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File: OZ-8510
Planner: T. Macbeth

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| TO: | CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE |
| FROM: | JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER |
| SUBJECT: | APPLICATION BY: CITY OF LONDON 2150 OXFORD STREET EAST PUBLIC PARTICIPATION MEETING ON OCTOBER 5, 2015 |

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| RECOMMENDATION |
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That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of City of London relating to the property located at 2150 Oxford Street East:

- (a) The proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on October 13, 2015, to amend Schedule 'A' – Land Use of the Official Plan in accordance with the attached amendment to change the designation of the portions of the subject lands that have been removed from the flood regulated area **FROM** an Open Space designation, **TO** a Light Industrial designation;
- (b) The proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on October 13, 2015, to amend Schedule 'B-1' – Natural Heritage Features of the Official Plan in accordance with the attached amendment to change the location of the "Maximum Hazard Line" to reduce the area of the flood plain, consistent with the Pottersburg Creek Subwatershed Study and the confirmation of the flood plain limit by the Upper Thames River Conservation Authority;
- (c) The proposed by-law attached hereto as Appendix "C" **BE INTRODUCED** at the Municipal Council meeting on October 13, 2015, to amend Schedule 'B-2' – Natural Resources and Natural Hazards of the Official Plan in accordance with the attached amendment to change the location of the "Regulatory Floodline" to reduce the area of the flood plain, consistent with the Pottersburg Creek Subwatershed Study and the confirmation of the Upper Thames River Conservation Authority; and
- (d) The proposed by-law attached hereto as Appendix "D" **BE INTRODUCED** at the Municipal Council meeting on October 13, 2015, 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 on the area proposed to be outside of the flood plain **FROM** an Open Space/General Industrial (OS4/GI1) Zone **TO** a holding Light Industrial (h-(_), h-(_)/LI1/LI2/LI4/LI5) Zone.

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| PREVIOUS REPORTS PERTINENT TO THIS MATTER |
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Board of Control – February 10, 2010, "Contract Award – Tender No. 10-17; Pottersburg Creek Remediation Phase 2 and Sanitary Sewer Replacement Project."

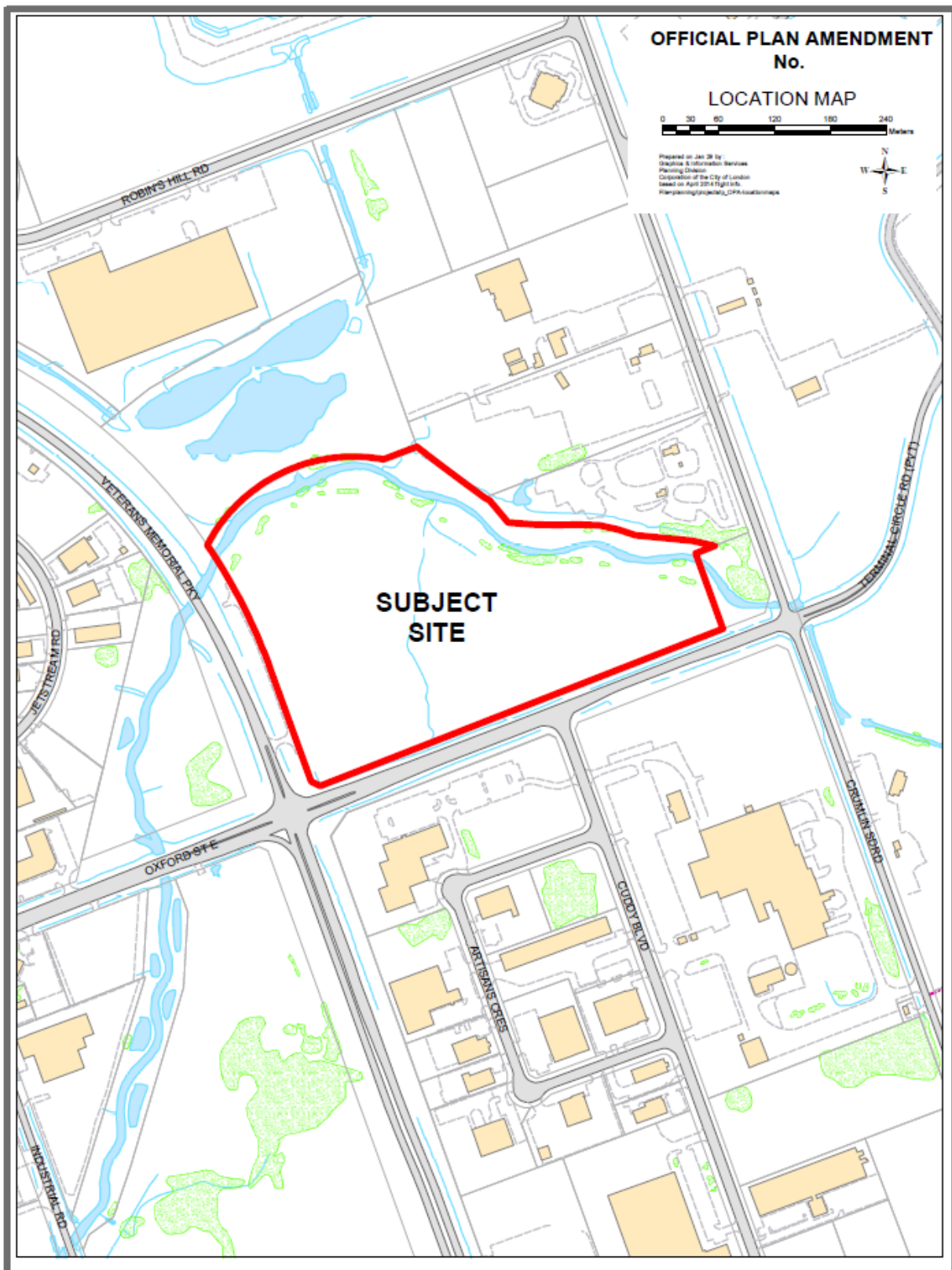
Planning Committee – February 28, 2005, "City of London/Realty Services. 2150 Oxford St E (North Portion) Public Participation Meeting on February 28, 2005."

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PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect is to amend the mapping of the Official Plan and Zoning By-law in order to update flood plain mapping in accordance with the Pottersburg Creek Subwatershed Study, thereby reducing the area within the flood plain and increasing developable Light Industrial land in the area of the Skyway Industrial Park area. This aligns with the objectives of the Industrial Land Development Strategy.



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| RATIONALE |
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1. The proposed Official Plan and Zoning amendments would permit a broad range of industrial uses;
2. Uses permitted under the proposed zoning would not have a significant impact on adjacent uses and are compatible with adjacent uses including the London International Airport and Skyway Industrial Park;
3. Per the Pottersburg Creek Subwatershed Study, the Upper Thames River Conservation Authority (UTRCA) accepts the proposed flood plain revisions associated with the Official Plan and Zoning By-law amendments;
4. The subject site is abutting the City of London’s Skyway Industrial Park. The proposed amendment will help fulfil the objectives of the City of London’s Industrial Land Development Strategy (2014).

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| BACKGROUND |
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| Date Application Accepted: July 28, 2015 | Agent: City of London |
| REQUESTED ACTION: | |
| <u>OZ-8510</u> | |
| Change “Schedule ‘A’- Land Use”, of the Official Plan, to change the land use designation of the portions of lands removed from the flood regulated area from Open Space (OS) designation to Light Industrial (LI) designation. | |
| Change “Schedule ‘B1’- Natural Heritage Features”, of the Official Plan, to change the location of the Maximum Hazard Line, thereby reducing the area of the floodplain consistent with the Pottersburg Creek Subwatershed Study. As a result of improvements to the Pottersburg Creek, the limits of the floodplain have been reduced. | |
| Change “Schedule ‘B2’- Natural Resources and Natural Hazards”, of the Official Plan, to change mapping of the Regulatory Floodline, consistent with the Pottersburg Creek Subwatershed Study. | |
| Change the Zoning By-law No. Z.-1, to change the zoning of the subject property on the area proposed to be outside of the flood plain from Open Space/General Industrial (OS4/GI1) Zone to a holding Light Industrial (h-(), h-()/LI1/LI2/LI4/LI5) Zone. Holding provisions are for required works prior to development and urban design. | |

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| SITE CHARACTERISTICS: |
| <ul style="list-style-type: none"> • Current Land Use - Vacant • Frontage - 471 m • Depth - 280 m • Area – 11.6 ha. (28.7 ac.) • Shape - Irregular |

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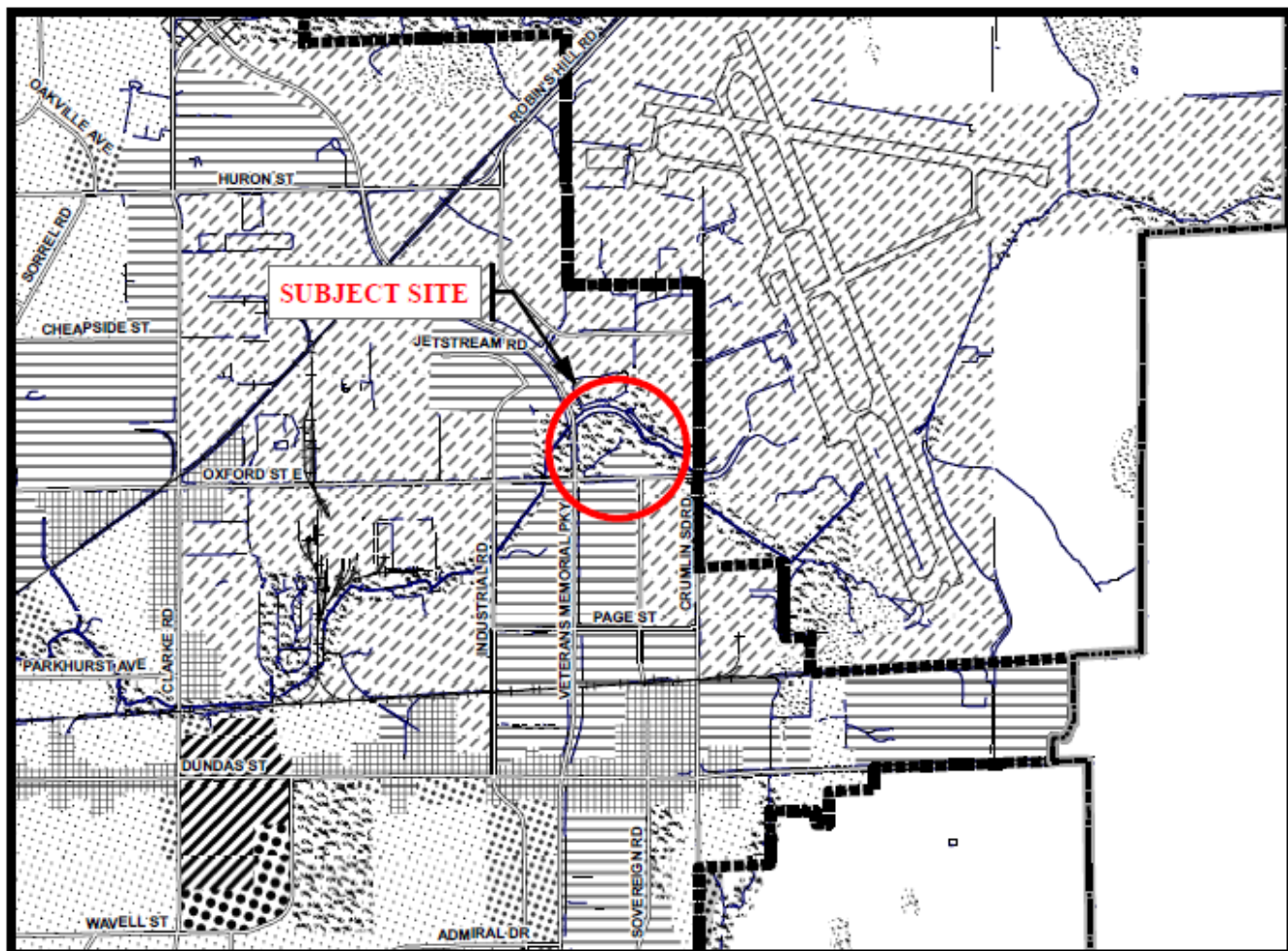
File: OZ-8510
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| SURROUNDING LAND USES: |
| <ul style="list-style-type: none">• North - Open Space, with Storm Water Management facility• South - Light Industrial and General Industrial• East - General Industrial with one existing residence, and Open Space• West - Open Space, Pottersburg Creek |

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| OFFICIAL PLAN DESIGNATION: (refer to Official Plan Map) |
| <ul style="list-style-type: none">• Light Industrial (LI) and Open Space (OS) |
| EXISTING ZONING: (refer to Zoning Map) |
| <ul style="list-style-type: none">• General Industrial (GI1) and Open Space (OS4) |

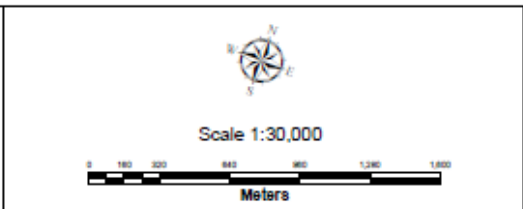
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| Legend | |
|---|-----------------------------------|
| Downtown | Office/Residential |
| Wonderland Road Community Enterprise Corridor | Office Business Park |
| Enclosed Regional Commercial Node | General Industrial |
| New Format Regional Commercial Node | Light Industrial |
| Community Commercial Node | Regional Facility |
| Neighbourhood Commercial Node | Community Facility |
| Main Street Commercial Corridor | Open Space |
| Auto-Oriented Commercial Corridor | Urban Reserve - Community Growth |
| Multi-Family, High Density Residential | Urban Reserve - Industrial Growth |
| Multi-Family, Medium Density Residential | Rural Settlement |
| Low Density Residential | Environmental Review |
| Office Area | Agriculture |
| | Urban Growth Boundary |

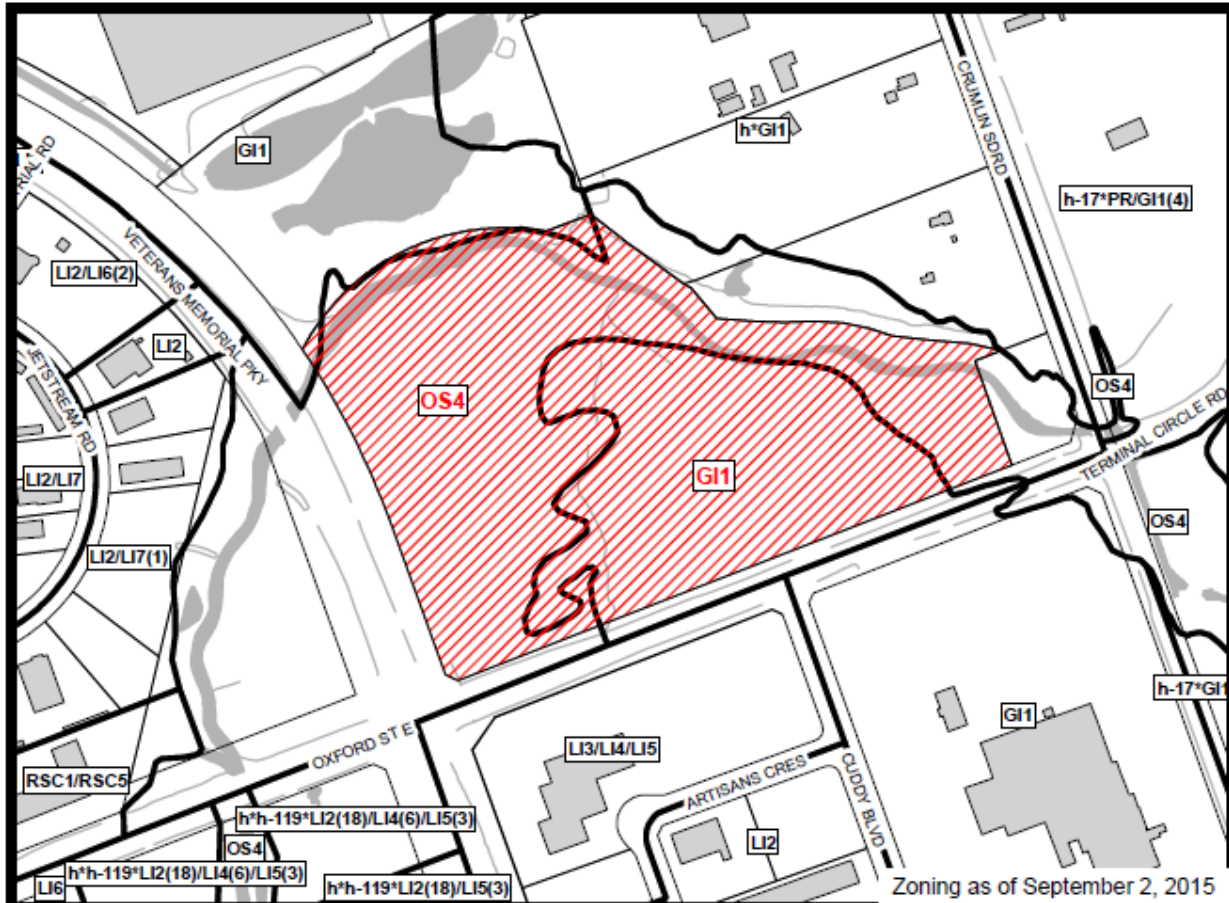
CITY OF LONDON
Department of
Planning and Development
OFFICIAL PLAN SCHEDULE A
- LANDUSE -
PREPARED BY: Graphics and Information Services



FILE NUMBER: OZ-8510
PLANNER: TM
TECHNICIAN: MB
DATE: 2015/09/21

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COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: GI1 and OS4

1) LEGEND FOR ZONING BY-LAW Z-1

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| <ul style="list-style-type: none"> 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 | <ul style="list-style-type: none"> 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 LI - LIGHT INDUSTRIAL GI - GENERAL INDUSTRIAL HI - HEAVY INDUSTRIAL EX - RESOURCE EXTRACTIVE UR - URBAN RESERVE | <ul style="list-style-type: none"> AG - AGRICULTURAL AGC - AGRICULTURAL COMMERCIAL RRC - RURAL SETTLEMENT COMMERCIAL TGS - TEMPORARY GARDEN SUITE RT - RAIL TRANSPORTATION T^h - HOLDING SYMBOL D^h - DENSITY SYMBOL H^h - HEIGHT SYMBOL B^h - BONUS SYMBOL T^h - TEMPORARY USE SYMBOL |
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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-8510 TM

MAP PREPARED: 2015/09/21 MB

1:5,000

0 25 50 100 150 200 Meters

PLANNING HISTORY

In the year 2000, the property at 2150 Oxford Street East was studied as part of a Stormwater and Floodplain Management Study for the London Municipal Airport Lands. This study was also known as the Pottersburg Creek Subwatershed Study, and was prepared by Cumming Cockburn Limited/IBI.

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Based on the Subwatershed Study, in May 2003 the City completed the Pottersburg Creek Storm Drainage and Channel Remediation Municipal Class Environmental Assessment (EA) Schedule "C". The study included the identification of a preferable servicing option for storm drainage and channel remediation works for Pottersburg Creek and Skyway Industrial Park.

As a result of the Municipal Class Environmental Assessment, an Official Plan/Zoning Amendment was prepared in 2005 (File OZ-6744). Amendment OZ-6744 applied to the northern portion of 2150 Oxford Street East, and included amendments to reduce the flood plain and re-designate lands for the purposes of a storm water management (SWM) facility. Amendment OZ-6744 was enacted by Council on March 7, 2005, as Amendment number 350 to the Official Plan. The Water Quality, Erosion, and Flood Control SWM facility was constructed north of the Pottersburg Creek in 2005.

The southern portion of 2150 Oxford Street East, south of the Pottersburg Creek (the subject property of file OZ-8510), had been given a separate file number from the northern portion of the property. The file pertaining to the southern portion of the property was placed on hold by Administration in June 2007 due to a period of inactivity. As such, the southern portion of 2150, Oxford Street East, the subject site, has been re-initiated under file number OZ-8510. Since 2007, subsequent implementation phases of the Municipal Class EA have also been undertaken, including additional storm drainage, flood control and remediation public works.

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

Environmental and Engineering Services Department: Transportation

- Road widening is required along Oxford Street East. A widening of 24m is required from the centre line of Veterans Memorial Parkway to a point 250m east. From this point to the easterly limits of 2150 Oxford Street East, a road widening of 20m is required.
- A 7.5m construction and working easement is required along the east side of Veterans Memorial Parkway, as described in the approved 2008 Environmental Assessment.
- An additional site triangle is required at the north east corner of Veterans Memorial Parkway and Oxford Street East, a further widening of 6.6m east and 7.3m north as per the approved 2008 EA.
- Access to the site will be opposite Cuddy Boulevard on Oxford Street East; no access will be permitted on Veterans Memorial Parkway.
- A Traffic Impact Assessment (TIA) will be required at Site Plan (TIA will need to be scoped with City staff).

Staff Response:

Staff note that the above comments from Transportation will not impact this Planning Act application, and shall be addressed as part of a subsequent site plan application.

Upper Thames River Conservation Authority

- The subject lands are regulated by the UTRCA in accordance with the Conservation Authorities Act section 28, O. Reg. 157/06.
- The UTRCA has jurisdiction over lands within the regulated area and requires that landowners obtain written approval from the UTRCA prior to undertaking any site alteration or development within this area including filling, grading, construction, alteration to a watercourse and/or interference with a wetland.
- The Pottersburg Creek Storm Drainage, Flood Control and Remediation Works project by the City of London was completed in accordance with plans approved by the City of London and UTRCA.

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- Based on this information, the Conservation Authority has no objections to the amendments and is satisfied that a portion of the subject lands that is currently designated flood plain can be re-designated to Light Industrial as proposed.
- Some final fill placement and grading is required in order to complete the proposed re-configuration of the Regulatory Flood Plain of Pottersburg Creek at 2150 Oxford Street East. This undertaking will be accommodated by way of a holding provision in the Light Industrial Zone which will be set back 30m from the stable top of bank.
- Final grading will require a permit from the UTRCA and shall be implemented to meet target fill elevations. Once the property is filled the UTRCA will revise the Regulation Limit mapping.

Staff Response:

Staff note that the above comments from the UTRCA are generally supportive; however, one point of clarification regarding the 30m setback is warranted based on advice of the UTRCA received subsequent to their September 1, 2015, letter. The City is generally applying a setback based on policy 15.4.6.ii.b) of the Official Plan, which states that Significant River, Stream and Ravine Corridors are identified on Schedule 'B-1' based on a 30 metre setback measured from the high water mark of the watercourse. Thus 30m from the high water mark is generally the basis for mapping amendments in this application.

A berm will be constructed as part of the works associated with the Pottersburg Creek EA. Setback of 15 metres from the berm is required to address the flood hazard concern. Where a 15 metre setback from the berm is greater than 30m from the high water mark, then the greater of the two distances has been applied.

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| PUBLIC LIAISON: | On August 5, 2015, Notice of Application was sent to thirteen (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 July 30, 2015. A "Possible Land Use Change" sign was also posted on the site. | 2 replies were received. |
| <p>Nature of Liaison:</p> <p>The purpose and effect of this proposed Official Plan Amendment and Zoning by-law Amendment is to change the limits of the floodplain to be consistent with the new floodplain limits resulting from the Pottersburg Creek Storm Drainage, Flood Control and Remediation Works project, and to permit a range of less intensive industrial uses on the portion of the property outside the limits of the floodplain.</p> <p>The Pottersburg Creek Storm Drainage, Flood Control and Remediation Works project identified works to be completed that would result in a change to the limits of the regulatory floodline and maximum hazard limit, allowing more lands to be available for industrial development. Holding provisions will also be considered to ensure that the works are completed prior to any development on the site, and that high quality urban design is incorporated into future development on the site.</p> <p>Possible change to the Official Plan FROM "Open Space" TO "Light Industrial", possible change to Schedule "B-1" Natural Heritage Features to change the limits of the Maximum Hazard Limit, and possible change to Schedule "B-2"-Natural Resources and Natural Hazards to change the limits of the Regulatory Flood Line. Possible Change to Zoning By-law Z.-1 FROM an Open Space/General Industrial (OS4/GI1) Zone TO a holding Light Industrial (h-(_), h-(_)/LI1/LI2/LI4/LI5) Zone. File OZ-8510.</p> | | |

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Responses: Two telephone responses: first, stating that the subject site is a good area for light industry or warehousing and is supportive of more development in the area and near the airport; second, identifying concern that the Imperial Oil pipeline be addressed prior to any development on the subject site.

ANALYSIS

Existing Situation and Nature of the Application

The subject site is located on the east side of the Veterans’ Memorial Parkway, south of Pottersburg Creek, and is approximately 11.6 ha (28 acres) in area. The site abuts industrial land uses and the Open Space of the Pottersburg Creek. As noted in the “Planning History” section of the report, works associated with the subwatershed study and Municipal Class Environmental Assessment have improved servicing, including storm drainage and channel remediation, in the Pottersburg Creek and Skyway Industrial Park area. It is for these reasons that the impact of floods and the flood plain line may be reduced. Consequently, the purpose of the application is to adjust the regulatory flood plain mapping, in concurrence with the comments from the Upper Thames River Conservation Authority, received September 1, 2015. The application will also increase the supply of developable industrial land and thus support the City of London’s goals of the Industrial Land Development Strategy.

Open Space

The subject site is designated Open Space and Light Industrial in the Official Plan. The portion of the subject site that is recommended for removal from the flood regulated area will change from an Open Space (OS) designation to a Light Industrial (LI) designation in the Official Plan, whereas lands remaining within the Open Space designation are lands located below the regulatory flood line and include a 30 metre setback from the high water mark of Pottersburg Creek or a 15 metre setback from the berm, whichever is the greater of the two distances.

Lands below the regulatory flood line are generally designated Open Space in order to limit development to non-intensive land uses. Chapter 8 of the Official Plan provides policies for lands within the Open Space designation. Open Space designation is applied to lands which are intended to be conserved, and may be maintained as park space or in a natural state, including public and private open space, flood plain lands and natural heritage areas that have been recognized for their significance.

Section 15.6, Flood Plains, of the Official Plans also applies to Open Space lands within the flood plain. Section 15.6.2 also limits development in the flood plain to: flood and erosion control structures; facilities which by their nature must locate near watercourses; ancillary facilities of an adjacent land use that are passive, non-structural, and do not have adverse effects on the floodwaters; and any essential utilities and services.

Section 15.6.2 of the Official Plan is also consistent with section 3.1 of the Provincial Policy Statement, 2014, wherein development is directed away from flood hazards to limit risks to public health and safety and limit potential for property damage.

Furthermore, Section 15.6 of the Official Plan notes that the implementing Zoning must be reflective of the restrictive uses of the flood plain land, and that development on flood plain lands are subject to the construction regulations and written approval of the applicable Conservation Authority, pursuant to the Conservation Authorities Act. The Official Plan designation of Open Space, as well as the implementing Zoning By-law Amendment, will ensure consistency with Conservation Authority, City of London, and Provincial flood plain policies and regulations, and address the changes to the flood plain associated with previous study and

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infrastructure works within the Pottersburg Subwatershed.

Light Industrial

The lands outside of the flood plain on the subject site are located within the Light Industrial land use designation. As identified in Official Plan section 7.1.3, the Light Industrial designation of the Official Plan is intended for a broad range of industrial uses which are likely to have minimal impacts on surrounding uses. This designation is also applied to certain older industrial areas adjacent to residential uses, where the industrial use meets appropriate operation, design, and scale criteria.

The main permitted uses in the Light Industrial category include: assembly; fabrication; manufacturing; processing and/or repair activities; are located within enclosed buildings; require only limited outdoor storage; and are unlikely to cause adverse effects with respect to air, odour or water pollution, or excessive noise levels. Other permitted uses include research and communications; technical, professional or business services; and some ancillary office and retail use. Zoning on individual sites generally does not permit the full range of permitted uses.

The proposed Light Industrial designation is compatible with the surrounding land uses, forms, and intensities that are found in the adjacent Light and General Industrial land uses and “Skyway Industrial Park”.

Zoning

The current zoning on the site is Open Space (OS4) and General Industrial (GI1). The proposed zoning will continue to be OS4 for the lands remaining within the flood plain, and a holding Light Industrial (LI1/LI2/LI4/LI5) Zone will apply to the balance of the subject property.

The proposed Light Industrial zone will permit a range of industrial and associated secondary uses including, but not limited to, the following:

- Bakeries;
- Business Service Establishments;
- Laboratories;
- Manufacturing and Assembly Industries;
- Offices Support;
- Pharmaceutical and Medical Product Industries;
- Research and Development Establishments;
- Warehouse establishments;
- Wholesale establishments;
- Brewing on premises establishments;
- Service Trades
- Food, tobacco and beverage processing industries excluding meat packaging;
- Automotive uses, restricted;
- Clinics;
- Convenience service establishments;
- Financial institutions;
- Medical/dental offices;
- Personal service establishments;
- Restaurants; and
- Hotels and Motels.

The range of uses permitted under Zone LI1/LI2/LI4/LI5 will implement the Light Industrial policy of the Official Plan, which applies to the lands located at 2150 Oxford Street East. A Light Industrial zone also permits uses that generally have less noise, odour, and storage or related site impacts relative to the subject site’s current General Industrial (GI1) zoning. Thus, amendment of the Zoning By-law from a GI zone to an LI zone will also be more in keeping with

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the planned use and intent of the subject site as a gateway intersection into the city from the London International Airport.

The recommended LI1/LI2/LI4/LI5 zone also includes two holding zone (“h”) provisions in order to address certain site development issues which shall be addressed through later stages of property development or forthcoming servicing works. The proposed holding provisions are:

- First, a holding zone to ensure the works required to implement the Pottersburg Creek Storm Drainage, Flood Control and Remediation Works project are completed prior to any development on the site. This “h” shall not be deleted from the zoning until the “as-built” drawings for the required works are submitted and accepted to the satisfaction of the Upper Thames River Conservation Authority and the City Engineer.
- Second, a holding zone is applied to ensure that urban design is addressed at site plan, and that the applicant shall enter into a development agreement with the City that incorporates high quality urban design features that recognize the prominent gateway location of the site, including enhanced building and landscape design, screened service and loading areas, and building orientation and setbacks. This “h” shall not be deleted from the zoning until building elevations and site plan have been submitted that recognizes the prominent gateway location of the site, to the satisfaction of the City Planner.

Subsequent Site Plan Process

Any future development proposed on the subject site will require a subsequent Site Plan approval process. Through the site plan approval process, issues such as servicing, outdoor storage, buffering, landscaped open space, parking and fencing will be addressed. Any issues related to the results of a scoped traffic impact study including access points or road widening, as well as any easement for Imperial Oil pipeline will be addressed as part of the subsequent site plan application associated with a specific development proposal for the site.

CONCLUSION

The Pottersburg Creek Subwatershed Study, which was completed in 2000, identified the need for improvements to storm drainage and channel remediation in the area of the Skyway Industrial Park. A resultant Municipal Class Environmental Assessment scoped the servicing options and remediation works. An Official Plan and Zoning By-law amendment for the lands north of the Pottersburg Creek was completed in order to construct a Water Quality, Erosion, and Flood Control Stormwater Management facility in 2005. Subsequent implementation phases of the Environmental Assessment have continued since this time. It is as a result of the works projects that the impact of floods and the flood plain line may be reduced.

Consequently, the proposed Official Plan Amendment and Zoning By-law Amendment for lands south of the Pottersburg Creek on 2150 Oxford Street East proposes to adjust the extent of Open Space (OS) designation on “Schedule ‘A’ – Land Use”, extent of the “Maximum Hazard Line” on “Schedule ‘B-1’ – Natural Heritage Features”, and “Regulatory Floodline” on “Schedule ‘B-2’ – Natural Resources and Natural Hazards”. Lands remaining within the Open Space designation are lands located below the regulatory flood line. The river corridor is generally based on a 30 metre watercourse measured from the high water mark, pursuant to policy 15.4.6 of the Official Plan, or a 15 metre setback from the berm, whichever is the greater distance. Lands removed from the Open Space designation will be amended to Light Industrial (LI) designation to allow for a broad range of industrial uses. Light Industrial designation is compatible with surrounding land uses, acknowledges the subject site’s location as a gateway to the city adjacent to the London International Airport, and supports the City’s industrial land

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supply in accordance with the Industrial Land Development Strategy (2014).

The implementing Zoning By-law will be amended so that the lands removed from the flood plain will change from a General Industrial (GI1) zone to a holding Light Industrial zone, noting the lands remaining within the regulatory flood plain will remain as Open Space (OS4). The holding Light Industrial zone (h-(_)*h-(_))LI1/LI2/LI4/LI5) supports uses with less impact that are more conducive to the gateway location of the site. The holdings on the zone are, first, to ensure urban design and the gateway location are addressed as part of site plan, and, second, so that the “as-built” drawing for remaining works of the Pottersburg Creek Storm Drainage, Flood Control and Remediation Works project can be reviewed and accepted by the City Engineer and Upper Thames River Conservation Authority prior to development of the site.

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| PREPARED BY: | SUBMITTED BY: |
| | |
| TRAVIS MACBETH, MCIP, RPP PLANNER II, LONG RANGE PLANNING AND RESEARCH | GREGG BARRETT, AICP MANAGER, LONG RANGE PLANNING AND RESEARCH |
| RECOMMENDED BY: | |
| | |
| JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER | |

September 21, 2015

TM/tm

“Attach.”

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Responses to Public Liaison Letter and Publication in “The Londoner”

| <u>Telephone</u> |
|---------------------------------------|
| Mike Turek – 1915 Crumlin Sideroad |
| Kevin Meldrum – Imperial Oil |
| Gary Hansford – Triple H Paving Stone |

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**File: OZ-8510
Planner: T. Macbeth**



"Inspiring a Healthy Environment"



September 1, 2015

City of London Planning Services
P.O. Box 5035
London, Ontario N6A 4L9

Attention: Travis Macbeth (sent via e-mail)

Dear Mr. Macbeth:

Re: File No. OZ-8510 - Application to Amend the Official Plan & Zoning By-Law
Applicant: City of London
2150 Oxford Street East, London, Ontario

The Upper Thames River Conservation Authority (UTRCA) has reviewed this application with regard for the policies in *Environmental Planning Policy Manual for the Upper Thames River Conservation Authority (June 2006)*. These policies include regulations made pursuant to Section 28 of the *Conservation Authorities Act*, and are consistent with the natural hazard and natural heritage policies contained in the *Provincial Policy Statement (2014)*. The *Upper Thames River Source Protection Area Assessment Report* has also been reviewed in order to confirm whether the subject lands are located in a vulnerable area. The Drinking Water Source Protection information is being disclosed to the Municipality to assist them in fulfilling their decision making responsibilities under the Planning Act. We offer the following comments.

PROPOSAL

The applicant is seeking to amend the Official Plan and Zoning By-Law to revise the limit of the flood plain at 2150 Oxford Street East. This property was included in the Pottersburg Creek Storm Drainage, Flood Control and Remediation Works Study and the purpose of the amendments is to implement the recommendations of that study.

CONSERVATION AUTHORITIES ACT

As shown on the enclosed mapping, the subject lands are regulated by the UTRCA in accordance with Ontario Regulation 157/06, made pursuant to Section 28 of the *Conservation Authorities Act*. The regulation limit is comprised of a riverine flooding hazard associated with Pottersburg Creek. The UTRCA has jurisdiction over lands within the regulated area and requires that landowners obtain written approval from the Authority prior to undertaking any site alteration or development within this area including filling, grading, construction, alteration to a watercourse and/or interference with a wetland.

UTRCA ENVIRONMENTAL PLANNING POLICY MANUAL

Policy which is applicable to the subject lands includes:

3.2.2 General Natural Hazard Policies

These policies direct new development and site alteration away from hazard lands. Any development which is permitted in hazard lands must provide appropriate floodproofing measures, protection works and safe or dry access

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File: OZ-8510
Planner: T. Macbeth

UTRCA Comments
File No. OZ-8510

during times of flooding, erosion and other emergencies. Furthermore, no new hazards are to be created and existing hazards should not be aggravated.

3.2.3 Riverine Flooding Hazard Policies

These policies address matters such as the provision of detailed floodplain mapping, floodplain planning approach (one zone vs. two zones), and uses that may be allowed in the floodplain subject to satisfying UTRCA permit requirements.

DRINKING WATER SOURCE PROTECTION

The *Clean Water Act* (CWA), 2006 is intended to protect existing and future sources of drinking water. The Act is part of the Ontario government's commitment to implement the recommendations of the Walkerton Inquiry as well as protecting and enhancing human health and the environment. The CWA sets out a framework for source protection planning on a watershed basis with Source Protection Areas established based on the watershed boundaries of Ontario's 36 Conservation Authorities. The Upper Thames River, Lower Thames Valley and St. Clair Region Conservation Authorities have entered into a partnership for The Thames-Sydenham Source Protection Region. Drinking Water Source Protection represents the first barrier for protecting drinking water including surface and ground water from becoming contaminated or overused thereby ensuring a sufficient, clean, safe supply now and for the future.

Assessment Reports:

The Thames-Sydenham Source Protection Region has prepared *Assessment Reports* which contain detailed scientific information that identify vulnerable areas associated with drinking water systems, assess the level of vulnerability in these areas and identify activities within those vulnerable areas which pose threats to the drinking water systems, and assess the risk due to those threats. The Assessment Report for the Upper Thames watershed delineates three types of vulnerable areas: Wellhead Protection Areas, Highly Vulnerable Aquifers and Significant Groundwater Recharge Areas. We wish to advise that the subject lands are located in a Significant Groundwater Recharge Area that features Highly Vulnerable Aquifers. Mapping which shows these areas is available at:

Highly Vulnerable Aquifers:

http://www.sourcewaterprotection.on.ca/wp-content/uploads/UTRCA/Appendices/A1-Maps/Map4-3-2_Highly%20Vulnerable%20Aquifers.pdf

Significant Groundwater Recharge Areas:

<http://www.sourcewaterprotection.on.ca/wp-content/uploads/UTRCA/Appendices/A1-Maps/Map4-2-2%20SGRA%20Vulnerability.pdf>

Source Protection Plans:

Using the information in the *Assessment Report*, an *Amended Proposed Source Protection Plan* has been developed for the Upper Thames watershed. The *Proposed Source Protection Plan*, along with any written comments, has now been submitted to the Province for approval by the Minister of the Environment. The *Amended Proposed Source Protection Plan* is available at:

<http://www.sourcewaterprotection.on.ca/source-protection-plan/amended-proposed-source-protection-plan/>

The *Amended Proposed Plan* consists of a range of policies that together, will reduce the risks posed by the identified water quality and quantity threats in the vulnerable areas. These proposed policies include a range of voluntary and regulated approaches to manage or prohibit activities which pose a threat to drinking water. Activities that can lead to low, medium and significant threats have been identified in Appendix 10 of the *Upper Thames River Source Protection Area Assessment Report*, dated August 12, 2011. Available at:

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UTRCA Comments
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<http://www.sourcewaterprotection.on.ca/utrca-assessment-report/>

| AREA OF VULNERABILITY | VULNERABILITY SCORE | THREATS & CIRCUMSTANCES |
|--|---------------------|-------------------------|
| Highly Vulnerable Aquifer (HVA) | 6 | Moderate & Low Threats |
| Significant Groundwater Recharge Area (SGRA) | 6 | Moderate & Low Threats |

Under the CWA, the Source Protection Committee has the authority to include policies in the *Amended Proposed Source Protection Plan* that may prohibit or restrict activities identified as posing a *significant threat* to drinking water. Municipalities may also have or be developing policies that apply to vulnerable areas when reviewing development applications. Proponents considering land use changes, site alteration or construction in these areas need to be aware of this possibility.

Provincial Policy Statement (PPS, 2014)

Section 2.2.1 requires that “Planning authorities shall protect, improve or restore the quality and quantity of water by: e) implementing necessary restrictions on development and site alteration to 1) protect all municipal drinking water supplies and designated vulnerable areas and 2) protect, improve or restore vulnerable surface and ground water features, and their hydrological functions”.

Section 2.2.2 requires that “Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored”.

Municipalities must be consistent with the Provincial Policy Statement when making decisions on land use planning and development.

Official Plan & Zoning By-Law Amendments

The UTRCA reviewed the following reports to support the proposed amendments:

- *Pottersburg Creek Storm Drainage and Channel Remediation Confirmation of Floodline Elevations*, completed by CCL/IBI, (February 3, 2005)
- *Contract drawings prepared by Cumming Cockburn Limited*, issued for tender September 24, 2003 and stamped by A.G. Garland, P. Eng., (September 23, 2003)

As a result of detailed surveying and inspections, these submissions confirmed that the *Pottersburg Creek Storm Drainage, Flood Control and Remediation Works* project by the City of London was completed in accordance with plans approved by the City of London and the UTRCA. Based on this information, the Conservation Authority has no objections to the amendments and is satisfied that a portion of the subject lands that is currently designated flood plain can be re-designated to Light Industrial as proposed.

Some final fill placement and grading is required in order to complete the proposed re-configuration of the Regulatory Flood Plain of Pottersburg Creek at 2150 Oxford Street East. This undertaking will be accommodated by way of a holding provision in the proposed Light Industrial Zone which we understand will be set back 30 metres from the top of bank of the new channel. The final grading will require a permit from the UTRCA and shall be implemented to meet the target fill elevations of 269.75m at the upstream (east) limit of the subject lands and 269.5m immediately east of Airport Road. Once the property is filled to these elevations the Conservation Authority will revise the Regulation Limit/Mapping.

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File: OZ-8510
Planner: T. Macbeth

UTRCA Comments
File No. OZ-8510

RECOMMENDATION

The UTRCA is supportive of the official plan and zoning by-law amendment proposed for the subject property. As indicated, we are also supportive of the future development of the site subject to the target fill elevations being achieved. These works will require a Section 28 permit. Once the final elevations have been confirmed, the Regulation Limit/Mapping will be revised to reflect the extent of the new flood plain.

Thank you for the opportunity to comment. If you have any questions, please contact the undersigned at extension 293.

Yours truly,
UPPER THAMES RIVER CONSERVATION AUTHORITY

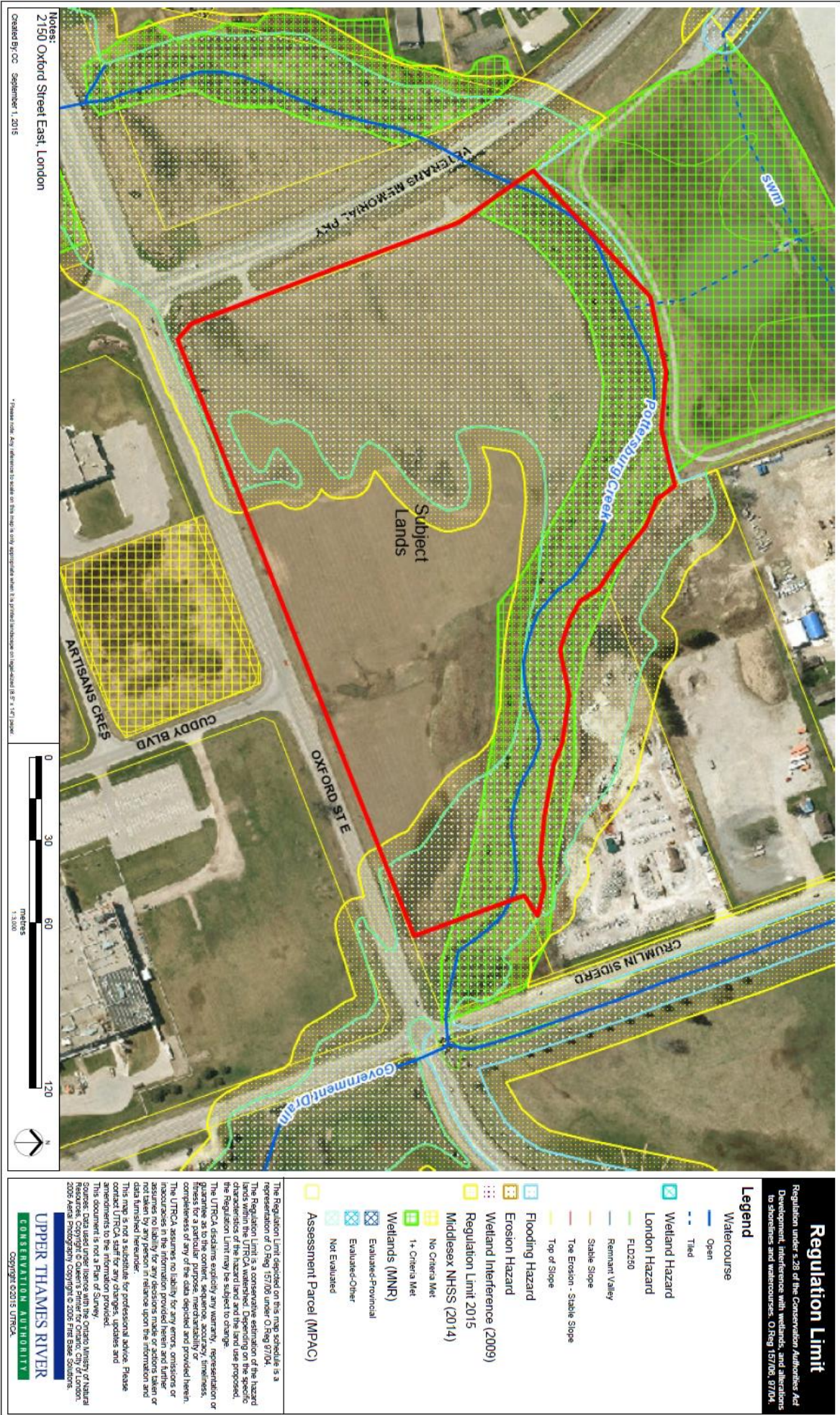


Christine Creighton
Land Use Planner
CC/cc

Enclosure – Regulations Mapping (please print on legal size paper to ensure that the scales are accurate)

c.c. UTRCA – Mark Snowsell, Land Use Regulations Officer

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File: OZ-8510
Planner: T. Macbeth

**Bibliography of Information and Materials
OZ-8510**

Request for Approval:

City of London Official Plan and Zoning By-law Amendment Application Form, completed by City of London, July 28, 2015.

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.

Pottersburg Creek Storm Drainage and Channel Remediation Confirmation of Floodline Elevations, Cumming Cockburn Limited/IBI, February 3, 2005.

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

City of London -

Giesen, A. City of London Transportation Planning and Design. E-mail to T. Macbeth. August 14, 2015.

Departments and Agencies -

Creighton C., UTRCA. Letter to T. Macbeth. September 1, 2015.

Creighton C. and Snowsell M., UTRCA. Telephone calls to T. Macbeth, September 1 -17, 2015 (Not in file).

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File: OZ-8510
Planner: T. Macbeth

Appendix "A"

Bill No. (number to be inserted by Clerk's Office)
2015

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

A by-law to amend the Official Plan for the City of London, 1989 relating to 2150 Oxford Street East.

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 October 13, 2015.

Matt Brown
Mayor

Catharine Saunders
City Clerk

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File: OZ-8510
Planner: T. Macbeth

AMENDMENT NO.

to the

OFFICIAL PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is:

1. To change the designation of certain lands described herein from Open Space to Light Industrial on Schedule "A", Land Use, to the Official Plan for the City of London.

B. LOCATION OF THIS AMENDMENT

1. This Amendment applies to lands proposed to be outside of the flood plain, located at 2150 Oxford Street East in the City of London.

C. BASIS OF THE AMENDMENT

Works associated with the Pottersburg Creek subwatershed study and Municipal Class Environmental Assessment have improved servicing, including storm drainage and channel remediation, in the Pottersburg Creek and Skyway Industrial Park area. It is for these reasons that the impact of floods and the flood plain line is to be reduced. Consequently, the purpose of the application is to adjust the regulatory flood plain mapping and thus increase the supply of developable industrial land on the subject property at 2150 Oxford Street East.

D. THE AMENDMENT

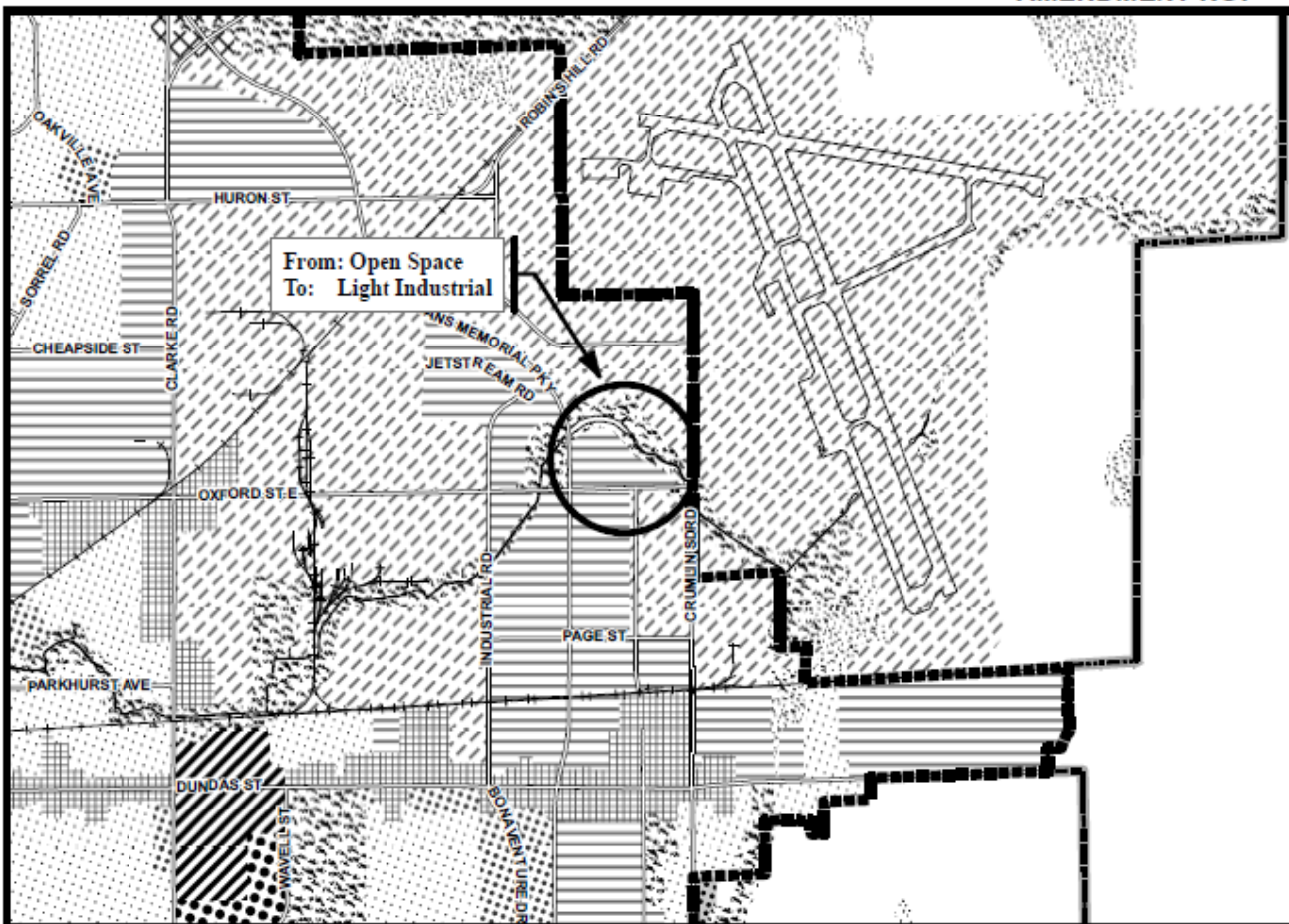
The Official Plan for the City of London is hereby amended as follows:

1. Schedule "A", Land Use, to the Official Plan for the City of London Planning Area is amended by designating those lands on the area proposed to be outside of the flood plain at 2150 Oxford Street East in the City of London, as indicated on "Schedule 1" attached hereto from Open Space to Light Industrial.

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File: OZ-8510
Planner: T. Macbeth

AMENDMENT NO:



Legend

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| <ul style="list-style-type: none"> Downtown Wonderland Road Community Enterprise Corridor Enclosed Regional Commercial Node New Format Regional Commercial Node Community Commercial Node Neighbourhood Commercial Node Main Street Commercial Corridor Auto-Oriented Commercial Corridor Multi-Family, High Density Residential Multi-Family, Medium Density Residential Low Density Residential Office Area | <ul style="list-style-type: none"> Office/Residential Office Business Park General Industrial Light Industrial Regional Facility Community Facility Open Space Urban Reserve - Community Growth Urban Reserve - Industrial Growth Rural Settlement Environmental Review Agriculture Urban Growth Boundary |
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This is an excerpt from the Planning Division's working consolidation of Schedule A to the City of London Official Plan, with added notations.

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| <p>SCHEDULE 1 TO OFFICIAL PLAN</p> <p>AMENDMENT NO. _____</p> <p><small>PREPARED BY: Graphics and Information Services</small></p> | <p>Scale 1:30,000</p> <p>Meters</p> | <p>FILE NUMBER: OZ-8510</p> <p>PLANNER: TM</p> <p>TECHNICIAN: MB</p> <p>DATE: 2015/08/01</p> |
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PROJECT LOCATION: e:\planning\projects\ip_officialplan\work\consol\00\amendments\oz-8510\projects\ScheduleA_Amendment.mxd

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File: OZ-8510
Planner: T. Macbeth

Appendix "B"

Bill No. (number to be inserted by Clerk's Office)
2015

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

A by-law to amend the Official Plan for the City of London, 1989 relating to 2150 Oxford Street East.

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 October 13, 2015.

Matt Brown
Mayor

Catharine Saunders
City Clerk

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File: OZ-8510
Planner: T. Macbeth

AMENDMENT NO.

to the

OFFICIAL PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is:

1. To change the “Maximum Hazard Line” on Schedule “B-1”, Natural Heritage Features, to the Official Plan for the City of London.

B. LOCATION OF THIS AMENDMENT

1. This Amendment applies to lands located at 2150 Oxford Street East in the City of London.

C. BASIS OF THE AMENDMENT

Works associated with the Pottersburg Creek subwatershed study and Municipal Class Environmental Assessment have improved servicing, including storm drainage and channel remediation, in the Pottersburg Creek and Skyway Industrial Park area. It is for these reasons that the impact of floods and the flood plain line is to be reduced. Consequently, the purpose of the application is to adjust the regulatory flood plain mapping and thus increase the supply of developable industrial land on the subject property at 2150 Oxford Street East.

D. THE AMENDMENT

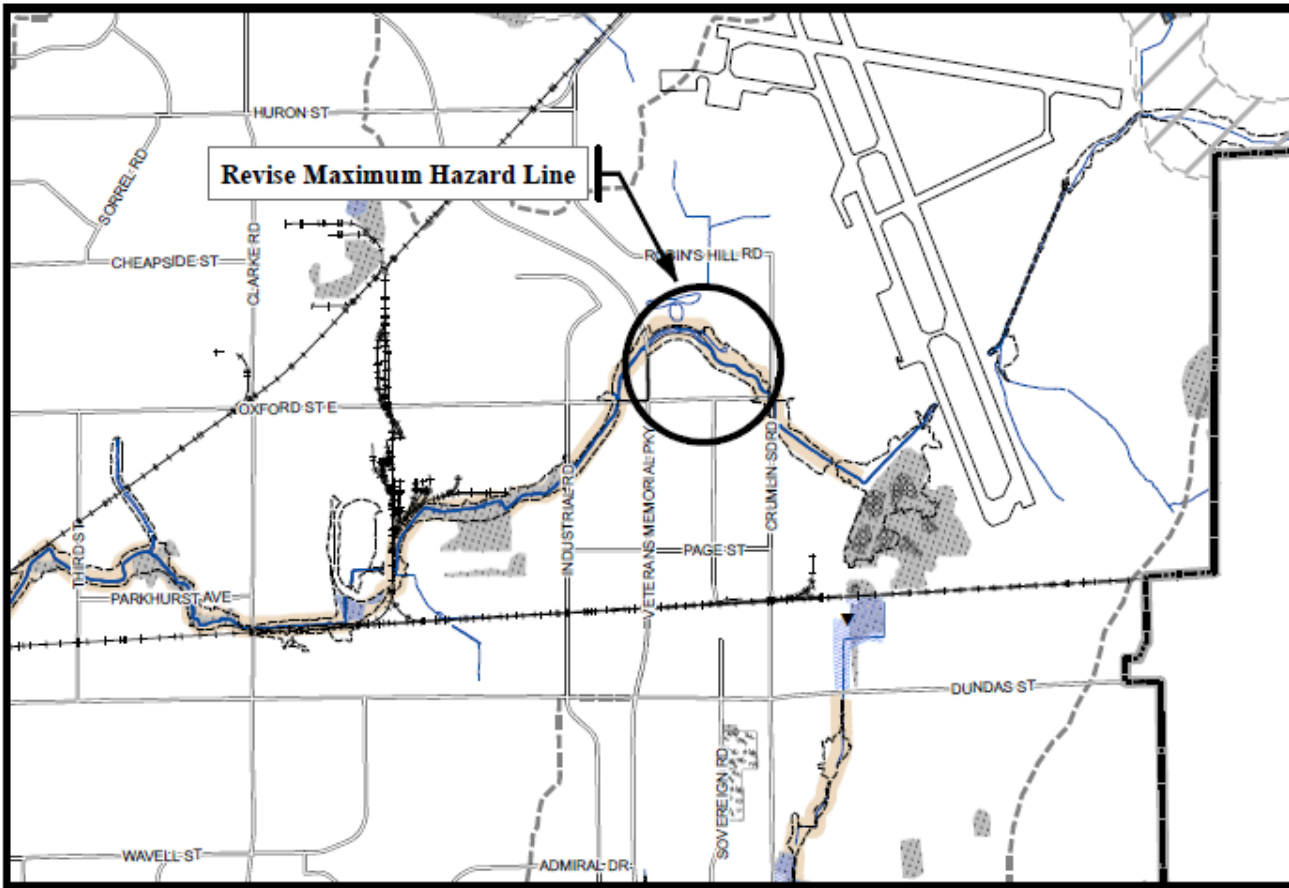
The Official Plan for the City of London is hereby amended as follows:

1. Schedule “B1”, Natural Heritage Features, to the Official Plan for the City of London Planning Area is amended by changing the “Maximum Hazard Line” at 2150 Oxford Street East in the City of London, as indicated on “Schedule 1” attached hereto.

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File: OZ-8510
Planner: T. Macbeth

AMENDMENT NO:



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| <p>NATURAL HERITAGE SYSTEM</p> <ul style="list-style-type: none"> ESAs Potential ESAs Significant Woodlands Woodlands Unevaluated Vegetation Patches Significant River, Stream, and Ravine Corridors Unevaluated Stream and Ravine Corridors Provincially Significant Wetlands Locally Significant Wetlands Unevaluated Wetlands Potential Naturalization Areas Potential Upland Corridors Ground Water Recharge Areas | <p>NATURAL HAZARDS</p> <ul style="list-style-type: none"> Maximum Hazard Line <p><i>NOTE 1: Hazard Lines shown on this map are approximate. The precise delineation of hazard line mapping available from the Conservation Authority having jurisdiction.</i></p> <p><i>NOTE 2: Flood Fringe mapping for certain areas of the city is available from the Upper Thames River Conservation Authority.</i></p> <p>Base Map Features</p> <ul style="list-style-type: none"> Railways Water Courses/Ponds Streets (refer to Schedule "C") Conservation Authority Boundary Subwatershed Boundary Big Picture Meta-Cores and Meta-Corridors |
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This is an excerpt from the Planning Division's working consolidation of Schedule B1 to the City of London Official Plan, with added notations.

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| <p>SCHEDULE 1 TO OFFICIAL PLAN</p> <p>AMENDMENT NO. _____</p> <p style="font-size: x-small;">PREPARED BY: Graphics and Information Services</p> | <p>Scale 1:30,000</p> <p>0 140 280 560 840 1,120 1,400</p> <p>Meters</p> | <p>FILE NUMBER: OZ-8510</p> <p>PLANNER: TM</p> <p>TECHNICIAN: MB</p> <p>DATE: 2015/09/01</p> |
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PROJECT LOCATION: e:\planning\projects\ip_officialplan\work\consolid\amendments\oz-8510\projects\ScheduleB1_Amendment.mxd

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File: OZ-8510
Planner: T. Macbeth

Appendix "C"

Bill No. (number to be inserted by Clerk's Office)
2015

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

A by-law to amend the Official Plan for the City of London, 1989 relating to 2150 Oxford Street East.

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 October 13, 2015.

Matt Brown
Mayor

Catharine Saunders
City Clerk

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File: OZ-8510
Planner: T. Macbeth

AMENDMENT NO.

to the

OFFICIAL PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is:

1. To change the “Regulatory Floodline” and “Conservation Authority Regulation Limit” on Schedule “B-2”, Natural Resources and Natural Hazards.

B. LOCATION OF THIS AMENDMENT

1. This Amendment applies to lands located at 2150 Oxford Street East in the City of London.

C. BASIS OF THE AMENDMENT

Works associated with the Pottersburg Creek subwatershed study and Municipal Class Environmental Assessment have improved servicing, including storm drainage and channel remediation, in the Pottersburg Creek and Skyway Industrial Park area. It is for these reasons that the impact of floods and the flood plain line is to be reduced. Consequently, the purpose of the application is to adjust the regulatory flood plain mapping and thus increase the supply of developable industrial land on the subject property at 2150 Oxford Street East.

D. THE AMENDMENT

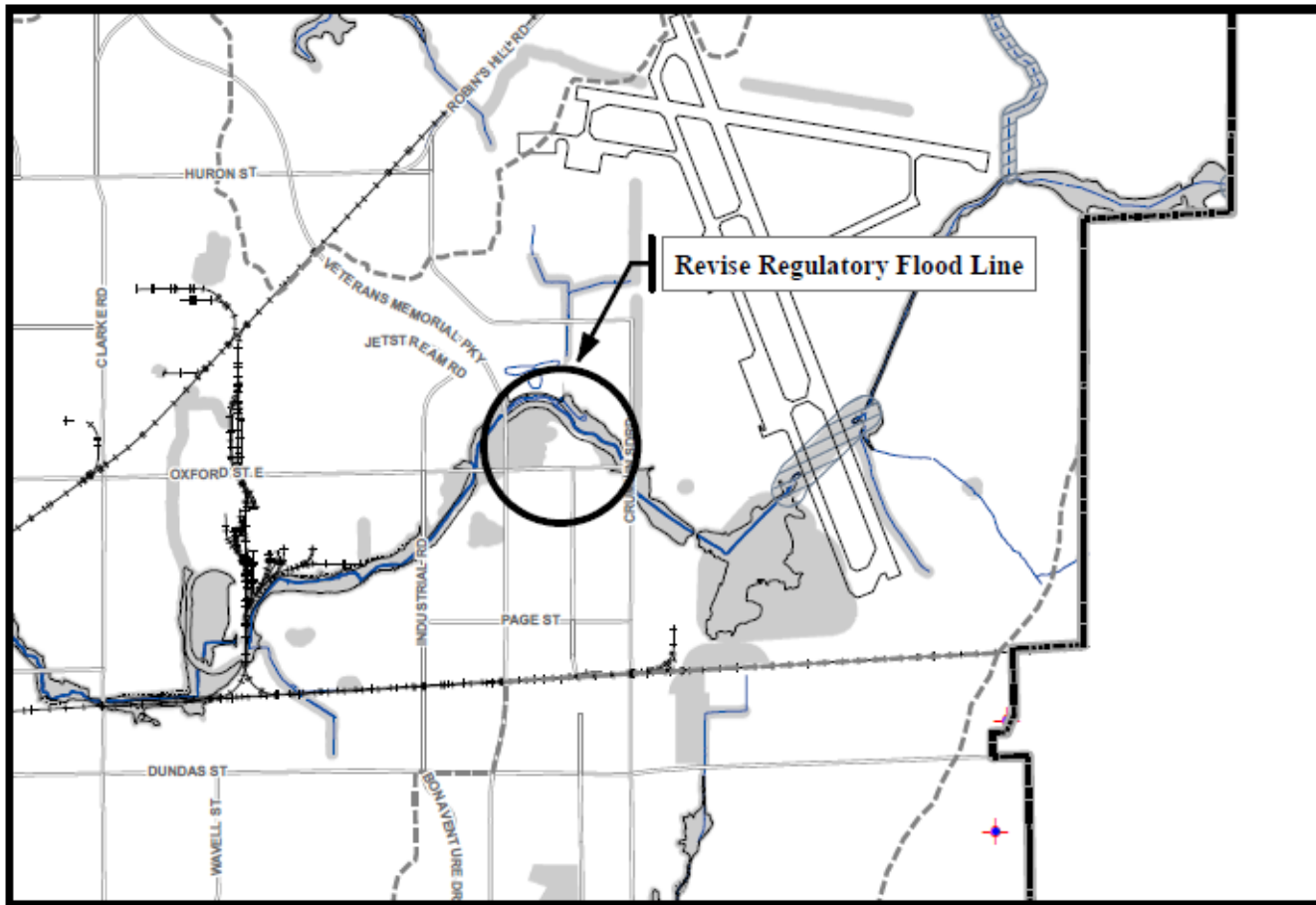
The Official Plan for the City of London is hereby amended as follows:

1. Schedule “B2”, Natural Resources and Natural Hazards, to the Official Plan for the City of London Planning Area is amended by changing the “Regulatory Floodline” and “Conservation Authority Regulation Limit” at 2150 Oxford Street East in the City of London, as indicated on “Schedule 1” attached hereto.

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File: OZ-8510
Planner: T. Macbeth

AMENDMENT NO:



NATURAL RESOURCES

- Aggregate Resource Areas
- Extractive Industrial
- Emergency Municipal Water Wells

Base Map Features

- Railways
- Water Courses/Ponds
- Streets (refer to Schedule "C")
- Conservation Authority Boundary
- Subwatershed Boundary
- Potential Special Policy Areas
- Special Policy Area

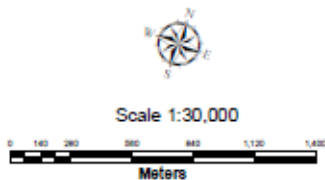
NATURAL HAZARDS

- Regulatory Flood Line
NOTE 1: Flood Lines shown on this map are approximate. The precise delineation of flood plain mapping is available from the Conservation Authority having Jurisdiction.
NOTE 2: Flood Fringe mapping for certain areas of the city is available from the Upper Thames River Conservation Authority.
- Riverine Erosion Hazard Limit For Confined Systems
- Riverine Erosion Hazard Limit For Unconfined Systems
- Steep Slopes Outside of the Riverine Erosion Hazard Limit
- Abandoned Oil/Gas Wells
- Conservation Authority Regulation Limit

This is an excerpt from the Planning Division's working consolidation of Schedule B2 to the City of London Official Plan, with added notations.

**SCHEDULE 1
TO
OFFICIAL PLAN**
AMENDMENT NO. _____

PREPARED BY: Graphics and Information Services



FILE NUMBER: OZ-8510
PLANNER: TM
TECHNICIAN: MB
DATE: 2015/09/01

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**File: OZ-8510
Planner: T. Macbeth**

Appendix "D"

Bill No. (number to be inserted by Clerk's Office)
2015

By-law No. Z.-1-15_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 2150 Oxford Street East.

WHEREAS the City of London has applied to rezone an area of land located at 2150 Oxford Street East, 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 2150 Oxford Street East, as shown on the attached map comprising part of Key Map No. A104, from an Open Space/General Industrial (OS4/GI1) Zone to a holding Light Industrial (h-(_), h-(_)/LI1/LI2/LI4/LI5) Zone.
- 2) Section 3.8(2) of the Holding Zone Provisions Section to By-law Z.-1 is amended by adding the following holding provisions:

) h- Purpose:

To ensure that the works required to implement the Pottersburg Creek Storm Drainage, Flood Control and Remediation Works project are completed prior to any development on the site, the "h-(_)" symbol shall not be deleted until the "as-built" drawings for the required works are submitted and accepted to the satisfaction of the Upper Thames River Conservation Authority and City Engineer.

) h- Purpose:

To ensure that urban design is addressed at site plan, a development agreement shall be entered into that incorporates high quality urban design features that recognize the prominent gateway location of the site, including enhanced building and landscape design, screened service and loading areas, and building orientation and setbacks. The "h-(_)" symbol shall not be deleted until building elevations and site plan have been submitted that recognizes the prominent gateway location of the site, to the satisfaction of the City Planner.

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.

Agenda Item # Page #

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**File: OZ-8510
Planner: T. Macbeth**

PASSED in Open Council on October 13, 2015.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading - October 13, 2015
Second Reading - October 13, 2015
Third Reading - October 13, 2015

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File: OZ-8510
Planner: T. Macbeth

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

