permitted areas within the existing limits of commercial corridor developments.

Function (4.2.2.3)

The Auto-Oriented Commercial Corridor designation is applied to areas along arterial roads that typically consist of a mix of retail, auto and commercial uses, office and remnant residential uses. The intent of the 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 is oriented toward automobiles and vehicular traffic and serves both a local and broader market area.

Permitted Uses (4.4.2.4)

Areas designated Auto-Oriented Commercial Corridor are primarily intended for commercial uses that cater to the commercial needs of the traveling public. Types of service commercial uses that generate significant amounts of traffic and draw patrons from a wide area may also be located within these areas.

Uses considered to be appropriate include hotels; motels; automotive uses and services; commercial recreation establishments; restaurants; sale of seasonal produce; building supply outlets and hardware stores; furniture and home furnishings stores; warehouse and wholesale outlets; nursery and garden stores; animal hospitals or boarding kennels; and other types of commercial uses that offer a service to the traveling public.

Secondary uses which serve employees of adjacent employment areas including eat-in restaurants; financial institutions; personal services; convenience commercial uses; a limited amount and range of retail uses; day care centres; *medical and dental offices and clinics*; and offices associated with wholesale warehouse or construction and trade outlets, and similar support offices may also be permitted in appropriate locations.

*The recommended amendment to expand the range of uses on the subject site conforms to the intent of the Official Plan and is consistent with the listed range of permitted uses.*

Location (4.4.2.5)

The Auto-Oriented Commercial Corridor designation will be applied to areas along arterial roads where high traffic volumes are present and where services to the traveling public can be concentrated and supported. The designation shall include lands of suitable depth, size and accessibility to accommodate the permitted uses and shall be on lands separated from existing or planned residential development or other sensitive land uses by physical barriers, intervening land uses or buffer and setback provisions that are sufficient to offset potential nuisance impacts.

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**File No: OZ-7941  
Planner: N. Musicco**

*The location of the "clinic" use is consistent with the intent of the Official Plan policy criteria. The subject site is along an arterial road and is adequate in size and depth. The building provides a buffer from the railway.*

**Form (4.4.2.6)**

The development of new permitted uses within the designation may take the form of infilling, redevelopment or the conversion of existing structures. Auto-Oriented Commercial Corridors vary considerably in their mix of existing uses, lot sizes and scale of development.

*The applicant is not proposing to alter the form of the existing building.*

**Office Buildings (4.4.2.6.7)**

The height and scale of office buildings in the designation shall be limited through regulations in the Zoning By-law to a size which is compatible with surrounding land uses and which does not exceed a neighbourhood scale of development, approximately 2000m<sup>2</sup> in size. The Zoning By-law will limit floor areas for individual office uses in keeping with the intent that large office uses be located within the Downtown or Office Area designations

*The existing building which will be retained for the clinic or service office use is 560 m<sup>2</sup>. The applicant has not proposed any additions to the building. The existing building on the subject site is smaller in comparison to the surrounding buildings.*

**Zoning By-law**

The general purpose of the Restricted Service Commercial (RSC2/RSC4) Zone is to provide for and regulate a range of moderate intensity commercial uses, and trade service uses, which may require significant amounts of land for outdoor storage or building space and a location on major streets. The Restricted Service Commercial (RSC2/RSC4) Zone permits such uses as Animal clinics, Automobile rental establishments, Automobile repair garages, Automobile sales and service establishments, Automobile supply stores; Automotive uses, restricted; Bulk beverage stores, Dry cleaning and laundry depots, Liquor, beer and wine stores, Pharmacies, Convenience stores, Day care centres, Duplicating shops Financial institutions, Florist shops, Personal service establishments.

*The 'clinic' use is permitted within the Restricted Service Commercial (RSC3) Zone. The proposed amendment will allow the addition of the "clinic" and "service office" use to the list of permitted uses under the Restricted Service Commercial (RSC2/RSC4) Zone.*

**Planning Impact Analysis**

Planning Impact Analysis will be used to evaluate applications for an Official Plan amendment and/or Zoning By-law amendment, to determine the appropriateness of a proposed change in land use, and to identify ways of reducing any adverse impacts on surrounding land 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.

Proposals for changes in the use of land which require the application of Planning Impact Analysis will be evaluated on the basis of criteria relevant to the proposed change and identify ways of reducing any adverse impacts on surrounding land uses Other criteria may be considered through the Planning Impact Analysis to assist in the evaluation of the proposed change. The criteria considered include the following:

- i) the policies contained in the Section relating to the requested designation;

*Secondary uses under the Auto Oriented Commercial Corridor designation include 'medical and dental offices and clinics'.*

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**File No: OZ-7941  
Planner: N. Musicco**

- ii) 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 proposed clinic use is compatible with the surrounding land uses which include commercial buildings, mini warehousing, retail, a funeral home and automotive uses. The proposed clinic use could serve the neighboring business and residents. The service office use is limited to a travel agency, an insurance agency or a real estate office. The addition of these specific types of offices can service the traveling public and fits the intent of the Auto Oriented Commercial Corridor designation.*

- iii) 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 uses;

*The subject lands are of a size and shape to accommodate the proposal. The application is not required to go through the Site Plan Approval process as no external renovations or additions have been proposed.*

- iv) the potential traffic generated by the proposed change, considering the most intense land uses that could be permitted by such a change, and the likely impact of this additional traffic on City streets, pedestrian and vehicular safety, and on surrounding properties;

*The City of London Environmental Engineering Review Division does not have any concerns with the proposed amendment to add the "clinic" and "service office" use.*

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

*The applicant is not proposing any external changes to the building. The subject lands are of a size and shape to accommodate the proposal.*

- vi) 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 City of London Transportation Department has no concerns with the amendment to add the "clinic" and "service office" use.*

- ix) the exterior design in terms of bulk, scale, and layout of buildings, and the integration of these uses with present and future land uses in the area and its conformity with the City's commercial urban design guidelines;

*During the pre-application consultation (November 2010) staff decided that the applicant would not be required to go through the Site Plan Approval process. The applicant will be utilizing the existing building for the clinic or service office use.*

- x) the potential impact of the proposed development on surrounding natural features and heritage resources;

*There are no natural features surrounding the subject lands.*

- xi) 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 Canadian National Railway is located to the south of the property. The Canadian National Railway was circulated the Notice of Application and Notice of Public Meeting and they did not*



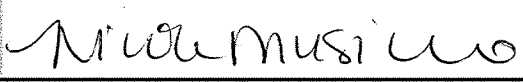


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**File No: OZ-7941**  
**Planner: N. Musicco**

*provided any comments relating to this application. The location of the building is not being altered.*

<b>CONCLUSION</b>
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The addition of the 'clinic' and 'service' office use will permit the orderly distribution and development of commercial uses to satisfy the shopping and service needs of residents and shoppers. This recommended amendment fits the intent of the area and is a reasonable extension of offices that are permitted in the downtown.

<b>PREPARED BY:</b>	<b>SUBMITTED BY:</b>
	
<b>NICOLE MUSICCO – PLANNER II COMMUNITY PLANNING AND URBAN DESIGN</b>	<b>JIM YANCHULA, MCIP, RPP MANAGER OF COMMUNITY PLANNING AND URBAN DESIGN</b>
<b>RECOMMENDED BY:</b>	
	
<b>JOHN M. FLEMING, MCIP, RPP DIRECTOR OF LAND USE PLANNING &amp; CITY PLANNER</b>	

September 14, 2011  
 /nm

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**Responses to Public Liaison Letter and Publication in "Living in the City"**

**Telephone**

Al Traher / 519-679-8210  
Olga Traher (Sophie's Gown Shop) 519-472-6422  
Betsy Kouklakis / 519-871-4543  
Dan Axford/ London Police / 519-661-5360  
Barry Heffernan (London Police) 519-661-5559  
Paul Burwell (Burwell Autobody) 519-438 5175  
Al Brandenburg / 519-432-7978  
Teresa Levcheck / Thames Valley District School Board / 519-452-2000 ext. 20222

**Written**

Mark Brunhenmeir / 551 York Street / 519-672-6210 - Email dated: April 12, 2011 / July 22, 2011  
Joseph O'Neil / 350 William Street / 519-432-7136- Email dated: April 14/15 / July 24, 2011/  
August 23, 2011  
Olga Traher / 517 York Street / 519-679-1810 - Email dated: April 14, 2011  
Paul Burwell/ 485 York Street / 519-438 5175 - Email dated: April 18, 2011  
Rob May / 416-627-3740 / MacTop Publishing - Email dated: April 18, 2011  
Betsy Kouklakis / 519-871-4543 - Email dated: April 16, 2011/ July 24, 2011  
James Shelly / james.shelly@gmail.com / Email dated: April 26, 2011  
Frank Flice, April 27, 2011  
Nancy Thompson, 506-363 Colborne Street, May 7, 2011.  
Tracey Grant, Chairperson, Thames Valley District School Board, May 20, 2011  
Rob May, 538 Dundas Street, April 18, 2011.  
Jon Lemaire, 575 York Street, July 27, 2011.  
Paul Pritiko, 538 Dundas Street, April 18, 2011  
  
H. B Beal Secondary School, 525 Dundas Street, May 3, 2010  
Richard Hoffman, Thames Valley District School Board, May 2, 2011, May 11, 2011  
Dan Axford / 330 William Street / 519-661-5360 - Email dated: April 15, 2011  
Barry Heffernan (London Police) 519-661-5559 - Email dated: April 15, 2011

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File No: OZ-7941  
Planner: N. Musicco

**Appendix "A"**

Bill No. (number to be inserted by Clerk's Office)  
2011

By-law No. C.P.-1284-\_\_\_\_\_

A by-law to amend the Official Plan for the City of London,  
1989 relating 485, 495, 503, 517 and 519 York Street.

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

1. Amendment No. (to be inserted by Clerk's Office) to the Official Plan for the City of London Planning Area – 1989, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. This by-law shall come into effect in accordance with subsection 17(38) of the *Planning Act*, R.S.O. 1990, c.P.13.

PASSED in Open Council on October 3, 2011

Joe Fontana  
Mayor

Catharine Saunders  
City Clerk

First Reading - October 3, 2011  
Second Reading - October 3, 2011  
Third Reading - October 3, 2011

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**Appendix "A"**

**AMENDMENT NO.**

**to the**

**OFFICIAL PLAN FOR THE CITY OF LONDON**

**A. PURPOSE OF THIS AMENDMENT**

The purpose of this Amendment is to add a special policy to section 4.4.2.11 of the Official Plan – Specific Auto-Oriented Commercial Corridors – for the lands on the south side of York Street, between Maitland Street and William Street, to permit Service Office uses in addition to the list of permitted uses described in 4.4.2.4 of the Official Plan.

**B. LOCATION OF THIS AMENDMENT**

This Amendment applies to lands located at 485, 495, 503, 517 and 519 York Street (on the south side of York Street between Maitland Street and William Street) in the City of London.

**C. BASIS OF THE AMENDMENT**

The requested amendment is to add 'Service Office' to the list of permitted uses.

- The recommended amendment is consistent with the policies of the Provincial Policy Statement (2005).
- The requested Official Plan designation is compatible with the existing and proposed uses in the area.
- The subject lands are located along an arterial road where high traffic volumes are present and where services to the traveling public can be concentrated and supported.
- The subject lands are of a size and shape to accommodate the proposal.

**D. THE AMENDMENT**

The Official Plan for the City of London is hereby amended as follows:

1. By adding the following special policy to section 4.4.2.11 of the Official Plan:

York Street Corridor between Maitland Street and William Street	In addition to the permitted uses described in Section 4.4.2.4 of this Plan, the lands located on the south side of York Street, between Maitland Street and William Street, may also permit small scale Service Office uses up to a maximum gross floor area of 2,000m <sup>2</sup> .
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**Appendix "B"**

Bill No. (number to be inserted by Clerk's Office)  
2011

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

A by-law to amend By-law No. Z.-1 to rezone an area of land located 519 York Street.

WHEREAS 1209571 Ontario Limited has applied to rezone an area of land located 519 York Street, as shown on the map attached to this by-law, as set out below;

AND WHEREAS upon approval of Official Plan Amendment (number to be inserted by Clerk's Office) this rezoning will conform to the Official Plan;

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

(a) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 519 York Street, as shown on the attached map comprising part of Key Map No. 85 **FROM** a Restricted Service Commercial (RSC2/RSC4) Zone **TO** a Restricted Service Commercial Special Provision (RSC2/RSC4( )) Zone.

1. Section 28.4 of the Restricted Service Commercial of By-law No. Z.-1 is amended by adding the following Special Provision:

**28.4**                      RSC4( ) 519 York Street

a)      Additional Permitted Uses:

- i)      Clinic
- ii)     Service Office

b)      Regulations

- i)      Maximum Gross Floor              2,000 square metres  
          Area for Service Offices            (21,527.8 square feet)  
          (maximum)

c)      Prohibited Uses:

- i)      "Methadone Clinic" means a building or part of a building which is used principally for the preparation and/or dispensing of methadone and may include provision of counseling and other support services- but does not include a Hospital.
- ii)     "Methadone Dispensary" means a business selling or filling methadone prescriptions for customers as the primary activity of the business, but excludes a pharmacy or a pharmacy that is accessory and ancillary to a Hospital."

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 subsection 34(21) of the *Planning Act, R.S.O. 1990, c. P.13*, either upon the date of the passage of this by-law or as otherwise provided by the said subsection.

Agenda Item # Page #

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**File No: OZ-7941**  
**Planner: N. Musicco**

PASSED in Open Council on October 3, 2011

Joe Fontana  
Mayor

Catharine Saunders  
City Clerk

First Reading - October 3, 2011  
Second Reading - October 3, 2011  
Third Reading - October 3, 2011

Agenda Item # Page #

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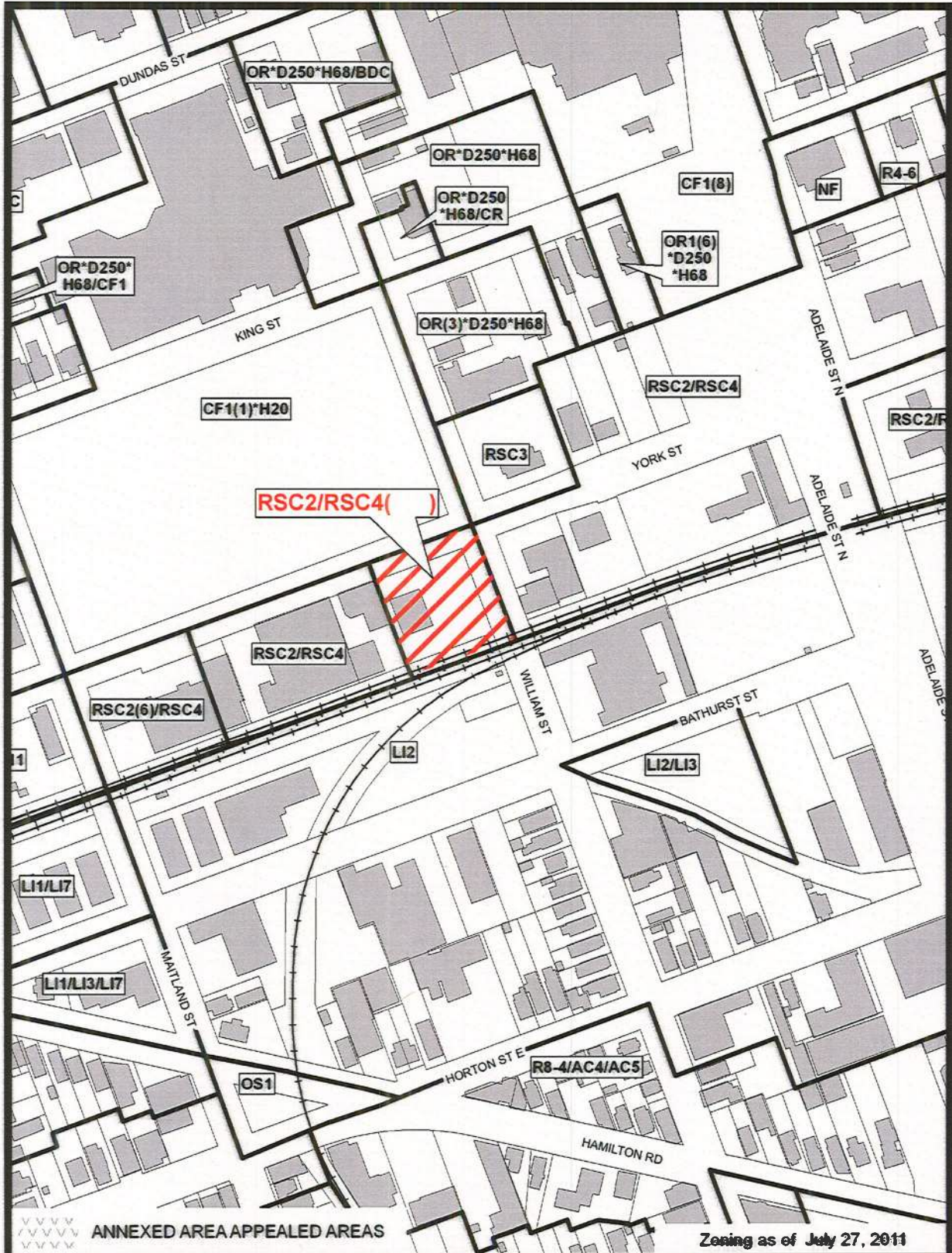
Agenda Item #

Page #

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




Zoning as of July 27, 2011

File Number: OZ-7941  
 Planner: NM  
 Date Prepared: 2011/08/24  
 Technician: CK  
 By-Law No: Z-1-

**SUBJECT SITE** 

1:2,700

0 12.525 50 75 100 Meters



Geodatabase