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File No: Z-8001
Planner: Alanna Riley

TO:	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING DIRECTOR OF LAND USE PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: ANGELA AND DINO CICCONE 681 Highbury Ave North 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 Angela and Dino Ciccone relating to the property located at 681 Highbury Avenue North, 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 Highway Service Commercial (HS) Zone which permits animal hospitals; automotive uses, restricted ; convenience stores; duplicating shops; financial institutions; personal service establishments; restaurants; video rental establishments; and brewing on premises establishments **TO** a Highway Service Commercial Special Provision (HS()) Zone to permit a retail fishing supply and service store as an additional permitted use.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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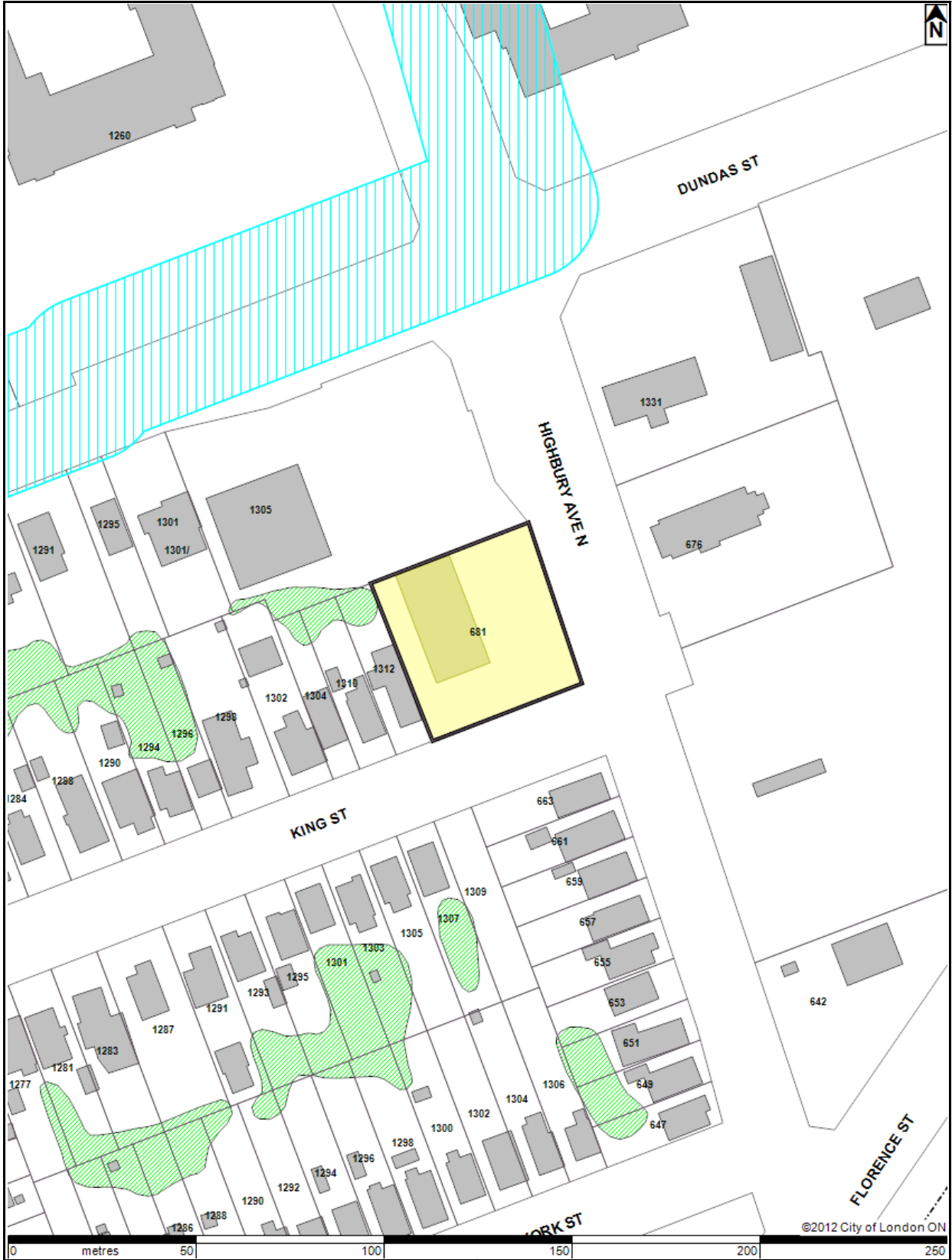
None

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose of the proposed amendment is to permit a retail fishing supply and service outlet with a maximum gross floor area of 300m², within a portion of the existing building, and to maintain existing parking.

RATIONALE






1. The recommended amendment is consistent with the Provincial Policy Statement to promote economic development and support commercial nodes and corridors.
2. The recommended amendment is consistent with the policies of the Official Plan which permits a limited amount of retail.
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 retail fishing supply and service outlet.



LOCATION MAP

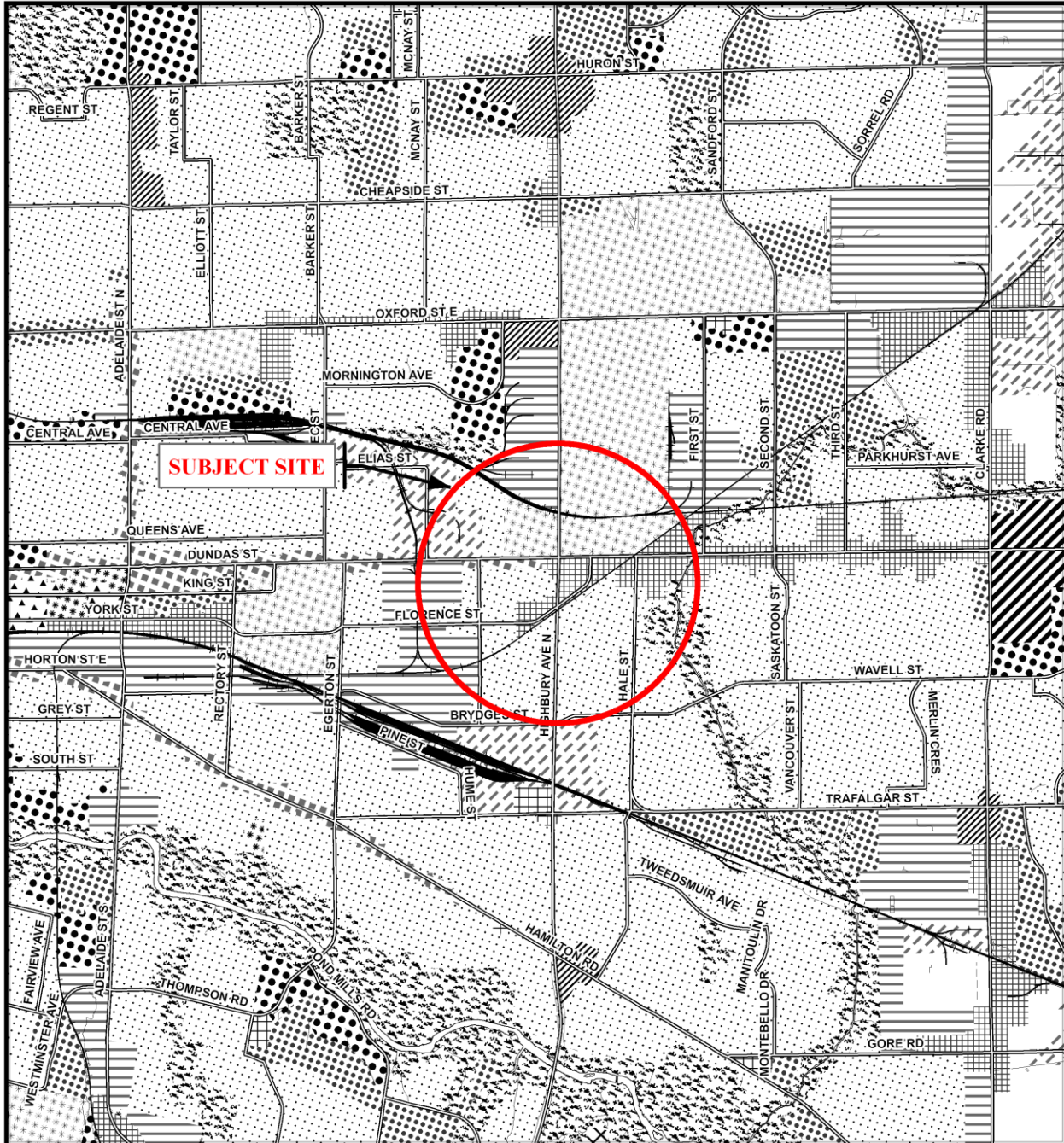
Subject Site: **681 Highbury Ave N**
 Applicant: **Ciccone Matteo, Ciccone Angelina**
 File Number: **Z-8001**
 Planner: **Alanna Riley**
 Created By: **Alanna Riley**
 Date: **2012-01-06**
 Scale: **1:1200**

LEGEND

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



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Legend

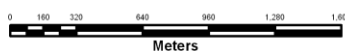
- | | |
|--|-----------------------------------|
| Downtown Area | Office Business Park |
| Enclosed Regional Commercial Node | General Industrial |
| New Format Regional Commercial Node | Light Industrial |
| Community Commercial Node | Regional Facility |
| Neighbourhood Commercial Node | Community 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



Scale 1:30,000

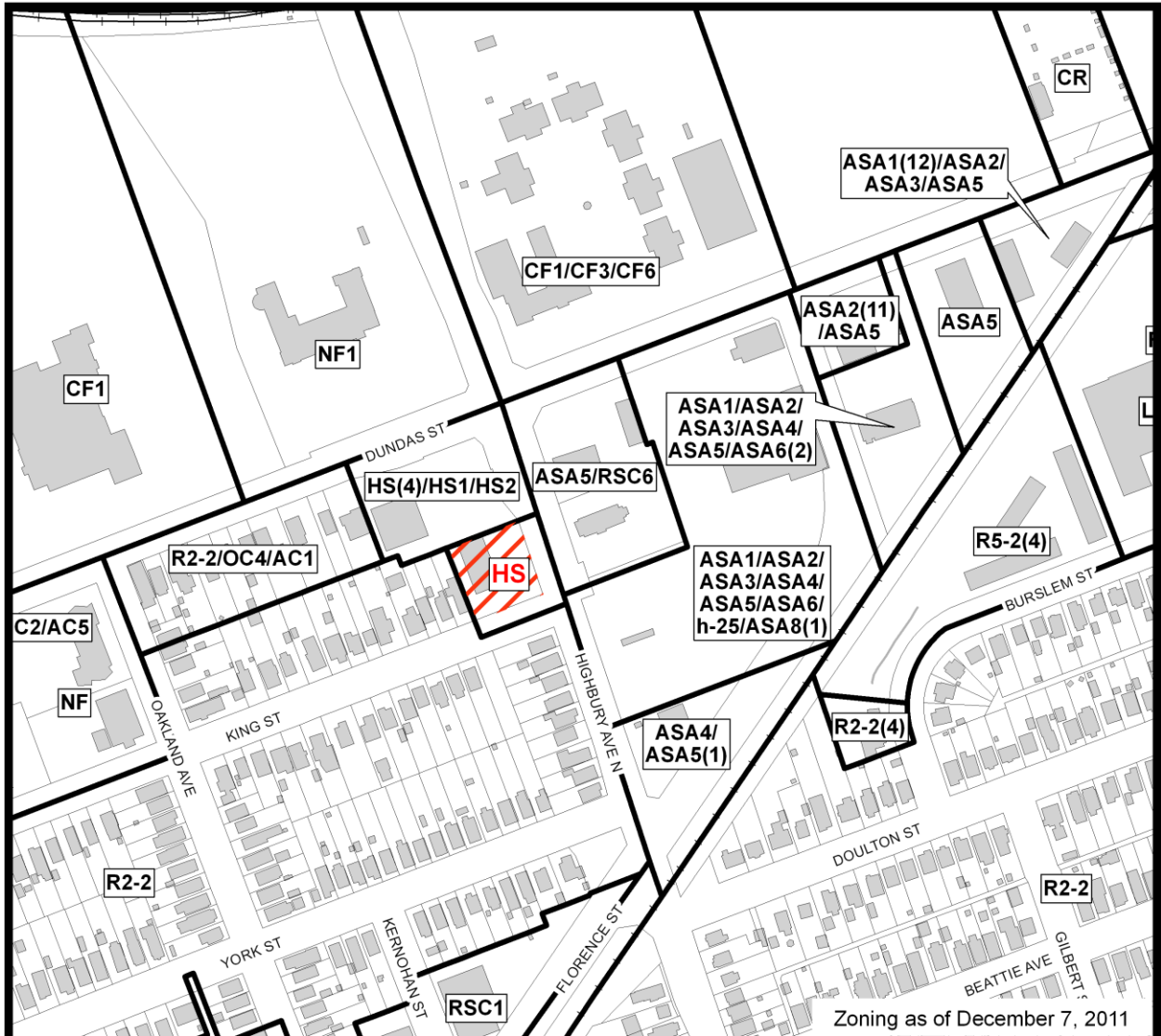


FILE NUMBER: Z-8001

PLANNER: AR

TECHNICIAN: CK

DATE: 2012/01/27



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: HS

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

- "h" - 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

FILE NO:

Z-8001

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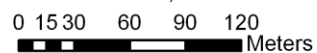
MAP PREPARED:

BACKGROUND

SCHEDULE A

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

1:3,500



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Date Application Accepted: December 22, 2011	Agent: Laverne Kirkness
<p>REQUESTED ACTION: Change the Zoning By-law Z.-1 from a Highway Service Commercial (HS) Zone which permits animal hospitals; automotive uses, restricted ; convenience stores; duplicating shops; financial institutions; personal service establishments; restaurants; video rental establishments; and brewing on premises establishments to a Highway Service Commercial Special Provision (HS()) Zone to permit a retail fishing supply and service store as an additional permitted use.</p>	

<p>SITE CHARACTERISTICS:</p> <ul style="list-style-type: none"> • Current Land Use – Restaurant/Vacancy • Frontage – 45.1m • Depth – 42.6 • Area – 0.19ha • Shape – Rectangular
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<p>SURROUNDING LAND USES:</p> <ul style="list-style-type: none"> • North – Commercial • South – Residential • East - Commercial • West - Residential

<p>OFFICIAL PLAN DESIGNATION: (refer to map on page 3)</p> <p>Auto-Oriented Commercial Corridor - 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.</p> <p>The form of development is oriented toward automobiles and vehicular traffic and serves both a local and broader market area.</p>
<p>EXISTING ZONING: (refer to map on page 4)</p> <p>Highway Service Commercial (HS)-This Zone provides for and regulates a range of commercial and service uses which cater to the needs of the travelling public. Uses which may be permitted in the Highway Service Commercial Zone are differentiated through zone variations on the basis of their function, intensity and potential impacts.</p> <p>The main HS Zone variation permits a restricted range of automobile-oriented, convenience commercial and service uses which are appropriate for all Highway Service Commercial Zone variation. An expanded range of uses may be permitted in appropriate locations through the use of zone variations. Application of a zone may be restricted due to the amount of traffic generated and/or the effect of the uses on the adjacent land uses.</p>

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PLANNING HISTORY

On December 22 2011, an application was received for a Zoning By-law amendment on the subject site to add a special provision to permit a retail fishing supply and service store to occupy a 300m² vacant area within the 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.

PUBLIC LIAISON:	On January 25, 2012, Notice of Application was sent to 59 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 Saturday, February 4, 2012. Notice of Public Meeting was sent to 59 property owners in the surrounding area. Notice of Public Meeting was published in the "Living in the City" section of the London Free Press on Saturday, March 10, 2012.	2 Replies
<p>Nature of Liaison: Possible amendment to change Zoning By-law Z.-1 from a Highway Service Commercial (HS) Zone which permits animal hospitals; automotive uses, restricted ; convenience stores; duplicating shops; financial institutions; personal service establishments; restaurants; video rental establishments; and brewing on premises establishments to a Highway Service Commercial Special Provision (HS()) Zone to permit a retail fishing supply and service store as an additional permitted use. The purpose of the proposed amendment is to permit a retail fishing supply and service store within a portion of the existing building.</p>		
<p>Responses: Inquiry and Letter of Support</p>		

ANALYSIS

Subject Site

The subject site is located at the corner of Highbury Ave North and King Street and is approximately 0.19 hectares in size. Currently there is a small commercial building on the site. The Big City Diner occupies a portion of the building. The applicant wishes to occupy a 300m² portion of the building with a retail fishing and supply service outlet. The subject site has access to Highbury Ave North Park classified as an arterial road.

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Nature of Application

The applicant has requested a zoning by-law amendment to permit a retail fishing and supply service outlet within 300m² portion of the existing building on the site, with existing parking. There is no change proposed to the building’s exterior nor to the existing site configuration as the thrift store can be accommodated within the existing building.

Provincial Policy Statement

The *Provincial Policy Statement, 2005* (PPS) provides policy direction on matters of provincial interest related to land use planning and development.

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 retail as an additional permitted use to the existing range of service 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 adjacent commercial developments. The subject site contains a small commercial building thereby providing an opportunity for an operator of retail 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 cater toward automobiles and vehicular traffic and serves both a local and broader market area. Permitting retail as an additional permitted use provides opportunity for these lands to accommodate this use and create an interaction with the existing commercial in the area to encourage multiple purpose shopping trips and create opportunities to support the proposed transit hub at the corner of Dundas Street and Highbury Ave North in conformity with the policies of the PPS.

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Official Plan Policies

Use

The subject site is designated Auto Oriented Commercial Corridor in the Official Plan. Auto-Oriented Commercial Corridors 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. These uses have limited opportunity to locate within Commercial Nodes or Main Street Commercial Corridors by reason of their building form, site area, location, access or exposure requirements; or have associated nuisance impacts that lessen their suitability for a location near residential areas.

Auto-Oriented Commercial Corridors, while providing for a limited amount of retail use, are not intended to accommodate retail activities that are more appropriately located in the Downtown, Commercial Nodes, or Main Street Commercial Corridor designations.

The primary uses in this designation 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. However, policy 4.6.2 of the Official Plan emphasizes that, “zoning on individual sites may not allow the full range of permitted uses.”

While the Staff recommendation to add a special provision to the existing Highway Service Commercial zone to allow a specialized retail fishing supply and service store is in conformity with the Official Plan, Staff would not support a broad range of retail at this site. Clearly, general retail uses are not intended in this designation.

The Official Plan policies and Zoning By-law explicitly prohibit a broad range of retail uses from locating in areas zoned Highway Service Commercial. Retail uses are more appropriate in areas that are designated and zoned for shopping areas. The intent of the Official Plan is to differentiate between the planned function of Highway Service Commercial uses which are intended to cater to vehicular traffic and single purpose shopping trips and Shopping Areas which are intended to be developed for retail and service uses.

The proposed use is a small, specialized retail store. The intent of the recommendation is not to allow a broader range of retail uses and limits the retail fishing and supply service outlet to small size within the portion of the existing building. It should also be noted that the use is compatible with and similar to other permitted uses within the Auto Oriented Commercial Corridor designation.

The recommended amendment to permit retail on the subject site conforms to the intent of the Official Plan.

Form/ Intensity

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 current application does not contemplate any changes to the existing built form.

Planning Impact Analysis

Policy 4.5.1 of the Official Plan requires that a Planning Impact Analysis be used to evaluate applications for Zoning By-law amendments to determine the appropriateness of a proposed change in land use and to identify ways of reducing any adverse impacts on surrounding land uses.

Proposals for changes in the use of land which require the application of Planning Impact Analysis will be evaluated on the basis of criteria which are relevant to the proposed change. The criteria relevant to this application listed in the Planning Impact Analysis include:

- *the Official Plan policies relating to the requested change in use;*

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- *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 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 supply of vacant land or vacant buildings in the area which are designated and/or zoned for the proposed uses;*
- *the potential traffic generated by the proposed change and the likely impact of this additional traffic;*
- *the location of vehicular access points and the likely impact of traffic generated by the proposal;*
- *where adjacent to sites under separate ownership, access and traffic circulation should be co-ordinated; and,*
- *impacts of the proposed change on the planned transportation system, including transit.*

As described in the preceding paragraph, the requested retail fishing supply and service store is consistent with the general policies of the Official Plan. The surrounding land uses are a mix of service commercial and residential. Given that the abutting sites contain similar permitted uses as the subject site; there is no development proposed as part of this application; and, the requested specialized retail use is small and limited; the recommended amendment is not anticipated to create an impact on present and future land uses in the area.

The site has sufficient lot area to allow the proposed use and maintain the existing building, parking and landscaping. There is no change proposed to the existing site configuration as the use has similar characteristics and can be accommodated within the existing building. A special provision is recommended to limit the size of the specialized retail fishing and service outlet and to maintain the existing parking.

The potential traffic generated by the proposed change in use is not anticipated to be significant given that the existing zoning on the subject lands currently permits a range of uses that are relatively as intensive as the requested range of uses including: restaurants; financial institutions; and, convenience stores. Therefore, the recommended Zoning By-law amendment is not anticipated to create any additional traffic than that which may be generated from the uses currently permitted by the Zoning By-law. The location of vehicular access points is proposed to remain unchanged from the existing situation.

The recommended rezoning will provide opportunity to create interaction with the abutting commercial lands in the area, and create opportunities to support the proposed transit hub at the corner of Dundas Street and Highbury Ave N.

Zoning By-law

Section 27.1 - General Purpose of the HS Zone – describes the rationale behind the HS zone variations. This section states that the HS Zone:

provides for and regulates a range of commercial and service uses which cater to the needs of the travelling public. Uses which may be permitted in the Highway Service Commercial Zone are differentiated through zone variations on the basis of their function, intensity and potential impacts. The main HS Zone variation permits a restricted range of automobile-oriented, convenience commercial and service uses which are appropriate for all Highway Service Commercial Zone variation. An expanded range of uses may be permitted in appropriate locations through the use of zone variations. Application of a zone may be restricted due to the amount of traffic generated and/or the effect of the uses on the adjacent land uses.

Staff are supportive of a Zoning By-law amendment to permit a special provision to permit 300m² of retail which is a modest expansion of the range of uses compatible with the abutting commercial lands.

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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.

At present the applicant is requesting to fill vacancy with a specialized retail use within the existing buildings and as such has not provided concept plans for future development.

CONCLUSION

The request to amend the Zoning By-law is intended to add the a specialized retail fishing and supply service outlet as an additional permitted use to the existing range of permitted service commercial uses in the existing building. The recommended amendment is consistent with the policies of the PPS and the Official Plan.

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	

AR/ar

March 13, 2012

Document1

Agenda Item #

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File No: Z-8001
Planner: Alanna Riley

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

<u>Telephone</u>	<u>Written</u>
Kyle Williams	Ryan

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



2012

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 681 Highbury Ave North.

WHEREAS Angela and Dino Ciccone have applied to rezone an area of land located at 681 Highbury Ave North, 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 681 Highbury Ave North, as shown on the attached map comprising part of Key Map No. 87, from a Highway Service Commercial (HS) Zone to a Highway Service Commercial Special Provision (HS()) Zone.

1) Section 27.4 of the Highway Service Commercial Zone to By-law No. Z.-1 is amended by adding the following Special Provision:

- | | | |
|---------------|-----------------|--|
| 27.4 c) ____) | HS () | |
| a) | Additional Use: | |
| | i) | Retail fishing supply and service store within the existing building |
| b) | Regulations: | |
| | i) | Existing Number of Parking Spaces |
| | ii) | Gross Floor Area
Retail fishing and service store 300 square metres
(maximum) |

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

This By-law shall come into force and be deemed to come into force in accordance with 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.

PASSED in Open Council on April 10, 2012.

Joe Fontana
 Mayor

Catharine Saunders

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Planner: Alanna Riley

City Clerk

First Reading – April 10, 2012.
Second Reading – April 10, 2012.
Third Reading – April 10, 2012.

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File No: Z-8009
Planner: Alanna Riley

Bibliography of Information and Material – Z-8001

Request for Approval

City of London Zoning By-law Application Form, completed by Laverne Kirkness (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-8001 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-8001 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.