



Staff Report

Report No.: PLA-71-2018

Meeting Date: December 19th, 2018

Submitted by: Kelly Henderson, Planner

Subject: Application for a Zoning By-law Amendment, ZBA 24 2018, MCI Design-Build Corporation; Ilderton Pet Hospital; 125 King Street

Recommendation:

THAT Zoning By-law Amendment ZBA 24 2018 for a property known municipally as 125 King Street to be rezoned from Urban Residential First Density (UR1) to Site Specific Village Commercial (C1-17) zone be **APPROVED**.

Purpose:

The purpose of this report is to provide Council with a recommendation regarding a Zoning By-law Amendment application for a property located on the west side of King Street and south of Ilderton Road (County Road 16). The property is legally described as Part of Lots 2 and 3, Plan 363, RP 33R15637 Parts 1 and 2 (Geographic Township of London), Municipality of Middlesex Centre.

A location map is included as Attachment 1.

Background:

The purpose and effect of the Zoning By-law Amendment application is to re-zone the subject property from Urban Residential First Density (UR1) to site specific Village Commercial (C1-17), in order to recognize the “animal clinic” as a permitted use, as well as permit; a financial institution, service shop and studio. The site specific zone proposes a reduced lot area of 740 m² compared to the required minimum area of 1,500 m², a side yard width of 1.5 metres compared to the required side yard of 6.0 metres, and a reduced parking requirement of 7 spaces compared to the requirement of 12 parking spaces. The effect of the re-zoning will facilitate the construction of a two-storey building to support a new animal clinic.

A concept plan for the property is included as Attachment 2.

The subject property has been used for commercial purposes for several years and has been the home of an ‘animal clinic’ prior to 2004. Under the London Township Comprehensive Zoning By-law which was in effect until 2005, the lands were zoned General Commercial (GC) which allowed an animal clinic use. Despite the foregoing, the lands were rezoned to an Urban Residential First Density (UR1) Zone in 2005 under the



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(new at the time) Middlesex Centre Comprehensive Zoning By-law. Therefore, the use became a legal non-conforming use.

The applicants are looking to redevelop the site and construct a larger building to support their expanding business, therefore a rezoning is required. They are proposing that the existing building remain onsite till such a time that the new building is constructed and ready for occupancy. Once the new building is ready for occupancy, the old building will be demolished.

Policy Regulation:

Provincial Policy Statement:

All municipal planning decisions must be consistent with The Provincial Policy Statement (PPS). Section 1.1.3 of the PPS provides direction for development within settlement areas in the Municipality and notes that the vitality of settlement areas is important to the long-term economic prosperity of Ontario's communities. In Section 1.1.3.1 it is noted that settlement areas shall be the focus of growth in municipalities, while Section 1.1.3.2 stipulates that land use patterns within settlement areas shall provide for a mix of land uses that efficiently use land and resources and are appropriate for and efficiently use the infrastructure that is planned or available. Section 1.1.3 of the PPS also provides policy direction for encouraging redevelopment of existing sites, as appropriate, within built-up settlement areas.

Section 1.3.1 of the PPS directs municipalities to promote economic development and competitiveness by providing for an appropriate mix and range of employment uses to meet long-term needs and providing opportunities for a diversified economic base that includes maintaining a range and choice of suitable sites for a variety of employment uses that support a wide range of economic activities and ancillary uses and take into account the needs of existing and future businesses. Section 1.3.1 also provides policy direction that encourages compact, mixed-use development that incorporates compatible employment uses.

County Of Middlesex Official Plan:

The County Official Plan provides a regional policy framework within which development proposals are to be evaluated. Section 3.2.1 of the County Official Plan dictates that growth within Middlesex is generally to be directed to the County's Settlement Areas in order to protect Agricultural Areas, protect natural heritage and promote efficient use of water and sewage services. It is noted that the detailed land use policies, and particularly those that pertain to development within settlement areas, are provided in the official plans of the County's member municipalities. Section 3.2.4.1 of the County Official Plan



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provides for a variety of land uses, including commercial uses, to be located in the Urban Areas of Middlesex.

Section 2.3.4 of the County Official Plan states that economic development is an important component of the County's Growth Management policy framework and that many long-term goals and objectives depend on economic activity and the opportunity for residents to live and work in Middlesex County. The County consequently encourages diversity in its economic base.

Middlesex Centre Official Plan:

The subject property is designated as 'Village Centre' by Middlesex Centre's Official Plan. The intent of the Village Centre designation is to facilitate the continued health, use and awareness of Village Centres, and to promote their role as a community gathering place and to enhance and facilitate strategic improvements to existing Village Centres in a manner that enhances their role, is in keeping with their traditional character, and is compatible with adjacent residential neighbourhoods.

Section 5.3.2 of Middlesex Centre's Official Plan speaks to the specific policies that address development within the Village Centre designation and states:

- a) It is the intent of this Plan to establish and maintain Village Centres in Urban and Community Settlement Areas as the centres of retail and services, community gathering, and community identity in the Municipality.
- b) Village Centres are planned to function as traditional village main streets that provide for daily and weekly convenience and general retail and service needs for the settlement area and the surrounding agricultural community. Such centres will also represent the commercial and social focal points for the settlement area and its surrounding farm communities.
- c) Infilling within Village Centres is encouraged. The physical form of such infilling should be compatible with existing development and the character of the individual Village Centre. Wherever possible, infilling should enhance the existing pattern of buildings, sidewalks and streets.
- d) Mixed use buildings are encouraged within Village Centre areas.
- e) Village Centre areas should remain as compact as possible. Consistency in terms of building massing, scale and setback are encouraged. Building designs that allow for separate access to second and third stories along the street are strongly encouraged.



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- f) In the context of new development, the preservation and reuse of buildings with architectural or historical merit is strongly encouraged.
- g) Parking within Village Centres will be provided in the context of new development. Cash in-lieu of parking may be collected by the municipality to facilitate the establishment of appropriately located municipal parking. All parking will be designed and landscaped to de-emphasize its effect on the physical appearance of the Village Centre.
- h) Development shall be subject to the policies in Section 6.0 and in Section 10.5 of this Plan, and shall have regard for the Municipality's Site Plan Manual and Urban Design Guidelines.

According to Section 5.3.3 of Middlesex Centre's Official Plan permitted uses within the Village Centre include the following:

- a) Commercial uses, including general and convenience retail, personal services, and office uses.
- b) Restaurants, hotels, compatibly-scaled entertainment / recreational facilities, and open space or park land.
- c) Residential uses, so long as they do not negatively disrupt the compact nature, and commercial and service use focus, of Village Centres. Residential uses above ground floor commercial uses are encouraged.
- d) Institutional and civic uses such as municipal offices and functions, post offices, schools and libraries.

Middlesex Centre's Official Plan provides direction to develop a diverse economic base within the Municipality. Section 9.2.1 of the Official Plan encourages the Municipality to endeavor to increase its tax base and job opportunities in a manner that improves the quality of life of existing and future residents, and balances various economic sectors to ensure a sustainable economic base. The Official Plan also encourages the promotion of the viability and economic health of village centres.

Section 10.15 speaks to Cash-in-lieu of parking provisions and states,

Where the Municipality's comprehensive zoning by-law prescribes a minimum number of parking spaces for specific land uses, the Municipality may offer an exemption from such requirements and/or accept a cash payment in lieu of each parking space not provided. Monies raised through cash-in-lieu payments shall be placed in a special reserve fund,

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separate from general revenues, dedicated to managing existing public parking resources and/or establishing new parking facilities.

In order to determine the actual costs of providing a parking space, and the appropriate fee to be charged for each space levied, the Municipality may undertake a parking study.

The Municipality considers the payment of cash-in-lieu of parking as an effective mechanism for encouraging compact, efficient and viable Village Centres within the Municipality, and in order to encourage the strengthening of Village Centres, the Municipality may establish cash-in-lieu fees which are less than the true cost of new parking spaces.

Middlesex Centre's Zoning By-law:

The subject property is zoned 'Urban Residential First Density' (UR1), which only permits single detached dwellings, accessory uses and home occupations.

The proposed re-zoning to Village Commercial (C1) permits a variety of uses, but specifies the following in the parent zoning:

Type of Setback	Required	Proposed
Minimum lot area	2,000 m ² (0.5 acres)	740 m ²
Minimum lot frontage	20.0 m (66 ft)	
Minimum Front Yard Setback	0m (0 ft)	
Minimum Side Yard Setback	6.0 m (20 ft.)	1.5 m
Minimum Rear Yard Setback	10.0 m (33 ft)	
Maximum Lot Coverage	40%	

Furthermore, within the Municipality's Zoning By-law there are parking regulations, which stipulate the required number of parking spaces per use of the property. The following applies to this application:

Type of Use	Minimum Parking Space Requirement
Animal Clinic	1 space per 30 m ²
Financial Institution	1 space per 40 m ²
Office, general or professional	1 space per 30 m ²
Service Shop	1 space per 25 m ²
Any commercial use permitted by this By-law but not	1 space per 30 m ²

specifically mentioned elsewhere in this Clause	
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Re-tooling Downtown Ilderton:

In late 2011 and early 2012 the Municipality commissioned Dr. Avi Friedman to undertake a visioning exercise for the village of Ilderton, with a focus on revitalizing its downtown. The report, titled Retooling Downtown Ilderton was completed in March of 2012 and its findings detailed recommendations for investments in the public realm, improving walkability in the commercial core and providing for a mix of housing types in the community in order to accommodate residents at all stages of their lives.

The focus of Retooling Downtown Ilderton was to market Ilderton's commercial core as a destination for residents and visitors alike. In order to achieve this objective a compact, walkable downtown with an attractive streetscape is important. As part of the Municipality's efforts to implement Dr. Friedman's recommendations, Council approved a Community Improvement Plan for the village in 2013 with a primary focus of supporting façade and streetscape improvements in the village core.

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 this report there were no comments received from any members of the public.

Agency Comments:

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

The Municipality of Middlesex Centre's Director of Corporate Services has advised of no concerns or requirements for the subject application.

The department of Public Works and Engineering has advised that the sidewalk in front of the property will be required to be removed and replaced with a standard sidewalk as per our Infrastructure Design Standards. More comments may come from the detailed site plan submission.

The St. Clair Region Conservation Authority (SCRCA) have reviewed the subject application and have no concerns with the proposal.

Analysis:

Both the PPS and the County Official Plan provide overarching policy direction for planning within Middlesex Centre's settlement areas, like Ilderton. A diverse economic base is important for the purposes of providing local employment and shopping options as well as fostering a community in which residents can live and work without needing to drive to a nearby municipality to run daily errands or access various amenities. The success and vibrancy of village cores is also central to the economic health of Middlesex Centre's settlement areas. The opinion of Planning staff is that the proposed zoning by-law amendment is consistent with both the Provincial Policy Statement and the County of Middlesex Official Plan, as the proposal will provide a form of compact development located within a Settlement Area on full municipal services.

Planning staff find that the proposed uses (animal clinic, studio and financial institution) are compatible given the surrounding land uses being residential and commercial, however, planning staff do not find that a service shop is compatible given the proximity of the residential neighbours. A service shop may not be considered compatible with the residential land uses given that this type of use tends to generate more noise.

The proposed building setbacks allow for a more efficient use of the land. The proposed reduced side yard setback is more consistent with the urban design guidelines. The reduced setback appears to still provide for adequate buffering between the commercial use, and the surrounding residential and commercial uses. The interface between adjacent uses is capable of being satisfied under the required site plan approval process. Furthermore, it has been demonstrated with the concept plan provided that the lot area can accommodate the proposed development.

In terms of parking requirements, in looking at the most restrictive proposed use for the new building, which is 358.79 m² the most restrictive parking requirement is 1 space per 30 m². This would require 12 parking spaces, therefore the applicants are required to provide cash in lieu as per the requirements of the Official Plan. Furthermore, the Municipality considers the payment of cash-in-lieu of parking as an effective mechanism for encouraging compact, efficient and viable Village Centres within the Municipality, and in order to encourage the strengthening of the Village Centre. Therefore, planning staff are in support of the reduced parking requirements provided the applicant is subject to cash-in-lieu of providing on-site parking.

The property is subject to site plan control. At the time of a site plan application, Municipal staff will examine specific details including but not limited to landscaping, screening and fencing in order to ensure that the proposed development is compatible with the current surrounding land uses.



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Given the above, planning staff are recommending that the subject application be approved and limited to the following uses: animal clinic, financial institution and studio. The proposal provides for an efficient use of the subject lands, represents sound land use planning and is consistent with the Provincial Policy Statement and conforms to both the County Official Plan and local Official Plan.

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, the Council is advised to take such information into account when considering the application.

Financial Implications:

None.

Location Map



Description: Ilderton Pet Hospital
 File Number: ZBA 24 2018
 Created By:
 Date: 11/26/2018
 Scale: 1: 2,257

Legend
 Assessment Parcels

