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File: Z-8609
Planner: Mike Corby

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: FOREST CITY GYMNASTICS CLUB 2449 DUNDAS STREET PUBLIC PARTICIPATION MEETING ON JULY 18, 2016

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, with respect to the application of Forest City Gymnastics Club relating to the property located at 2449 Dundas Street the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on July 26, 2016 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** a Holding Restricted Service Commercial/Highway Service (h-17*RSC1/RSC2/HS/HS4) Zone, **TO** a Holding Restricted Service Commercial/Highway Service (h-17*h-18*RSC1/RSC3(_)/RSC4/HS/HS4) Zone.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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"None"

PURPOSE AND EFFECT OF RECOMMENDED ACTION

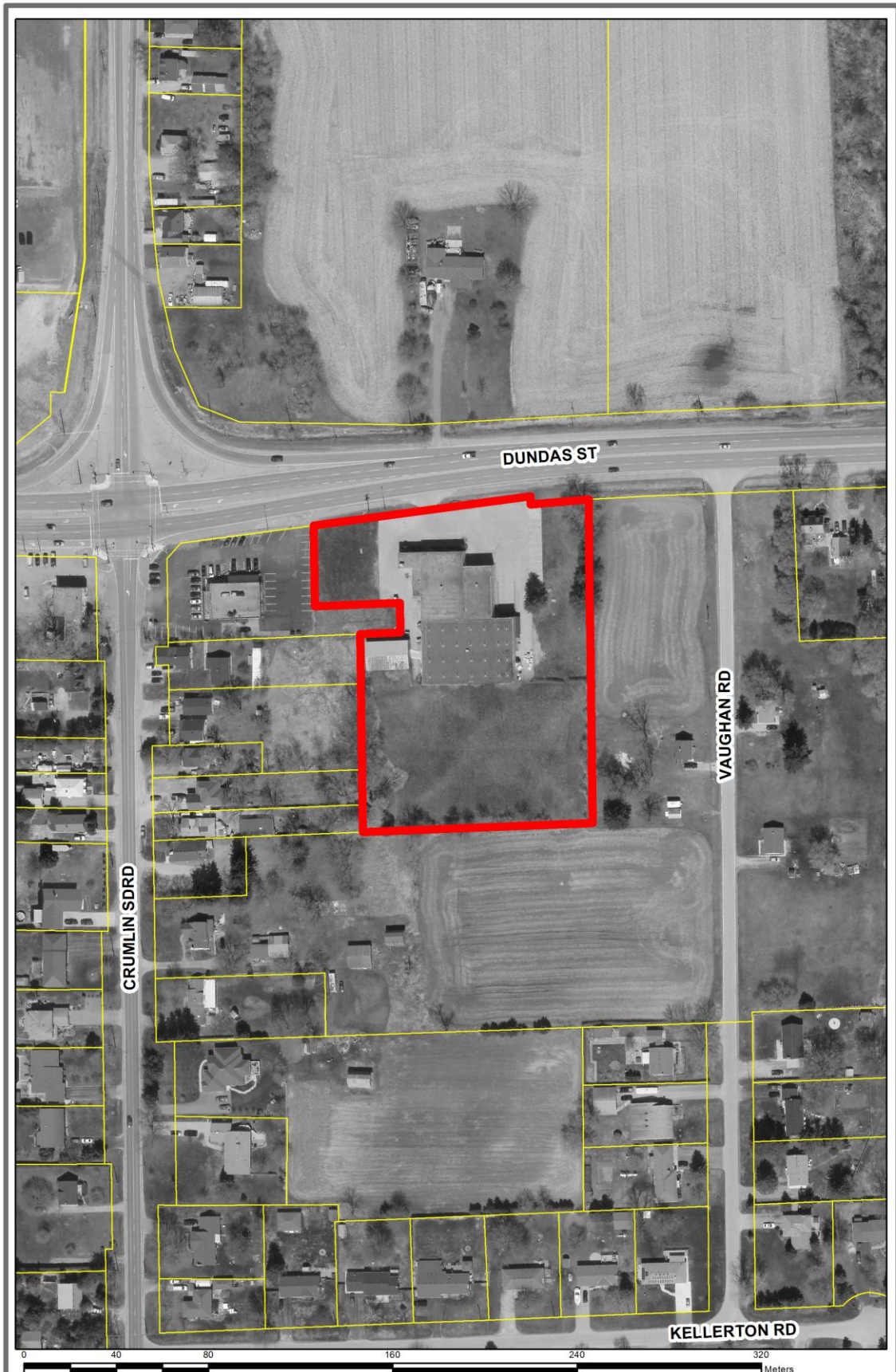
The purpose and effect of this zoning change is to permit Commercial Recreation Establishments within the existing building.

RATIONALE

1. The recommended Zoning By-law amendment is consistent with the Provincial Policy Statement 2014.
2. The recommended amendment is consistent with Auto Oriented Commercial Corridor Policies of the Official Plan.
3. The recommended zone facilitates increased usability of the subject site by accommodating uses that are similar to, and compatible with, the existing uses in the surrounding area.
4. The existing built form and on-site parking is capable of supporting the requested Commercial Recreation Establishment without resulting in any negative impacts on to abutting uses.

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LOCATION MAP

Subject Site: 2449 Dundas St
Applicant: Forest City Gymnastics Club
File Number : Z-8609

Planner : MC
Created By : MB
Date : 2016/05/31
Scale : 1:2000

Legend

 Subject Site



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File: Z-8609
Planner: Mike Corby

BACKGROUND

Date Application Accepted: April 18, 2016	Agent: Kirkness Consulting Inc.
REQUESTED ACTION: Change Zoning By-law Z.-1 from a Holding Restricted Service Commercial /Highway Service (h-17*RSC1/RSC4/HS/HS4) Zone to a Holding Restricted Service Commercial/Highway Service (h-(_)*h-17*RSC1/RSC3(_)*RSC4/HS/HS4) Zone to permit commercial recreation uses and a minimum parking requirement of 60 spaces.	

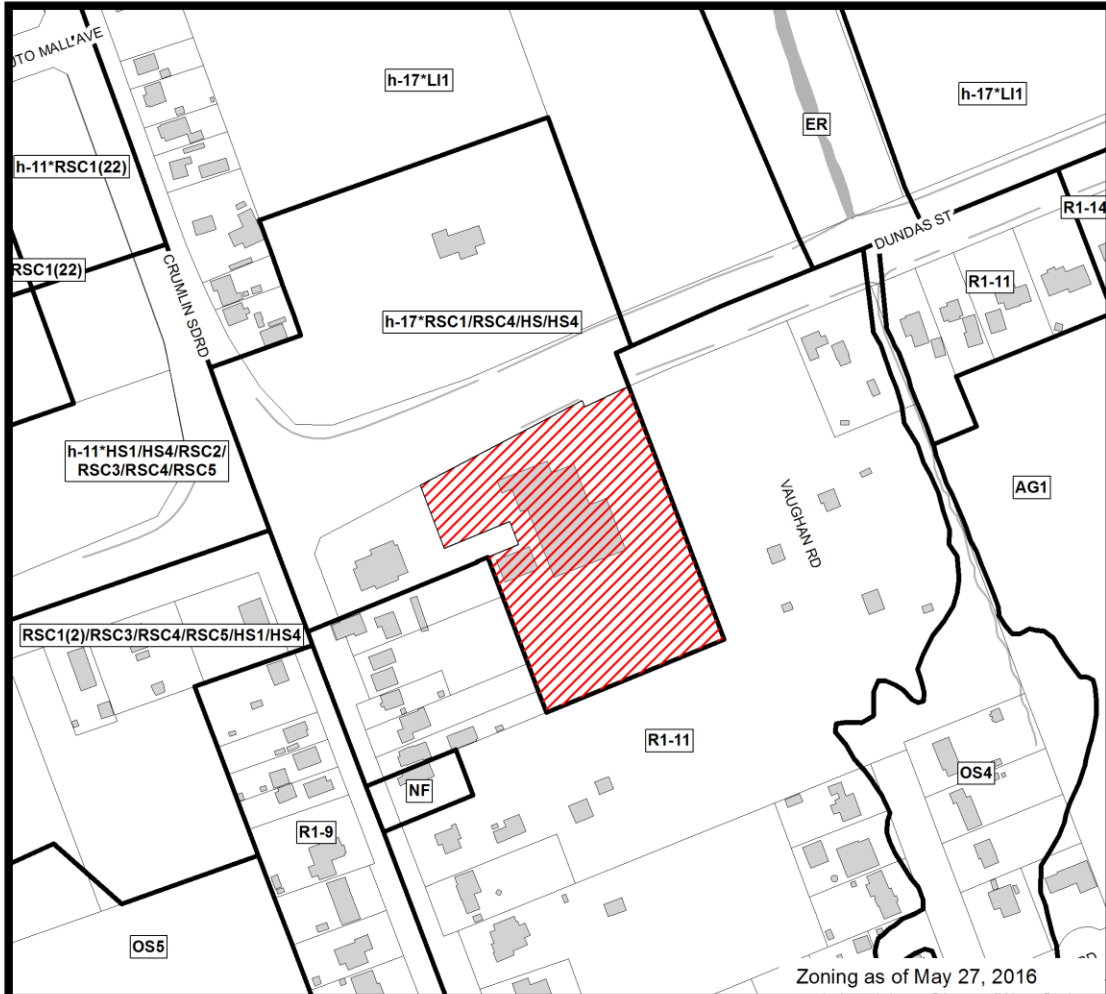
SITE CHARACTERISTICS:
<ul style="list-style-type: none"> • Current Land Use – Vacant Industrial Building • Frontage – 45m • Depth – 141m • Area – 1.44 ha • Shape – Irregular

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

OFFICIAL PLAN DESIGNATION: (refer to Official Plan Map)
<ul style="list-style-type: none"> • Auto Oriented Commercial Corridor
EXISTING ZONING: (refer to Zoning Map)
<ul style="list-style-type: none"> • h-17*RSC1/RSC4/HS/HS4

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COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: h-17*RSC1/RSC4/HS/HS4

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

- | | |
|--|---|
| <ul style="list-style-type: none"> 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 | <ul style="list-style-type: none"> 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 |
|--|---|

CITY OF LONDON
PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES

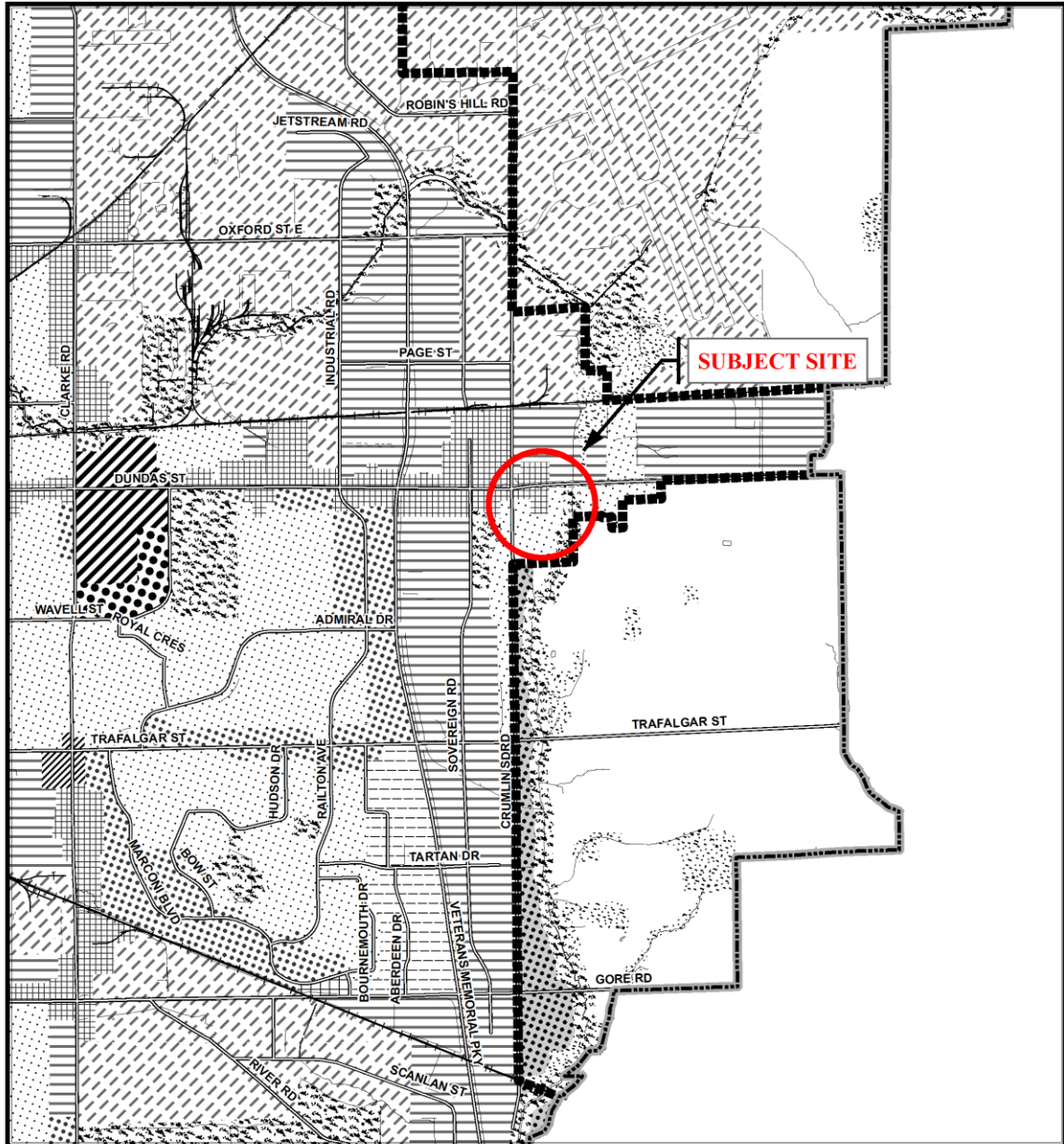
ZONING BY-LAW NO. Z.-1
SCHEDULE A

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

FILE NO: Z-8609	MC
MAP PREPARED: 2016/05/31	MB
1:3,000	

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Legend		
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <ul style="list-style-type: none"> Downtown Wonderland Road Community Enterprise Corridor Enclosed Regional Commercial Node New Format Regional Commercial Node Community Commercial Node Neighbourhood Commercial Node Main Street Commercial Corridor Auto-Oriented Commercial Corridor Multi-Family, High Density Residential Multi-Family, Medium Density Residential Low Density Residential Office Area </div> <div style="width: 45%;"> <ul style="list-style-type: none"> Office/Residential Office Business Park General Industrial Light Industrial Regional Facility Community Facility Open Space Urban Reserve - Community Growth Urban Reserve - Industrial Growth Rural Settlement Environmental Review Agriculture Urban Growth Boundary </div> </div>	<p>Scale 1:30,000</p> <p>0 150 310 620 930 1240 1550 Meters</p>	<p>FILE NUMBER: Z-8609</p> <p>PLANNER: MC</p> <p>TECHNICIAN: MB</p> <p>DATE: 2016/05/31</p>
<p align="center">CITY OF LONDON Department of Planning and Development</p> <p align="center">OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p align="center">PREPARED BY: Graphics and Information Services</p>		

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PLANNING HISTORY

“None”

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

WADE – May 9, 2016

- There is no municipal sanitary servicing for the subject lands.
- The Owner must ensure that there is adequate private servicing available for the change in use on the subject lands by using a suitably sized on-site sewage disposal system as approved by the OBC.

Follow Up Email:

- It appears the septic system condition for this application has been satisfied by the submitted report by BOS Engineering.

Transportation - May 13, 2016

- A road widening dedication of 18.0m from centre line is required.

Water Engineering Division – May 30, 2016

- There is no municipal water servicing fronting this site.
- There is municipal water at the intersection of Crumlin and Dundas, approximately 125m to the west.
- The applicant will need to determine whether their commercial redevelopment will require fire flows or fire sprinklers for the site. Currently there is no fire protection available.
- The applicant shall determine their domestic water needs and determine whether these can be met by private servicing or not.
- The applicant will need to determine if they are required to meet requirements of O. Reg 319/08 Small Drinking Water Systems under the Health Care and Promotion Act or O. Reg 170/03 Drinking Water systems under the Safe Drinking Water Act if providing domestic water from private water servicing (a well).
- If extending water servicing from existing municipal water servicing, the cost for municipal watermain extension and provision of water servicing to the site shall be the owner’s cost.

Stormwater Management – May 30, 2016

- There is no storm sewer along Dundas Street to service this property
- The design of the SWM servicing work shall include but no be limited to such aspects as requirements for Oil/Grit separator for the proposed 60 parking spaces, on-site SWM controls design, SWM Best Management Practices, grading and drainage design (minor, and major flows) storm drainage conveyance from external areas (including any associated easements), hydrological conditions, sediment and control measures.
- The owner and their Consulting Professional Engineer shall ensure the storm/drainage conveyance from the existing external drainage through the subject lands are preserved, all to the satisfaction of the City Engineer.
- Additional comments may be provided upon future review of the site.

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PUBLIC LIAISON:	On May 4, 2016, Notice of Application was sent to 28 property owners in the surrounding area. Notice of Application was also published in the <i>Public Notices and Bidding Opportunities</i> section of <i>The Londoner</i> on May 5, 2016. A "Possible Land Use Change" sign was also posted on the site.	0 replies were received
<p>Nature of Liaison: The purpose and effect of this zoning change is to permit Commercial Recreation Establishments within the existing building.</p> <p>Change Zoning By-law Z.-1 from a Holding Restricted Service Commercial /Highway Service (h-17*RSC1/RSC4/HS/HS4) Zone to a Holding Restricted Service Commercial/Highway Service (h-(_)*h-17*RSC1/RSC3(_)*RSC4/HS/HS4) Zone to permit commercial recreation uses and a minimum parking requirement of 60 spaces.</p>		
Responses: None:		

ANALYSIS

PPS:

The Provincial Policy Statement (PPS) 2014, provides policy direction on matters of provincial interest related to land use planning and development. Section 1.1 *Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns* of the PPS encourages healthy, livable and safe communities which are sustained by accommodating an appropriate range and mix of residential, employment and institutional uses to meet long-term needs. It also promotes cost-effective development patterns and standards to minimize land consumption and servicing costs.

The PPS also encourages settlement areas [1.1.3 Settlement Areas] to be the main focus of growth and development. This proposed application ensures that additional growth is accommodated within a settlement area and increases the long term viability of the site and by permitting a greater mix of uses. The proposed Commercial Recreation Establishment efficiently facilitates the continuation of the existing form and intensity on the subject site that has proved compatible with surrounding land uses and requires no additional land consumption or servicing costs.

Section 1.3 *Employment* of the PPS requires planning authorities to promote economic development and competitiveness by providing for an appropriate mix and range of employment uses, and providing opportunities for a diversified economic base. The recommended zoning amendment will facilitate the ability to provide an appropriate mix and range of employment uses by permitting the subject site the opportunity to diversify its potential uses. The amendment also achieves the goal of Section 1.7 *Long-Term Economic Prosperity* in the PPS which supports opportunities for economic development and community investment-readiness. The amendment increases the ability of the subject site to attract businesses if future development, expansion or vacancy occur, thereby supporting the long term prosperity of the site.

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Use:

Official Plan:

The Official Plan identifies the Auto-Oriented Commercial Corridor (AOCC) as “*typically consist[ing] of a mix of retail, auto and commercial uses, office and remnant residential uses*” [4.4.2.3. Function]. This is reflected in the wide range of uses permitted in Section 4.4.2.4. [Permitted Uses] which helps implement the intended function of the Auto-Oriented Commercial Corridor. The permitted uses in the AOCC designation generally cater to the travelling public and generate significant amounts of traffic drawing patrons from a wide area. These uses normally cannot locate in a commercial node based on the built form or site area requirements. The Official Plan considers commercial recreation establishments an appropriate use within the AOCC designation and generally require larger buildings and properties to accommodate the use. The proposed application is specifically for a gymnastics facility which can draw patrons from a large area as these types of facilities are a specialized service and not widely provided. Due to the nature of the use and need for a large building and site, a commercial node is not a viable option, making the AOCC designation an appropriate location for the proposed use.

The Official Plan provides Appendix 2 identifying the London Airport Noise Exposure Forecast (see London Airport Noise Exposure Forecast 1991, below). The site is abutting the outer limits of the Noise Exposure Forecast contours. Staff has looked into any potential issues related to the proximity of the proposed use to these contours and feels no issues will be created. According to Transport Canada’s website they would permit residential uses (as some exists today) where the NEF is less than 30 on the Contour Map. The website notes that “*Sporadic complaints may occur. Noise may interfere occasionally with certain activities of the resident*”. When it comes to commercial uses a wide range of commercial uses are permitted within the outer limit of the Noise Exposure Forecast contours with no concern at all.

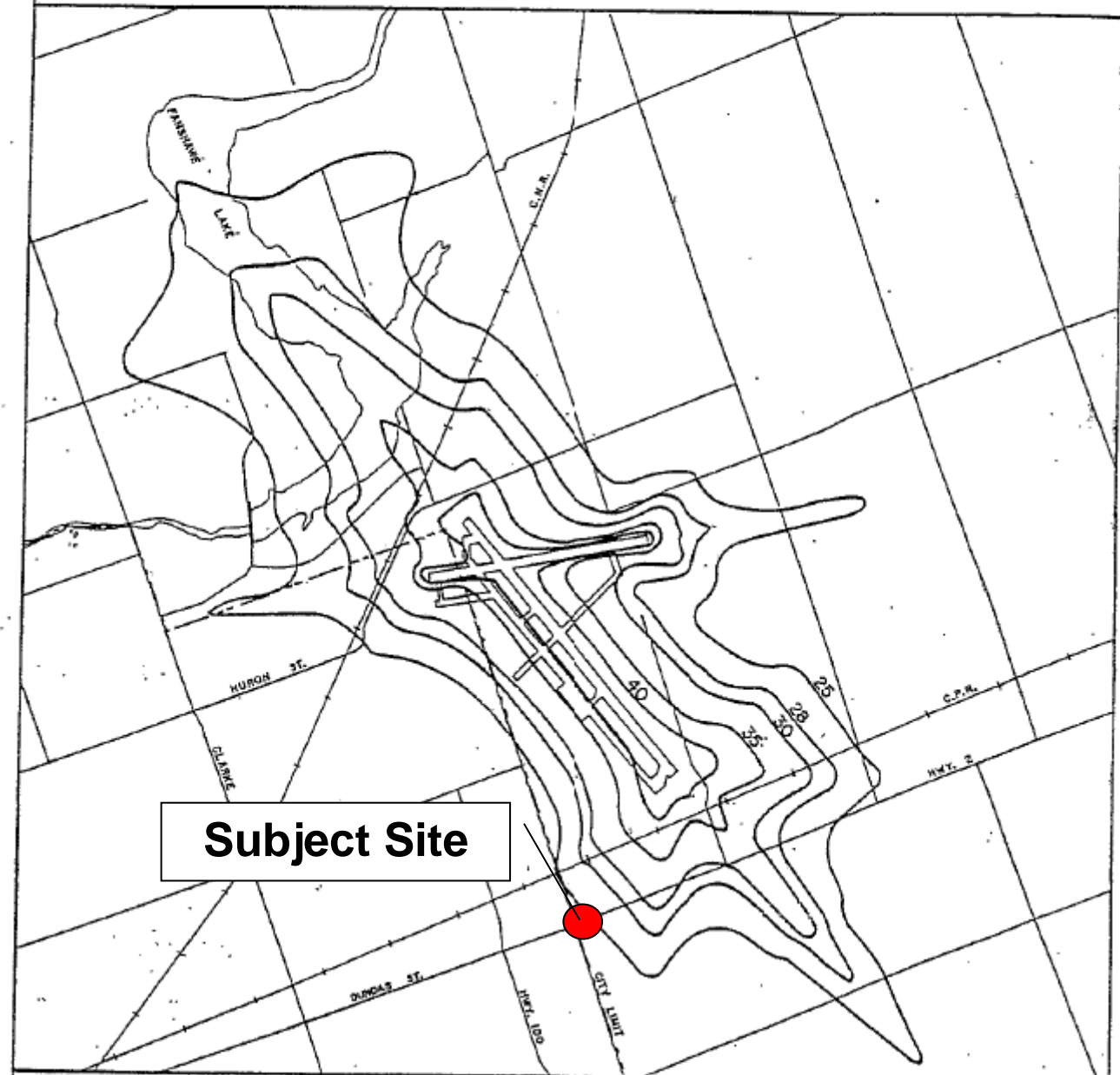
Intensity:

The subject site currently permits a very wide range of uses. These uses range in intensity in terms of parking requirements, noise, odor nuisances and outdoor storage potential. Several of the existing uses have a parking rate exceeding 1 space per 20m², which is the requirement for the proposed commercial recreation establishments. The current application to permit the RSC3 zone would implement uses considered less intense than what is currently permitted and more compatible with the existing and future land uses in the area. These new additional uses include assembly halls, clinics, commercial recreation establishments, emergency care establishments, funeral homes, laboratories, medical/dental offices and private clubs which may provide opportunities for amenities to service the surrounding residential area.

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LONDON AIRPORT
NOISE EXPOSURE FORECAST 1991



Subject Site



NOTE: THESE N.E.F. CONTOURS ARE SUBJECT TO CHANGE AND SHOULD BE VERIFIED WITH C.M.H.C.



SOURCE: 'LONDON, ONTARIO AIRPORT NOISE EXPOSURE FORECAST 1991', REF. NO. OR4, PREPARED BY TRANSPORT CANADA, MAY 1987 FOR C.M.H.C.

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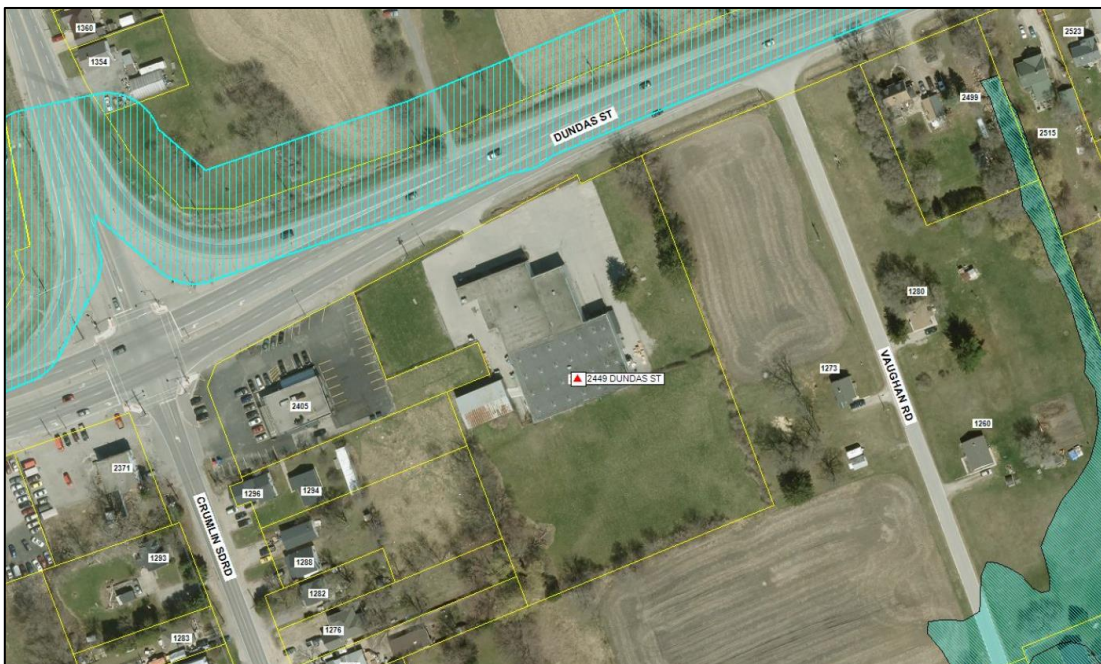
Form:

As mentioned, the AOCC designation serves the travelling public which is reflected in the form of developments located within these corridors. They are generally oriented toward automobiles and vehicular traffic [4.4.2.3. Function] and it is common for the AOCC designation to have a mix of uses, lot sizes and scales of development within one corridor [4.4.2.6 Form]. In order to help guide the development in these corridors the Official Plan provides policies to ensure an appropriate form of development is achieved while accommodating the higher levels of traffic and mix of uses. The following identifies the relevant guidelines and how the proposed application and existing facility meet these requirements.

The AOCC designation directs commercial uses to provide a common parking area and driveway preferably onto an arterial road. The subject site provides these elements with one access point for traffic onto Dundas Street and a large paved surface parking area to accommodate vehicles. The existing development also meets the buffering requirements as large green space is provided in the rear and east interior side yard.

The west interior side lot line is irregular, extending further in some areas and narrower in others. Although the west side yard has a mix of green space and pavement, the majority of the side yard has appropriate setbacks from the property line with the exception of a secondary building that is located closer to the property line where the property line tapers toward the building. However it is an existing situation and its impacts are minimal given its distance from any development to the east. Any additional requirements for landscaping or screening would be dealt with during site plan approval for any new development recognizing the surrounding lands are intended for Low Density Residential development. The AOCC designation should also maintain a low-rise development form which is to be controlled through the permitted zoning on the site. The existing zoning on the site limits height to 15 metres maintaining the intent of the Official Plan. The requested use proposes to reuse the existing building resulting in no additional development and therefore no new impacts are anticipated. If development does occur in the future site plan will be required and the restrictions on outdoor storage and garbage storage, requirements for substantial setbacks, landscaped strips, screening, and other measures to provide buffering will be addressed. (4.4.2.6.2. Combined Access, 4.4.2.6.4. Buffering, 4.4.2.6.5. Height, 4.4.2.6.8. Site Planning)

It is recognized that this is an existing development, constructed prior to the creation of the Urban Design Guidelines of the Official plan. Any new development of the site would be required to meet the design principles in Chapter 11. (4.4.2.8. Urban Design)



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Zoning:

The comments provided by Engineering Staff identify potential servicing issues that the applicant may be required to address after the rezoning process. These issue would be raised during site plan process if new development on the site is required or during the change of use permit or building permit stage to ensure the new commercial use complies with the Ontario Building Code. The current zoning includes the h-17 holding provision permitting “Dry Uses” only. The recommended zoning retains this holding provision.

Some special provisions are required in order to accommodate the use on the subject site. The first provision is an existing condition to recognize the secondary building on the site which is located 2 metres from the west interior side yard where 9 meters are required. The second provision is for a reduction in parking. The proposed use requires 96 parking spaces where only 60 will be provided. Staff feel this reduction in parking is warranted as the 60 spaces will ensure no additional expansion of the hard surface parking area is required which could result in additional stormwater management issues and potential archeological issues. The applicant has also noted that the 60 spaces is currently double than what the current Gymnastics facility provides and that the majority of children who attend are bussed to the facility through Spectrum programs. If parking becomes an issue, the subject site has additional lands that could accommodate additional parking spaces provided the owner undertake a site plan process and complete the required studies to add the additional spaces. Transportation expressed no concern in the proposed reduction in parking.

During the pre-consultation process it was noted by Staff that an archeological assessment is required for the subject site. Due to the nature of the application and the adaptive re-use of the existing building and existing parking configuration it was determined no new impacts would be created through this proposal. In recognition of this, Staff in agreement with the applicant, proposed a holding provision (h-18) which would ensure that any new development on the rear portion of the site which is currently vacant would result in a Stage 1 and Stage 2 Archeological Assessment being undertaken. The h-18 reads as follows:

h-18 Purpose: To ensure that lands are assessed for the presence of archaeological resources prior to development. The proponent shall carry out an archaeological resource assessment of the entire subject property or identified part thereof and mitigate, through avoidance or documentation, adverse impacts to any significant archaeological resources found, to the satisfaction of the Ministry of Citizenship, Culture and Recreation, and the City of London. No grading or other soil disturbance shall take place on the subject property prior to the issuance of a letter of clearance by the City of London Planning Division. (Z.-1-051390)

The property will be assessed by a consultant archaeologist, licensed by the Ministry of Citizenship, Culture and Recreation under the provisions of the Ontario Heritage Act (R.S.O. 1990); and any significant sites found will be properly mitigated (avoided, excavated or the resource protected), prior to the initiation of construction, servicing, landscaping or other land disturbances. The condition will also be applied where a previous assessment indicates the presence of significant archaeological resources but mitigation has not been carried out.

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CONCLUSION

The recommendation is consistent with the policies of the Provincial Policy Statement (2014) and with the Auto Oriented Commercial Corridor Policies of the Official Plan. The recommended zone facilitates increased usability of the subject site by accommodating uses that are similar to, and compatible with, the existing uses in the surrounding area. The existing built form and on-site parking is capable of supporting the requested Commercial Recreation Establishment without resulting in any negative impacts onto abutting uses.

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

June 13, 2016

MC/mc

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File: Z-8609
Planner: Mike Corby

**Bibliography of Information and Materials
Z-8609.**

Request for Approval:

City of London Zoning By-law Amendment Application Form, completed by Kirkness Consulting Ltd. On behalf of Forest City Gymnastics Club, April 8, 2016

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.

Kirkness Consulting Inc. *Planning Justification Report*, April 2016.

Bos Engineering & Environmental Services Inc. *Sewage System Assessment*, March 28, 2016.

Correspondence: (all located in City of London File No. Z-8609 unless otherwise stated)

City of London -

Giesen A., City of London Transportation. E-mails to M. Corby. May 13, 2016.

Moore B., City of London Wastewater and Drainage Engineering. E-mails to M. Corby. May 9, 2016.

Departments and Agencies -

Creighton C., UTRCA. Letter to M. Corby. May 3, 2016

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Planner: Mike Corby

Appendix "A"

Bill No. (number to be inserted by Clerk's Office)
2016

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

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 2449 Dundas Street.

WHEREAS Forest City Gymnastics Club has applied to rezone an area of land located at 2449 Dundas Street, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 2449 Dundas Street, as shown on the attached map comprising part of Key Map No. A.109, from a Holding Restricted Service Commercial/Highway Service (h-17*RSC1/RSC2/HS/HS4) Zone to a Holding Restricted Service Commercial/Highway Service (h-17*h-18*RSC1/RSC3(_)/RSC4/HS/HS4) Zone.
- 2) Section Number 28.4 of the Restricted Service Commercial (RSC3) Zone is amended by adding the following Special Provision:

)	RSC3 ()	2449 Dundas Street	
	a)	Regulation[s]	
		i) West Interior Side Yard for Existing Buildings (Minimum)	2 metres (6.56 feet)
		ii) Parking (Minimum)	60 spaces

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

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

PASSED in Open Council on July 26, 2016.

Agenda Item # Page #

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Matt Brown
Mayor

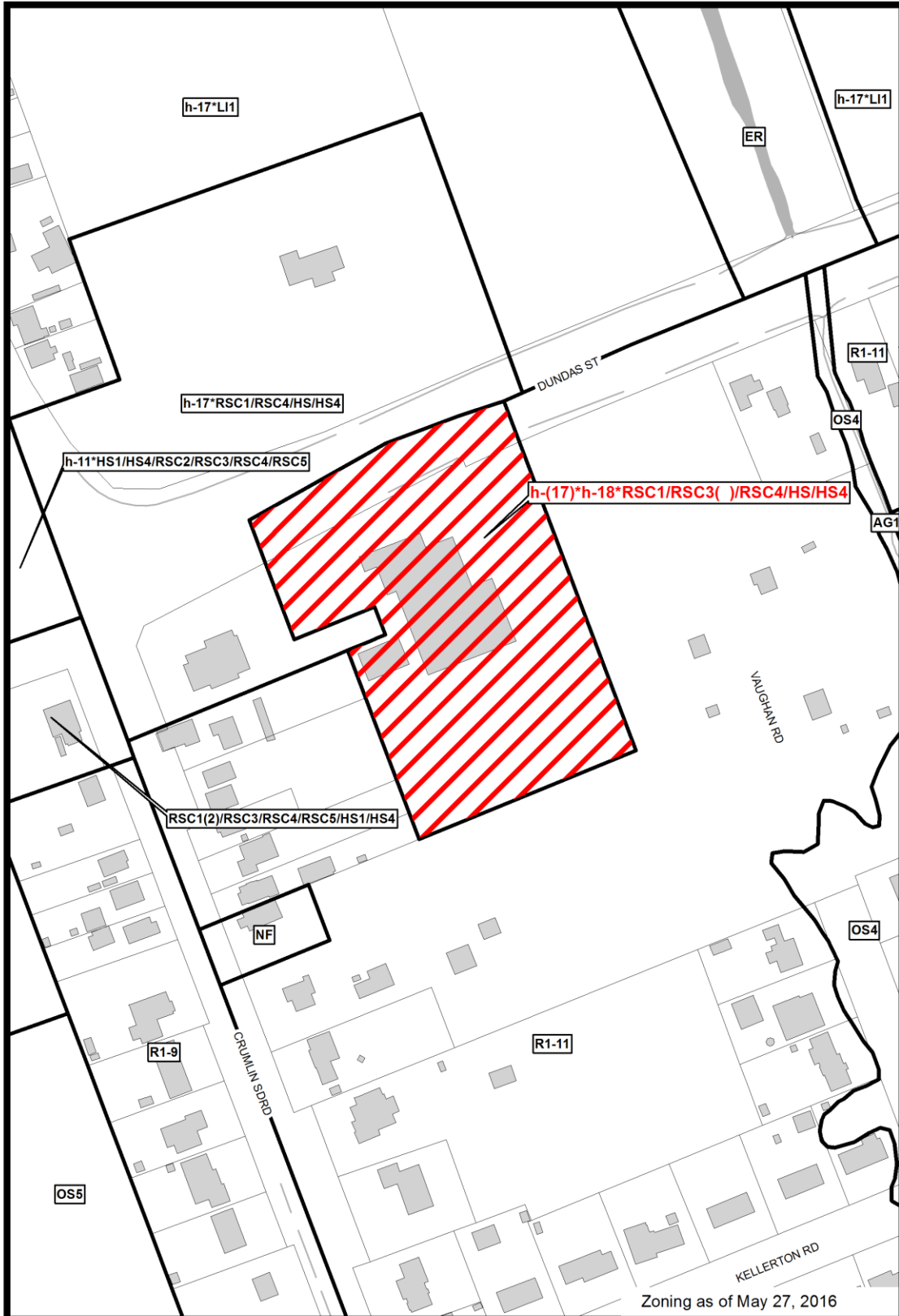
Catharine Saunders
City Clerk

First Reading – July 26, 2016
Second Reading – July 26, 2016
Third Reading – July 26, 2016

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File: Z-8609
Planner: Mike Corby

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



Zoning as of May 27, 2016

File Number: Z-8609
Planner: MC
Date Prepared: 2016/05/30
Technician: MB
By-Law No: Z.-1-

SUBJECT SITE 

1:2,000

