



## STAFF REPORT

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**FUNCTION:** Committee of Adjustment

**CHAIR:** Cindy Tremblay

**DATE:** May 1, 2019

**REPORT NO.:** **PL-2019-36**  
**Minor Variance**  
**A.9/2019 – 619 Prospect Boulevard**

### **RECOMMENDATION:**

The Planning and Building Services Department supports the request for Minor Variance Application A.9/2019 respecting the property at 619 Prospect Boulevard for the following Variance:

- A Variance to the Permitted Uses of the M1 zone to add Pharmacy as an additional permitted use

In order to permit the development of two (2) medical office buildings, subject to the following Conditions:

1. That the Applicant obtains Site Plan Approval within one (1) year of the date of Committee decision.
2. That the Pharmacy use be limited to a maximum of 10% of the Gross Floor Area of the proposed buildings on the subject property.

### **BACKGROUND:**

The Town received an application for a Minor Variance on April 25, 2019 for the property located at 619 Prospect Boulevard. The property is legally described as Part lot 100, Concession 1 (Tay), in the Town of Midland. The property is located on the south west corner of the intersection between Prospect Boulevard and King Street. See Attachment #1 for the Location Map.

The site is approximately 2.2 hectares and has a frontage of approximately 122 metres on Prospect Boulevard. The property is currently vacant. As the Committee may recall, the subject property is related to Provisional Consent Application B.3/2019 where it is the benefitting lands to a lot addition. After the lot addition is finalized and registered, the subject property will have a lot area of 2.5 hectares and a frontage of approximately 199 metres.

### Surrounding Land Uses:

North: Commercial

South: Industrial

East: Industrial/Residential (Zoned Industrial)

West: Institutional (College)

The Applicant is currently seeking Site Plan Approval to develop the subject lands for two medical office buildings. Building 'A' will have a Gross Floor Area of 2221.96 square metres. Building 'B' will have a Gross Floor Area of 1327.23 square metres (Attachment #2). The site will be serviced by a total of 258 parking spaces. The Applicant is requesting a Variance to the permitted uses in the Industrial – M1 Zone to include 'Pharmacy' as an additional permitted use on the subject property. At the drafting of this report, no detail has been submitted to the municipality as to the location and size of the proposed pharmacy within the development.

### **Provincial Policy Statement, 2014**

Section 3 of the Planning Act states that all planning applications must be consistent with the Provincial Policy Statement. Midland is a Settlement Area in the PPS and Settlement Areas are to be the focus of growth and development. Efficient development is promoted and a range of uses, including employment, are to be accommodated. In Employment Areas, planning authorities are required to plan for, protect and preserve lands for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs.

### **Growth Plan for the Greater Golden Horseshoe**

Section 14(1) of the *Places to Grow Act, 2005* requires that all decisions under the *Planning Act* conform to the Growth Plan for the Greater Golden Horseshoe. Generally, the Growth Plan directs growth to built-up areas within communities that have the capacities to accommodate the growth and development and requires intensification of development and greater densities within communities to create more complete communities. The 2017 Growth Plan places additional emphasis on setting higher density targets and encouraging development on properties with existing or planned Municipal water and wastewater systems. The 2017 Growth Plan also established a stronger policy framework with respect to identifying prime Employment Areas and strategic Employment Areas within Settlement Areas and protecting these areas for appropriate employment uses over the long-term.

### **County of Simcoe Official Plan**

The Town of Midland is designated as a "SETTLEMENT AREA" in the County's Official Plan (OP). The County OP generally indicates that settlements should be the focus of growth and that compact form that provides efficient use of land on full services should be promoted. The County Official Plan policy regarding employment areas mirrors the PPS and Growth Plan policies, requiring local municipalities to identify, plan and protect employment areas in their official plans for current and future employment uses.

### **Town of Midland Official Plan**

The subject property is designated **EMPLOYMENT AREAS** in the Town's Official Plan. The intent of the designation is to provide a diversified economic base and enhance employment opportunities. The Town's Official Plan permits the consideration, through a rezoning application, requests for changes in use between different employment categories and permits the consideration of additional permitted uses from one category into a related but different zone category. The Official Plan sets out the following criteria for the consideration of these changes in use/zoning:

- Current industrial lands should generally be reserved for manufacturing and related uses. Lands on the periphery of industrial areas or adjacent to major roads may be considered for commercial and service-related uses as long as these are viewed as being compatible and would not interfere with adjacent industrial uses.
- The proposed change will promote the use of land or building space otherwise deemed not suitable in terms of the former industrial use.
- The adequacy of municipal services and facilities.

### **Zoning By-law 2004-90, as amended**

The property is zoned **Industrial – M1** in Zoning By-law 2004-90. The M1 zone permits a range of commercial and industrial uses including a professional office use.

The Zoning By-law is written such that a use is prohibited unless listed as a permitted use within the specific zones. The proposed 'Pharmacy' is not a permitted use in the M1 Zone. The Zoning By-law also does not define a pharmacy, but does define a pharmacist as follows:

#### **Pharmacist**

Shall mean a health professional who practices the science of pharmacy including but not limited to taking requests for medicines from a prescribing health care provider in the form of a medical prescription, evaluating the appropriateness of the prescription, dispensing the medication to the patient and counseling them on the proper use and adverse effects of that medication.

In reviewing the Application, Staff will be using the term 'Pharmacy' with the understanding that the use will involve 'Pharmacist' as defined in Zoning By-law 2004-90 and an associated retail use of pharmaceutical goods.

### **Departmental and Agency Comments**

April 30, 2019 - Director of Engineering, Water and Wastewater

1. No comment.

May 3, 2019 - Director of Operations, Parks and Facilities

1. No issues

## **ANALYSIS:**

The *Planning Act* sets out four tests that must be met by Minor Variances. The four tests are set out below along with the Staff analysis and opinion regarding the subject application request.

### ***Is the Variance Minor?***

The proposed additional use of a Pharmacy is a complementary and compatible use with a medical office development. A Site Plan Application has been submitted to the municipality to ensure sufficient on-site services (such as parking) and adequate facilities are included to support the use. The subject property is also surrounded by other industrial and institutional uses and will not be generating any additional traffic or impact than otherwise expected from an industrial zone. The impact of the proposed use on surrounding land uses and properties will be minor in nature. However, it is noted that the exact size and location of the proposed pharmacy are not known at this time. As such, Staff is recommending a condition that the proposed Pharmacy be limited in size.

### ***Is the Variance desirable for the appropriate development of the land?***

The subject property is being proposed to be developed for medical offices. The proposed Variance would permit a pharmacy as a use on the subject property. The proposed use does not interfere with the primary use of the development or the surrounding neighbourhood but rather, it will complement the development and is compatible with the proposed primary use. Given the above, Staff is of the opinion that the proposed Variance is a desirable and appropriate development of the land.

### ***Maintains the general intent and purpose of the Zoning By-law?***

The intent of the permitted uses in the M1 zone is to establish light industrial and commercial uses in the zone and protect employment lands. The primary use of the proposed development will be a medical office use which is a permitted use in the M1 zone. The proposed pharmacy will be complementary as an accessory use to the primary use and will not disrupt or interfere with other permitted uses of the M1 zone. To ensure that the pharmacy remains accessory to the primary use, Staff is recommending that the Pharmacy be limited to 10% of the proposed GFA. Given the above, Staff is of the opinion that the proposed Variance meets the general intent and purpose of the Zoning By-law.

### ***Maintains the general intent and purpose of the Official Plan?***

The Official Plan identifies the subject property as a location for employment uses in the Town. Commercial uses are permitted in the Employment Area and specifically noted that such uses should be located to have a “regard for the compatibility of the use in terms of location and surrounding and adjacent uses.” As previously described, Staff is of the opinion that the permitted use is compatible with the proposed development, the surrounding lands and it will not interfere with other industrial uses. As such, the proposed Variance will maintain the general intent and purpose of the Official Plan.

## **CONCLUSIONS:**

Based on a review of the Variances requested, it is the opinion of Planning and Building

Services that Minor Variance Application A.9/2019 maintains the intent and purpose of the Official Plan and Zoning By-law, is a desirable and appropriate use, and the Variances are minor in nature. The proposed Variances represent appropriate development and good planning. Therefore, Planning and Building Services are supportive of the Application.

1. That the Applicant obtains Site Plan Approval within one (1) year of the date of Committee decision.
2. That the Pharmacy use be limited to a maximum of 10% of the gross floor area of the proposed buildings on the subject property.

**FINANCIAL IMPACT:**

There is no direct financial impact of this report.

Prepared by: Angela Zhao, Planner

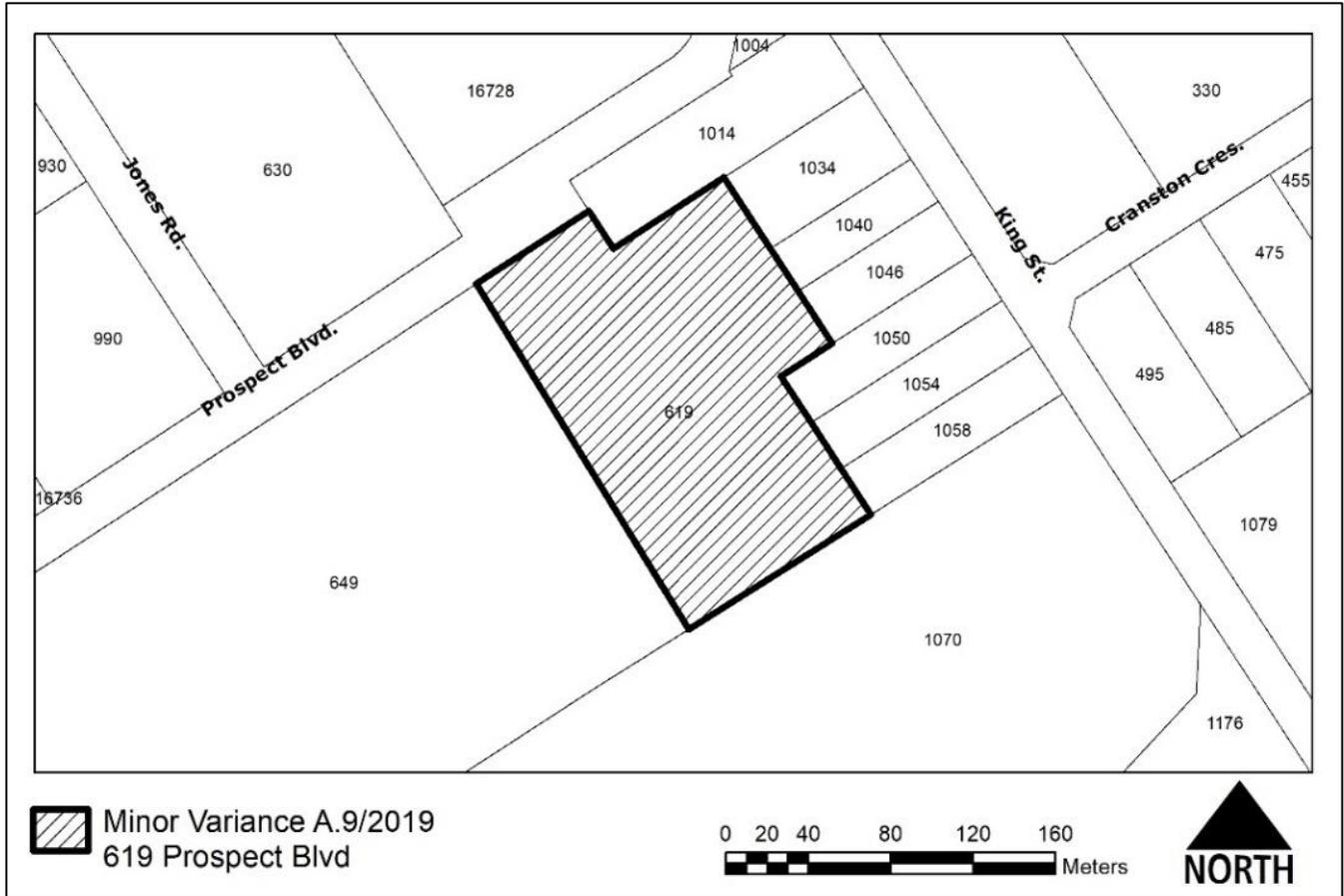
Approved by: Wesley Crown, Director of Planning & Building Services

Attachments

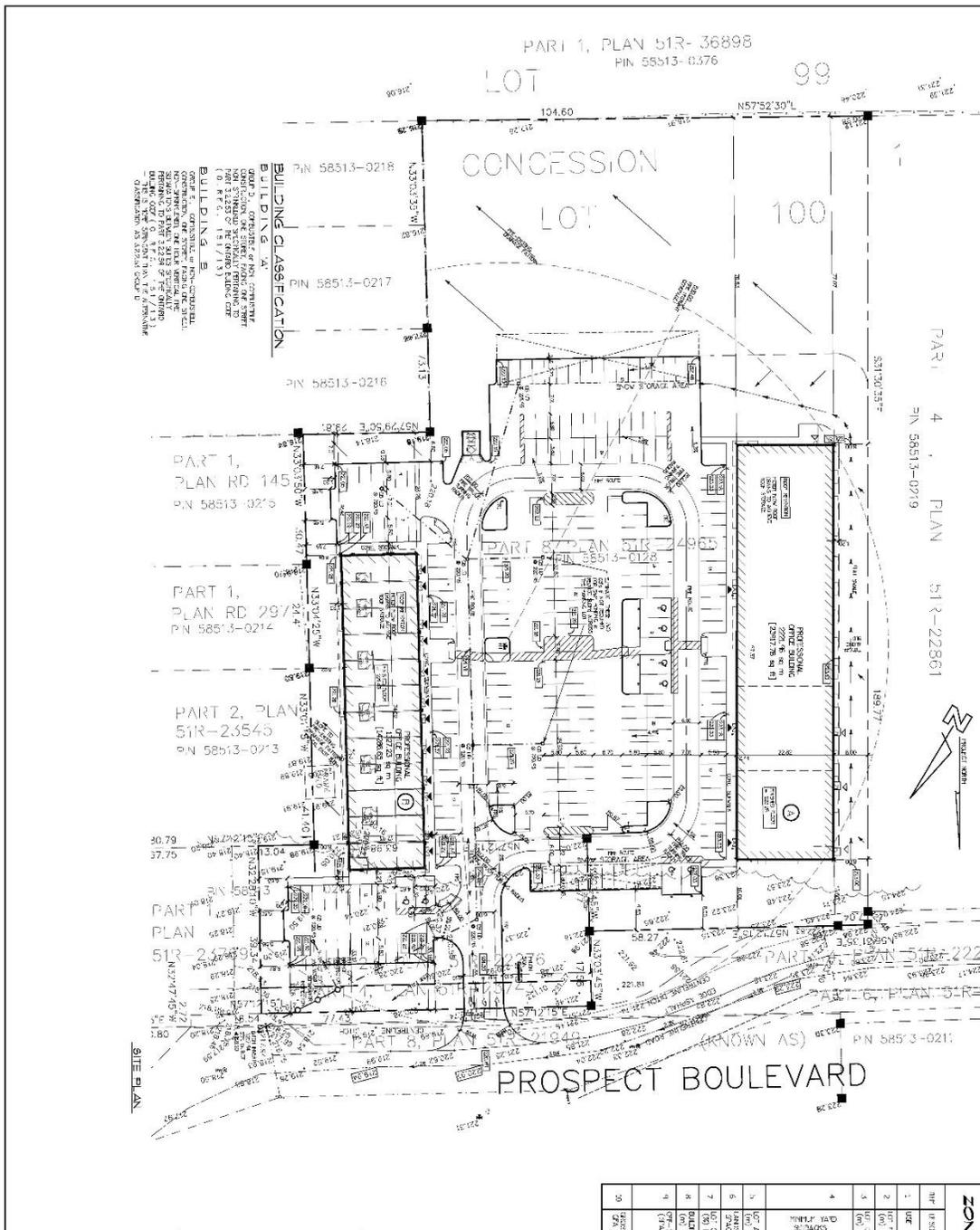
#1: Location Map

#2: Proposed Site Plan

# Attachment #1: Location Map



**Attachment #2: Site Plan**

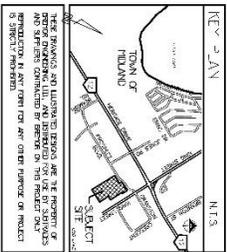


**BUILDING CLASSIFICATION**

**BUILDING A:**  
 GROUP 3 - OFFICES & NON-RESIDENTIAL  
 GROUP 4 - OFFICES & NON-RESIDENTIAL  
 GROUP 5 - OFFICES & NON-RESIDENTIAL  
 GROUP 6 - OFFICES & NON-RESIDENTIAL  
 GROUP 7 - OFFICES & NON-RESIDENTIAL  
 GROUP 8 - OFFICES & NON-RESIDENTIAL  
 GROUP 9 - OFFICES & NON-RESIDENTIAL  
 GROUP 10 - OFFICES & NON-RESIDENTIAL  
 GROUP 11 - OFFICES & NON-RESIDENTIAL  
 GROUP 12 - OFFICES & NON-RESIDENTIAL  
 GROUP 13 - OFFICES & NON-RESIDENTIAL  
 GROUP 14 - OFFICES & NON-RESIDENTIAL  
 GROUP 15 - OFFICES & NON-RESIDENTIAL  
 GROUP 16 - OFFICES & NON-RESIDENTIAL  
 GROUP 17 - OFFICES & NON-RESIDENTIAL  
 GROUP 18 - OFFICES & NON-RESIDENTIAL  
 GROUP 19 - OFFICES & NON-RESIDENTIAL  
 GROUP 20 - OFFICES & NON-RESIDENTIAL

**ZONING CONFORMANCE**

REF. TO SUB-TITLE	PLANNED DEVELOPMENT	CONFORMANCE
1. USE	OFFICE - BUSINESS CENTER - B1	COMPLIES
2. LOT AREA	3200 (sq. ft.)	262,700 (sq. ft.)
3. LOT FRONTAGE	N/A	184.70m
4. SETBACKS	FRONT: 5.50m @ 10.0% SIDE: 5.50m @ 10.0% REAR: 5.50m @ 10.0% MIN. 3.00m @ 10.0% MIN. 3.00m @ 10.0%	FRONT: 5.50m @ 10.0% SIDE: 5.50m @ 10.0% REAR: 5.50m @ 10.0% MIN. 3.00m @ 10.0% MIN. 3.00m @ 10.0%
5. FLOOR AREA	2,257 (sq. m.)	N/A
6. FLOOR AREA PER LOT AREA	0.707 (sq. m./sq. m.)	0.707 (sq. m./sq. m.)
7. COVERAGE	60% (max.)	47.4%
8. HEIGHT	11.0m (max.)	57m (100')
9. OTHER REQUIREMENTS	SEE ZONING BY-LAW FOR OTHER REQUIREMENTS	SEE ZONING BY-LAW FOR OTHER REQUIREMENTS
10. EXISTING USE	2,257 (sq. m.)	2,257 (sq. m.)



**REVISIONS**

NO.	DATE	DESCRIPTION
1	1/15/19	ISSUED FOR PERMIT
2	1/15/19	ISSUED FOR PERMIT
3	1/15/19	ISSUED FOR PERMIT
4	1/15/19	ISSUED FOR PERMIT
5	1/15/19	ISSUED FOR PERMIT
6	1/15/19	ISSUED FOR PERMIT
7	1/15/19	ISSUED FOR PERMIT
8	1/15/19	ISSUED FOR PERMIT
9	1/15/19	ISSUED FOR PERMIT
10	1/15/19	ISSUED FOR PERMIT

**Real Capital Partners**  
 CONSULTING ENGINEERS

**BREMOR ENGINEERING LTD.**  
 ENGINEERS AND ARCHITECTS

**619 PROSPECT BLVD. SITE PLAN**

**DATE:** JAN 2019  
**SCALE:** AS SHOWN  
**PROJECT NO.:** 19-001