



Staff Report

Report No.: PLA-50-2018

Meeting Date: September 26, 2018

Submitted by: Kelly Henderson Planner

Subject: Application for a Zoning By-law Amendment (ZBA 15 2018), Lupine Properties Limited; 9930 and 9918 Glendon Drive

Recommendation:

THAT the Zoning By-law Amendment application, filed by John Lean on behalf of Lupine Properties Limited to rezone the subject lands from a Highway Commercial (C2) zone to a Site Specific Highway Commercial (C2-16) Zone which will allow the establishment of a clinic use, a laboratory use and a pharmacy use for a property located at 9930 and 9918 Glendon Drive, be approved.

Purpose:

The purpose of this report is to provide Council with a recommendation regarding a rezoning application for a property located on the north side of Glendon Drive (County Road 14), and on the west side of Komoka Road (County Road 16). A location map is included as Attachment 1.

Background:

The purpose and effect of the subject application is to rezone the subject lands from a Highway Commercial (C2) zone to a Site Specific Highway Commercial (C2-16) zone to allow the establishment of a clinic use, a laboratory use and a pharmacy use, all of which are otherwise not permitted under the current zoning. The lands are currently zoned C2 which permits a broad range of commercial uses.

The subject lands were previously three separate properties; however, the applicant has supplied supplementary material demonstrating that the three properties have merged in title to become a single parcel of land. The subject property currently contains a commercial building, approximately 603.86 square metres (6,500 square feet) in size, and a house that is proposed to be demolished. The property is surrounded by other commercial and residential uses.

The current Zoning By-law does not have a definition for a pharmacy use and as such, a new definition would be required, if the application is approved. The proposed definition



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is as follows: pharmacy, means a retail store which dispenses prescription drugs and which sells, among other things, non-prescription medicines, health and beauty products, and associated sundry items.

The property is subject to site plan control. At the time of a site plan application, parking requirements, building setbacks and buffering from neighbouring land uses will be discussed. This may require a Planning Act application (minor variance) if parking requirements cannot be met.

Policy Regulation:

The subject lot is designated as 'Settlement Area' by the County of Middlesex Official Plan and as 'Settlement Commercial' by the Middlesex Centre Official Plan. The land is zoned Highway Commercial (C2) by Middlesex Centre's Comprehensive Zoning By-law.

Provincial Policy Statement:

The Provincial Policy Statement (PPS) speaks to building strong healthy communities and economic diversity. Section 1.1.3 of the PPS speaks to settlement areas in Municipalities and that 'settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted'.

County of Middlesex Official Plan:

The subject lands are designated as 'Settlement Area' within the County of Middlesex Official Plan. The County Official Plan does not provide detailed land use policies, but rather a more broad approach setting out policies and permitted uses within settlement areas throughout the County. The County Official Plan promotes a variety of uses within Settlement Areas including residential, commercial and industrial uses.

Within the County Official Plan urban areas, like Komoka-Kilworth should be the focus for future growth and are expected to accommodate a significant portion of the projected growth over the planning period. It is further a requirement of the County Official Plan that new development shall be fully serviced by municipal water and sewage disposal systems.

Middlesex Centre's Official Plan:

The subject land is designated 'Settlement Commercial' by Middlesex Centre's Official Plan. This designation is intended to provide for a variety of commercial uses in the

Municipality's Urban and Community settlement areas in a manner that does not undermine the function of the Village Centre's.

Section 5.4.2b) of Middlesex Centre's Official Plan states, 'the physical design and form of development within this designation shall be in keeping with the design policies in Section 6.0 of this Plan having regard for the Municipality's Site Plan Manual and Urban Design Guidelines, and shall reflect the traditional character of the Municipality's settlement areas. Building orientation, parking, landscaping, setbacks, building massing and scale will be encouraged to reflect this policy'.

The settlement area of Komoka-Kilworth is further subject to a Secondary Plan within Middlesex Centre's Official Plan. Section 5.7.5 speaks specifically to settlement commercial area policies within Komoka-Kilworth, which states:

- a) Where commercial development is proposed adjacent to a residential area, building setbacks, visual screening of parking areas, landscaping, fencing and other forms of buffering will be required to mitigate potential adverse impacts between the uses.
- b) No open storage of goods, materials, machinery or equipment is permitted.

The subject property is also subject to the Gateway community policies, which are as follows:

- i) Building orientation to address the street corner;
- ii) Parking areas located to the rear or to the side of the building(s);
- iii) Landscape treatments and building design that create an attractive and unified streetscape and a sense of entrance and arrival to the community;
- iv) High quality design character of development that contributes to the image and identity of Komoka-Kilworth.

The Official Plan also promotes economic development opportunities, which facilitate appropriately located and scaled commercial or industrial uses.

Section 9.0 of Middlesex Centre's Official Plan speaks to transportation policies. Specifically section 9.4.1g) states, 'limit direct access to County Roads where access is available by local roads, and 9.4.1 m) states, 'to promote development that is designed to be sustainable, to support public transit and to be oriented to pedestrians'.

Analysis:



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The subject proposal is consistent with the PPS and in conformity with the County Official Plan, as the proposal is within a designated settlement area where growth shall be directed and the development will be serviced by municipal water and sewer services. Also, the proposed development contributes to an appropriate mix and range of uses to meet the long-term needs of the community, and provides opportunities for a diversified economic base and economic development.

The proposal to add a clinic use, laboratory use and a pharmacy use as permitted uses would complement the existing retail, service, office and restaurant uses at the intersection of Komoka Road (County Road 16) and Glendon Drive (County Road 14).

Clinics and laboratories are institutional in nature and under the Middlesex Centre Official Plan, institutional uses are permitted in any settlement area land use designation. Notwithstanding, the Settlement Commercial designation is meant to provide for a variety of uses that do not fit within the Village Centre designation due to the size of the commercial buildings, configuration and land needs, as well as vehicular access. Although the proposed land uses could fit within the Village Centre, currently the Zoning By-law does not permit a stand-alone pharmacy, without being associated with a clinic use. Planning staff is of the opinion that the proposed additional uses should not undermine the planned function of the Village Centre, and should not have a detrimental impact on the Village Centre. Therefore, planning staff find the subject proposal to meet the intent of Middlesex Centre's Official Plan.

As mentioned the lands affected are subject to site plan control, which will examine specific details for landscaping, screening and fencing in order to ensure that the proposed development is compatible with the current surrounding land uses.

Consultation:

Notice of the application has been circulated to agencies, as well as property owners in accordance to the requirements of the Planning Act.

Public Comments:

At the time of writing the subject report, no comments or concerns had been received from the public regarding this proposal.

Agency Comments:

The following comments were received at the time of writing this report:

The Municipality's Fire Chief, Director of Corporate Services and Public Works and Engineering have reviewed the subject application and have no concerns.

Middlesex County's Engineer has reviewed the subject application and has no issues with the proposed re-zoning, however the County's Engineering department will have several comments during the site plan approval process including but not limited to; land dedication, storm water management, and entrance revisions/improvements.

Given the above, planning staff are recommending that the subject application be approved, as the proposal provides for an efficient and practical use of a portion of the subject lands for a building supply establishment and open storage. The proposal is consistent with the Provincial Policy Statement, the County Official Plan and Middlesex Centre's Official Plan, and represents sound land use planning.

This opinion is provided prior to the public meeting and without the benefit of potentially receiving all comments from agencies or members of the public. Should new information arise regarding this proposal prior to or at the public meeting, Council is advised to take such information into account when considering the application.

Financial Implications:

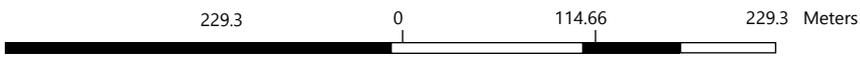
None.

Strategic Plan:

N/A



Location Map



Description: Lean ZBA
 File Number: ZBA 15/2018
 Created By:
 Date: 8/27/2018
 Scale: 1: 4,514

Legend
 Assessment Parcels