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File: Z-8135
Planner: Mike Corby

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: COLOR COMPANY DECORATING CENTRES 1815 DUNDAS STREET PUBLIC PARTICIPATION MEETING ON MARCH 19, 2013

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, with respect to the application of Color Company Decorating Centres relating to the property located at 1815 Dundas Street, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on March 26, 2013 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 Commercial (ASA1) Zone which permits a range of retail, convenience, personal service uses **TO** an Associated Shopping Area Commercial (ASA1/ASA3) Zone to add a limited range of office uses on the subject site;

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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None

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of the requested Zoning By-law amendment is to permit the Argyle Business Improvement Association as a professional office use on the subject site.

RATIONALE

- i) The proposal is consistent with the policies of the Provincial Policy Statement, 2005, which promote healthy, liveable and safe communities by accommodating an appropriate range and mix of employment uses;
- ii) The proposal is consistent with the policies of the City of London Official Plan relating to the Specific Auto-Oriented Commercial Corridors policies and objectives;
- iii) The proposed zone provides complementary uses to the existing Associated Shopping Area Commercial (ASA1) zone and will have no negative effects on the surrounding area.

BACKGROUND

Date Application Accepted: December 24, 2012	Agent: Jim Kennedy
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REQUESTED ACTION: Change Zoning By-law Z.-1 from an Associated Shopping Area Commercial (ASA1) Zone which permits retail, convenience and personal service uses, to an compound Associated Shopping Area Commercial (ASA1/ASA3) Zone which permits clinics, day care centres, laboratories and offices.

- SITE CHARACTERISTICS:**
- **Current Land Use** – Multiple retail/commercial uses
 - **Frontage** – 40m
 - **Depth** – 75m
 - **Area** – 3000m
 - **Shape** - rectangular

- SURROUNDING LAND USES:**
- **North** - Retail/commercial
 - **South** - Medium Density Residential
 - **East** - Retail/commercial
 - **West** - Retail/commercial

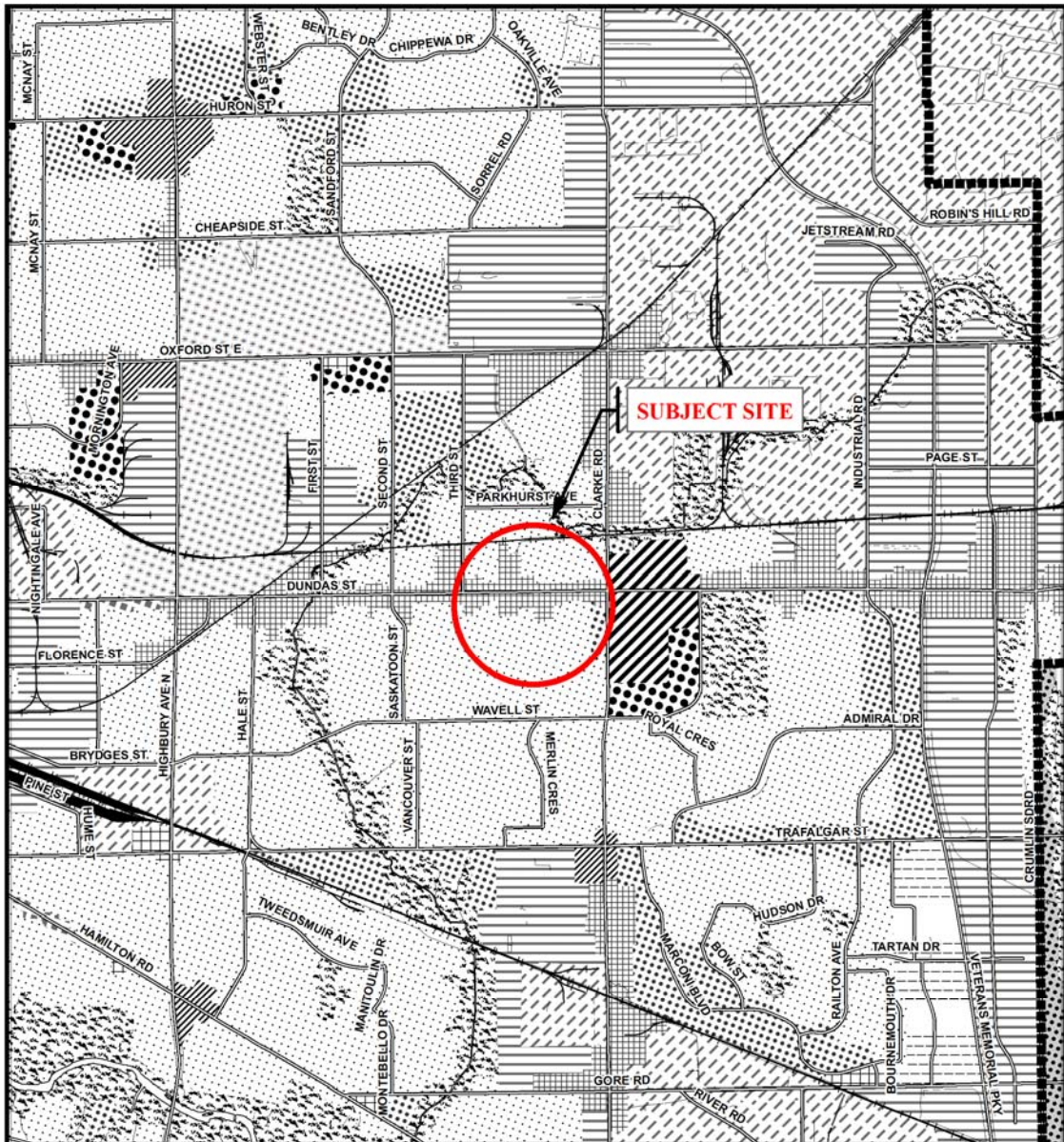
- OFFICIAL PLAN DESIGNATION:** (refer to Official Plan Map)
- Auto Oriented Commercial Corridor
- EXISTING ZONING:** (refer to Zoning Map)
- Associated Shopping Area Commercial (ASA1)

PLANNING HISTORY

On October 19, 2012 a Municipal By-law letter was delivered to the property owner informing them that the Argyle Business Improvement Association office does not conform to the existing Associated Shopping Area (ASA1) zone. On November 9, 2012 a proposal summary was received by the planning department requesting the addition of the Associated Shopping Area (ASA3) zone to the subject property in response to the letter the property owner had previously received. An application was then received on December 15, 2012 to facilitate the proposed rezoning.

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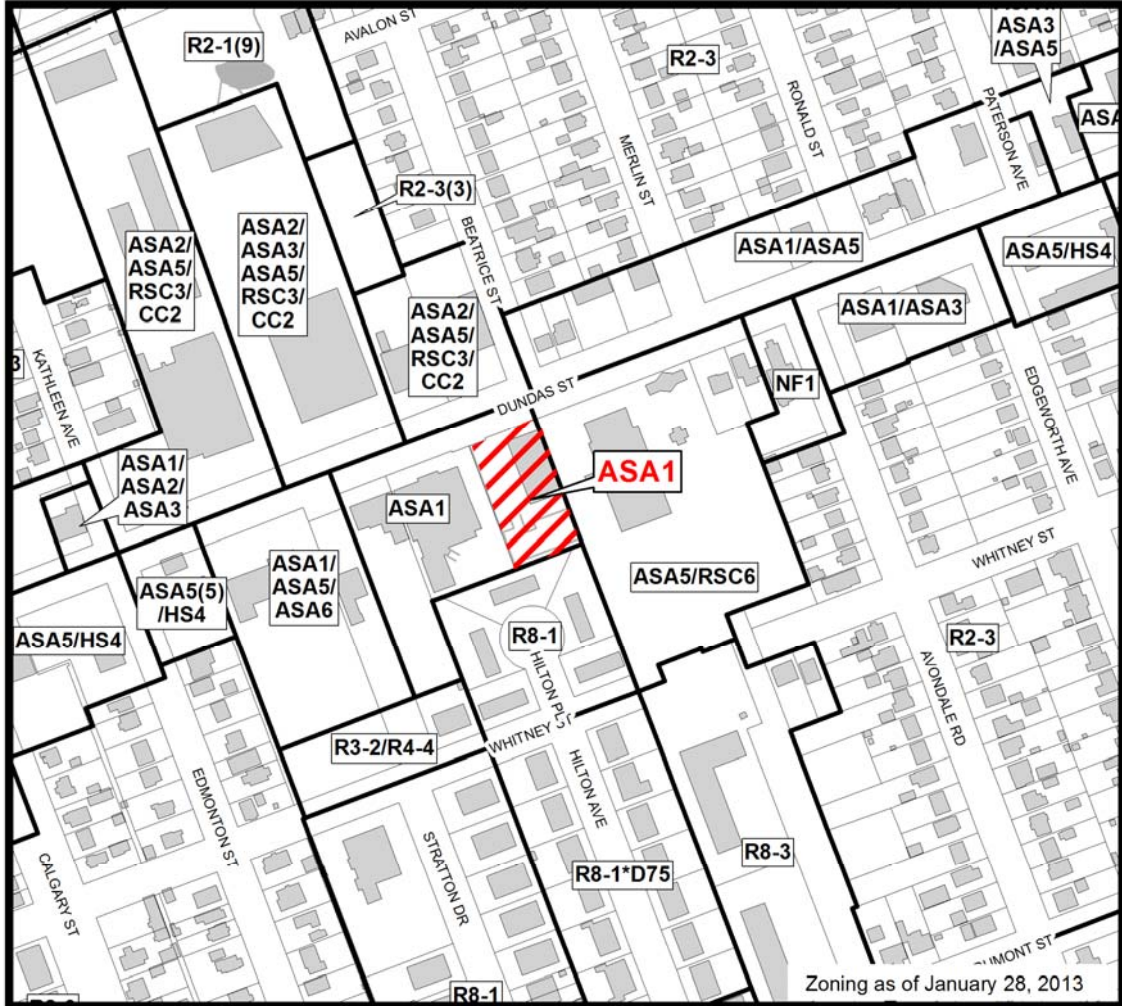
Legend	
	Downtown
	Enclosed Regional Commercial Node
	New Format Regional Commercial Node
	Community Commercial Node
	Neighbourhood Commercial Node
	Main Street Commercial Corridor
	Auto-Oriented Commercial Corridor
	Multi-Family, High Density Residential
	Multi-Family, Medium Density Residential
	Low 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</p> <p>OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p><small>PREPARED BY: Graphics and Information Services</small></p>	 Scale 1:30,000 0 100 200 400 600 800 1,000 Meters	<p>FILE NUMBER: Z-8135</p> <p>PLANNER: MC</p> <p>TECHNICIAN: CK</p> <p>DATE: 2013/02/11</p>
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PROJECT LOCATION: e:\planning\projects\p_officialplan\work\consol\00\excerpts\mxd_templates\scheduleA_NEW_b&w_8x14.mxd

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COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: ASA1

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-8135 MC

MAP PREPARED:
2013/02/11 CK

1:3,300
0 15 30 60 90 120 Meters

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

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SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

No significant comments were provided by City Staff.

PUBLIC LIAISON:	On January 11, 2013, Notice of Application was sent to 53 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 January 17, 2013. 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 the requested Zoning By-law amendment is to permit the Argyle Business Improvement Association as a professional office use on the subject site.</p> <p>Change Zoning By-law Z.-1 from an Associated Shopping Area Commercial (ASA1) Zone which permits retail, convenience and personal service uses, to a compound Associated Shopping Area Commercial (ASA1/ASA3) Zone which permits clinics, day care centres, laboratories and offices.</p>		
Responses: N/A		

ANALYSIS

Subject Site:

The property is located at 1815 Dundas Street, two and a half blocks west of the Clarke Road intersection. The property is part of a large Auto Oriented Commercial Corridor designation which runs from Clarke Road, west to Highbury Avenue. The site consists of a large building which houses multiple retail/commercial uses with a parking structure at the rear of the property.



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Nature of Application:

The applicant is applying to add an additional Associated Shopping Area Commercial (ASA3) Zone which permits clinics, day care centres, laboratories and offices. The purpose and effect of the requested Zoning By-law amendment is to permit the Argyle Business Improvement Association as a professional office type use on the subject site.

Provincial Policy Statement (PPS)

The policies of the PPS promote healthy, liveable and safe communities by: encouraging efficient development and land use patterns which sustain the financial well-being of the municipality; accommodating an appropriate range and mix of residential, employment (including industrial, commercial and institutional uses) and other land uses; and, promoting cost effective development standards to minimize land consumption and servicing costs.

The proposed rezoning will maintain the existing development and land use pattern in the area and will allow the owner to operate the subject site in a fashion that is compatible with the surrounding land uses. The addition of the Argyle Business Improvement Association office and other uses permitted in the Associated Shopping Area Commercial (ASA3) zone will help sustain the financial well-being of the municipality as it will facilitate the utilization of an existing building located within the built-up are of the City, create employment opportunities and help support the other uses which currently exist in the area.

The proposal also satisfies section 1.1.3.3 of the PPS which ensures that planning authorities identify and promote opportunities for intensification and redevelopment where it can be appropriately accommodated.

The proposal will effectively use the existing buildings on the site and current infrastructure in place thereby reducing costs as well as preventing expansion of the settlement area and land consumption.

Official Plan:

The planning objectives for Auto Oriented Commercial Corridor land use designations have certain criteria which should be maintained.

4.4.2.1. Planning Objectives

- i) Promote the grouping of service commercial uses into integrated forms of development that have common access points and parking facilities.*

Approval of the proposed zoning by-law amendment is in keeping with this planning objective for the following reasons:

- The subject site currently promotes the grouping of uses in a form of development that has one access point on the site and has a large parking facility on it.
- The rezoning will also permit the grouping of additional services that are in keeping with the character of the area.

The general Auto Oriented Commerical Corridor policies in the Official Plan do not specifically identify the proposed “Professional Office” use as a permitted use. The Official Plan does however contain specific policy areas in the City where additional uses such as offices are appropriate within the Auto-Oriented Commercial Corridor designation. The following section of the Official Plan identifies offices as a permitted use within the Dundas Street Corridor with which the subject site is located in.

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4.4.2.11. Specific Auto-Oriented Commercial Corridors

2) Dundas Street Corridor

A full range of retail uses, such as, hotels, motels, personal service uses, community facilities, restaurants, automotive uses and **offices will be permitted**. Large-scale retail uses, such as automobile sales, home improvement establishments, building supply and hardware stores and restricted automotive services may also be permitted in appropriate locations. The Zoning By-law will consider the appropriateness of uses on specific sites or areas based on lot sizes, compatibility and traffic impacts as well as other criteria set out in Section 4.5 (Planning Impact Analysis).

4.5.2. Scope of Planning Impact

The following criteria will be considered as part of the Planning Impact Analysis:

- i) *the policies contained in the Section relating to the requested designation;*
 - The relevant policies in the existing Official Plan designation were considered and the requested amendment is consistent with the policies.
- ii) *compatibility of proposed uses with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area;*
 - The proposed use is compatible with the surrounding land uses and similar zoning exists around the subject site. No new development will occur on the site therefore no impacts are anticipated on present and future land uses in the area.
- iii) *the size and shape of the parcel of land on which a proposal is to be located, and the ability of the site to accommodate the intensity of the proposed uses;*
 - The existing parcel and structure can appropriately accommodate the intensity of the proposed use as it is similar or less intense than many of the uses currently accommodate on the site. The subject site meets the minimum requirements of the Zoning By-law.
- iv) *the supply of vacant land or vacant buildings in the area which is designated and/or zoned for the proposed uses;*
 - There are limited opportunities available in the area that are zoned to accommodate the proposed use,
- v) *the potential traffic generated by the proposed change, considering the most intense land uses that could be permitted by such a change, and the likely impact of this additional traffic on City streets, pedestrian and vehicular safety, and on surrounding properties;*
 - Pedestrian and vehicular safety will not be an issue as the most intense uses of the proposed zone are similar or less intense than those uses currently permitted on site. Transportation Staff have not expressed any concern with the requested amendment.
- vi) *the height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses;*
 - No new buildings are proposed and therefore no new impacts are anticipated on surrounding land uses as a result of this requested amendment.
- vii) *the location of vehicular access points and their compliance with the City's road access policies and Site Plan Control By-law, and the likely impact of traffic generated by the proposal on City streets, on pedestrian and vehicular safety, and on surrounding properties;*

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- The existing access is appropriate for the site and surrounding area. No new accesses are proposed. Transportation staff have expressed no concern with the current location of access.
- viii) *where adjacent to sites under separate ownership, access and traffic circulation should be co-ordinated;*
 - The existing design and function of the site does not require a co-ordinated access or traffic circulation with adjacent sites.
- ix) *the exterior design in terms of bulk, scale, and layout of buildings, and the integration of these uses with present and future land uses in the area and its conformity with the City's commercial urban design guidelines;*
 - The structure which is accommodating currently exists and no exterior changes are proposed.
- x) *the potential impact of the proposed development on surrounding natural features and heritage resources;*
 - There are no surrounding natural features or heritage resources.
- xi) *constraints posed by the environment, including but not limited to locations where adverse effects from landfill sites, sewage treatment plants, methane gas, contaminated soils, noise, ground borne vibration, and rail safety may limit development;*
 - This criterion does not apply to the subject site as no constraints exist in the area.
- xii) *compliance of the proposed development with the provisions of the City's Official Plan, Zoning By-law, Site Plan Control By-law, and Sign Control By-law;*
 - The subject site complies with all of the above mentioned items.
- xiii) *compliance with Ministry of the Environment (MOE) noise guidelines; and,*
 - Since the structure is existing the MOE noise guidelines aren't relevant to this application.
- xiv) *measures planned by the applicant to mitigate any adverse impacts on surrounding land uses and streets which have been identified as part of the Planning Impact Analysis.*
 - No adverse impacts are anticipated.
- xv) *impacts of the proposed change on the planned transportation system, including transit.*
 - No transportation impacts are anticipated.

Zoning:

The subject site currently has an Associated Shopping Area Commercial (ASA1) zone on the site which permits retail, convenience and personal services. The addition of the recommended Associated Shopping Area Commercial (ASA3) zone will add clinics, day care centres, Laboratories, Medical/dental offices, and professional/service offices which will allow the Argyle Business Improvement Association offices to be permitted at the subject site. Several properties along the Dundas Street corridor currently have compound zones which include the Associated Shopping Area (ASA3) zone. The additional uses are similar in nature to those that already exist in the area and the proposed office use is not anticipated to create negative impacts to the surrounding properties and is a less intense use than some uses currently permitted in the Associated Shopping Area (ASA1) zone currently applied to existing on the site.

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CONCLUSION

The recommendation for approval is appropriate as the proposed Zoning By-law amendment provides a compatible use with the surrounding land uses and provides a complementary use to the community. The proposal is also consistent with the policies of the Provincial Policy Statement, 2005, which promotes healthy, liveable and safe communities by accommodating an appropriate range and mix of employment uses. The subject site is also located within an area identified by the City of London's Official Plan as a Specific Auto-Oriented Commercial Corridor which allows for the requested professional office use.

PREPARED BY:	SUBMITTED BY:
MIKE CORBY, PLANNER II COMMUNITY PLANNING AND DESIGN	JIM YANCHULA, MCIP, RPP MANAGER, COMMUNITY PLANNING AND DESIGN
RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER	

January 15, 2013

MC /mc

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File: Z-8135
Planner: Mike Corby

**Bibliography of Information and Materials
Z-8135.**

Request for Approval:

City of London Zoning By-law Amendment Application Form, completed by Jim Kennedy, December 15, 2012

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.

Jim Kennedy, *Planning Justification Report*, December 18, 2012

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

City of London -

Postma R., City of London Forestry. E-mail to M. Corby. January 16, 2013.

Titus P., City of London Stormwater Management Unit. E-mail to M. Corby. January 24, 2013.

Departments and Agencies -

Crieghton C., UTRCA. Various e-mails to M. Corby. January 29, 2013.

Dalrymple, D., London Hydro. Letter to M. Corby. January 14, 2013.

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Appendix "A"

Bill No. (number to be inserted by Clerk's Office)
2013

By-law No. Z.-1-13_____

A by-law to amend By-law No. Z.-1 to
rezone an area of land located at 1815
Dundas Street.

WHEREAS Color Company Decorating Centres has applied to rezone an area of land located at 1815 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:

Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 1815 Dundas Street, as shown on the attached map comprising part of Key Map No. 89, **FROM** an Associated Shopping Area Commercial (ASA1) zone, **TO** an Associated Shopping Area Commercial (ASA1/ASA3) zone.

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, 2013.

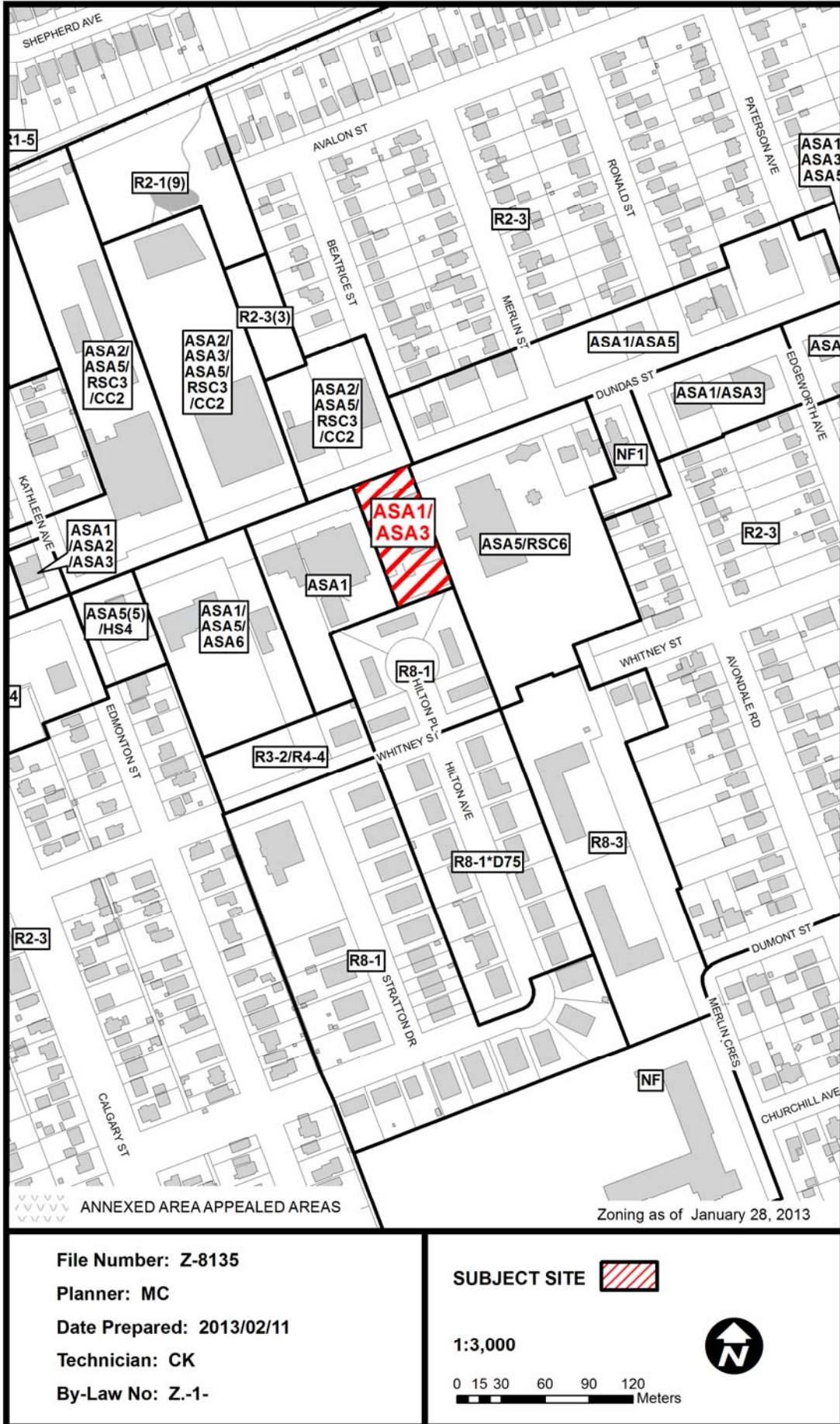
Joe Fontana
Mayor

Catharine Saunders
City Clerk


First Reading - March 26, 2013
Second Reading - March 26, 2013
Third Reading - March 26, 2013

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



File Number: Z-8135
 Planner: MC
 Date Prepared: 2013/02/11
 Technician: CK
 By-Law No: Z.-1-

SUBJECT SITE 

1:3,000

0 15 30 60 90 120 Meters

