

то:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: J + L J HOLDINGS 1959 MALLARD ROAD PUBLIC PARTICIPATION MEETING ON SEPTEMBER 23, 2014

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, with respect to the application of J + L J Holdings relating to the property located at 1959 Mallard Road the proposed by-law <u>attached</u> hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on September 30, 2014 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** a Holding Light Industrial Special Provision (h-17*LI1(3)) Zone **TO** a Holding Light Industrial Special Provision (h-17*LI1(3)/LI7) Zone

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of the requested Zoning By-law amendment is to allow for the development of an auto body shop and repair garage.

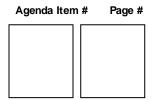
RATIONALE

- 1. The recommended amendment is consistent with the policies of the Provincial Policy Statement (2014).
- 2. The recommended amendment is consistent with the City of London Official Plan.
- 3. The recommended amendment is compatible with the existing Light Industrial zoning.
- 4. The recommended amendment allows for an expanded use of an existing building.

BACKGROUND

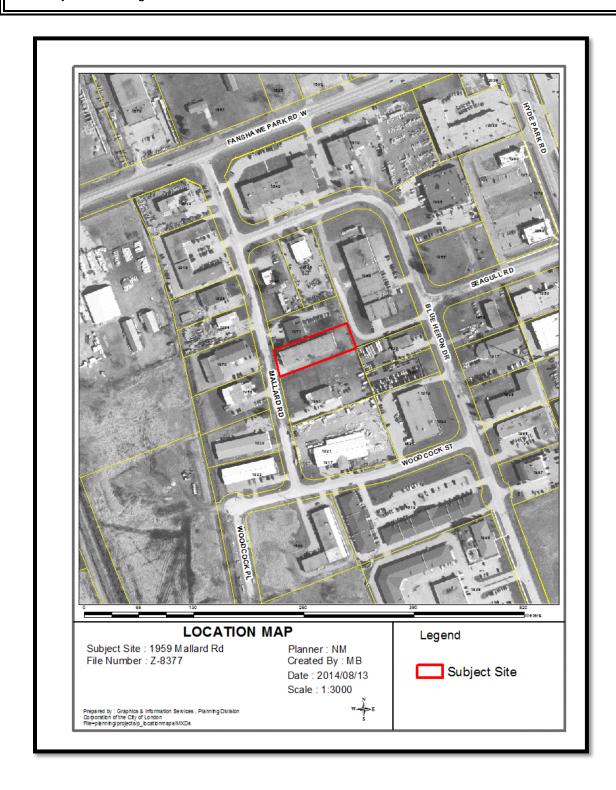
Date Application Accepted: June 24 2014 | Agent: AGM Limited

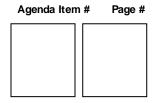
REQUESTED ACTION: FROM a Holding Light Industrial Special Provision (h-17*LI1(3)) Zone which permit: Bakeries; Business service establishments; Laboratories; Manufacturing and assembly industries; Offices support; Paper and allied products industries excluding pulp and paper and asphalt roofing industries; Pharmaceutical and medical product industries; Printing, reproduction and data processing industries; Research and development establishments; Warehouse establishments; Wholesale establishments; Custom workshop; Brewing on premises establishments; with special provisions to include: Electrical and electronic products industries; Office, store and business electronic products industries and Commercial schools TO a Holding Light Industrial Special Provision (h-17*LI1(3)/LI7) Zone which permits the above listed uses in addition to Automobile body shops; Automobile repair garages; Building or contracting establishments; Repair and rental establishments; Service and repair establishments; Service trades; Truck sales and service establishments and Custom workshops.

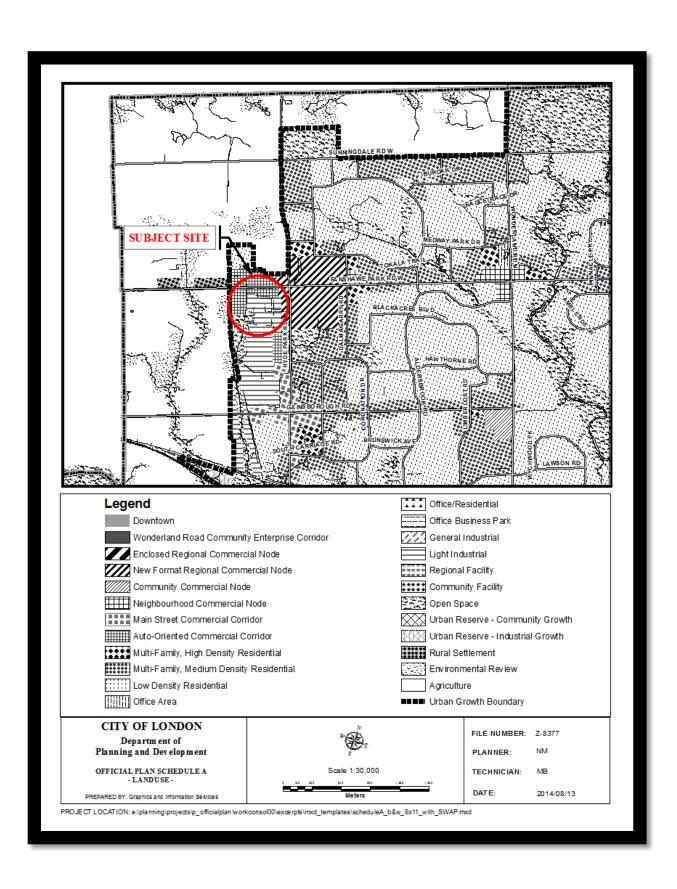


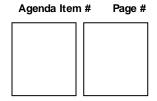
SITE CHARACTERISTICS:

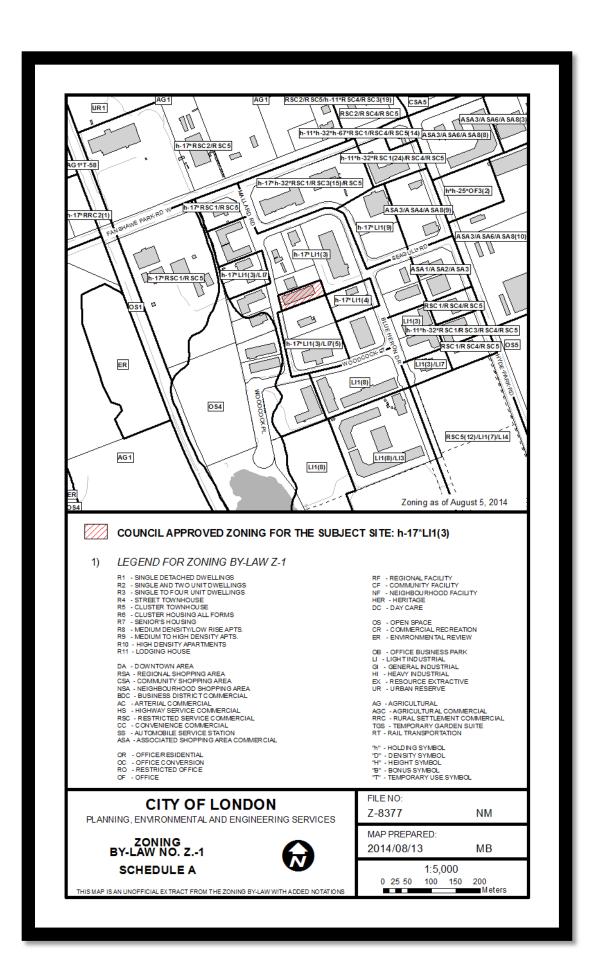
- Current Land Use Light Industrial uses / Commercial Education
- Frontage 32 meters
- **Depth** 95 meters
- Area 3042 m²
- Shape Rectangular

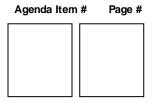




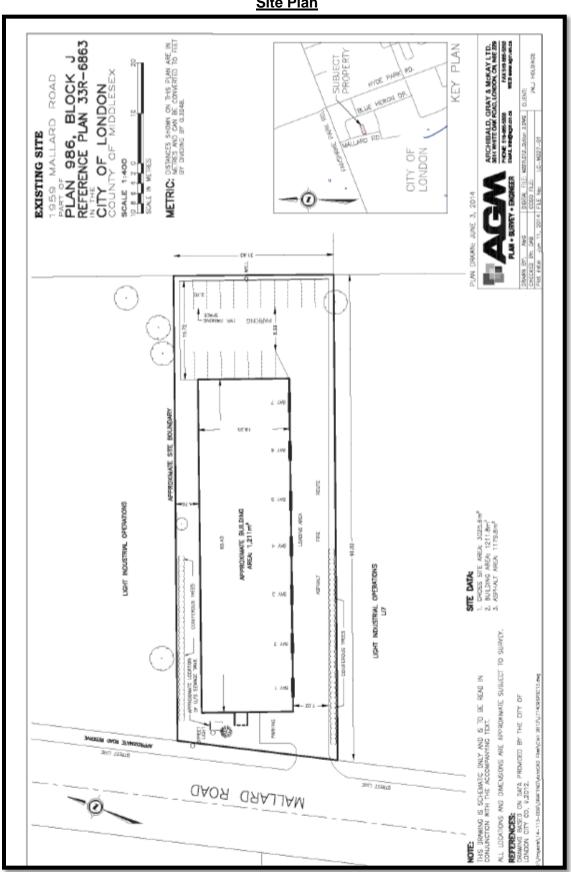








Site Plan



Agenda Item #	Page #

SURROUNDING LAND USES:

- North Industrial uses
- South Industrial uses
- East Industrial uses
- West Industrial uses

OFFICIAL PLAN DESIGNATION: (refer to Official Plan Map)

Light Industrial

EXISTING ZONING: (refer to Zoning Map)

Holing Light Industrial Special Provision (h-17*LI1(3)) Zone

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

PUBLIC LIAISON:

On June 26, 2014, Notice of Application was sent to 34 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on June 26, 2014. A "Possible Land Use Change" sign was also posted on the site.

0 replies were received

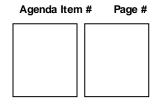
Nature of Liaison: Possible amendment to change the current Z.1 Zoning By-law FROM a Holding Light Industrial Special Provision (h-17*LI1(3)) Zone which permit: Bakeries; Business service establishments; Laboratories; Manufacturing and assembly industries; Offices support; Paper and allied products industries excluding pulp and paper and asphalt roofing industries; Pharmaceutical and medical product industries; Printing, reproduction and data processing industries; Research and development establishments; Warehouse establishments; Wholesale establishments; Custom workshop; Brewing on premises establishments; with special provisions to include: Electrical and electronic products industries; Office, store and business electronic products industries and Commercial schools TO a Holding Light Industrial Special Provision (h-17*LI1(3)/LI7) Zone which permits the above listed uses in addition to Automobile body shops; Automobile repair garages; Building or contracting establishments; Repair and rental establishments; Service and repair establishments; Service trades; Truck sales and service establishments and Custom workshops.

Responses: 0 public responses were received.

Sanitary Sewers Division - City of London:

The "h-17" symbol shall not be deleted until full municipal sanitary sewer and water services are available to service the site.

The outlet for the subject lands is the future 300mm sanitary sewer on Mallard Road. July 11, 2014: This just in from City of London's Construction Administration Division: "The sanitary sewer main was only built this week. The storm sewer is not built yet. Watermain in a few weeks. Wastewater and Drainage Engineering is asking for a sanitary inspection manhole for the subject lands.



Wastewater and Drainage Engineering - City of London:

Wastewater and Drainage has no objection to the proposed zoning change. A City project is currently underway and includes a sanitary sewer which will serve this site.

<u>Transportation – City of London</u> *No comment.*

Upper Thames River Conservation Authority:

No objections to this application.

Environmental and Engineering Services Department

The City of London's Environmental and Engineering Services Department offers the following comments with respect to the aforementioned Zoning By-Law Amendment application:

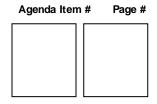
• The applicant is advised that the municipal sanitary sewer outlet for the subjected lands is 300 mm diameter sanitary sewer on Mallard Road. The applicant will be required to build an inspection manhole for the subject lands.

The SWM Unit provides the following comments to be addressed at the site plan approval stage:

- The City Subwatershed Planning Studies were approved by City Council on September 18, 1995. The Owner shall be required to comply with the SWM targets and criteria identified in the Stanton Drain Subwatershed Planning Study, which may include but not be limited to, quantity/quality control, erosion, stream morphology, etc.
- The owner's Professional Engineer shall prepare a servicing report to address minor, major flows, SWM measures (quantity, quality and erosion control), and identify outlet systems (major and minor) in accordance with City of London Design Permanent Private Stormwater Systems and MOE's requirements, all to the satisfaction of the City Engineer.
- Prior to the final approval of this plan, the owner agrees to have its geotechnical engineer identify all required erosion set back maintenance, erosion, structural, geotechnical and lot line setbacks, and ensure that all matters of slope stability are adequately engineered for the subject site, all to the satisfaction of the City Engineer and the Upper Thames River Conservation Authority.
- The C value for subject site could not be verified. The owner's professional engineer must complete a storm sewer capacity analysis study to confirm that there is enough capacity in the existing storm sewer system for the proposed development, all to the satisfaction of the City Engineer. The owner's professional engineer must also update the storm sewer design sheet(s) for the subject lands.
- •As there is no available storm sewer, the owner may be required to extend the municipal storm sewer across the fronting property or provide an alternative method of Stormwater Management which is certified by a Professional Engineer to the satisfaction of the City Engineer. A

Certificate of Approval, design drawings, and a geotechnical report may be required to support the proposed alternative system.

- Due to the nature of the land use the owner may be required to have a consulting Professional Engineer design and install an Oil/Grit Separator to the standards of the Ministry of the Environment and to the satisfaction of the City Engineer.
- The Owner is requited to provide a lot grading and drainage plan that includes, but it is not limited to, minor, major storm/drainage flows that are generally contained within the subject site boundaries and safely conveys all minor and major flows up to the 250 year storm event that is stamped by a Professional Engineer, all to the satisfaction of the City Engineer.
- The Owner and their Consulting Professional Engineer shall ensure the storm/drainage conveyance from the existing external drainage through the subject lands are preserved, all to the satisfaction of the City Engineer.
- The owner shall be required to comply with the City's Drainage By-Laws (WM- 4) and acts, to ensure that the post-development storm/drainage discharges from the subject lands will not cause any adverse effects to adjacent lands, all to the satisfaction of the City Engineer.



The above comments, among other engineering and transportation issues, will be addressed in greater detail when/if these lands come in for site plan approval.

ANALYSIS

Subject Site

The subject site is approximately 2.5 kilometers south and 1.5 kilometers east of the northern and western limits of the Urban Growth Boundary. The site area is approximately 3040 m^2 with frontage onto Mallard Road. There is an existing industrial building that is divided into 7 units, each with a total gross floor area of 171 m^2 , and occupies nearly 40% of the land area.

Nature of the Proposal

The proposed amendment will allow for the use of an auto body shop. The shop will not include heavy repairs or extensive paint jobs. The use will be ancillary to the main operations which reside at an off-site location at Third Street and will facilitate the smaller repairs. A small office is also proposed on site, ancillary to the auto shop. No change is being proposed to the existing building. The City's main sewer line is being expanded to the subject site, which will permit the owner to connect and conform to the waste disposal guidelines.

Provincial Policy Statement (2014)

Section 1.2.6.1 of the PPS requires sensitive land use to be "planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odor, noise and other contaminants, minimize risk to public health and safety and to ensure the long term viability of major facilities". The proposal does not include any changes to the building. The surrounding uses are light industrial in nature and are separated from sensitive land uses.

Section 1.7.1 supports this proposal as it relates to "promoting opportunities for economic development and community investment. No adverse impacts or conflicts will occur as a result of the proposal. The requested amendment seeks to efficiently reuse lands and proposes redevelopment of an existing site within an established industrial area.

The property subject to this proposal is just south of an arterial road in conformity to policy 1.3.2.3 which protects employment areas in proximity to major good movement facilities and the addition of the Light Industrial (LI7) uses will help to enhance the long-term economic prosperity of the Light Industrial area.

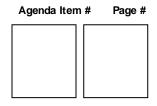
Official Plan Policies

The Official Plan designation is Light Industrial.

This designation is intended for industries which have a limited impact on the surrounding environment and which are frequently small in scale. Such industries can normally be located in closer proximity to other land uses without significant conflicts if appropriate site planning techniques are utilized. Uses permitted in the Light Industrial designation will be required to meet higher development and operating standards when located near residential areas and major entryways to the City. Certain non-industrial uses may also be permitted, provided that they are complementary to, and supportive of, the surrounding industrial area

7.1.3 – Light Industrial Objectives

- i) Provide for the development and use of industrial lands for a range of activities which are likely to have a minimal impact on surrounding uses.
- ii) Guide the development of older industrial areas in close proximity to residential neighbourhoods for industries which can meet appropriate operation, design and scale criteria.



7.3.1. - Main Permitted Uses

Main permitted uses in the Light Industrial category include: industrial uses that involve assembling, fabricating, manufacturing, processing and/or <u>repair activities</u>; are located within <u>enclosed buildings</u>; require only a limited amount of <u>outdoor storage</u>; and are unlikely to cause adverse effects with respect to air, odour or water pollution, or excessive noise levels. Other types of permitted uses include research and communication facilities; printing and publishing establishments; warehouse and wholesale outlets; technical, professional and business services such as architectural, engineering, survey or business machine companies; service trades; and contractor's shops that do not involve open storage; and, residential and other source recycling facilities subject to the provisions of Section 17.5. Office uses and retail outlets subject to policy 7.5.3. which are ancillary to any of the above uses are also allowed. Zoning on individual sites may not allow for the full range of permitted uses.

The requested amendment conforms to the permitted uses in the Light Industrial Official Plan designation. The proposed uses are compatible with the surrounding Light Industrial uses. The requested amendment maintains the general intent of the Official Plan policies.

7.3.3 - Operation Criteria

Permitted uses in the Light Industrial designation shall include those uses which are likely to have a minimal adverse effect on surrounding uses in terms of noise, smoke, odour or visual appearance, and which can be located in relatively close proximity to other land uses and entryways into the City.

Compliance with City and Provincial Guidelines

i) Permitted uses shall comply with Ministry of the Environment guidelines and standards regarding the emission of noise, vibration, and air contaminants such as dust, smoke, fumes and odours; water quality, including the quality of waste water discharge and run-off; waste control and disposal; and additional requirements as set out in this Section of the Plan and in the City of London's Waste Discharge By-law.

Nuisance Factor Reduction

ii) Where it is demonstrated that any nuisance factors related to a proposed industry not permitted by the Zoning By-law can be reduced to acceptable levels for the Light Industrial designation and the applicable zone, the industrial use may be permitted through an amendment to the Zoning By-law.

Notice of application was circulated to the Ministry of the Environment with no response received. However, MOE certification will be required for emmissions as a result of the proposed painting activities. This area is designated Light Industrial and the surrounding uses include a paving facility, heavy equipment repairs, plumbing, building and contracting supplies and warehousing facilities. The requested uses will not have adverse impacts on the surrounding properties. The applicant has considered By-law and MOE guideline and an authorized independent waste disposal company has been contacted to satisfy the City's requirements for the disposal of prohibited waste and discharge to the septic tank.

7.3.4 – Location

Areas designated Light Industrial will, in most cases, be located where:

Accessibility

i) There is good access to arterial roads, rail lines, and/or airport facilities.

Municipal Services

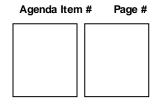
ii) Sites can be fully serviced with utilities and sewer and water facilities.

Major Entryways

iii) The site is located along a major entryway to the City where light industrial development could make a positive contribution to the visual image of the City.

Compatibility

iv) The permitted uses will be compatible in terms of appearance, function, and operation, with adjacent land uses.



Buffering

v) The Light Industrial designation acts as a buffer between residential areas and areas designated as General Industrial

The subject site is located south of Fanshawe Park Road West which is classified by an arterial road and functions as a major entryway to the City from the west. According to the City of London Engineering Division, a City project is currently underway and includes a sanitary sewer which will serve this site. The permitted and requested uses are compatible in terms of appearance, function, and operation, with adjacent land uses. The subject lands are entirely surrounded by light industrial uses. The requested Light Industrial (LI7) Zone uses are compatible with the neighbouring sites and meet the location requirements of the Light Industrial designation.

Hyde Park Community Plan

The purpose of the Hyde Park Community and Urban Design Guidelines is to outline a set of design principles that will address the relationship between streets, buildings and open spaces. The Hyde Park Community Plan identifies this area as Light Industrial. The current and proposed uses are consistent with the intent of the Community Plan.

Zoning By-law - Current

The current zoning is a Holding Light Industrial Special Provision (h-17*LI1(3)) Zone which permits: Bakeries; Business service establishments; Laboratories; Manufacturing and assembly industries; Offices support; Paper and allied products industries excluding pulp and paper and asphalt roofing industries; Pharmaceutical and medical product industries; Printing, reproduction and data processing industries; Research and development establishments; Warehouse establishments; Wholesale establishments; Custom workshop; Brewing on premises establishments; with a special provisions to include: Electrical and electronic products industries; Office, store and business electronic products industries and Commercial schools as additional permitted uses.

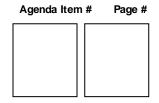
Zoning By-law - Requested

The applicant has requested that the Light Industrial (LI7) Zone be added to the Holding Light Industrial Special Provision (h-17*LI1(3)) Zone that is currently applied to the subject site. This would permit the above listed uses in addition to Automobile body shops; Automobile repair garages; Building or contracting establishments; Repair and rental establishments; Service and repair establishments; Service trades; Truck sales and service establishments and Custom workshop.

Holding Provision (h-17)

To ensure the orderly development of lands and the adequate provision of municipal services, the "h-17" symbol shall not be deleted until full municipal sanitary sewer and water services are available to service the site. Permitted Interim Uses: Dry uses on individual sanitary facilities permitted by the applied Zone. At the time of this report, the servicing was in the process of being extended but has not yet been completed. As a result, the h-17 holding provision will remain on the Zone.

There are current onsite services which include a well which provides water services for the current activities and a septic tank. Municipal sewer services and water are being extended to the subject site and the owner has made arrangements for municipal sewer connection and end of the use of the septic tank.

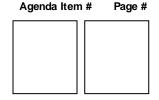


CONCLUSION

The establishment of the proposed autobody shop and repair garage will better utilize the existing infrastructure and will be compatible with the surrounding land uses and built form. The subject site is located south of an existing arterial road and is suitable in shape and size to accommodate the proposal. The recommended amendment allows for an expanded range of uses within an existing building and is compatible with the uses currently existing within the industrial building. The recommended amendment is consistent with the policies of the PPS and Official Plan.

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

August 15, 2014/nm



Bibliography of Information and Materials Z-8377

Request for Approval:

City of London Zoning By-law Application Form, completed by J and L J Holdings, June 11, 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. Z-8377 unless otherwise stated)

City of London -

Robert Moore - Sanitary - City of London - email to. N. Musicco - July 11 2014.

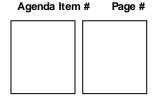
Maureen Ricciuto – Wastewater and Drainage – City of London – email to N. Musicco – June 27, 2014.

Departments and Agencies -

Creighton C., UTRCA. Letter to N. Musicco - July 23, 2014.

Delroy Brown – various emails to N. Musicco – June 2014 – August 2014.

Email from N. Musicco to M. Brown – advising of application – June 24 2014.



Appendix "A"

 $\begin{array}{ll} \textbf{Bill No.} \;\; \text{(number to be inserted by Clerk's Office)} \\ \textbf{2014} \end{array}$

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

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 1959 Mallard Road.

WHEREAS J + L J Holdings have applied to rezone an area of land located at 1959 Mallard Road, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms 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 1959 Mallard Road, as shown on the attached map compromising part of Key Map No. A101, **from** a Holding Light Industrial Special Provision (h-17*LI1(3)) Zone **to** a Holding Light Industrial Special Provision (h-17*LI1(3)/LI7) Zone.

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.

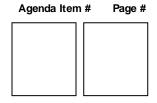
This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on September 30 2014.

Joni Baechler Mayor

Catharine Saunders City Clerk

First Reading - September 30 2014 Second Reading - September 30 2014 Third Reading - September 30 2014



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

