

Report to Planning and Environment Committee

To: Chair and Members
Planning and Environment Committee

From: Scott Mathers, MPA, P.Eng.
Deputy City Manager, Planning and Economic Development

Subject: 2741943 Ontario Inc. c/o Europa Foods
430 First Street
File Number: Z-9809, Ward 2
Public Participation Meeting

Date: January 7, 2025

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of 2741943 Ontario Inc. c/o Europa Foods relating to the property located at 430 First Street, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting January 21, 2025, to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, The London Plan, to change the zoning of the subject property **FROM** a Restricted Service Commercial (RSC1) Zone and Open Space (OS4) Zone **TO** a Restricted Service Commercial Special Provision (RSC1(_)) Zone and Open Space (OS4) Zone;

IT BEING NOTED, that the above noted amendment is being recommended for the following reasons:

- i) The recommended amendment is consistent with the Provincial Planning Statement, 2024 (PPS);
- ii) The recommended amendment conforms to The London Plan, including, but not limited to the Key Directions, City Design and Building policies, and the Urban Corridor Place Type policies;
- iii) The recommended amendment would permit a range of complementary uses within the existing building that are appropriate for the site and within the surrounding context.

Executive Summary

Summary of Request

The applicant has requested an amendment to the Zoning By-law Z.-1 to rezone the property from a Restricted Service Commercial (RSC1) Zone and Open Space (OS4) Zone to a Restricted Service Commercial Special Provision (RSC1(_)) Zone and Open Space (OS4) Zone.

Purpose and the Effect of Recommended Action

Staff are recommending approval of the requested Zoning By-law Amendment to permit a limited range of complementary uses, including a bakery, caterer's establishment, restaurant, artisan workshop, and place of worship, within the existing building.

Linkage to the Corporate Strategic Plan

This recommendation will contribute to the advancement of Municipal Council's 2023-2027 Strategic Plan in the following ways:

- **Strategic Plan Area of Focus: Housing and Homelessness**, by ensuring London's growth and development is well-planned and considers use, intensity, and form.
- **Strategic Plan Area of Focus: Economic Growth, Culture, and Prosperity** by supporting small and growing businesses, entrepreneurs and non-profits to be successful.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

None.

1.2 Planning History

There have been no previous planning applications on the subject site.

1.3 Property Description and Location

The subject site is located on the east side of First Street, north of Dundas Street, in the Argyle Planning District. The subject site has vehicular access from First Street and surface parking in the front, rear, and interior side yards. Currently, the site contains a one-storey commercial building, that is split into two leasable units. Unit 1 is currently vacant while Unit 2 is occupied by Jesus Victorious Church International (JVCI).

Site Statistics:

- Current Land Use: Commercial
- Frontage: 70 metres (229.65 feet)
- Depth: 95 metres (311.67 feet)
- Area: 0.56 hectares (1.38 acres)

Surrounding Land Uses:

- North: Canadian Pacific Railway
- East: Low-density Residential
- South: Restricted Service Commercial
- West: Commercial

Existing Planning Information:

- The London Plan Place Type: Urban Corridor & Green Space Place Types fronting a Neighbourhood Connector (First Street)
- Existing Zoning: Restricted Service Commercial (RSC1) Zone & Open Space (OS4) Zone
- Located within the Built Area Boundary: Yes
- Located within the Primary Transit Area: No



Figure 1- Aerial Photo of 430 First Street and surrounding lands.

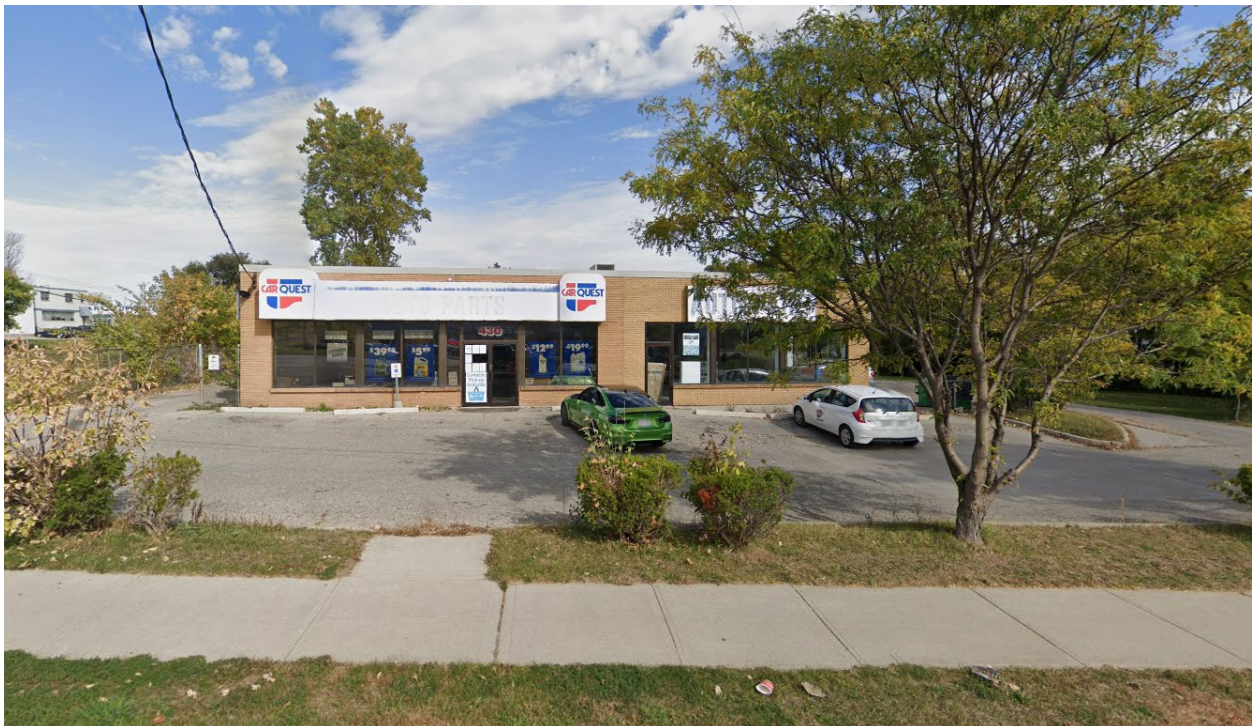


Figure 2 - Streetview of 430 First Street (view looking east)

2.0 Discussion and Considerations

2.1 Proposal

The applicant is proposing a bakery, caterers' establishment, restaurant, and artisan workshop as additional permitted uses within the existing 1-storey commercial building. No additional development is proposed.

The proposed development includes the following features:

- Land use: Commercial
- Form: One-storey Commercial Building
- Height: 1 storey (< 3 metres)
- Gross floor area: 843.60 square metres

- Building coverage: Approximately 15%
- Parking spaces: 29 surface parking spaces

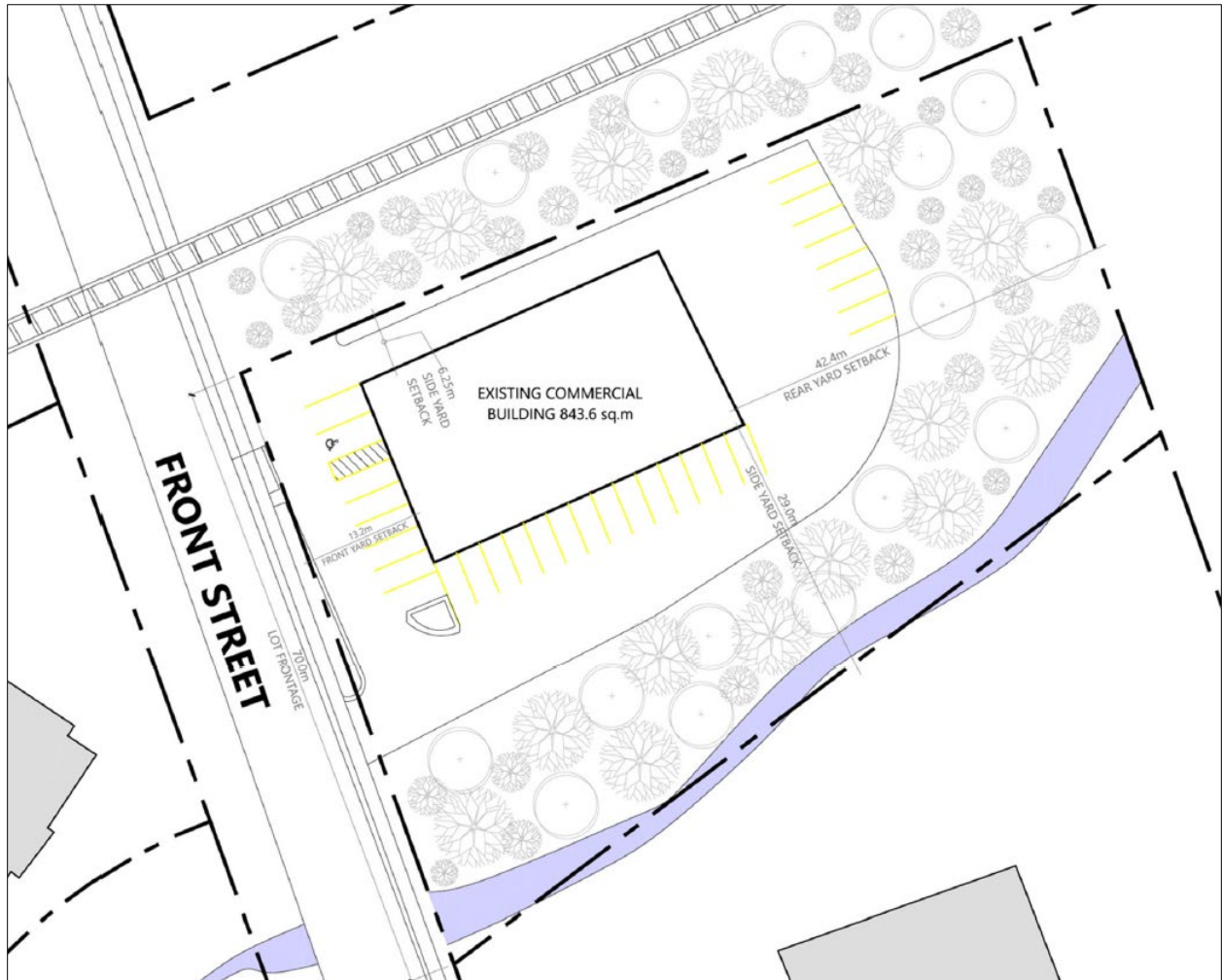


Figure 3 - Conceptual Site Plan (Received November 2024)

2.2 Requested Amendment

The applicant has requested an amendment to the Zoning By-law Z.-1 to rezone the property from a Restricted Service Commercial (RSC1) Zone and Open Space (OS4) Zone to a Restricted Service Commercial Special Provision (RSC1(_)) Zone and Open Space (OS4) Zone.

The following table summarizes the special provisions that have been proposed by the applicant and those that are being recommended by staff.

Regulation (RSC1)	Proposed
Additional Permitted Uses	<ul style="list-style-type: none"> • Bakery • Caterer's Establishment • Restaurant • Artisan Workshop • Place of Worship

2.3 Internal and Agency Comments

The application and [associated materials](#) were circulated for internal comments and public agencies to review. Comments received were considered in the review of this application; however, no major issues were identified by staff.

Detailed internal and agency comments are included in Appendix "B" of this report.

2.4 Public Engagement

On December 4, 2024, Notice of Application was delivered to property owners, businesses, and residents in the surrounding area. Notice of Application was published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on November 28th. A “Planning Application” sign was also placed on the site.

There were no responses received during the public consultation period.

2.5 Policy Context

The Planning Act and the Provincial Planning Statement, 2024

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the *Provincial Planning Statement, 2024 (PPS)*. The *Planning Act* requires that all municipal land use decisions affecting planning matters shall be consistent with the *PPS*.

The mechanism for implementing Provincial policies is through the Official Plan, The London Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal (OLT) approval of The London Plan, the City of London has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest are reviewed and discussed in The London Plan analysis below.

As the application for a Zoning By-law amendment complies with The London Plan, it is staff's opinion that the application is consistent with the *Planning Act* and the *PPS*.

The London Plan, 2016

The London Plan (TLP) includes evaluation criteria for all planning and development applications with respect to use, intensity and form, as well as with consideration of the following (TLP 1577-1579):

1. Consistency with the Provincial Policy Statement and all applicable legislation.
2. Conformity with the Our City, Our Strategy, City Building, and Environmental policies.
3. Conformity with the Place Type policies.
4. Consideration of applicable guideline documents.
5. The availability of municipal services.
6. Potential impacts on adjacent and nearby properties in the area and the degree to which such impacts can be managed and mitigated.
7. The degree to which the proposal fits within its existing and planned context.

Staff are of the opinion that all the above criteria have been satisfied.

3.0 Financial Impact/Considerations

None.

4.0 Key Issues and Considerations

4.1 Land Use

The proposed use is contemplated in the Urban Corridor Place Type in The London Plan (TLP 837_). The proposed Zoning By-law Amendment requests a limited range of complementary uses, allowing for efficient and flexible use of the subject lands, and takes advantage of existing servicing for small-scale commercial uses (TLP 826_). The Urban Corridor Place Type contemplates a range of residential, retail, service, office, cultural, recreational, and institutional uses (TLP 837_1). As such, staff are satisfied the existing and proposed uses are in conformity with The London Plan.

4.2 Intensity & Form

Given no new development or alterations to the existing site and building are proposed, staff are satisfied that the subject site continues to be an appropriate shape and size to accommodate the proposed additional use. The existing commercial building, which includes the unit proposed to be occupied by Europa Foods & Fish, maintains the maximum floor area requirement of 6,000m² in The London Plan (TLP 840_2). On this basis, staff are satisfied the intensity and form are in conformity with The London Plan.

Conclusion

The applicant has requested an amendment to the Zoning By-law Z.-1 to rezone the property from a Restricted Service Commercial (RSC1) Zone and Open Space (OS4) Zone to a Restricted Service Commercial Special Provision (RSC1(_)) Zone and Open Space (OS4) Zone. Staff are recommending approval of the requested Zoning By-law Amendment.

The recommended action is consistent with the PPS 2024, conforms to The London Plan and will permit a range of complementary uses within the existing building that are appropriate for the site and within the surrounding context.

Prepared by: **Chloe Cernanec**
Planner, Planning Implementation

Reviewed by: **Catherine Maton, MCIP, RPP**
Manager, Planning Implementation

Recommended by: **Heather McNeely, MCIP, RPP**
Director, Planning and Development

Submitted by: **Scott Mathers, MPA, P.Eng.**
Deputy City Manager, Planning and Economic Development

Copy:
Britt O'Hagan, Manager, Current Development
Mike Corby, Manager, Site Plans
Brent Lambert, Manager, Development Engineering

Appendix A – Zoning By-law Amendment

Bill No. (number to be inserted by Clerk's Office)
2025

By-law No. Z.-1-

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 430 First Street.

WHEREAS this amendment to the Zoning By-law Z.-1 conforms to the Official Plan;

NOW 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 430 First Street, as shown on the attached map **FROM** a Restricted Service Commercial (RSC1) Zone and Open Space (OS4) Zone **TO** a Restricted Service Commercial Special Provision (RSC1(_)) Zone and Open Space (OS4) Zone.
2. Section Number 28.4 of the Restricted Service Commercial Zone is amended by adding the following Special Provisions:

Restricted Service Commercial (_) 430 First Street

a. Additional Permitted Uses

- i) Bakery
- ii) Caterer's Establishment
- iii) Restaurant
- iv) Artisan Workshop
- v) Place of Worship

3. This Amendment shall come into effect 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.

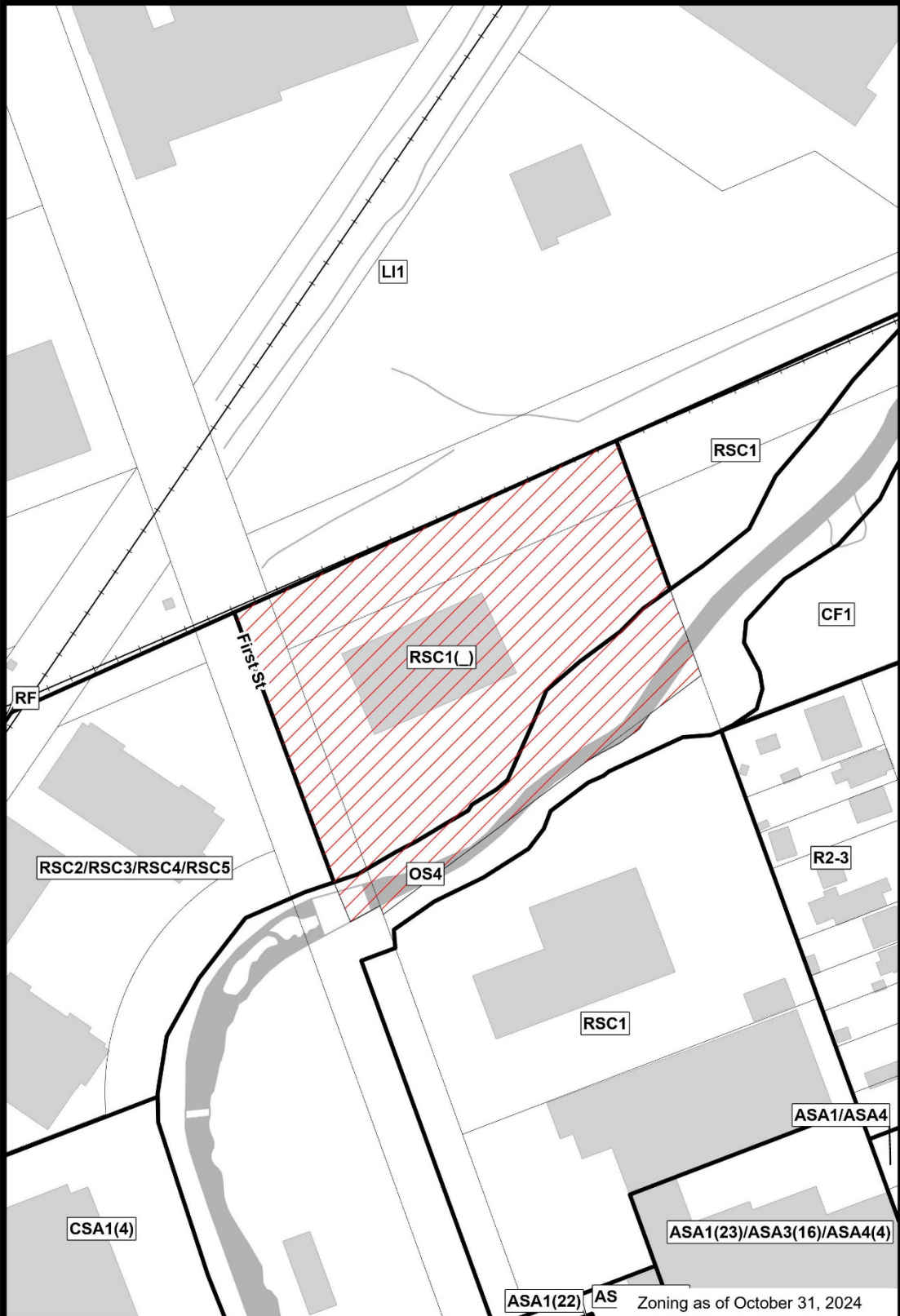
PASSED in Open Council on January 21, 2025, subject to the provisions of PART VI.1 of the *Municipal Act, 2001*.

Josh Morgan
Mayor


Michael Schulthess
City Clerk

First Reading – January 21, 2025
Second Reading – January 21, 2025
Third Reading – January 21, 2025


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



File Number: Z-9809
Planner: CC
Date Prepared: 2024/11/19
Technician: RC
By-Law No: Z.-1-

SUBJECT SITE 

1:1,175

0 25 50 Meters 

Appendix B – Internal and Agency Comments

Site Plan – Received November 14, 2024

Site Plan Approval will not be required.

Landscape Architecture – Received November 14, 2024

No comments to provide.

Heritage – Received November 18, 2024

The property at 430 First Street is identified as having archaeological potential on the City's Archaeological Management Plan.

- The current application proposes to add a permitted use and does not result in soil disturbance. As the proposal does not result in soil disturbance, an archaeological assessment is not required. However, the following clauses should be noted:
 - Archaeological potential remains on the properties at 430 First Street. Any future project that may require soil disturbance, may require archaeological assessment.
 - It is an offence under Section 48 and 69 of the *Ontario Heritage Act* for any party other than a consultant archaeologist to make alterations to a known archaeological site or to remove any artifact or other physical evidence of past human use or activity from an archaeological site.
 - Should previously undocumented (i.e., unknown, or deeply buried) archaeological resources be discovered, they may be a new archaeological site and therefore be subject to Section 48(1) of the *Ontario Heritage Act*. The proponent or person discovering the archaeological resources must cease alteration of the site immediately and engage a consultant archaeologist to carry out archaeological fieldwork, in compliance with Section 48(1) of the *Ontario Heritage Act*. Archaeological sites recommended for further archaeological fieldwork or protection remain subject to Section 48(1) of the *Ontario Heritage Act* and may not be altered, or have artifacts removed from them, except by a person holding an archaeological license.
 - If human remains/or a grave site is discovered, the proponent or person discovering the human remains and/or grave site must cease alteration of the site immediately. The *Funerals, Burials and Cremation Services Act* requires that any person discovering human remains must immediately notify the police or coroner and the Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures, Ontario Ministry of Public and Business Service Delivery.

Exxon Mobil – Received November 18, 2024

Please be informed, there is no Imperial infrastructure in the vicinity of this location, and there is no need for further engagement.

Real Estate Canada (Comments on CPKC Rail Line – Received November 18, 2024

CPKC is generally not opposed to Commercial/Industrial type developments adjacent to our right of way. Notwithstanding that statement, commercial developments should still meet certain recommendations based upon site specific conditions and intended use. CPKC is not in favour of residential uses that are not compatible with rail operations as the safety and welfare of residents can be adversely affected by rail operations. CPKC freight trains operate 24/7 and schedules/volumes are subject to change.

CPKC's approach to any development or expansion in the vicinity of rail operations is encapsulated by the recommended 2013 Proximity Guidelines developed through collaboration between the Railway Association of Canada and the Federation of Canadian Municipalities. CPKC continues to recommend that all proposed developments (whether residential, commercial, or industrial) follow the 2013 Proximity Guidelines. It is incumbent upon the developer to incorporate these safety measures to a degree that satisfies the requirements of the relevant agencies issuing building and development permits. The 2013 Proximity Guidelines can be found here:

<http://www.proximityissues.ca/>

In addition, all construction, continued maintenance, access, ingress and egress must be done without entering railroad right of way. This includes but is not limited to maintenance of any equipment, lawn care, snow plowing, and emergency exits via windows or doors.

CPKC recommends that the below condition be inserted in all property and tenancy agreements or future offers of purchase and sale for all dwelling units in the proposed building(s):

“CPKC and/or its assigns or successors in interest has or have a railway right-of-way and/or yard located adjacent to the subject land hereof with operations conducted 24 hours a day, 7 days a week, including the shunting of trains and the idling of locomotives. There may be alterations to, or expansions of, the railway facilities and/or operations in the future, which alterations or expansions may affect the living environment of the residents in the vicinity. Notwithstanding the inclusion of any noise and/or vibration attenuating measures in the design of the development and individual dwellings, CPKC will not be responsible for complaints or claims arising from the use of its facilities and/or its operations on, over, or under the aforesaid right-of-way and/or yard.”

We would appreciate being circulated with all future correspondence related to developments adjacent to our right of way.

Urban Design – Received November 19, 2024

Considering the proposed uses are wholly contained within the existing commercial building and no new or expanded buildings or structures are proposed as part of the Zoning By-law Amendment, Urban Design has no zoning related comments.

This application would not proceed through the Site Plan Approval process; however, considering the proposed use, Staff would encourage providing a pedestrian connection from the principal entrances to the public sidewalk along First Street to promote accessibility, walkability and wayfinding and support transit usage keeping with the planned vision for the Urban Corridors Place Type. TLP 841_4,_5, TLP 268, 255.

Parks Planning – Received November 19, 2024

Parks has no comments.

UTRCA– Received November 20, 2024

As indicated, the subject lands **are** regulated by the UTRCA due to the presence of a riverine flooding and erosion hazard associated with Pottersburg Creek. No new development, alterations to the footprint of the existing building, or the existing surface parking area are proposed through this amendment. As the proposed uses will be located within an existing building, the UTRCA has **no objections** to the submitted application.

We advise the applicant to reach out to UTRCA Regulations staff once development plans are finalized to determine if Section 28 permit application/clearance is required.

We remind the applicant that written approval from the Conservation Authority must be obtained prior to undertaking any site alteration or development within the regulated area including filling, grading, construction, or site alteration.

Ecology – Received November 20, 2024

There are currently no ecological planning issues related to this property and/or associated study requirements.

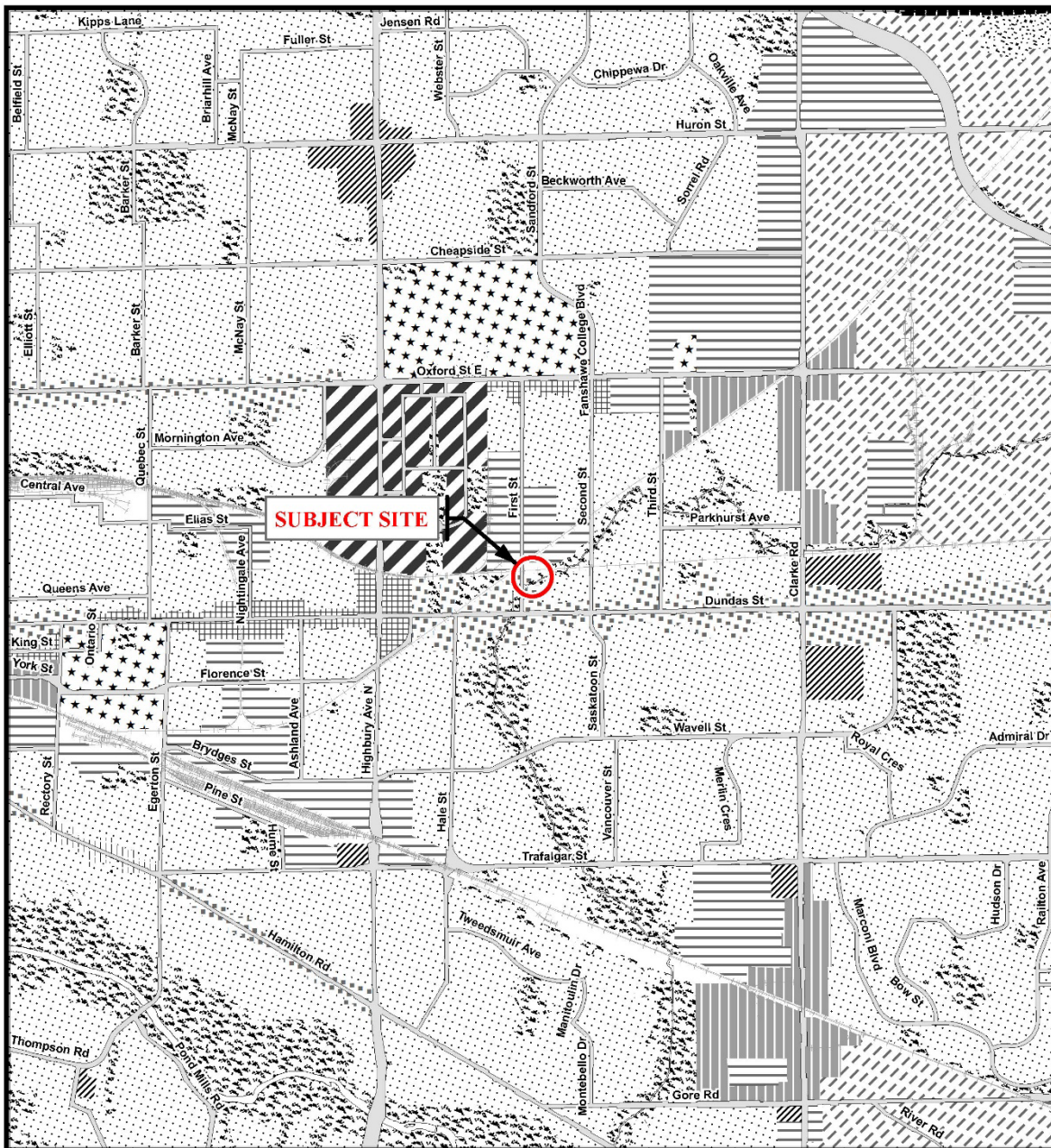
London Hydro – Received November 22, 2024

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.

Engineering – Received November 26, 2024

- The existing Municipal sanitary sewer servicing the property is the 250mm on First Street. A 150mm sanitary PDC is required for commercial uses per City standard. The Applicant is to ensure the existing sanitary PDC is adequately sized for the expanded uses of a Bakery, Caterer's establishment, Restaurant, and Artisan workshop.

Appendix C – Additional Background

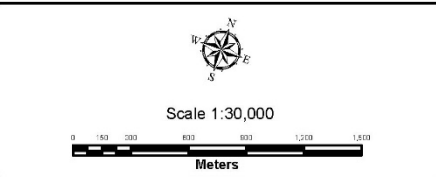


Legend

- | | | |
|------------------------|--------------------------|---|
| Downtown | Future Community Growth | Environmental Review |
| Transit Village | Heavy Industrial | Farmland |
| Shopping Area | Light Industrial | Rural Neighbourhood |
| Rapid Transit Corridor | Future Industrial Growth | Waste Management Resource Recovery Area |
| Urban Corridor | Commercial Industrial | Urban Growth Boundary |
| Main Street | Institutional | |
| Neighbourhood | Green Space | |

This is an excerpt from Planning & Development's working consolidation of Map 1 - Place Types of the London Plan, with added notations.

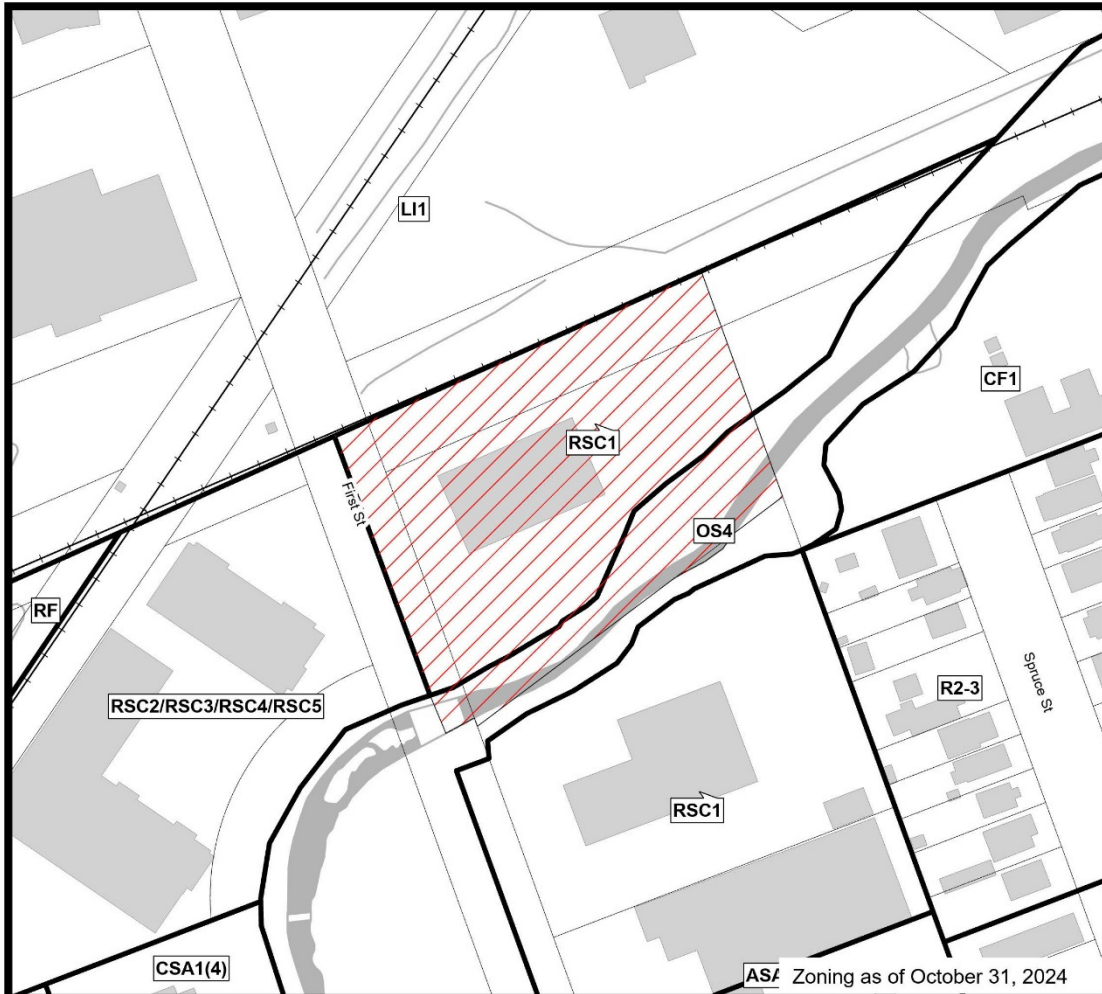
CITY OF LONDON
Official Plan
LONDON PLAN MAP 1
- PLACE TYPES -
 PREPARED BY: Planning & Development



File Number: Z-9809
Planner: CC
Technician: RC
Date: 2024/11/19

Project Location: E:\Planning\Projects\p_officialplan\workconsolid00\excerpts_LondonPlan\mxd\Z-9809-Map1_PlaceTypes.mxd

The London Plan Map 1- Place Types



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: RSC1 & OS4

1) **LEGEND FOR ZONING BY-LAW Z-1**

- | | |
|---|-----------------------------------|
| R1 - SINGLE DETACHED DWELLINGS | RF - REGIONAL FACILITY |
| R2 - SINGLE AND TWO UNIT DWELLINGS | CF - COMMUNITY FACILITY |
| R3 - SINGLE TO FOUR UNIT DWELLINGS | NF - NEIGHBOURHOOD FACILITY |
| R4 - STREET TOWNHOUSE | HER - HERITAGE |
| R5 - CLUSTER TOWNHOUSE | DC - DAY CARE |
| R6 - CLUSTER HOUSING ALL FORMS | |
| R7 - SENIOR'S HOUSING | OS - OPEN SPACE |
| R8 - MEDIUM DENSITY/LOW RISE APTS. | CR - COMMERCIAL RECREATION |
| R9 - MEDIUM TO HIGH DENSITY APTS. | ER - ENVIRONMENTAL REVIEW |
| R10 - HIGH DENSITY APARTMENTS | |
| R11 - LODGING HOUSE | OB - OFFICE BUSINESS PARK |
| | LI - LIGHT INDUSTRIAL |
| DA - DOWNTOWN AREA | GI - GENERAL INDUSTRIAL |
| RSA - REGIONAL SHOPPING AREA | HI - HEAVY INDUSTRIAL |
| CSA - COMMUNITY SHOPPING AREA | EX - RESOURCE EXTRACTIVE |
| NSA - NEIGHBOURHOOD SHOPPING AREA | UR - URBAN RESERVE |
| BDC - BUSINESS DISTRICT COMMERCIAL | |
| AC - ARTERIAL COMMERCIAL | AG - AGRICULTURAL |
| HS - HIGHWAY SERVICE COMMERCIAL | AGC - AGRICULTURAL COMMERCIAL |
| RSC - RESTRICTED SERVICE COMMERCIAL | RRC - RURAL SETTLEMENT COMMERCIAL |
| CC - CONVENIENCE COMMERCIAL | TGS - TEMPORARY GARDEN SUITE |
| SS - AUTOMOBILE SERVICE STATION | RT - RAIL TRANSPORTATION |
| ASA - ASSOCIATED SHOPPING AREA COMMERCIAL | |
| OR - OFFICE/RESIDENTIAL | "h" - HOLDING SYMBOL |
| OC - OFFICE CONVERSION | "D" - DENSITY SYMBOL |
| RO - RESTRICTED OFFICE | "H" - HEIGHT SYMBOL |
| OF - OFFICE | "B" - BONUS SYMBOL |
| | "T" - TEMPORARY USE SYMBOL |

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

FILE NO:

Z-9809

CC

MAP PREPARED:

2024/11/19

CK

1:1,500

0 5 10 20 30 40

Meters

Current Zoning By-law Z.-1 Excerpt