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File: Z-8613
Planner: Mike Corby

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: CALVIN NEELY 354 BOLER ROAD PUBLIC PARTICIPATION MEETING ON AUGUST 22, 2016

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, with respect to the application of Calvin Neely relating to the property located at 354 Boler Road, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on August 30, 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 Residential R1 (R1-9) Zone, **TO** a Residential R1/Office Conversion Special Provision (R1-9/OC3(_)) Zone.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

"None"

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of this zoning change is to permit the continuation of the existing medical office conversion as a legal use.

RATIONALE

1. The recommended Zoning By-law amendment is consistent with the Provincial Policy Statement 2014.
2. The recommended amendment is consistent with Official Plan Policies for Office Conversions.
3. The recommended zone allows the continued use of the subject site for medical offices which serves the surrounding community.
4. The existing built form and on-site parking is capable of supporting the requested office conversion without resulting in any negative impacts on to abutting uses.

BACKGROUND

Date Application Accepted: May 2, 2016	Agent: Michelle Doornbosch (Zelinka Priamo)
REQUESTED ACTION: Change Zoning By-law Z.-1 from a Residential R1 (R1-9) to a Residential R1/Office Conversion Special Provisions (R1-9/OC3(_)) to permit a medical/dental office within the existing building with potential special provisions required.	

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SITE CHARACTERISTICS:
<ul style="list-style-type: none">• Current Land Use – Medical Offices/Residential• Frontage -18.2m (60ft)• Depth -38.8m (127ft)• Area -709m² (7632ft²)• Shape - Rectangular



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

OFFICIAL PLAN DESIGNATION: (refer to Official Plan Map)
<ul style="list-style-type: none">• Low Density Residential
EXISTING ZONING: (refer to Zoning Map)
<ul style="list-style-type: none">• R1-9

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LOCATION MAP		Legend
Subject Site: 354 Boler Rd Applicant: Calvin Neely File Number : Z-8613	Planner : MC Created By : MB Date : 2016/7/21 Scale : 1:2000	 Subject Site
<small>Prepared by : Graphics & Information Services , Planning Division Corporation of the City of London File-planning/projects/p_locationmaps/NGDs</small>		

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PLANNING HISTORY

Medical Dental offices have existed within the subject site for an unspecified but lengthy period of time. However this use was never legally established as the property was always zoned for residential uses.

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

Transportation – June 24, 2016

- A road widening dedication of 18.0m from centre line is required on Boler Road
- A 6.0mx6.0m daylight triangle is required at the corner of Boler Road and Glenrose Drive

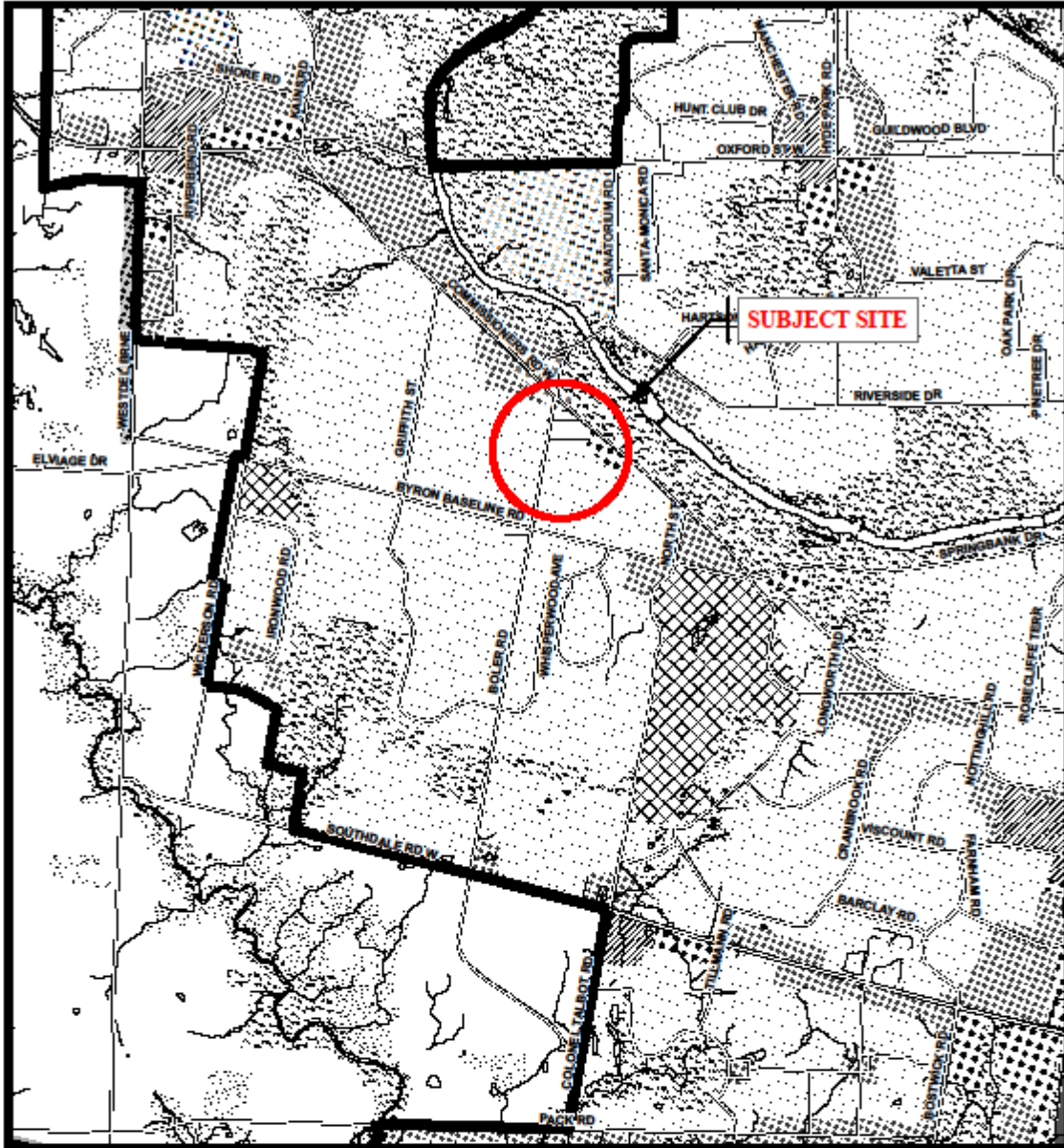
Wastewater

-The sewer available for the subject lands is the 450mm municipal sanitary sewer on Boler Road. WADE does not oppose the proposed change in zoning

PUBLIC LIAISON:	On May 11, 2016, Notice of Application was sent to 79 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 12, 2016. A “Possible Land Use Change” sign was also posted on the site.	No replies were received
<p>Nature of Liaison: The purpose and effect of this zoning change is to permit the existing medical office conversion as a legal use.</p> <p>Change Zoning By-law Z.-1 from a Residential R1 (R1-9) to a Residential R1/Office Conversion Special Provisions (R1-9/OC3(_)) to permit a medical/dental office within the existing building with potential special provisions required.</p>		
<p>Responses: None</p>		

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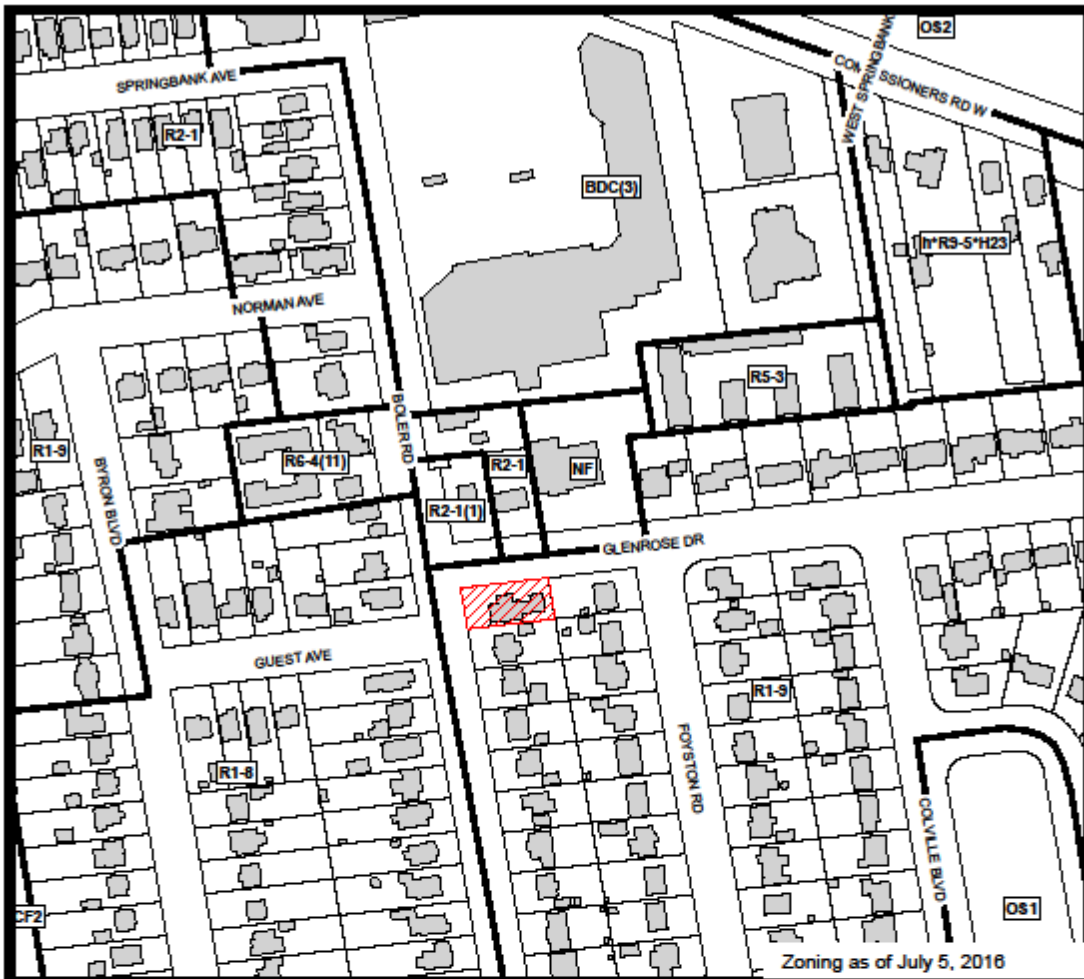
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<p>Legend</p> <ul style="list-style-type: none"> Downtown Wonderland Road Community Enterprise Corridor Enclosed Regional Commercial Node New Format Regional Commercial Node Community Commercial Node Neighbourhood Commercial Node Main Street Commercial Corridor Auto-Oriented Commercial Corridor Multi-Family, High Density Residential Multi-Family, Medium Density Residential Low Density Residential Office Area 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 		
<p>CITY OF LONDON Department of Planning and Development OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p><small>PREPARED BY: Graphics and Information Services</small></p>	<p>Scale 1:30,000</p> <p>0 100 200 300 400 500 600 700 800 900 1,000 Meters</p>	<p>FILE NUMBER: Z-8613 PLANNER: MC TECHNICIAN: MB DATE: 2016/07/21</p>

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COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: R1-9

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

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| <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 |
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CITY OF LONDON
PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES

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



FILE NO:
Z-8613 MC

MAP PREPARED:
2016/07/21 MB

1:2,500
0 12.525 50 75 100 Meters

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

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File: Z-8613
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ANALYSIS

Subject Site

The subject site is located at 354 Boler Road which is on the southeast corner of Boler Road and Glenrose Drive. The property has an existing single detached dwelling on it which has been converted for medical offices for an extended period of time. The property is 80m south of a commercial node which is located at the intersection of Boler Road and Commissioners Road. The site has functioned in this time period as a medical office with a residential unit, providing 5 parking spaces to accommodate the uses. The site can be accessed both off of Boler Road or Glenrose Drive with the offices generally being accessed from Boler Road and the residential unit on Glenrose Drive.



Nature of Application

The proposed Zoning By-law amendment is seeking to recognize the existing medical office use on the subject site. The applicant has applied to rezone the property for an Office Conversion to recognize the use within the building including the existing residential unit. The applicant is also seeking a special provision to recognize that the site has 5 parking spaces where 7 are required.

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 is allowing for the conversion of an existing structure within a settlement area continuing the mix of uses on the site which serves the surrounding community and helps sustain the long term viability of the site for an appropriate use. The proposed Office Conversion 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.

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**File: Z-8613
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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 formally recognize a use that has been contributing to an appropriate mix and range of employment uses within the community.

The amendment also achieves the goals of Section 1.7 *Long-Term Economic Prosperity* in the PPS which supports opportunities for economic development and community investment-readiness. The amendment allows the site to continue to contribute to the long term prosperity of the site and community.

Use

The primary permitted uses in areas designated Low Density Residential are generally low rise residential uses with the opportunity for intensification to slightly higher densities and heights in accordance with the policies of the plan. Secondary permitted uses include uses that are considered to be integral to, or compatible with, residential neighbourhoods. The proposed office conversion is one of those uses which is considered an appropriate secondary use as long as the proposal is in accordance with the provisions of Section 3.6. (3.2.1 Permitted Uses)

Section 3.6.9. [Office Conversions] defines an office conversion and the relevant criteria to convert a dwelling into an office. The existing single detached dwelling has already undergone the conversion process years ago but has never been formally recognized through the zoning. A review of the definition identified below concludes that the existing use would meet the definition of an office conversion.

Definition of Office Conversions

“For the purposes of the Plan, office conversion shall be defined as the total or partial conversion of a residential building for office use. Office conversions may involve minor additions to the existing building where these facilitate the use of the building for offices. Retention of the general form and character of buildings converted for office use will be required.”

The Official Plan identifies several areas in the City that are appropriate locations for office conversions. Although the subject site is not located within one of those areas consideration may also be given office conversions outside of the previously identified areas subject to specific criteria being met [3.6.9 iii)]. The policies allow Council to permit an office conversion on a site-specific basis where the proposed use is compatible with adjacent uses.

The subject site meets the appropriate criteria of the Official Plan as follows:

- the existing medical office has a proven history of compatibility with adjacent uses.
- no new impacts would be created through this rezoning as the site would continue to function in the same manner it has over the past 30 plus years.
- it is located on an arterial road which sustains high levels of traffic and has had no impacts on the traffic on Boler Road.
- it is located in proximity (80m) to an established commercial node.
- the surrounding single detached dwellings are well maintained and in good condition ensuring the long term viability for residential uses in the area will be maintained and that this office conversion will not become precedent setting.
- this can be confirmed by the fact that the use has been established for such a long period of time and no new office conversions have been approved in the area.
- the site exists on full municipal services and will continue to accommodate the existing office and residential uses.

It should be noted that permitted office conversions are not a precedent for future purpose built offices to be located on the site. The Official Plan states that the use *“shall be retained only as*

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File: Z-8613
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long as the life of the building, and shall not be used as the basis for a redesignation or rezoning of the property for office use.” [3.6.9 vi)]

The proposed office conversion has also been reviewed through the Planning Impact Analysis according to the provisions of Section 3.7 and has been evaluated on the basis of criteria relevant to the proposed change. Through reviewing the application the proposed office conversion meets the relevant criteria of section 3.7 based on the analysis provided in this report.

Intensity

The low density residential designation provides the lowest densities and intensity of residential developments and other secondary uses. In order to maintain the lower levels of intensity while providing the opportunity for office conversion, the Official Plan identifies that existing residential buildings are only permitted to undergo minor alterations or additions as large expansions would increase parking requirements, lot coverage and potential setback encroachments which would increase the intensity to incompatible levels. With regard to the subject site, the proposed office conversion will be required to maintain a dwelling unit in the structure. This helps limit the intensity as the whole of the building is not able to convert to office space. The proposed application is also not requesting an increase to the intensity on the site beyond what is currently existing which has achieved a measure of compatibility with the surrounding community.

Form

Low Density Residential areas have low-rise and low coverage forms of development and uses creating minimal impacts on surrounding properties [3.2.2. Scale of Development]. The proposed office conversion is generally permitted within the existing residential form of development which in this case is a one-storey, single detached dwelling in keeping with the surrounding land uses. The only additional impacts of the office conversion is the additional parking spaces already provided on the site. This is accommodated by providing a wider driveway along the Boler Road frontage but creates minimal impacts on the surrounding properties due to the site’s location at an intersection where a large exterior side yard exists creating larger setbacks from neighbouring properties while still retaining landscaped open space.



In order to ensure further compatibility for proposed office conversions the Official Plan requires that any office conversion shall go through site plan approval and be evaluated on the basis of

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**File: Z-8613
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the following criteria [3.6.9 iv) Site Plan Approval Required]

- (a) *whether provisions have been made for landscaping, privacy screening or any other appropriate measures necessary to protect the amenity of adjacent residential properties;*
 - The site is well landscaped with mature trees and vegetation and provides fencing in the rear yard and interior side yard. Site Plan will determine if the existing chain link fence on the interior side yard will require upgrading to a board on board fence. No concerns have been raised by the abutting property owner.

- (b) *whether the residential appearance of the existing building is maintained and the external evidence of the office use is minimized. Minor additions that are compatible with the external design and appearance of the existing building may be permitted, where necessary, to facilitate the use of the building for office purposes;*
 - no changes are proposed to be made to the building which has maintained its residential form and character since its conversion. Besides a sign on the property there is no external evidence that the building is used for office purposes.
 - The widening of the driveway to accommodate a front yard parking area is the only minor change to the property. However it does not significantly affect the appearance of the property in an adverse way facilitating the use of the property for office purposes.

- (c) *the use of common driveways and parking areas to serve adjacent office conversions shall be encouraged. Where access is proposed to be provided through a side yard to a local street an assessment will be made on the possible negative impacts on adjacent residential uses, and whether access would be more appropriately directed to the main street;*
 - There are no abutting office conversions to share a common driveway or parking area.
 - The office parking is already directed to access the property from the main street Boler Road.

- (d) *whether provision is made for the on-site maneuverability of vehicles so that egress from the site does not require vehicle reversals onto the street;*
 - the site plan process will determine if the existing parking lot provides enough maneuverability so reversals onto the main street is not required.

- (e) *conformity with all other applicable provisions of the City's Site Plan Control By-law.*
 - Will be confirmed during site plan approvals process

Zoning

The applicant has applied for the Office Conversion (OC3) zone which implements the medical office use to permit the existing office conversation on the site. The OC3 also ensures that a residential component is maintained in the structure as it specifically requires that at least one dwelling unit be maintained in the existing building in conjunction with a medical/dental office. This helps ensure the residential amenity and character is maintained on the site and limits the size of the office conversion helping it remain compatible with the surrounding area.

As part of the rezoning process the applicant has identified that within the proposed OC3 zone that they will be deficient by 2 parking spaces. Though the subject site could be altered to provide these spaces it would detract from residential character maintained by the current site layout. Also the need for the additional 2 spaces is not required as no complaints have been received regarding overflow parking for the medical office uses within the surrounding community. A special provision is also required to permit the parking area within the front yard along Boler Road. Although the zoning regulations prohibit parking in the front yard this condition is not uncommon along this portion of Boler Road where the abutting single detached dwellings also have driveways in the front yard. The alternative would be to require that parking

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File: Z-8613
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be provided in the rear yard where there is existing vegetation and located in closer proximity to surrounding dwellings. Therefore, a special provision to recognize the existing front yard parking area is preferred.

London Plan Analysis

The London Plan was approved by Council on June 23, 2016 and will provide the future framework for planning and development in the City of London upon approval by the Province of Ontario.

The London Plan identifies 354 Boler Road as a 'Neighbourhood' place type with frontage onto a Civic Boulevard (Boler Road) and a neighbourhood street (Glenrose Drive). The permitted uses for this site would range from stacked townhouses to low-rise apartments as well as emergency care establishments, lodging houses, and supervised residences. The London Plan identifies that office conversions which retain at least one residential unit would be permitted where mixed-use buildings are allowed according to Table 13. In this instance the subject site would not permit a mixed-use building as it is located at the intersection of a Civic Boulevard and Neighbourhood Street. A minimum street classification to permit mixed-use buildings would be the intersection of a Civic Boulevard and Neighbourhood Connector.

CONCLUSION

The recommendation is consistent with the policies of the Provincial Policy Statement (2014) and the Official Plan Policies for Office Conversions. The recommended zone allows the continued use of the site for medical offices helping serve the surrounding community and the existing built form and on-site parking is capable of supporting the requested office conversion without resulting in any negative impacts on to 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	

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File: Z-8613
Planner: Mike Corby

Bibliography of Information and Materials
Z-8613.

Request for Approval:

City of London Zoning By-law Amendment Application Form, completed by Zelinka Priamo on behalf of Calvin Neely, April 15, 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.

Zelinka Priamo Ltd. *Planning Justification report*, April 15, 2016.

Correspondence: (all located in City of London File No. Z-8613)

City of London -

Moore R., City of London Wastewater and Drainage Division. AMANDA input June 8, 2016.

Giesen A., City of London Transportation. E-mail to M. Corby. May 24, 2016.

Lambert B., City of London Development Services. Memo to M. Corby. June 7, 2016.

Departments and Agencies -

Creighton C., UTRCA. Letter to M. Corby. June 6, 2016.

Bezzina J., London Hydro. Memo to M. Corby. May 19, 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 354 Boler Road.

WHEREAS Calvin Neely has applied to rezone an area of land located at 354 Boler Road, 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 354 Boler Road, as shown on the attached map comprising part of Key Map No. A.106, from a Residential R1 (R1-9) Zone to a Residential R1/Office Conversion Special Provision (R1-9/OC3(_)) Zone.

2) Section Number 17.4 of the Office Conversion (OC3) Zone is amended by adding the following Special Provision:

-) OC3() 354 Boler Road
 - a) Regulation[s]
 - i) Parking 5 spaces (minimum)
 - ii) Parking Area permitted in the front yard

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 August 30, 2016.

Matt Brown
Mayor

Catharine Saunders
City Clerk

Agenda Item # Page #

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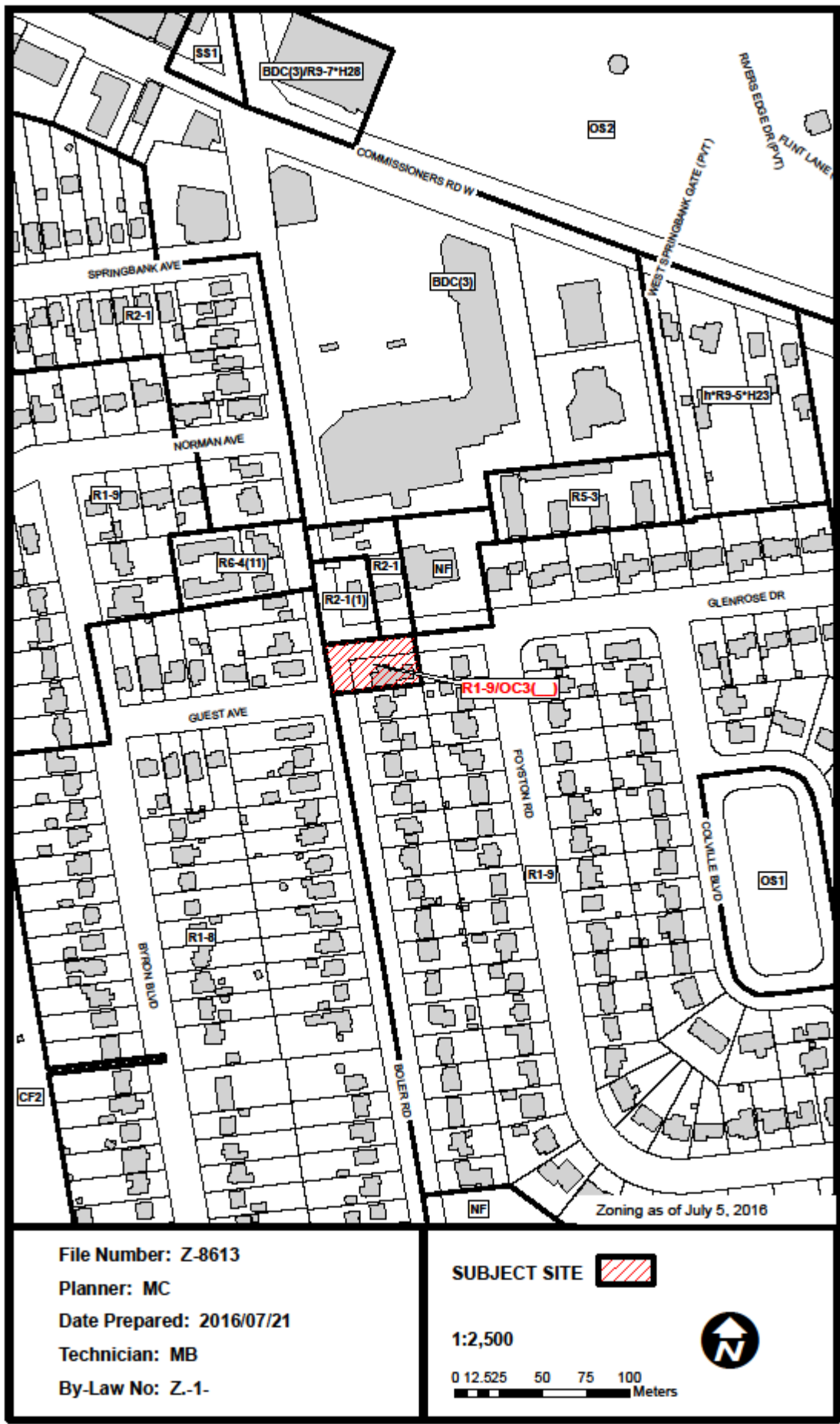
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First Reading – August 30, 2016
Second Reading – August 30, 2016
Third Reading – August 30, 2016


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File: Z-8613
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AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



File Number: Z-8613
 Planner: MC
 Date Prepared: 2016/07/21
 Technician: MB
 By-Law No: Z.-1-

SUBJECT SITE 

1:2,500
 0 12.525 50 75 100
 Meters

