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File: Z-8072
Planner: Alanna Riley

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: 1079591 ONTARIO LIMITED FRANK AND ROSE MARGHELLA 699 VILLAGE GREEN AVENUE PUBLIC PARTICIPATION MEETING ON OCTOBER 15, 2012

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, with respect to the application of 1079591 Ontario Limited relating to the property located at 699 Village Green Aveue, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on October 30, 2012 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** a Convenience Commercial (CC) Zone which permits 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 Convenience Commercial Special Provision (CC()) Zone to add florist shops, restaurants, day cares, professional and service offices as additional permitted uses all within the existing building without a drive-through, and to maintain existing parking.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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None

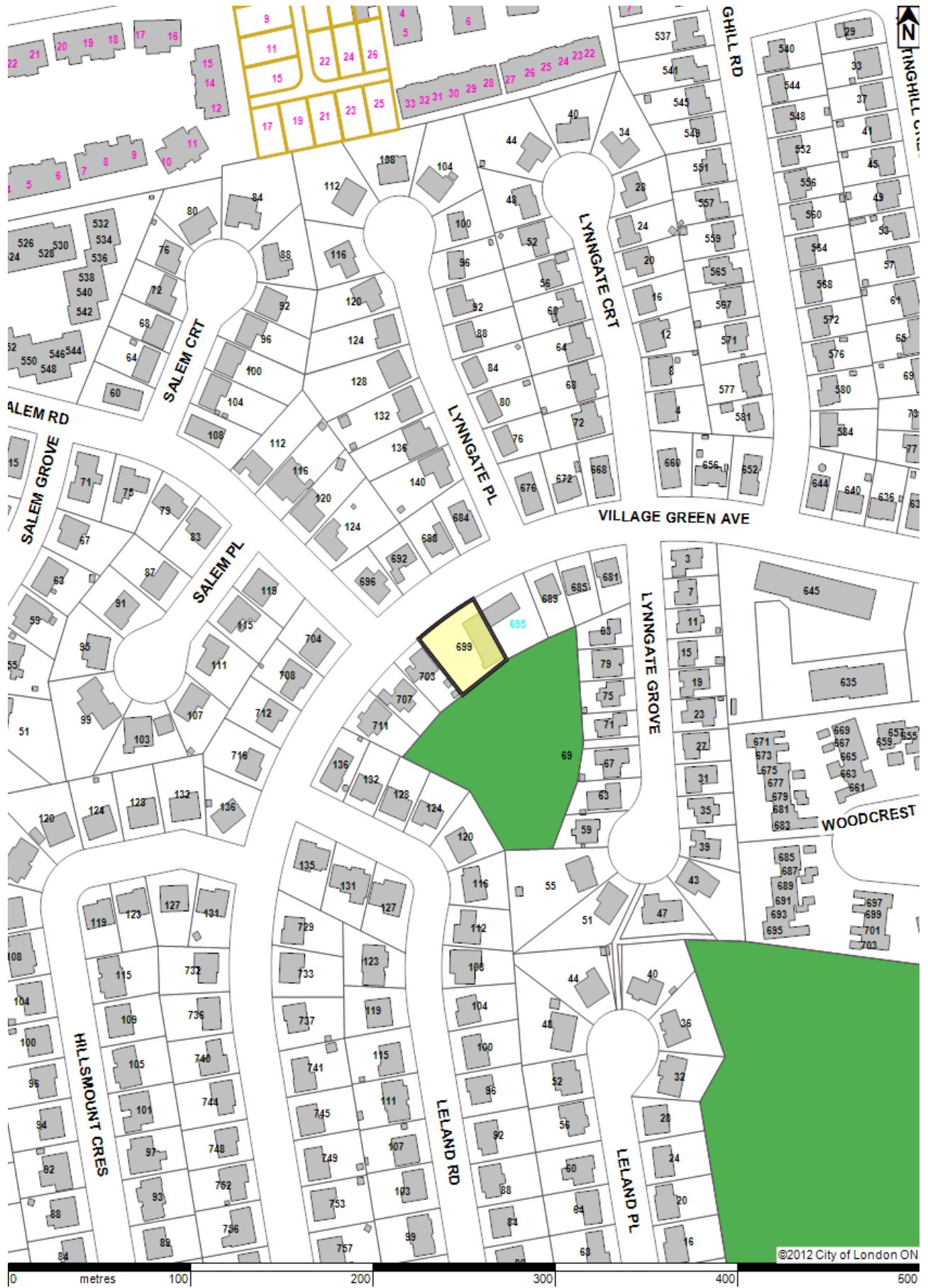
PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose of the proposed amendment is to permit additional convenience commercial uses including florist shops, restaurants, day cares, professional offices and service offices within the existing building. The applicant's intent is to establish a florist shop within the current vacant unit, however, other additional uses listed above were requested for future possible vacancies.

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 serve the needs of the surrounding residential development and the travelling public; is located on a secondary collector road; and the gross floor area of the existing vacant unit in the commercial plaza can accommodate additional convenience service uses.
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. The existing building is conducive to conversion for the recommended uses.

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BACKGROUND	
Date Application Accepted: July 11, 2012	Agent: 1079591 Ontario Limited
REQUESTED ACTION: Rezone to permit florist shops, restaurants, day cares, professional and service offices as additional permitted uses.	
SITE CHARACTERISTICS:	
<ul style="list-style-type: none"> • Current Land Use – Convenience Store, Vacancy • Frontage – 36.7m • Depth – 37.8 • Area – 0.12 ha • Shape - Rectangular 	
SURROUNDING LAND USES:	
<ul style="list-style-type: none"> • North - Residential • South - Residential • East - Community Facility • West - 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"> • Convenience Commercial (CC) 	

PLANNING HISTORY

On July 11 2012, an application was received for a Zoning By-law amendment on the subject site to add a special provision to permit additional uses to occupy a vacant area within an existing building with a florist shop.

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

London Hydro

No objection.

Upper Thames River Conservation Authority (UTRCA)

No objection.

Environmental and Engineering Services Department (EESD)

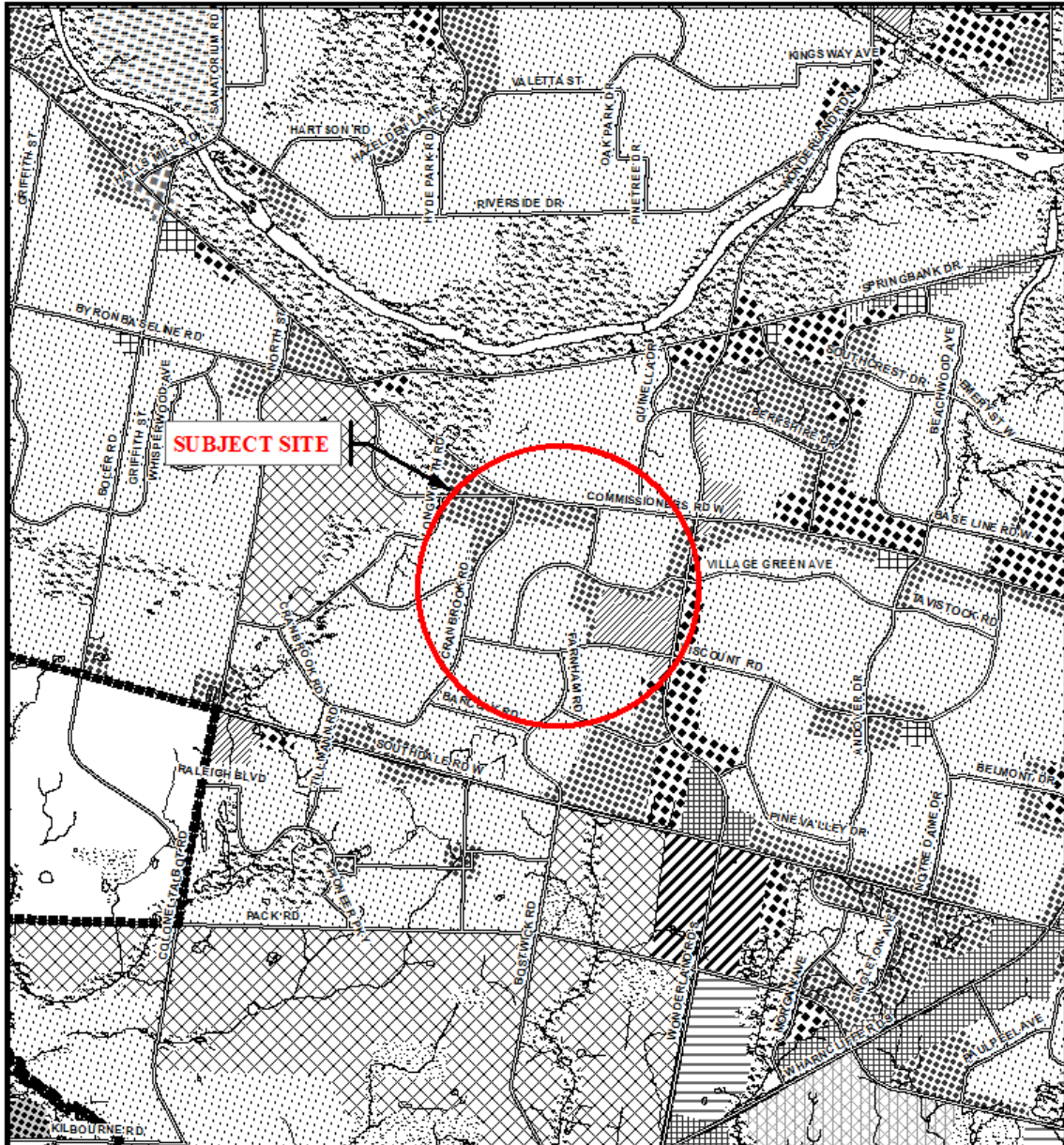
No objection.

Urban Forestry

No objection.

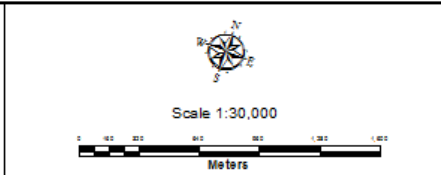
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Legend	
Downtown	Office Business Park
Enclosed Regional Commercial Node	General Industrial
New Format Regional Commercial Node	Light Industrial
Community Commercial Node	Regional Facility
Neighbourhood Commercial Node	Community Facility
Main Street 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

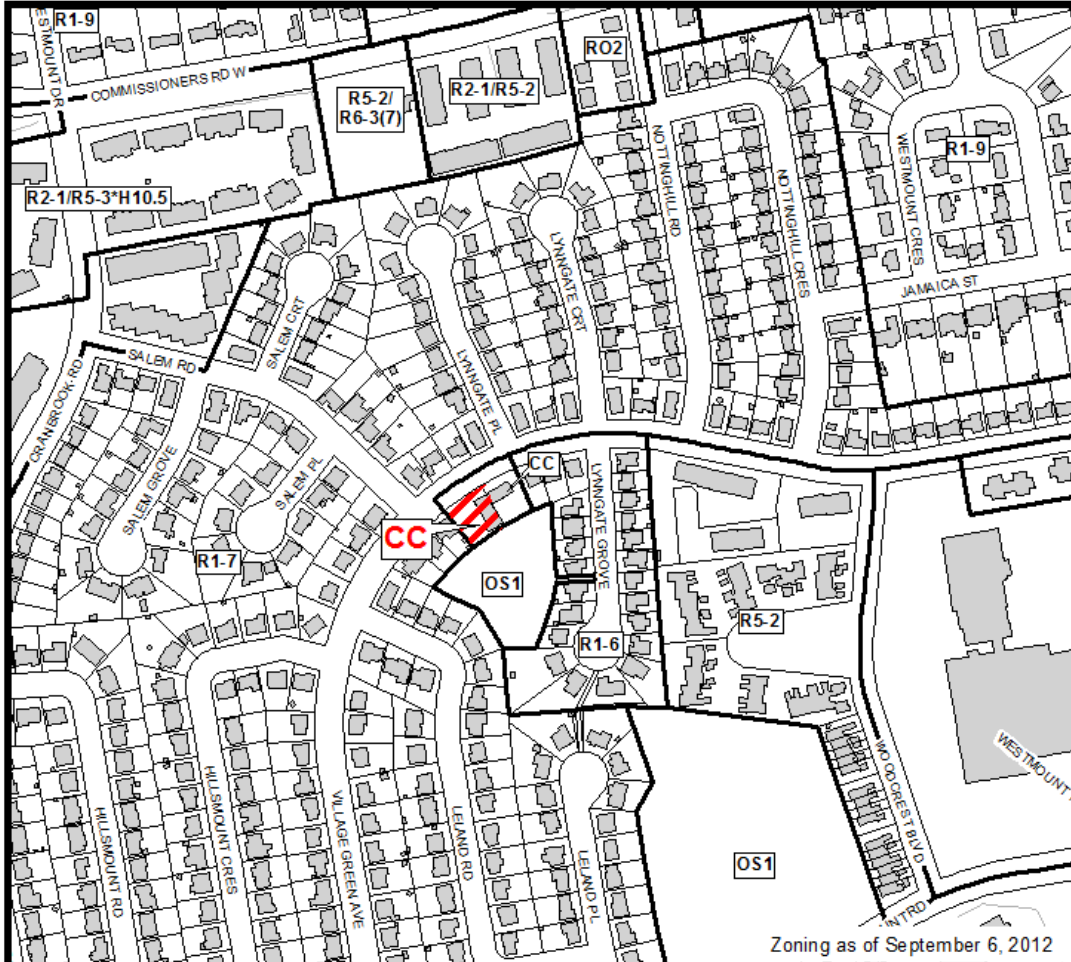
CITY OF LONDON
Department of
Planning and Development
OFFICIAL PLAN SCHEDULE A
- LAND USE -
PREPARED BY: Graphics and Information Services



FILE NUMBER: Z-8072
PLANNER: AR
TECHNICIAN: CK
DATE: 2012/10/1

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Zoning as of September 6, 2012



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: 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

- "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

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



FILE NO:
Z-8072 AR

MAP PREPARED:
2012/10/01 CK

1:4,500
0 20 40 80 120 160
Meters

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

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PUBLIC LIAISON:	On July 19, 2012, Notice of Application was sent to property owners in the surrounding area. Notice of Application was also published in the "Living in the City" section of the London Free Press on July 28, 2012.	2 replies were received
<p>Nature of Liaison: The purpose of the proposed amendment is to permit additional convenience commercial uses including florist shops, restaurants, day cares, professional offices and service offices within the existing building.</p> <p>Change the Zoning By-law Z.-1 from a Convenience Commercial (CC) Zone which permits services that provide the day-to-day convenience needs of the immediate neighbourhood to a Convenience Commercial Special Provision(CC()) Zone to expand the range of uses.</p>		
Responses: Inquiries		

ANALYSIS

Subject site

The subject site is located on the south side of Village Green Ave . The subject site has a lot frontage of 36 m and is approximately 0.12 ha in size. A one storey convenience commercial plaza with approximately 375 m² 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 Convenience Commercial (CC) Zone which permits convenience stores, restaurants, financial institutions without a drive through and medical/dental offices to a Convenience Commercial Special Provision (CC (___)) Zone which allows for the above uses and permits a modest expansion to the ranges of uses within the existing building. The applicant's intent is to fill the vacancy with a florist shop.

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 florist shop, restaurant, day care and/or office as additional permitted uses 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 to accommodate a use on a suitable site in an area where Convenience Commercial sites may not be available. The subject site contains a small commercial building thereby providing an opportunity for an operator of a florist shop, restaurant, day care and/or office 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 convenience commercial uses that serve both a local and broader market area. Permitting the requested additional permitted uses provides opportunity for these lands facilitate interaction with the existing commercial uses in the plaza to encourage multiple purpose shopping trips and create opportunities to support transit in the area in conformity with the policies of the PPS.

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Official Plan

Use

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

The preferred location for convenience commercial uses and service stations is within the various Commercial land use designations. However, it is recognized that on some sites in Residential designations where specific locational and land use compatibility criteria are met, this type of development may be appropriate as a secondary use. The policies of the Plan recognize existing convenience commercial uses and service stations that are appropriately located in Residential designations. New convenience commercial uses and service stations within the Residential designations will require an Official Plan amendment and zone change.

The Official Plan permits a range of uses that serve the needs of the abutting neighbourhood. These uses are small in scale and can be accommodated on site with less than 1000 m² of gross floor area. The proposed application is to allow for uses that would be complementing the building. The site can accommodate the proposed florist shop use, within the existing approximately 375m² gfa, in conformity with 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.

The property is located on the south side of Village Green Ave, a secondary collector in the City of London and is compatible with the surrounding residential neighbourhood. 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.

Form

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 approximately 375 m². The proposed zoning by-law amendment does not propose additional gross floor area. Instead it would allow for conversion of approximately 200m² of existing gross floor area to be used as a florist shop.

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.*
- *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.*

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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 small scale convenience store. The size, scale and form of the existing convenience commercial plaza meet the intent of the Official Plan.

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 to a convenience store and can be accommodated within the existing building. The subject site meets the regulations of the Zoning By-law for the requested uses, with the exception of parking. A special provision is recommended 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 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 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.

Zoning

Section 29.1 - General Purpose of the CC Zone - describes the rationale behind the CC zone variations. This section states that the CC Zone provides for and regulates a limited range of commercial uses which services the day-to-day convenience needs of the immediate neighbourhood. Uses permitted in the CC Zone are differentiated through the use of zone variations on the basis of their function, intensity and potential impacts.

The lands are currently zoned Convenience Commercial (CC). The permitted uses are:

- 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

The proposed amendment is to allow a florist shop, restaurant, office and daycares as a permitted uses. 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 permitted by the zone.

Staff are supportive of a Zoning By-law amendment to permit the requested uses. These uses are compatible with the surrounding area and shall not detract from neighbouring residential uses.

CONCLUSION

The recommended amendment will allow for additional small scale convenience commercial uses to be located on this site. The scale and form of the proposed uses are appropriate at this location and will serve the needs of the abutting residential uses and the travelling public. The

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proposed zoning amendment will allow for the florist shop as requested by the applicant.

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 SECTION
RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER	

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Amendment Report.docx

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

<u>Telephone</u>	<u>Written</u>
Neil Blackburn	
Ron Spencer	

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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 699 Village Green Ave.

WHEREAS 1079591 Ontario Limited has applied to rezone an area of land located at 699 Village Green Ave., 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 699 Village Green Ave., as shown on the attached map comprising part of Key Map 36, from a Convenience Commercial (CC) Zone to a Convenience Commercial Special Provision (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 ___) CC ()

a) Additional Permitted Uses:

- i) Florist Shops within the existing building without a drive-through
- ii) Restaurants within the existing building without a drive-through
- iii) Offices within the existing building without a drive-through
- iv) Day Care Centres without drive-through within the existing building without a drive-through

b) Regulations:

- i) Existing Number of Parking 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. 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 October 30, 2012

Joe Fontana
Mayor

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Planner: Alanna Riley

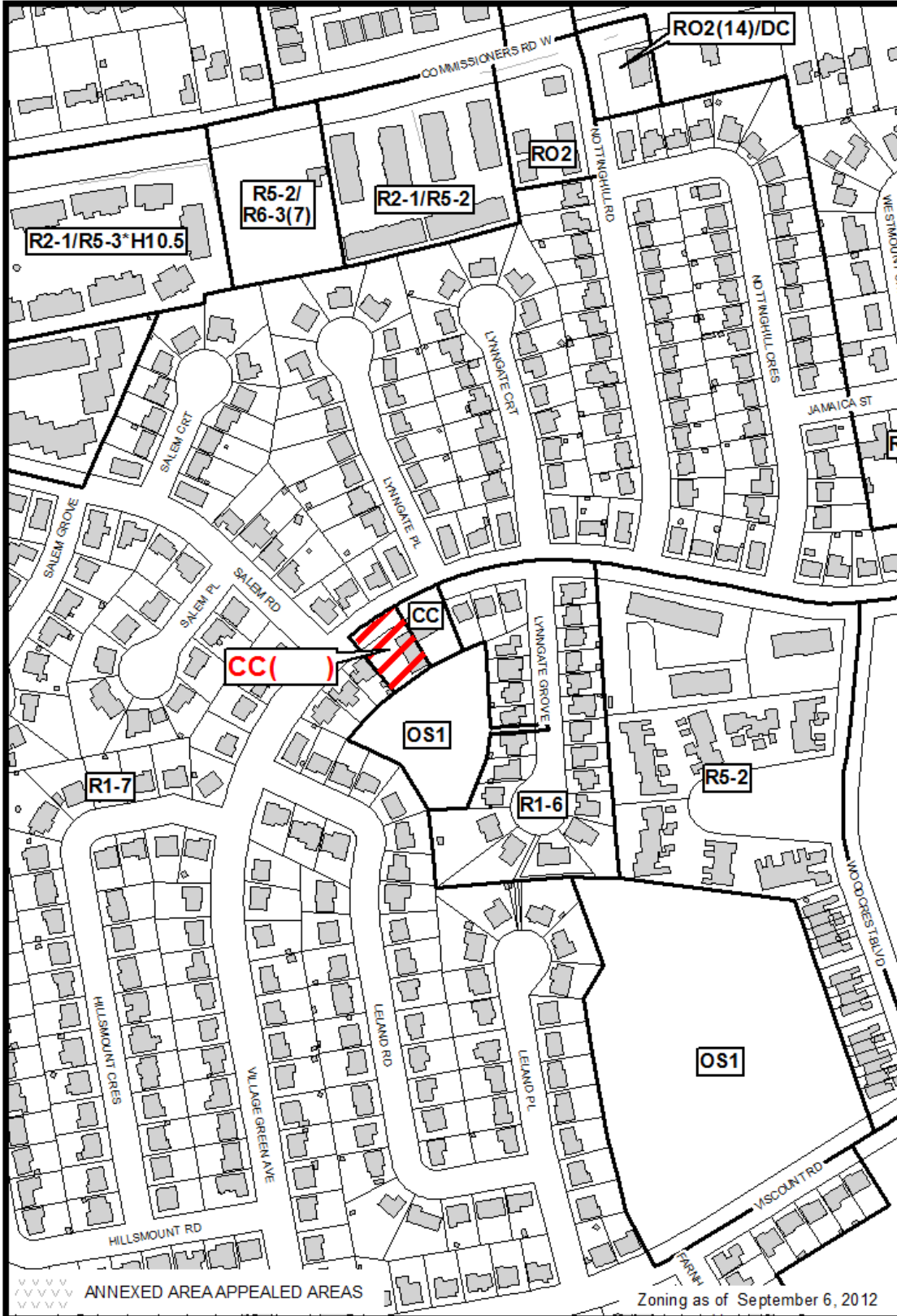
Catharine Saunders
City Clerk

First Reading - October 30, 2012
Second Reading - October 30, 2012
Third Reading - October 30, 2012

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File: Z-8072
Planner: Alanna Riley

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



File Number: Z-8072
 Planner: AR
 Date Prepared: 2012/10/01
 Technician: CK
 By-Law No: Z.-1-

SUBJECT SITE

1:3,250

0 15 30 60 90 120 Meters

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File: Z-8072
Planner: Alanna Riley

Bibliography of Information and Material – Z-8072

Request for Approval

City of London Zoning By-law Application Form, completed by Frank Marghella (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-8072 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-8072 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.