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File: OZ-8360
Planner: E. Lalande

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: THE CORPORATION OF THE CITY OF LONDON 3425 ROE STREET PUBLIC PARTICIPATION MEETING ON JULY 22, 2014

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of the Corporation of the City of London relating to the property located at 3425 Roe Street:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on July 29, 2014 to amend the Official Plan **TO** add a Specific Area Policy under Chapter 10.1.3 of the Official Plan to permit the expansion of a self-storage establishment; it being noted that an application for Site Plan Approval was received by the City prior to Council adopting new policies related to self-storage establishments; and
- (b) the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on July 29, 2014 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan as amended in part (a) above, to change the zoning of the subject property **FROM** a Holding Light Industrial (LI2/h-23*LI3/LI4) Zone and Light Industrial Special Provision (LI2/LI6(3)/LI7) Zone **TO** a Holding Light Industrial Special Provision (LI2(_)/h-23*LI3/LI4) Zone and a Light Industrial Special Provision (LI2(_)/LI6(3)/LI7) Zone.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

Planning and Environment Committee – City-Wide Official Plan/Zoning By-law Review - September 10, 2013 - OZ-7783

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The recommended action is to permit the expansion of an existing self-storage at 3425 Roe Street, subject to Site Plan Approval and the entering into of a development agreement.

RATIONALE

1. The recommended action is consistent with the Provincial Policy Statement, 2014.
2. The proposed development conforms to the general intent and purpose of the Official Plan.
3. The proposed amendment facilitates a use that was previously permitted at the time of application for Site Plan Approval. The amendment will permit a use that was previously permitted on these lands, but that is no longer permitted as a result of recent Official Plan and Zoning By-law Amendments regarding Self-Storage Establishments.

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Aerial Photo Location Map

File No.: Z-8360

EL

Date Prepared: 2014/06/26

CK

SCALE: 1:3,800



Prepared by : Graphics & Information Services, Planning Division, Corporation of the City of London
Photography based on April 2010 flight info.

Note: Parcel linework, when shown, is not for official or legal use.

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BACKGROUND

The existing buildings were constructed between 2003 and 2010. At the time of development, self-storage establishments were a permitted use under the Zoning By-law through an interpretation of definition of warehousing establishment.

The property owners submitted an application for Site Plan Approval on September 13, 2012 for the remainder of the property and a total of 12 buildings on the subject property. The application for Site Plan Approval application is currently on hold until the resolution of the current zoning application addressed by this report.

During the Site Plan Approval review process, Council adopted new Commercial policies and Zoning By-law regulations on September 17, 2013 which redefined self-storage establishments as a separate use from warehousing uses. This change also directs new self-storage establishments towards auto-oriented commercial corridors and away from industrial areas. As part of the policy change, existing self-storage establishments were made legal within the Zoning By-Law by adding "Existing Self-Storage Establishments" to the list of permitted uses within the Light Industrial (LI2) Zone.

The interpretation of "existing" applies to the buildings as constructed on the date of passing of the By-law which was brought in through the new self-storage policy framework. New buildings are considered an expansion and not captured by the permitted use set out in the Light Industrial (LI2) Zone.

Site Plan Approval, as it relates to the property owner's application, is dependant upon the project being in compliance with all applicable by-laws at the time of Approval as outlined in the Development Agreement and required to obtain a building permit. The following is the standard clause from the City's Development Agreement:

"By-laws: Notwithstanding any of the provisions of this Agreement, the Owner shall be subject to and comply with all applicable by-laws of the City. In the event of conflict between the provisions of this Agreement and the provisions of any by-law of the City, the provisions of the by-law shall prevail."

This has created a unique scenario whereby the application for Site Plan Approval made by the property owner is now, effectively, requesting a non-permitted use on a lot, which represents an expansion of a permitted use. The application for Site Plan Approval now requires Official Plan and Zoning By-law amendments to ensure the development does not create a conflict with the Zoning By-law when issuing building permits.

The use was interpreted as being appropriate under the Zoning By-law at the time of application for Site Plan Approval. This is a unique application, due to the circumstances related to planning applications process and policy changes. This does not represent a situation that can be applied to new or future expansions to self-storage establishment applications.

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Date Application Accepted: May 27, 2014	Agent: None
REQUESTED ACTION: To permit the expansion to the existing self-storage establishments.	

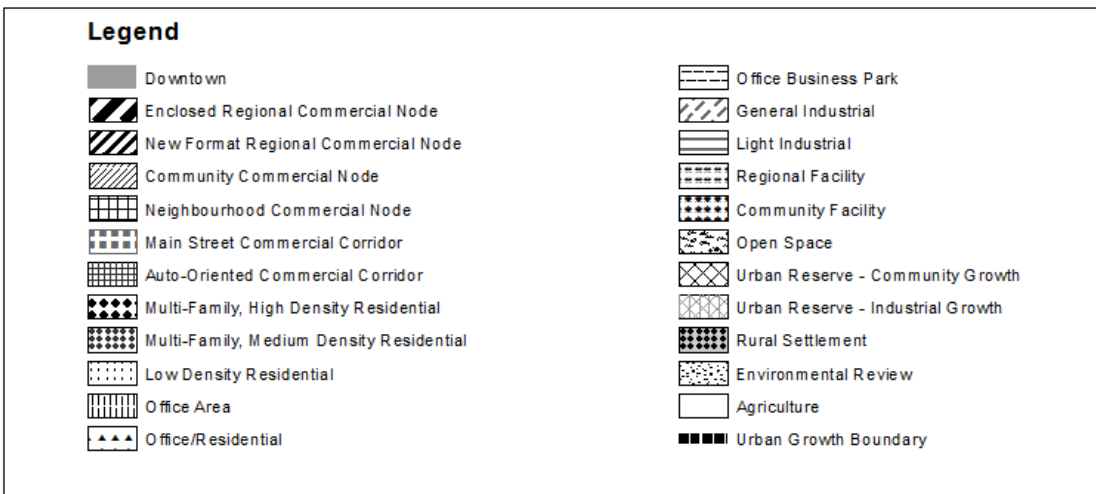
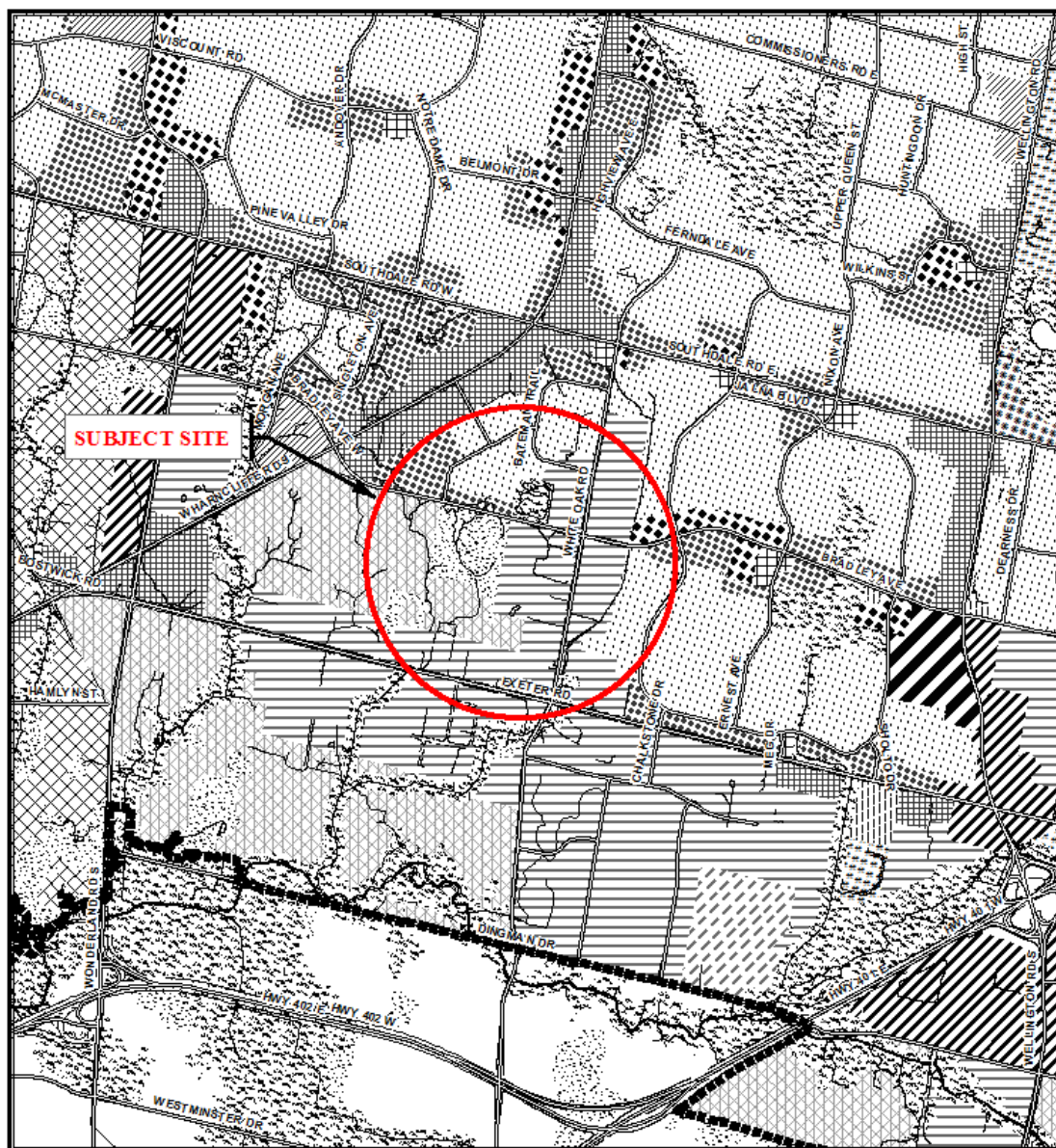
SITE CHARACTERISTICS:
<ul style="list-style-type: none"> • Current Land Use – Self-storage Establishment • Frontage – 255.96m (839.77ft) • Depth – ~77.8 m (255.25 ft) • Area – 1.99 (4.92ac) • Shape - Rectangular

SURROUNDING LAND USES:
<ul style="list-style-type: none"> • North - Stormwater management • South - Light Industrial • East - Light Industrial/Self-storage • West - Environmental Review

OFFICIAL PLAN DESIGNATION: (refer to Official Plan Map)
<ul style="list-style-type: none"> • Light Industrial
EXISTING ZONING: (refer to Zoning Map)
<ul style="list-style-type: none"> • Holding Light Industrial (LI2/h-23*LI3/LI4) Zone and Light Industrial Special (LI2/LI6(3)/LI7) Zone

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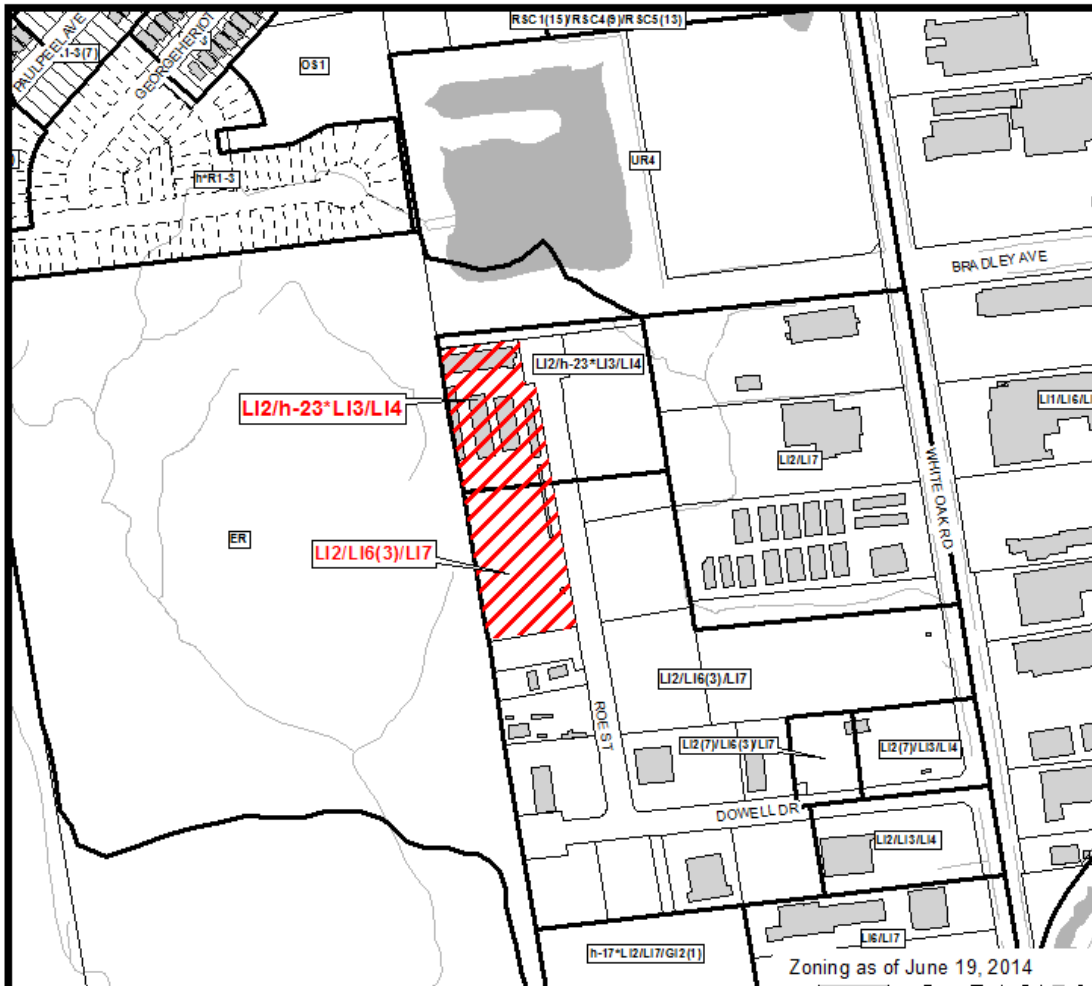
File: OZ-8360
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<p>CITY OF LONDON Department of Planning and Development</p> <p>OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p><small>PREPARED BY: Graphics and Information Services</small></p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: OZ-8360</p> <p>PLANNER: EL</p> <p>TECHNICIAN: CK</p> <p>DATE: 2014/06/26</p>
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COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: L12/h-23*L13/L14 & L12/L16(3)/L17

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
- LJ - 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

CITY OF LONDON
PLANNING, ENVIRONMENTAL AND ENGINEERING 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:
OZ-8360 EL

MAP PREPARED:
2014/06/26 CK



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SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

Upper Thames River Conservation Authority: The UTRCA has no objections to this application but requests that the proponent confirm whether they require a Section 28 Permit from the Conservation Authority for the proposed expansion.

Urban Forestry: No Concerns

Wastewater and Drainage Engineering: No Comment

PUBLIC LIAISON:	On June 6, 2014, Notice of Application was sent to 13 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 June 5, 2014. A "Possible Land Use Change" sign was also posted on the site.	0 replies were received
Nature of Liaison: The purpose and effect of the requested Official Plan and Zoning By-law amendments is to permit the expansion of an existing self-storage establishment within an industrial area.		
Responses: N/A		

ANALYSIS

Provincial Policy Statement, 2014

The Provincial Policy Statement (PPS), 2014 provides policy direction that encourages the development of complete communities as well as the efficient use of land. The recommendation to permit the expansion of a self-storage establishment does not compromise the existing range and mix of employment uses in the area. The subject property has already been developed as a self-storage establishment and does not result in the removal of employment lands. The subject property will continue to maintain the same mix and range of industrial uses that were permitted prior to the new self-storage policy framework. Staff considers the application to be consistent with the intent of the Provincial Policy Statement, 2014 and is satisfied that this application does not create a precedent for the removal of employment lands in the future.

Official Plan

The Official Plan contains Council's objectives and policies to guide the short-term and long-term physical development of the municipality. The policies promote orderly urban growth and compatibility among land uses. While objectives and policies in the Official Plan primarily relate to the physical development of the municipality, they also have regard for relevant social, economic and environmental matters.

The subject property is designated Light Industrial in the City of London Official Plan. This designation is intended for industries which have a limited impact on the surrounding environment and which are frequently small in scale. Self-storage establishments are considered to create limited impact on the surrounding area and do not create noise or vibration impacts that can be associated with Light Industrial uses.

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Section 10.1.1. Criteria of the Official Plan set out where the application of existing policies would not accurately reflect the intent of Council with respect to the future use of the land. The adoption of policies for Specific Areas may be considered where one or more of the following conditions apply:

i) The change in land use is site specific, is appropriate given the mix of uses in the area, and cannot be accommodated within other land use designations without having a negative impact on the surrounding area.

Official Plan policy has been amended to direct the establishment of new self-storage facilities to the Auto-Oriented Commercial Corridor designation. However, this application is to recognize the expansion of a use that was established prior to Council's direction. The change in land use is site specific and is appropriate given the uses in the area and as the use currently exists on a portion of the subject property. The proposed expansion on the remaining portion is not expected to create negative impacts on the surrounding area.

ii) The change in land use is site specific and is located in an area where Council wishes to maintain existing land use designations, while allowing for a site specific use.

The Light Industrial designation is intended to be maintained and protect the long term goals for the area. The site specific policy is to allow the extension of a use that currently exists.

iii) The existing mix of uses in the area does not lend itself to a specific land use designation for directing future development and a site specific policy is required.

The surrounding area has developed as a mix of industrial uses, including self-storage establishments, which Council has since directed to the Auto-Oriented Commercial Corridor designation. The area does lend itself to Light Industrial uses however, a site specific policy is required for the proposed development.

iv) The policy is required to restrict the range of permitted uses, or to restrict the scale and density of development normally allowed in a particular designation, in order to protect other uses in an area from negative impacts associated with excessive noise, traffic, loss of privacy or servicing constraints.

The policy would restrict the addition of a self-storage establishment on a site-specific basis. There are no further requirements to restrict the range of uses on the lot as the other permitted uses are consistent with those considered appropriate within the Light Industrial designation.

Staff considers this application for a Specific Area policy to be applied to the subject property as an appropriate land use. The expansion of the proposed use is consistent with the criteria of the Official Plan.

ZONING BY-LAW

The Zoning By-law is a comprehensive document used to implement the policies of the Official Plan by regulating the use of land, the intensity of the permitted use, and the built form. This is achieved by applying various zones to all lands within the City of London which identify a list of permitted uses and regulations that frame the context within which development can occur. Collectively, the permitted uses and regulations assess the ability of a site to accommodate a development proposal. It is important that all three criteria of use, intensity and form must be considered and deemed to be appropriate for the approval of any development proposal.

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The subject property is currently zoned Holding Light Industrial (LI2/h-23*LI3/LI4) and Light Industrial Special Provision (LI2/LI6(3)/LI7), which permit a range of industrial uses. The LI2 zone variation permits **existing** Self-Storage establishments, whereas this application is to expand an existing self-storage establishment.

Staff's recommendation is to add self-storage establishments to the list of permitted uses to allow the property owner to develop an expansion to their existing self-storage establishment.

CONCLUSION

Planning staff is of the opinion that the expansion of the self-storage establishment is appropriate for the following reasons:

1. The recommended action is consistent with the Provincial Policy Statement, 2014.
2. The proposed development conforms to the general intent and purpose of the Official Plan.
3. The proposed amendment facilitates a use that was previously permitted at the time of application for Site Plan Approval. The amendment will permit a use that was previously permitted on these lands, but that is no longer permitted as a result of recent Official Plan and Zoning By-law Amendments regarding Self-Storage Establishments.

PREPARED BY:	SUBMITTED BY:
ERIC LALANDE, PLANNER II, CURRENT PLANNING	MICHAEL TOMAZINCIC, MCIP, RPP MANAGER, CURRENT PLANNING
RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER	

June 18, 2014
 EL/el
 "Attach"

List of Schedules:

- Appendix "A" - Official Plan Amendment
 Appendix "B" - Zoning By-law Amendment

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Responses to Public Liaison Letter and Publication in “Living in the City”

<u>Telephone</u>	<u>Written</u>
N/A	N/A

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**Bibliography of Information and Materials
OZ-8360**

Request for Approval:

City of London Official Plan and Zoning By-law Amendment Application Form, completed by Eric Lalande, May 27, 2014

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*, 2014.

City of London. *Official Plan*, June 19, 1989, as amended.

City of London. *Zoning By-law No. Z-1*, May 21, 1991, as amended.

Correspondence: (all located in City of London File No. OZ-8360. unless otherwise stated)

City of London -

Karidas, T., City of London, Development Services, E-mail to E. Lalande, Various, May-June 2014.

Postma, R., City of London Urban Forestry, E-mail to E. Lalande. June 13, 2014.

Moore, R., City of London Wastewater and Drainage Engineering, E-mail to E. Lalande, June 13, 2014.

Departments and Agencies -

Creighton C., UTRCA. Letter to E. Lalande. June 18, 2014.

Other:

Site visit June 18, 2014 and photographs of the same date.

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File: OZ-8360
Planner: E. Lalande

Appendix "A"

Bill No. (number to be inserted by Clerk's Office)
2014

By-law No. C.P.-1284-_____

A by-law to amend the Official Plan for the City of London, 1989 relating to 3425 Roe Street.

The Municipal Council of The Corporation of the City of London enacts as follows:

1. Amendment No. (to be inserted by Clerk's Office) to the Official Plan for the City of London Planning Area – 1989, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. This by-law shall come into effect in accordance with subsection 17(38) of the *Planning Act, R.S.O. 1990, c.P.13*.

PASSED in Open Council on July 29, 2014.

J. Baechler
Mayor

Catharine Saunders
City Clerk

First Reading – July 29, 2014
Second Reading - July 29, 2014
Third Reading - July 29, 2014

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File: OZ-8360
Planner: E. Lalande

AMENDMENT NO.

to the

OFFICIAL PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to add a policy in Section 10.1.3 of the Official Plan for the City of London to permit a self-storage establishment.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands located at 3425 Roe Street in the City of London.

C. BASIS OF THE AMENDMENT

1. The recommended action is consistent with the Provincial Policy Statement, 2014.
2. The proposed development conforms to the general intent and purpose of the Official Plan.
3. The proposed amendment facilitates a use that was previously permitted at the time of application for Site Plan Approval. The amendment will permit a use that was previously permitted on these lands, but that is no longer permitted as a result of recent Official Plan and Zoning By-law Amendments regarding Self-Storage Establishments.

D. THE AMENDMENT

The Official Plan for the City of London is hereby amended as follows:

1. Section 10.1.3 – Specific Areas of the Official Plan for the City of London is amended by adding the following:

“3425 Roe Street ___) In the Light Industrial designation at 3425 Roe Street, in addition to the permitted uses in the Light Industrial designation, a self-storage establishment may also be permitted.”

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File: OZ-8360
Planner: E. Lalande

Appendix "B"

Bill No. (number to be inserted by Clerk's Office)
2014

By-law No. Z.-1-14_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 3425 Roe Street.

WHEREAS the Corporation of the City of London has applied to rezone an area of land located at 3425 Roe Street, as shown on the map attached to this by-law, as set out below;

AND WHEREAS upon approval of Official Plan Amendment Number (number to be inserted by Clerk's Office) this rezoning will conform to the Official Plan;

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 3425 Roe Street, as shown on the attached map comprising part of Key Map No. A111, from a Holding Light Industrial (LI2/h-23*LI3/LI4) Zone and Light Industrial Special Provision (LI2/LI6(3)/LI7) Zone to a Holding Light Industrial Special Provision (LI2(_)/h-23*LI3/LI4) Zone and Light Industrial Special Provision (LI2(_)/LI6(3)/LI7) Zone.
- 2) Section Number 40.4.b) of the Light Industrial (LI2) Zone is amended by adding the following Special Provision:
 -) LI2() 3425 Roe Street
 - a) Additional Permitted Use:
 - i) Self-Storage Establishment

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 July 29, 2014.

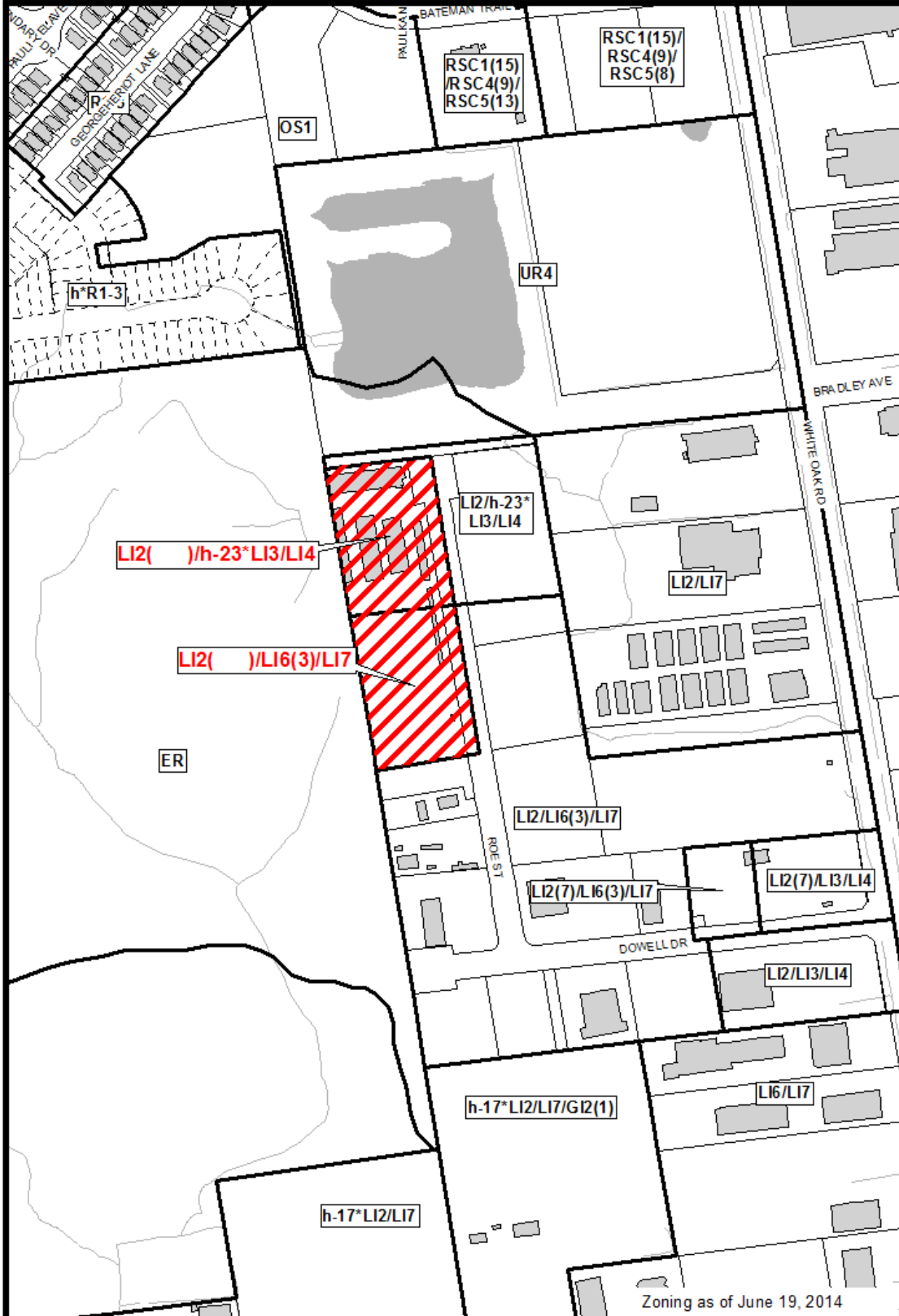
J. Baechler
Mayor

Catharine Saunders
City Clerk

First Reading - July 29, 2014
Second Reading - July 29, 2014
Third Reading - July 29, 2014

Empty boxes for Agenda Item # and Page #

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



Zoning as of June 19, 2014

File Number: OZ-8360
 Planner: EL
 Date Prepared: 2014/05/26
 Technician: CK
 By-Law No: Z.-1-

SUBJECT SITE 

1:4,000

0 20 40 80 120 160 Meters



Geocubase