

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: G. Kotsifas P. Eng.,
Managing Director, Development & Compliance Services and
Chief Building Official

Subject: Werger Realty Limited
555 Wellington Road

Public Participation Meeting on: March 18, 2019

Recommendation

That, on the recommendation of the Director, Development Services, with respect to the application of Werger Realty Limited relating to the property located at 555 Wellington Road, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting March 26, 2019 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** an Associated Shopping Area (ASA1) Zone, **TO** an Associated Shopping Area Special Provision (ASA1/ASA3(_)) Zone;

Executive Summary

Summary of Request

The requested amendment would permit an increased range of office type uses on the subject site but restrict them to the existing building.

Purpose and the Effect of Recommended Action

The purpose and effect of this zoning change is to permit clinics, day care centres, laboratories, medical/dental offices, professional offices and service offices restricted to the existing building.

Rationale of Recommended Action

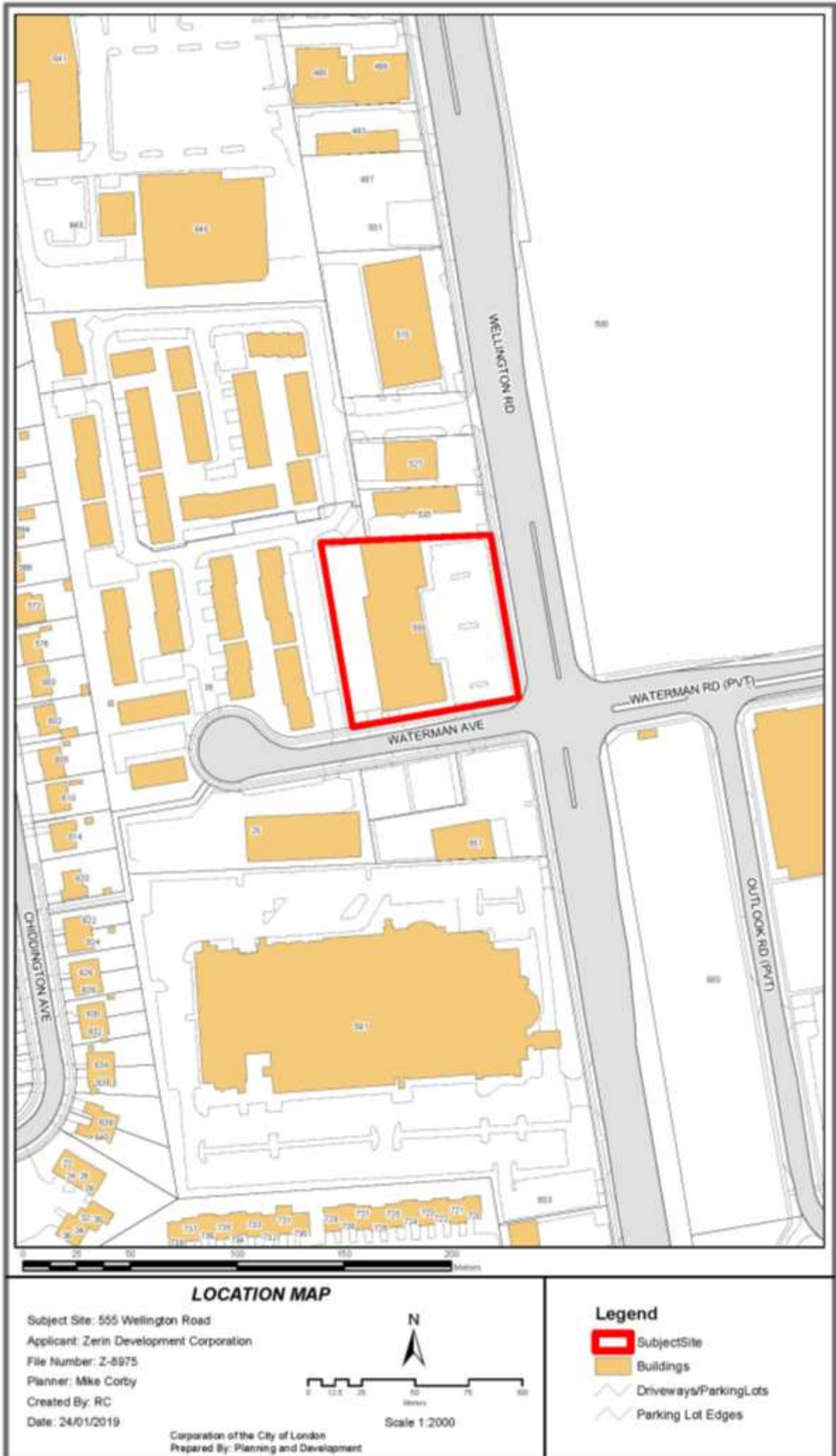
1. The recommended amendment is consistent with the PPS 2014.
2. The recommended amendment conforms to the City of London Official Plan policies and the permitted uses policies of the Rapid Transit Corridor Place Type in The London Plan.
3. The recommended amendment provides additional uses that are appropriate and compatible with the surrounding area and provides an increased opportunity to effectively utilize the existing building.
4. The existing built form and on-site parking is capable of supporting the requested office type uses without resulting in any negative impacts on the abutting lands.

1.0 Site at a Glance

1.1 Property Description

The subject site is part of a long commercial corridor which runs along the west side of Wellington Road (south of Commissioners Road East) with low density residential uses located behind the commercial properties fronting the corridor. The subject site is located approximately 300 metres south of the Wellington Road and Commissioners Road intersection where a commercial node exists on the northwest and southwest corners of the intersection and Victoria Hospital and Parkwood Institute exist on the northeast and southeast corners.

1.2 Location Map



- 1.3 Current Planning Information (see more detail in Appendix D)**
- Official Plan Designation – Auto Oriented Commercial Corridor
 - The London Plan Place Type – Rapid Transit Corridor
 - Existing Zoning – Associated Shopping Area (ASA1) Zone

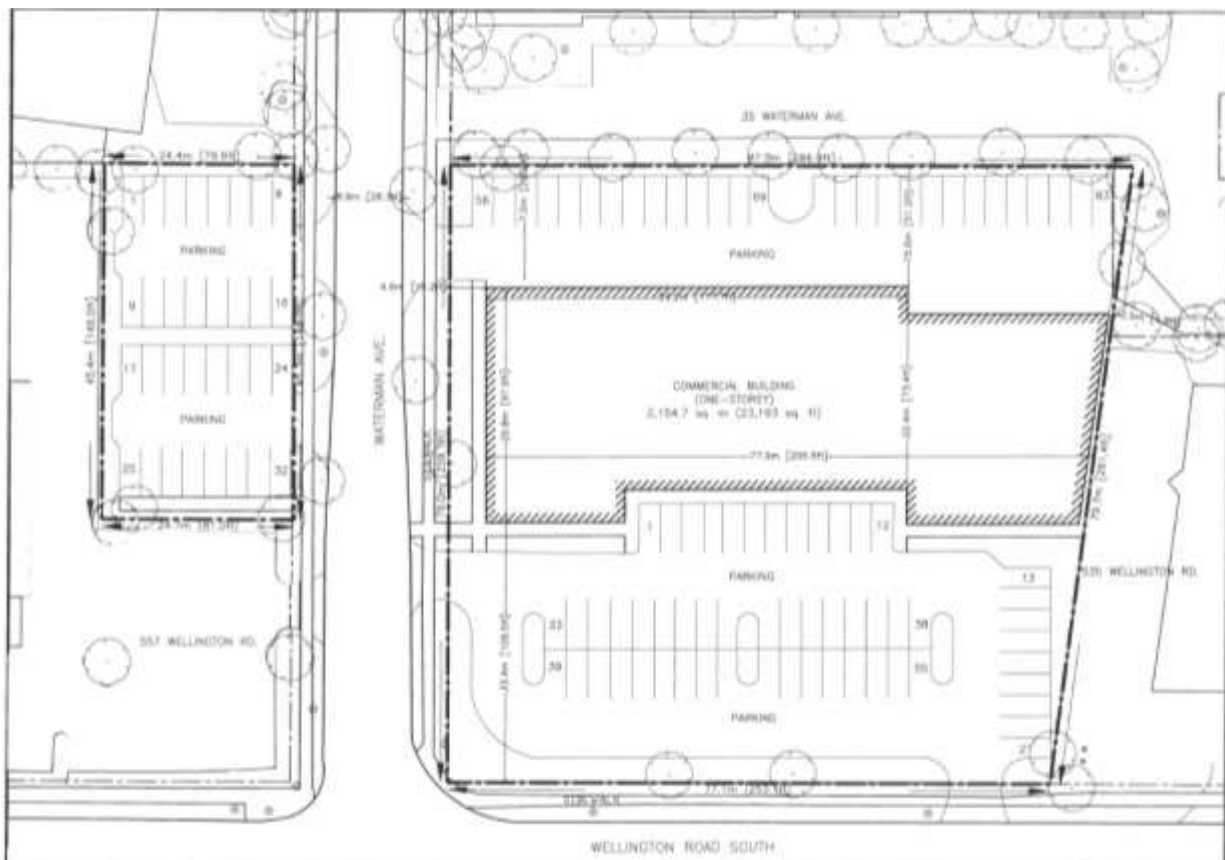
- 1.4 Site Characteristics**
- Current Land Use – Commercial Plaza
 - Frontage – 77.3 metres (253.66 feet)
 - Depth – 79 metres (259 feet)
 - Area – 0.76ha
 - Shape – Rectangular

- 1.5 Surrounding Land Uses**
- North – Commercial
 - East – Regional Facility
 - South – Restaurant/Hotel
 - West – Low Density Residential

2.0 Description of Proposal

2.1 Development Proposal

The recommended amendment would result in no additional development on the site. The proposed office-type uses would be permitted within the existing plaza.



3.0 Relevant Background

3.1 Requested Amendment

The requested amendment would permit an increased range of office type uses on the subject site. The amendment will require a change to the Zoning By-law Z.-1 from an Associated Shopping Area (ASA1) Zone to an Associated Shopping Area Special Provision (ASA1/ASA3(_)) Zone to permit clinics, day care centres, laboratories, Medical/dental offices, professional offices and service offices restricted to the existing building.

3.2 Community Engagement (see more detail in Appendix B)

Through the circulation process some questions arose about the potential for a Methadone Clinic and/or a Supervised Consumption Facility being permitted through the proposed rezoning. It was clarified with the members of the public that the requested amendment would not permit a Methadone Clinic as a separate definition exists for that use. Although clinics can be interpreted to include Supervised Consumption Facilities, the Middlesex-London Health Unit has not identified this site as a preferred location for such a use. Also, City Council has recently adopted a more specific definition for Supervised Consumption Facilities which, once in place, would ensure that the "Clinic" definition can no longer be interpreted to include Supervised Consumption Facilities. The implementation of this definition has been delayed due to an appeal against the Council-adopted Zoning By-law and Official Plan amendment intended to regulate such uses.

3.3 Policy Context (see more detail in Appendix C)

PPS 2014

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 directs cities to make sufficient land available to accommodate this range and mix of land uses to meet projected needs for a time horizon of up to 20 years. The PPS also directs planning authorities to promote economic development and competitiveness by providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses. Compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities is encouraged to help facilitate the goals of the PPS (1.3 Employment, 1.1.2, 1.3.1). The PPS 2014 also promotes cost-effective development patterns and standards to minimize land consumption and servicing costs while directing settlement areas [1.1.3 Settlement Areas] to be the main focus of growth and development and their vitality and regeneration shall be promoted.

The long-term economic prosperity should be supported by promoting opportunities for economic development and community investment-readiness (1.7.1).

The London Plan

The London Plan is the new Official Plan for the City of London (Council adopted, approved by the Ministry with modifications, and the majority of which is in force and effect). *The London Plan* policies under appeal to the *Local Planning Appeals Tribunal* (Appeal PL170100) and not in force and effect are indicated with an asterisk throughout this report and include many of the Shopping Area Place Type policies pertinent to this planning application. *The London Plan* policies under appeal are included in this report for informative purposes indicating the intent of City Council, but are not determinative for the purposes of this planning application.

The subject site is within Rapid Transit Corridor Place Type which permits a range of residential, retail, service, office, cultural, recreational, and institutional uses. Mixed-use buildings will be encouraged while large floor plate, single use buildings will be discouraged. Where there is a mix of uses within an individual building, retail and service uses will be encouraged to front the street at grade (Permitted Uses *837_)

The Rapid Transit Corridor requires a minimum of 2-storeys or 8m in height and a maximum height of 8-storeys while 12-storeys can be achieved through the use of Type 2 bonusing (*839_).

Development within Corridors will be sensitive to adjacent land uses and employ such methods as transitioning building heights or providing sufficient buffers to ensure compatibility. Commercial buildings should not exceed 6,000m² in size within Corridors and lots will be of sufficient size and configuration to accommodate the proposed development and to help mitigate planning impacts on adjacent uses. Individual buildings will not contain more than 2,000m² of office space (*840_).

The Rapid Transit corridor ensures that all planning and development applications will conform to the City Design policies of this Plan. Buildings should be sited close to the front lot line, and be of sufficient height, to create a strong street wall along Corridors and to create separation distance between new development and properties that are adjacent to the rear lot line. An appropriate transition of building scale and adequate setback distances should be provided between the Corridor and adjacent neighbourhood areas. While access to development along Corridors may be provided from "sidestreets", traffic impacts associated with such development will be directed away from the internal roads. Surface parking areas should be located in the rear and interior side yard. Underground parking and structured parking integrated within the building design is encouraged (*841).

New developments should be designed to implement transit-oriented design principles. Buildings and the public realm will be designed to be pedestrian, cycling and transit-supportive through building orientation, location of entrances, clearly marked pedestrian pathways, widened sidewalks, cycling infrastructure and general site layout that reinforces pedestrian safety and easy navigation. Convenient pedestrian access to transit stations will be a primary design principle within Rapid Transit Corridors. New development adjacent to rapid transit stations and transit stops should make strong, direct connections to these facilities. On-street parking within Corridors is encouraged wherever possible and when conflicts with public transit services and on-street bike paths can be avoided or mitigated (*841_).

1989 Official Plan

The subject site is designated Auto Oriented Commercial Corridor. This designation promotes the grouping of service commercial uses into integrated forms of development that have common access points and parking facilities and encourages infilling and consolidation of permitted uses within the existing limits of commercial corridor developments (4.4.2.1. Planning Objectives). 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 (4.4.2.3. Function).

Areas designated Auto-Oriented Commercial Corridor 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.

Uses considered to be appropriate include 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; self-storage outlets; nursery and garden stores; animal hospitals or boarding kennels; and other types of commercial uses that offer a service to the traveling public.

Secondary uses which serve employees of adjacent employment areas including eat-in restaurants; financial institutions; personal services; convenience commercial uses; a

limited amount and range of retail uses; day care centres; medical and dental offices and clinics; and offices associated with wholesale warehouse or construction and trade outlets, and similar support offices may also be permitted in appropriate locations (4.4.2.4. Permitted Uses).

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. Specific policies will guide the form of development in these areas (4.4.2.6. Form).

4.0 Key Issues and Considerations

Through the circulation process no agency or departmental concerns were expressed. Some general concern was expressed about the potential for a Methadone Clinic or Supervised Consumption Facilities being permitted at this location. It was clarified that the requested amendment would not permit a Methadone Clinic as a separate definition exists for that use. And a Council-approved definition for Supervised Consumption Facilities is currently before the Local Planning Appeals Tribunal which, if approved, will no longer permit Supervised Consumption Facilities to be interpreted as Clinics. The section below identifies key issues and considerations in detail.

4.1 Issue and Consideration # 1 - Use

Provincial Policy Statement, 2014 (PPS)

The PPS requires municipalities to accommodate an appropriate range and mix of uses and promote economic development and competitiveness by providing for an appropriate mix and range of employment and institutional uses to meet long-term needs (1.1.1b, 1.3.1a). It also requires municipalities to provide opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses (1.3.1b)

The recommended amendment is in keeping with the PPS 2014 as it provides additional uses on the subject site that contribute to an appropriate range and mix of employment uses helping meet long-term needs. The amendment increases the site's ability to provide a diversified economic base, and remain suitable for employment uses taking into account the needs of existing and future businesses and provides a range of compatible employment uses helping support a liveable and resilient community while supporting the long-term economic prosperity by promoting community investment-readiness.

London Plan

The London Plan designates the site as a Rapid Transit Corridor Place Type which permits a range of residential, retail, service, office, cultural, recreational, and institutional uses (Permitted Uses *837_). The additional office-type uses are in keeping with the permitted uses of the Rapid Transit Corridor.

1989 Official Plan

The subject site is located within an Auto Oriented Commercial Corridor which is most commonly implemented through an Associated Shopping Area Commercial (ASA) zone. The existing development and ASA1 zone variation provide a range of permitted uses that are in keeping with the Planning Objectives and Function of the 1989 Official Plan. The policies contemplate the grouping of service commercial uses into an integrated form of development that has a common access point and parking facilities (4.4.2.1. Planning Objectives). The policies also contemplate the clustering of similar service commercial uses having similar functional characteristics and requirements helping to avoid the extension of strip commercial development (4.4.2.3. Function)

The recommended ASA3 zone provides a range of office-type uses which are permitted through the AOCC designation as secondary permitted uses (4.4.2.4. Permitted Uses). These uses are intended to facilitate the grouping of service commercial uses into an integrated form with similar functional characteristics in conformity to the policies of the 1989 Official Plan.

4.2 Issue and Consideration # 2 – Intensity

Provincial Policy Statement, 2014 (PPS)

The PPS promotes cost-effective development patterns and standards to minimize land consumption and servicing costs and encourages densities and a mix of land uses which will efficiently use the existing land and resources (1.1.1e, 1.1.3.2.a(1)).

The additional uses are of similar or less intensity than the existing range of permitted uses on the site resulting in no new additional impacts on the surrounding land uses. The new uses, in combination with the existing permitted uses, are in keeping with the goals of the PPS as they will continue to efficiently use the existing site and resources available.

The London Plan

The Rapid Transit Corridor Place Type requires a minimum of 2-storeys or 8m in height and a maximum height of 8-storeys while 12-storeys can be achieved through the use of Type 2 bonusing (*839_). The existing development is one storey in height and this policy cannot be achieved until the site redevelops at some point in the future.

The existing building is less than 6,000m² in size and the lot is of sufficient size and configuration to accommodate the development and recommended additional uses. The Rapid Transit Corridor Place Type limits individual buildings to no more than 2,000m² of office space. The requested ASA3 zone restricts the uses to the existing building and limits office space to 2000m² ensuring this policy is achieved (*840_).

1989 Official Plan

The Official Plan ensures that lands shall be of a suitable depth and size to accommodate the permitted uses and shall be on lands separated from existing or planned residential development by physical barriers, intervening land uses or buffer and setback provisions that are sufficient to offset potential nuisance impacts (4.4.2.5 Location)

As mentioned, the recommended amendment will restrict the new uses to the existing building ensuring that the existing development is maintained. The depth and size of the existing lot has proven capable of accommodating the existing uses and provides sufficient buffering between the existing built form and abutting residential neighbourhoods. Since the new uses are considered of similar or less intensity than the existing range of uses no new impacts are anticipated.

Similar to The London Plan the 1989 Official Plan limits the scale of office buildings to 2000m² in size to help maintain a neighbourhood scale of development (4.4.2.6.7. Office Buildings). As previously mentioned the recommended ASA3 zone mirrors the policy of the Official Plan restricting office buildings to 2000m² ensuring this policy is met.

4.3 Issue and Consideration # 3 - Form

Provincial Policy Statement, 2014 (PPS)

The PPS encourages a compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities (1.3.1c). The recommended amendment will provide additional employment uses within the existing building ensuring a compact, mixed-use development is maintained thereby contributing to, and supporting, a livable and resilient community.

The London Plan

The London Plan provides a new vision for how Rapid Transit Corridors should develop and how those forms of development should address the street, provide for transit-oriented design and integrate themselves with the public realm. The intent of these form policies is to facilitate pedestrian, cycling and transit-supportive design through building orientation, location of entrances, clearly marked pedestrian pathways, widened sidewalks, cycling infrastructure and general site layout that reinforces pedestrian safety and easy navigation (Form 841_,2,4,5,6). Until such time that the City Building policies of The London Plan are fully in effect, and site plan approval is required for the redevelopment of the site, it is reasonable to allow for a modest expansion to the range of permitted uses within the existing building to add to the vitality of the site.

1989 Official Plan

The existing form of development pre-dates the 1989 Official Plan and existing AOCC policy context in regards to how these forms of development should occur. The existing form of development is still considered appropriate and in keeping with certain AOCC policies (4.4.2.6.2 Combined Access) as it provides limited access along the arterial road, and maintains a low, single storey form of development in keeping with the intent of the AOCC designation that helps to ensure it is compatible within its surrounding context (4.4.2.6.5. Height).

More information and detail is available in Appendix B and C of this report.

5.0 Conclusion

The requested amendment to add an Associated Shopping Area Special Provision (ASA3) Zone to permit additional office-type uses to the subject site is considered appropriate as recommended zoning is consistent with the PPS 2014 and conforms to the City of London 1989 Official Plan and future London Plan. The recommended zone provides additional uses that are appropriate and compatible with the surrounding area and provides an increased opportunity to effectively utilize the existing building. The existing built form and on-site parking is capable of supporting the requested uses without resulting in any negative impacts on the abutting lands.

Prepared by:	Mike Corby, MCIP, RPP Current Planning
Submitted by:	Michael Tomazincic, MCIP, RPP Manager, Division Name
Recommended by:	Paul Yeoman, RPP, PLE Director, Development Services
Submitted by:	George Kotsifas, P.ENG Managing Director, Development and Compliance Services and Chief building Official
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services	

March 11, 2019
MT/mt

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Appendix A

Bill No. (number to be inserted by Clerk's Office)
2019

By-law No. Z.-1-19_____

A by-law to amend By-law No. Z.-1 to
rezone an area of land located at 555
Wellington Road.

WHEREAS Werger Realty Limited has applied to rezone an area of land located at 555 Wellington 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 555 Wellington Road, as shown on the attached map comprising part of Key Map No. A.107, from an Associated Shopping Area (ASA1) Zone to an Associated Shopping Area Special Provision (ASA1/ASA3(_)) Zone.
- 2) Section Number 24.4 of the Associated Shopping Area (ASA3) Zone is amended by adding the following Special Provision:
 -) ASA3(_) 555 Wellington Street
 - a) Regulation[s]
 - i) All uses permitted in the ASA3 zone will be restricted to the existing structure as it exists on the date of passing of this By-law.

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.

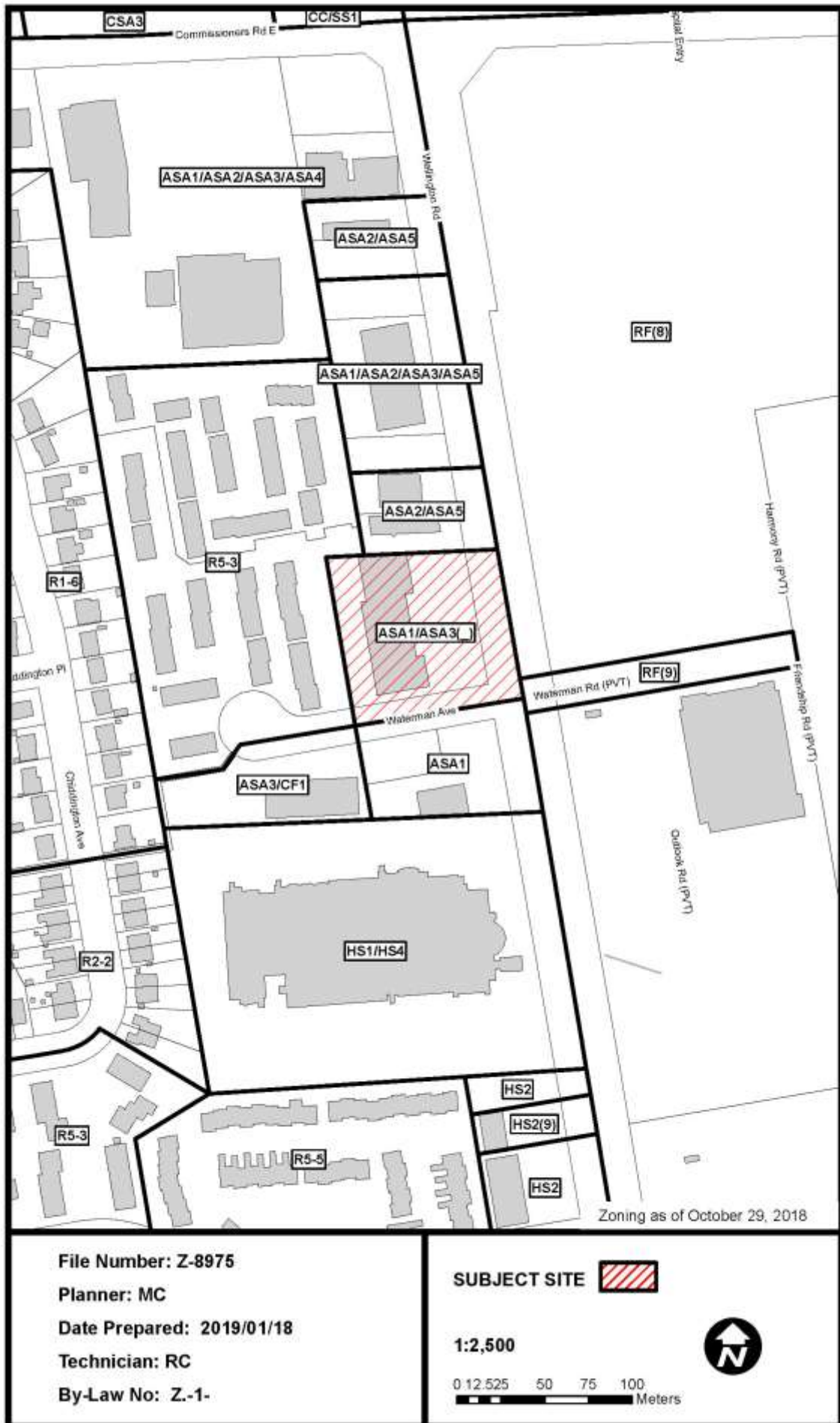
PASSED in Open Council on March 26, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – March 26, 2019
Second Reading – March 26, 2019
Third Reading – March 26, 2019

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



Appendix B – Public Engagement

Community Engagement

Public liaison: On December 19, 2018, Notice of Application was sent to 75 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on December 20, 2018. A “Planning Application” sign was also posted on the site.

Nature of Liaison: The purpose and effect of this zoning change is to permit an increased range of uses on the subject site. Possible change to Zoning By-law Z.-1 FROM an Associated Shopping Area (ASA1) TO an Associated Shopping Area Special Provision (ASA1/ASA3(____)) Zone to permit include clinics, day care centres, laboratories, Medical/dental offices, professional offices and service offices restricted to the existing building.

Responses: 4 inquiries were received seeking clarification if the proposed amendment would permit methadone clinics or supervised consumption sites. Once they were informed that neither use would be permitted no additional concerns were raised.

Agency/Departmental Comments

UTRCA - December 18, 2018

The UTRCA has no objections to this application.

London Hydro - December 21, 2018

London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. Any new or relocation of the existing service will be at the expense of the owner.

Development Services – January 29, 2019

Wastewater

- The proposed additional uses require a sanitary inspection manhole to be used which is to be to City Standards and to the satisfaction of the City Engineer.
- The Applicant’s Engineer may label a suitable existing sanitary manhole in the parking lot for this use.

Transportation

- Road widening dedication of 24.0m from centre line required on Wellington Road
- Wellington Road is a Rapid Transit Corridor. Construction of south leg of the Rapid Transit system is currently scheduled for 2023-2026.
- With the implementation of Bus Rapid Transit on Wellington Road, a raised concrete median will be constructed along the centre of the road. This median will restrict turning movements at driveways and unsignalized intersections to right-in/right-out only. For this property, the Wellington Road access at the north end of the site will be restricted to right-in/right-out turning movements. (Waterman Avenue will remain a signalized intersection.)
- The preliminary design of the BRT system in the area of this property is attached to these comments for the Applicant’s information. More information about the City’s BRT project can be found on the project website: www.LondonBRT.ca

Appendix C – Policy Context

The following policy and regulatory documents were considered in their entirety as part of the evaluation of this requested land use change. The most relevant policies, by-laws, and legislation are identified as follows:

Provincial Policy Statement

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1 a, b, c,

1.1.2

1.1.3 Settlement Areas

1.3 Employment

1.3.1

1.7 Long-Term Economic Prosperity

1.7.1

1989 Official Plan

4.4.2 Auto Oriented Commercial Corridor

4.4.2.1. Planning Objectives

4.4.2.3. Function

4.4.2.4. Permitted Uses

4.4.2.6. Form

London Plan

Rapid Transit Corridor

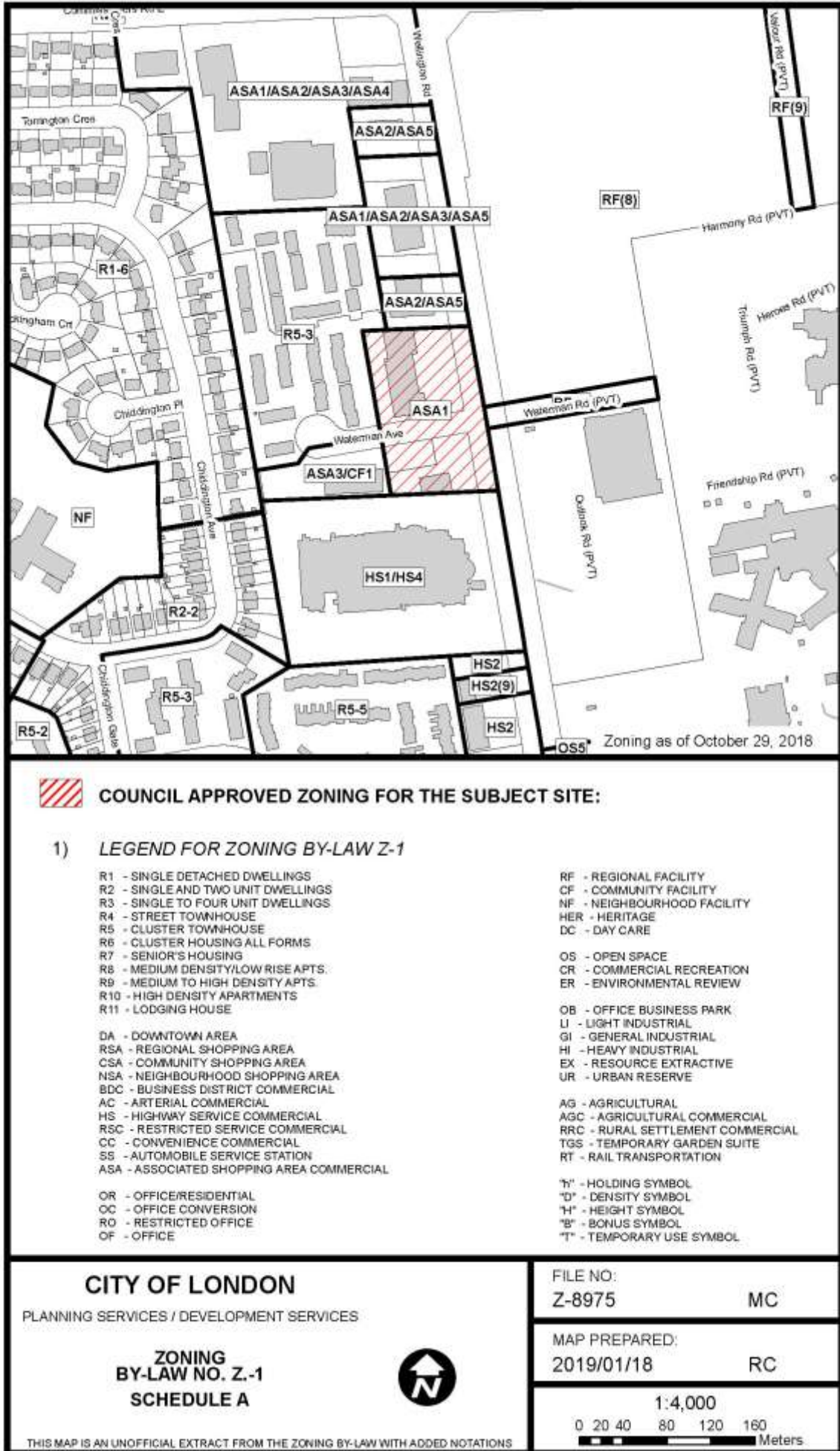
Use – 837_

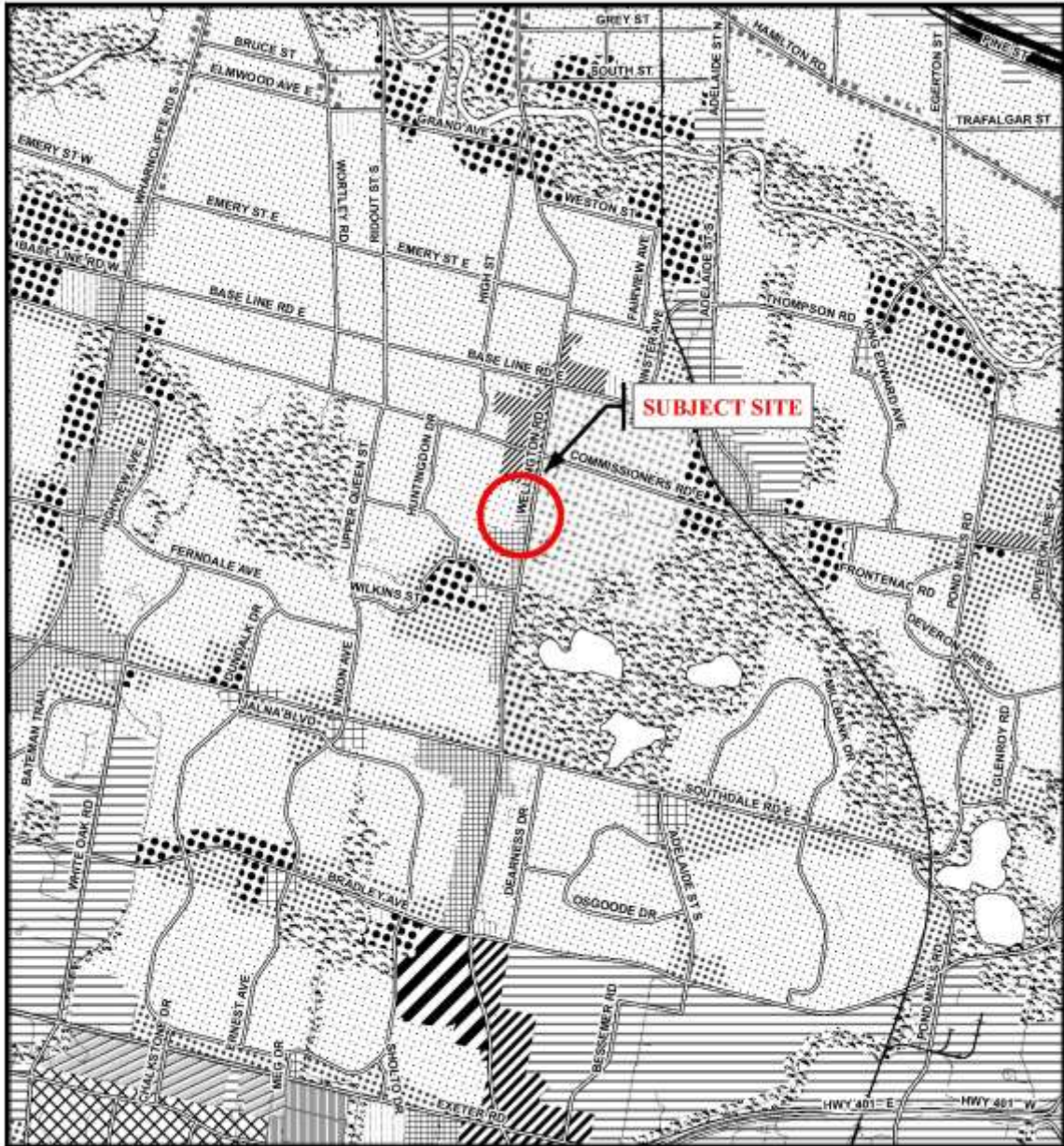
Intensity – 839_, 840_

Form - 841_

Appendix D – Relevant Background

Additional Maps





Legend		
Downtown	Multi-Family, Medium Density Residential	Office Business Park
Wonderland Road Community Enterprise Corridor	Low Density Residential	General Industrial
Enclosed Regional Commercial Node	Office Area	Light Industrial
New Format Regional Commercial Node	Office/Residential	Commercial Industrial
Community Commercial Node	Regional Facility	Transitional Industrial
Neighbourhood Commercial Node	Community Facility	Rural Settlement
Main Street Commercial Corridor	Open Space	Environmental Review
Auto-Oriented Commercial Corridor	Urban Reserve - Community Growth	Agriculture
Multi-Family, High Density Residential	Urban Reserve - Industrial Growth	Urban Growth Boundary

<p>CITY OF LONDON Planning Services / Development Services OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p>PREPARED BY: Graphics and Information Services</p>	<p>Scale 1:30,000</p>	<p>FILE NUMBER: Z-8975</p>
		<p>PLANNER: MC</p> <p>TECHNICIAN: RC</p> <p>DATE: 2018/01/18</p>

