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Z-8012
Alanna Riley

TO:	CHAIR AND MEMBERS BUILT AND NATURAL ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING DIRECTOR OF LAND USE PLANNING
SUBJECT:	APPLICATION BY: KHAWAR HANIF 844 WONDERLAND ROAD SOUTH PUBLIC PARTICIPATION MEETING ON MARCH 26, 2012

RECOMMENDATION

That, on the recommendation of the Director of Land Use Planning and City Planner, based on the application of Khawar Hanif relating to the property located at 844 Wonderland Road South the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on April, 10, 2012 to amend Zoning By-law No. Z.-1 in conformity with the Official Plan to change the zoning of the subject lands **FROM** a Restricted Office/Convenience Commercial (RO1/CC) Zone which permits medical/dental offices, offices, convenience service establishments without a drive-through facility, convenience stores without a drive-through facility, financial institutions without a drive-through facility, and personal service establishments without a drive-through facility **TO** a Restricted Office/Convenience Commercial Special Provision (RO1/CC(___)) Zone which allows for the above uses and a pharmacy use without a drive through, and which prohibits a methadone clinic and methadone dispensary use.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

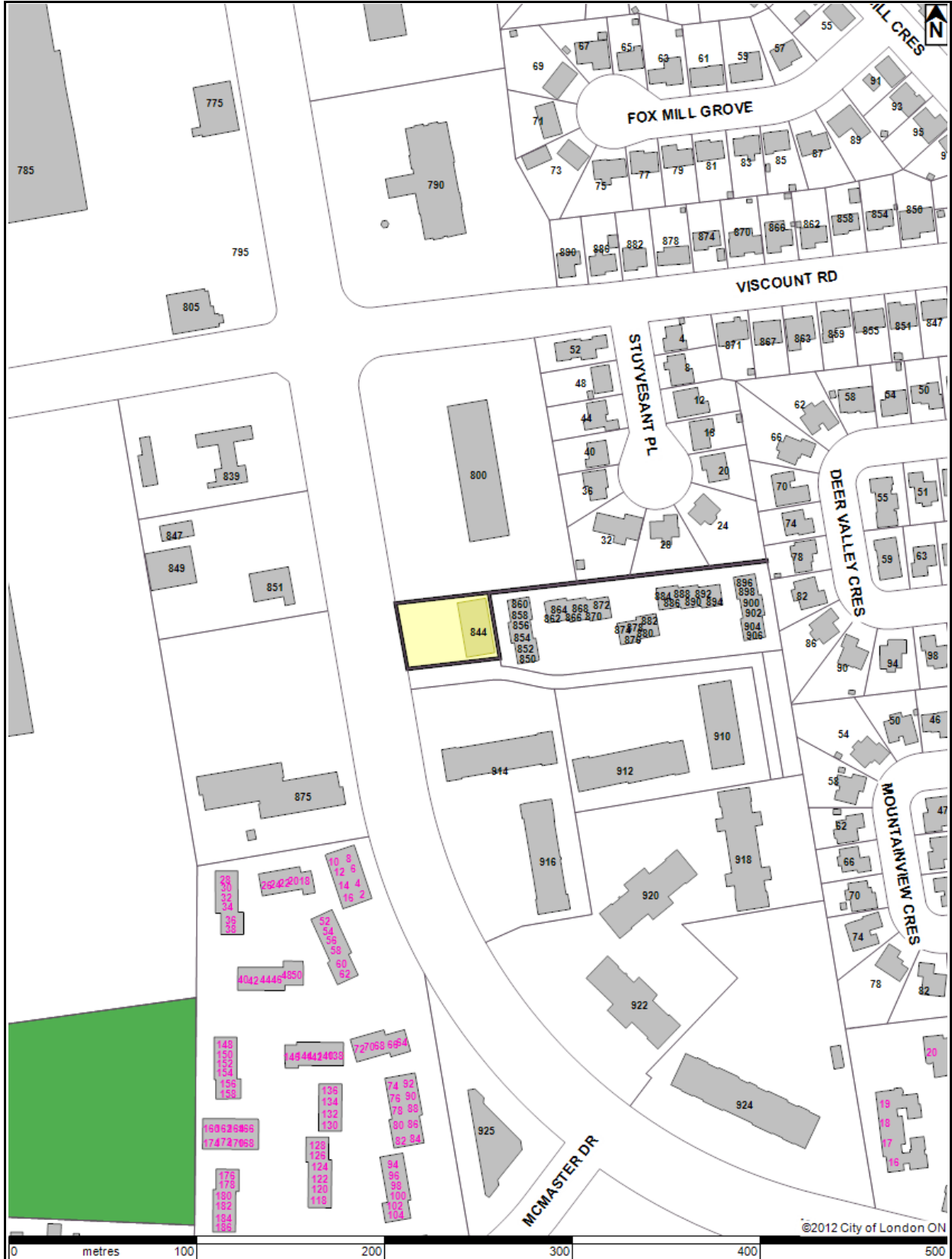
The proposed amendment will allow a pharmacy use to be established at this location in association with a medical/dental office use which is a use that is currently permitted by the exiting zone regulations.

RATIONALE

1. The recommended amendment is consistent with the Provincial Policy Statement to build strong communities by accommodating an appropriate range and mix of various land uses, including convenience commercial uses to meet long term needs.
2. The proposed use at this location is consistent with the policies of the City of London Official Plan and is appropriate on this site as it provides for uses at a neighbourhood scale which serves the needs of the surrounding residential development and to the travelling public; is located on a major arterial road; and the gross floor area of the existing vacant unit in the commercial plaza can accommodate additional convenience service uses such as a pharmacy.
3. The interface between the subject site and the surrounding area has evolved over the many years, and there have been no apparent indicators of adverse impacts on the surrounding area.
4. A portion of the existing building is conducive to conversion for the recommended pharmacy use.

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LOCATION MAP

Subject Site: **844 Wonderland Rd S**
 Applicant: **Dr. Khawar Hanif**
 File Number: **Z-8012**
 Planner: **Alanna Riley**
 Created By: **Alanna Riley**
 Date: **2012-01-26**
 Scale: **1:2500**

LEGEND

- Subject Site
- Parks
- Assessment Parcels
- Buildings
- Address Numbers



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BACKGROUND	
Date Application Accepted: January 24, 2011	Agent: Nindi Sharma
REQUESTED ACTION: Change Zoning By-law Z.-1 FROM a Restricted Office/Convenience Commercial (RO1/CC) Zone which permits convenience stores, restaurants, financial institutions without a drive through and medical/dental offices TO a Restricted Office/Convenience Commercial Special Provision (RO1CC (___)) Zone which allows for the above uses and a pharmacy use without drive through.	

SITE CHARACTERISTICS:
<ul style="list-style-type: none"> • Current Land Use – Convenience commercial plaza with an existing variety store, medical/dental office, and personal services use. • Frontage – 35.0m • Depth – 49.5m • Area – 0.17ha • Shape – square

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

OFFICIAL PLAN DESIGNATION: (refer to map on page 5)
<ul style="list-style-type: none"> • Multi-Family High Density Residential
EXISTING ZONING: (refer to map on page 5)
<ul style="list-style-type: none"> • Restricted Office /Convenience Commercial (RO1/CC)

PLANNING HISTORY

On January 23, 2012, an application was received for a Zoning By-law amendment on the subject site to add a special provision to permit a pharmacy to occupy a vacant area within an existing building.

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

London Hydro

No objection.

Upper Thames River Conservation Authority (UTRCA)

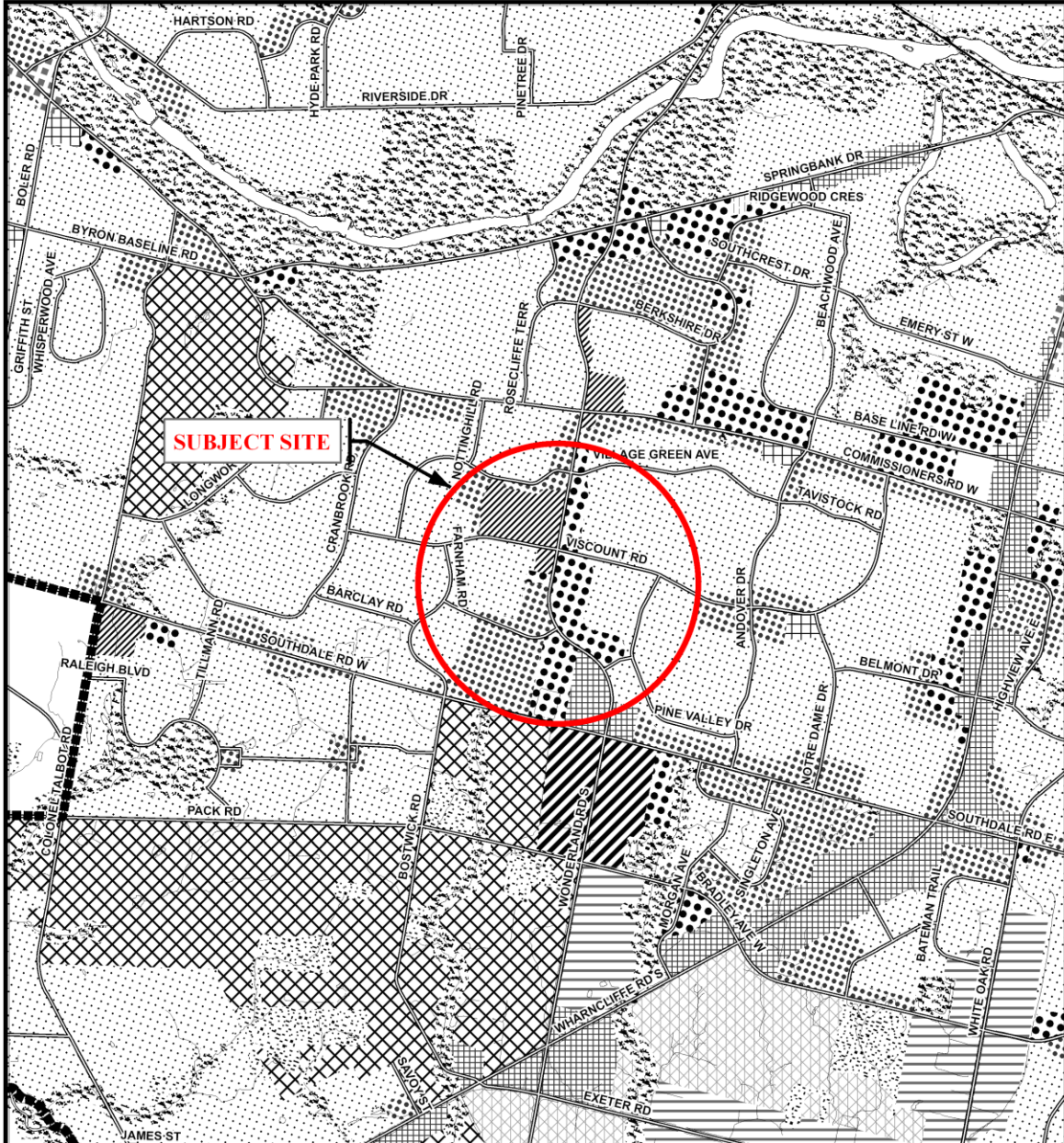
No objection.

Environmental and Engineering Services Department (EESD)

No objection.

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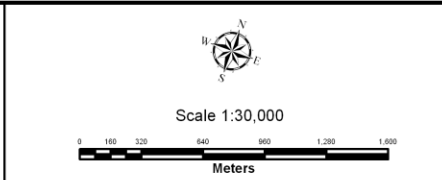
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Legend

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

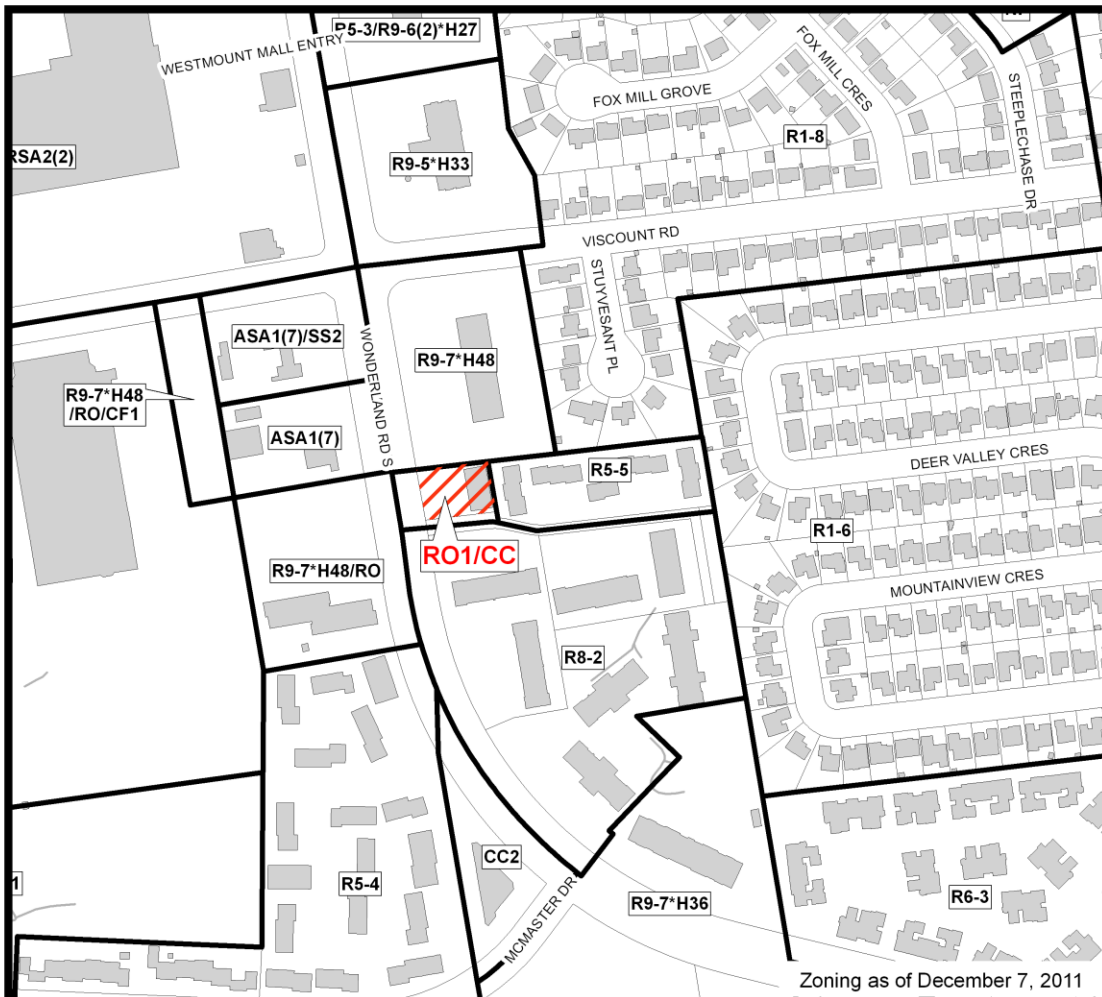
CITY OF LONDON
 Department of
Planning and Development
 OFFICIAL PLAN SCHEDULE A
 - LANDUSE -
 PREPARED BY: Graphics and Information Services



FILE NUMBER: Z-8012
 PLANNER: AR
 TECHNICIAN: CK
 DATE: 2012/01/27

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COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: R01/CC

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

2) ANNEXED AREA APPEALED AREAS

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

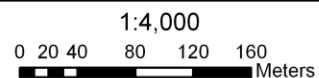
CITY OF LONDON
PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES

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



FILE NO:
Z-8012 AR

MAP PREPARED:
2012/01/27 CK



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PUBLIC LIAISON:	On January 31, 2012 19 letters were sent to all landowners within 120 m of the property. Living in the City notice was published on January, 2011.	Six Letters and One Petition.
Nature of Liaison: The purpose of the proposed amendment is to permit a pharmacy within a portion of the existing building. Change the Zoning By-law Z.-1 from a Restricted Office/Convenience Commercial (RO1/CC) Zone which permits medical/dental offices, offices, convenience service establishments without a drive-through facility, convenience stores without a drive-through facility, financial institutions without a drive-through facility, and personal service establishments without a drive-through facility to a Restricted Office/Convenience Commercial Special Provision (RO1/CC()) Zone to permit a pharmacy without a drive-through facility as an additional permitted use.		
Responses: All Support		

ANALYSIS

Subject site

The subject site is located on the east side of Wonderland Road South . The subject site has a lot frontage of 35 m and is approximately 0.17 ha in size. A one storey convenience commercial plaza with 446m² gross floor area was constructed in the late 1980's. The size of the building and its location has not changed since construction.



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What is the nature of the application?

The applicant proposes to amend the zoning from a Restricted Office/Convenience Commercial (RO1/CC) Zone which permits convenience stores, restaurants, financial institutions without a drive through and medical/dental offices to a Restricted Office/Convenience Commercial Special Provision (RO1/CC (___)) Zone which allows for the above uses and a pharmacy use without a drive through, and which prohibits a methadone clinic and a methadone dispensary use.

Provincial Policy Statement

The *Provincial Policy Statement, 2005* (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The recommended amendment is consistent with the Provincial Policy Statement to build strong communities by accommodating an appropriate range and mix of various land uses, including convenience commercial uses to meet long term needs. The recommended amendment is also consistent with the following:

Policy 1.3.1 - Employment Areas of the PPS requires planning authorities to promote economic development and competitiveness by providing for a mix and range of employment opportunities, and by providing opportunities for a range and choice of suitable sites for employment uses. The requested Zoning amendment seeks to add pharmacy as an additional permitted use to the existing range of convenience commercial uses in conformity with the PPS. In addition, the rezoning of the subject site will expand the opportunity on a suitable site to accommodate a use that may not be available within the area. The subject site contains a small commercial building thereby providing an opportunity for an operator of pharmacy employment to locate in this area.

Policy 1.8.1 - Energy and Air Quality of the PPS requires planning authorities to promote a compact structure of nodes and corridors, promote the use of public transit, focus commercial uses on sites that are serviced by transit, and improve the mix of employment uses to shorten commute journeys. The subject site currently contains a limited range of commercial uses that

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serves both a local and broader market area. Permitting pharmacy as an additional permitted use provides opportunity for these lands to accommodate this use and create an interaction with the existing commercial in the plaza to encourage multiple purpose shopping trips and create opportunities to support transit along Wonderland Road South in conformity with the policies of the PPS.

Official Plan

Use

The subject site is designated Multi-Family High Density Residential in the Official Plan. Section 3.6.5 of the Official Plan permits convenience commercial uses and service station uses in the Multi-Family High Density Residential Designations. The section states:

Convenience commercial uses and service stations in Residential designations which were existing on the date of adoption of this Plan, and which meet the locational criteria of the Plan are recognized as legal conforming uses. The location of those existing convenience commercial uses and service stations that are recognized by the Plan are shown on Appendix Schedule 1, Convenience Commercial and Service Stations.

This site is identified on Appendix Schedule 1, Convenience Commercial and Service Stations of the Official Plan.

The Official Plan permits a range of uses that serve the needs of the abutting neighbourhood and the traveling public. These uses are small in scale and can be accommodated on site with less than 1000m² of gross floor area. Medical/Dental offices and pharmacies are a permitted use on this site. The proposed application is to allow for a pharmacy use that would be complementing the existing medical/dental office use. The site can accommodate the proposed pharmacy use and meets the intent of the Official Plan.

Location

Convenience commercial uses and service stations in Residential designations which were legally existing on the date of the adoption of this Plan, but which do not meet the locational criteria of the Plan, will be regarded as legal non-conforming uses.

Convenience commercial uses and service stations will be located on arterial or primary collector roads where it can be demonstrated that such uses are compatible with surrounding land uses and will not have a serious adverse impact on the traffic-carrying capacity of roads in the area. The preferred locations for convenience commercial uses and service stations are at the intersections of major roads.

The property is located on the east side of Wonderland Road South. This is designated as an arterial road in the City of London Zoning By-law Z.-1, Section 4.21. The property meets the location requirements for the convenience commercial designation and as mentioned is listed on Appendix 1 - Convenience Commercial and Service Stations of the City of London Official Plan.

Intensity

- *The size of individual convenience commercial uses and service stations will be specified in the Zoning By-law, and will be at a scale which is compatible with surrounding land uses.*
- *Convenience commercial centres or stand-alone uses should not exceed 1,000 square metres (10,764 square feet) of gross leasable area.*
- *Service stations which are part of a convenience commercial centre shall be considered part of the gross leasable area of the centre.*

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- *Convenience commercial uses and service stations will be permitted as stand-alone uses or as part of a convenience commercial centre. It is not the intent of convenience commercial policies to permit large free-standing uses that should be located in other commercial designations.*

The site is currently developed with a gross floor area of 446 m². The proposed zoning by-law amendment does not propose additional gross floor area. Instead it would allow for the conversion of approx. 100m² of existing gross floor area to be used as a pharmacy. The existing gross floor area does not exceed the maximum gross floor area contemplated for convenience commercial uses. The existing gross floor area accommodates a variety of small scale convenience commercial uses including a variety store, personal service use and restaurant. The size, scale and form of the existing convenience commercial plaza meet the intent of the Official Plan.

Zoning

The lands are currently zoned Restricted Office/Convenience Commercial (RO1/CC). The uses permitted are:

- Medical Dental Offices;
- Offices
- Convenience service establishments without a drive-through facility;
- Convenience stores without a drive-through facility;
- Financial institutions without a drive-through facility;
- Personal service establishments without a drive-through facility
- Dwelling units, together with any other permitted uses;
- Medical/dental offices
- Food stores without a drive-through facility
- Restaurants, take-out, without a drive-through facility
- Brewing on Premises Establishment

The proposed amendment is to allow a pharmacy as a permitted use. The intent of the Convenience Commercial (CC) Zone is to allow for a range of smaller scale commercial convenience retail uses that serve the needs of the neighbouring residential uses and the travelling public are permitted by the zone. The current zone allows for convenience stores and food stores which are specific smaller scale retail uses. The definition of pharmacy is:

"PHARMACY" means a retail store that dispenses prescription drugs and which sells, among other things, non-prescription medicines, health and beauty products, and associated sundry items.

A pharmacy will provide a convenience commercial use that will serve the needs of the neighbouring residential uses and the travelling public and the intensity of the pharmacy use is in keeping with the scale and form of the existing convenience commercial uses permitted by the existing zone.

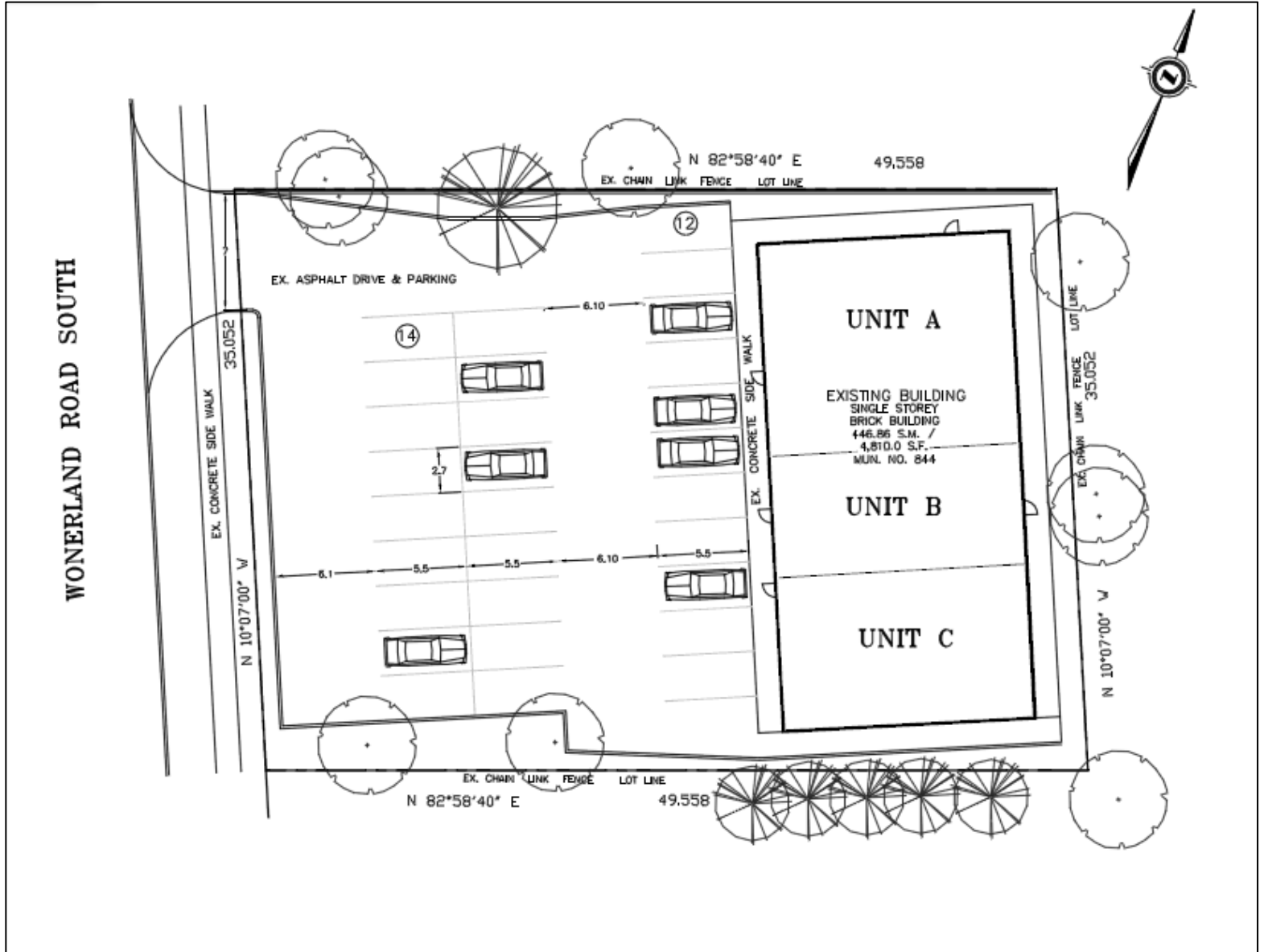
Parking

Zoning By-law Z.-1 parking standards are based on gross floor areas of the use. The current uses in this plaza range from a rate of 1 parking space per 15m² of gross floor area for a medical/dental office use, 1 parking space per 15m² of gross floor area for the convenience store use and 1 parking space per 25 m² for the proposed pharmacy use. The required parking for all the proposed uses based on their gross floor area is 26 spaces. The site can accommodate this many spaces.

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Site Plan



The current application does not propose to expand the usability of the site or buildings and, as such, no development is occurring which would trigger an application for site plan control.

Any application to expand or enlarge the building, add any additional uses or reduce the parking would require further planning applications.

Methadone Clinic and Methadone Dispensary

On November 15, 2010 Municipal Council passed an interim control by-law to:

1. For the purposes of this interim control by-law, "Methadone Clinic" will be defined as follows:

"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.

2. For the purposes of this interim control by-law, "Methadone Dispensary" will be defined as follows:

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“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.”

3. 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”.
4. This By-law shall be in force and effect for a period of one year from the date of passing of this by-law.

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.

CONCLUSION

The recommended amendment will allow for a small scale convenience commercial pharmacy use to be located on this site. The scale and form of the proposed pharmacy use is appropriate at this is location and will serve the needs of the abutting residential uses and the travelling public. The proposed zoning amendment will allow for the addition of the pharmacy use and specifically prohibits methadone clinics and dispensaries.

PREPARED BY:	SUBMITTED BY:
ALANNA RILEY, MCIP, RPP PLANNER II, COMMUNITY PLANNING AND URBAN DESIGN	JIM YANCHULA, MCIP, RPP MANAGER OF COMMUNITY PLANNING AND URBAN DESIGN
RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP DIRECTOR OF LAND USE PLANNING AND CITY PLANNER	

CS/
March 13, 2012

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Responses to Public Liaison Letter and Publication in “Living in the City”

Six Letters

One Petition for Support

68 signatures

Please See Attached at the end of this report.

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Bill No.. (number to be inserted by Clerk's Office)
2012

By-law No. Z.-1-12_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 844 Wonderland Road South.

WHEREAS Khawar Hanif has applied to rezone an area of land located at 844 Wonderland Road South, 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:

Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 844 Wonderland Road South, as shown on the attached map comprising part of Key Map 36, from a Restricted Office/Convenience Commercial (RO1/CC) Zone to a Restricted Office/Convenience Commercial Special Provision (RO1/CC(___)) Zone.

1) Section 29.4 of the Convenience Commercial (CC) Zone to By-law No. Z.-1 is amended by adding the following Special Provision:

- 29.4 c) ___) CC ()
- a) Additional Use:
 - i) Pharmacy- without a drive through
 - b) 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 counselling 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 section 34 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 section.

PASSED in Open Council on.

Joe Fontana
Mayor

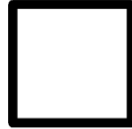
Catharine Saunders
City Clerk

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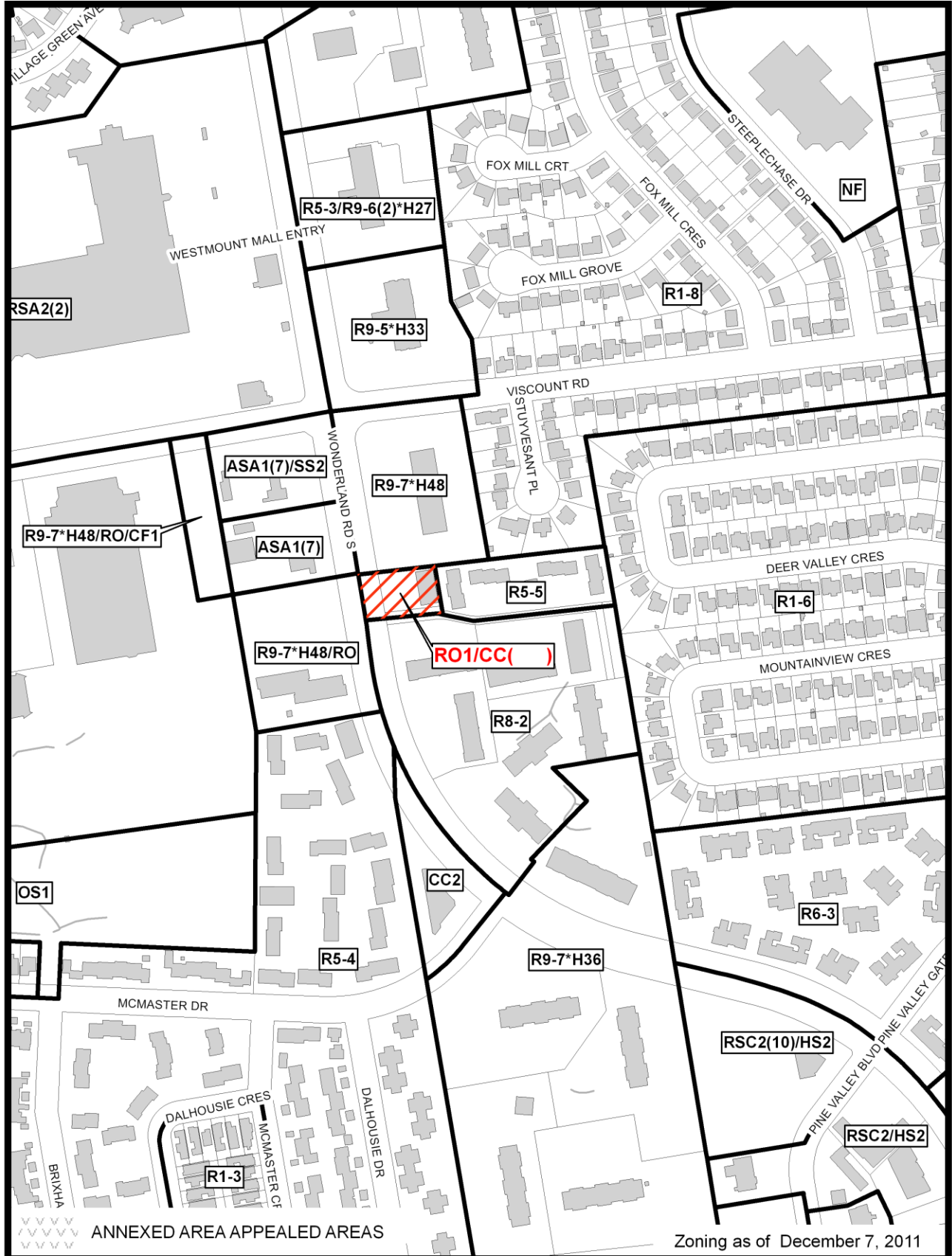
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First Reading - April 10, 2012
Second Reading - April 10, 2012
Third Reading - April 10, 2012



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



File Number: Z-8012

Planner: AR

Date Prepared: 2012/01/27

Technician: CK

By-Law No: Z-1-

SUBJECT SITE



1:4,300

0 20 40 80 120 160 Meters



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Bibliography of Information and Material – Z-8012

Request for Approval

City of London Zoning By-law Application Form, completed by Nindi Sharma (Applicant)

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*, March 1, 2005

City of London. *Official Plan*, June 19, 1989, as amended

City of London. *Zoning By-law No. Z.-1*, May 21, 1991, as amended

Written Correspondence: (located in City of London File No. Z-8012 unless otherwise stated)

City of London

Roobroeck, Richard. Environment and Engineering Services Department.

Agency Review and Public Responses: (located in City of London File No. Z-8012 unless otherwise stated)

London Hydro

Dalrymple D., London Hydro. Reply Sheet for City of London Applications.

Upper Thames River Conservation Authority (UTRCA)

Creighton C., Land Use Planner. .

Environmental and Engineering Services (EESD)

Burgess L., Division Manager. Memo to Alanna Riley.