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**Z-8537
Sonia Wise**

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: LGA HOLDINGS LTD 2946 BATEMAN TRAIL PUBLIC PARTICIPATION MEETING ON FEBRUARY 22, 2016

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of LGA Holdings Ltd. relating to the property located at 2946 Bateman Trail, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on March 1, 2016 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** a Restricted Service Commercial Special Provision (RSC1(15)/RSC4(9)/RSC5(8)) Zone, **TO** a holding Restricted Service Commercial Special Provision (h-_*RSC1(_)/RSC4(9)/RSC5(8)) Zone.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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O-6424 – Adoption of North Longwoods Area Plan – July 7, 2003
 39T-03517/Z-6603 – Zoning and Subdivision for 33M-542 – July 26, 2004
 O-7609 – Adoption of Southwest Area Secondary Plan – April 29, 2014

PURPOSE AND EFFECT OF RECOMMENDED ACTION

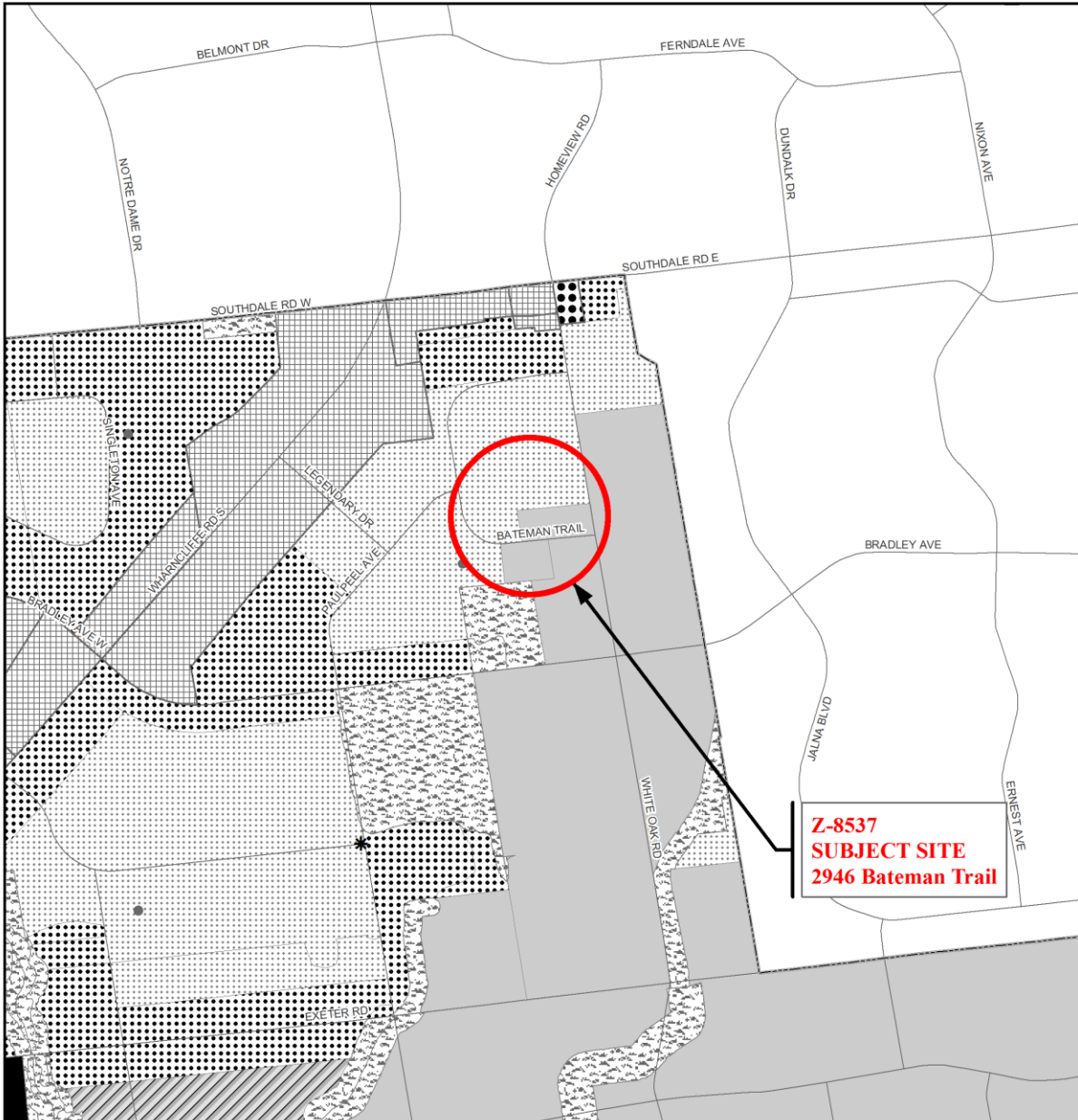
The purpose and effect of the requested Zoning By-law Amendment is to permit a commercial recreation establishment (indoor gym).

RATIONALE

1. The proposed amendment is consistent with the Provincial Policy Statement 2014 and the D-6 Guidelines: Compatibility between Industrial and Sensitive Uses;
2. The proposed amendment is consistent with the Southwest Area Secondary Plan Policies, North Longwoods Area Plan Policies, Light Industrial and Official Plan policies;
3. The proposed commercial recreation use provides for a positive intervening land use between the commercial/industrial uses and existing residential development;
4. The proposed commercial recreation use will not impede the function or viability of the existing industrial operations; and
5. The commercial recreation establishment use will incorporate mitigation measures as required through a holding provision to address possible compatibility issues.

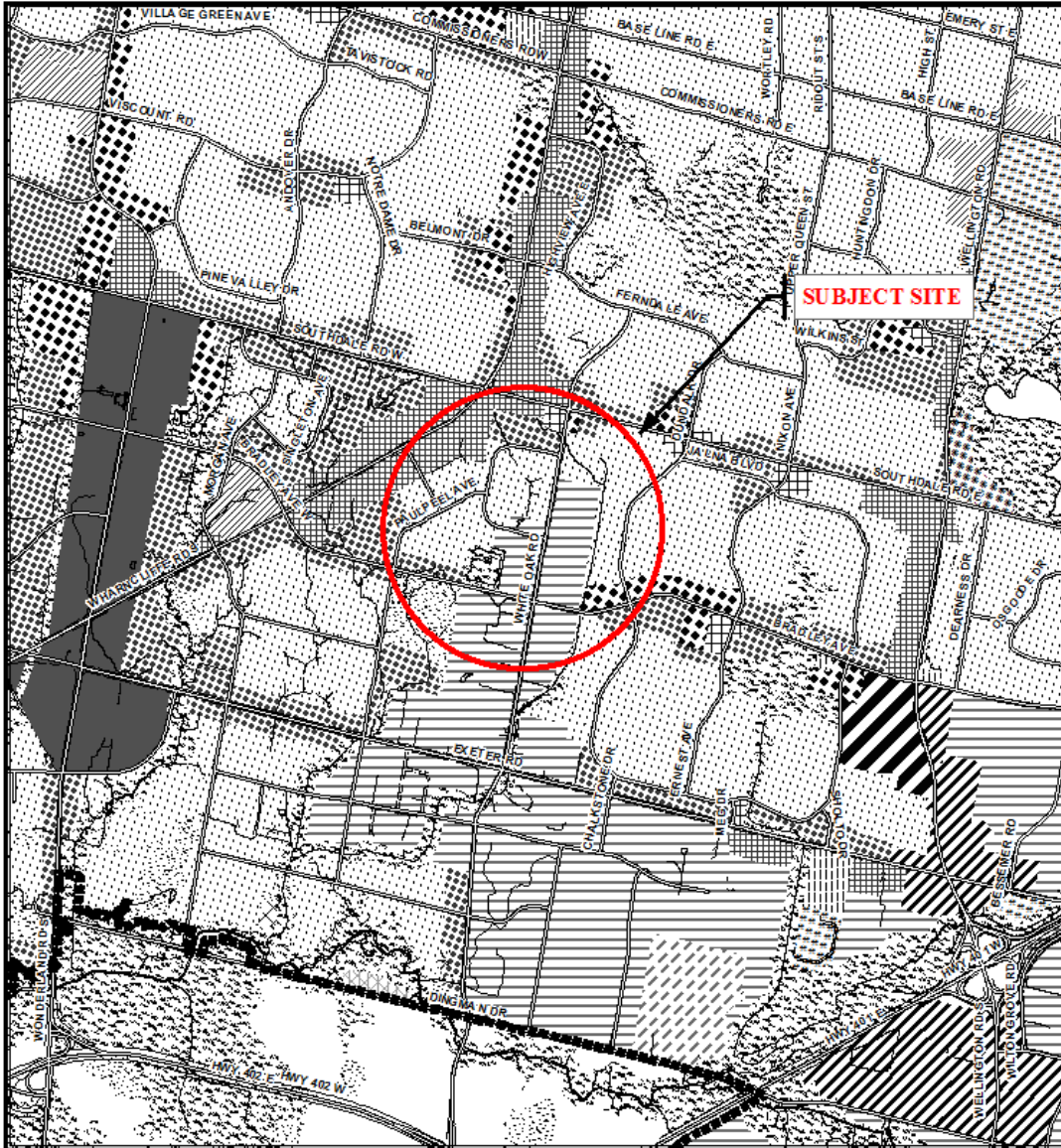
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Z-8537
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Z-8537
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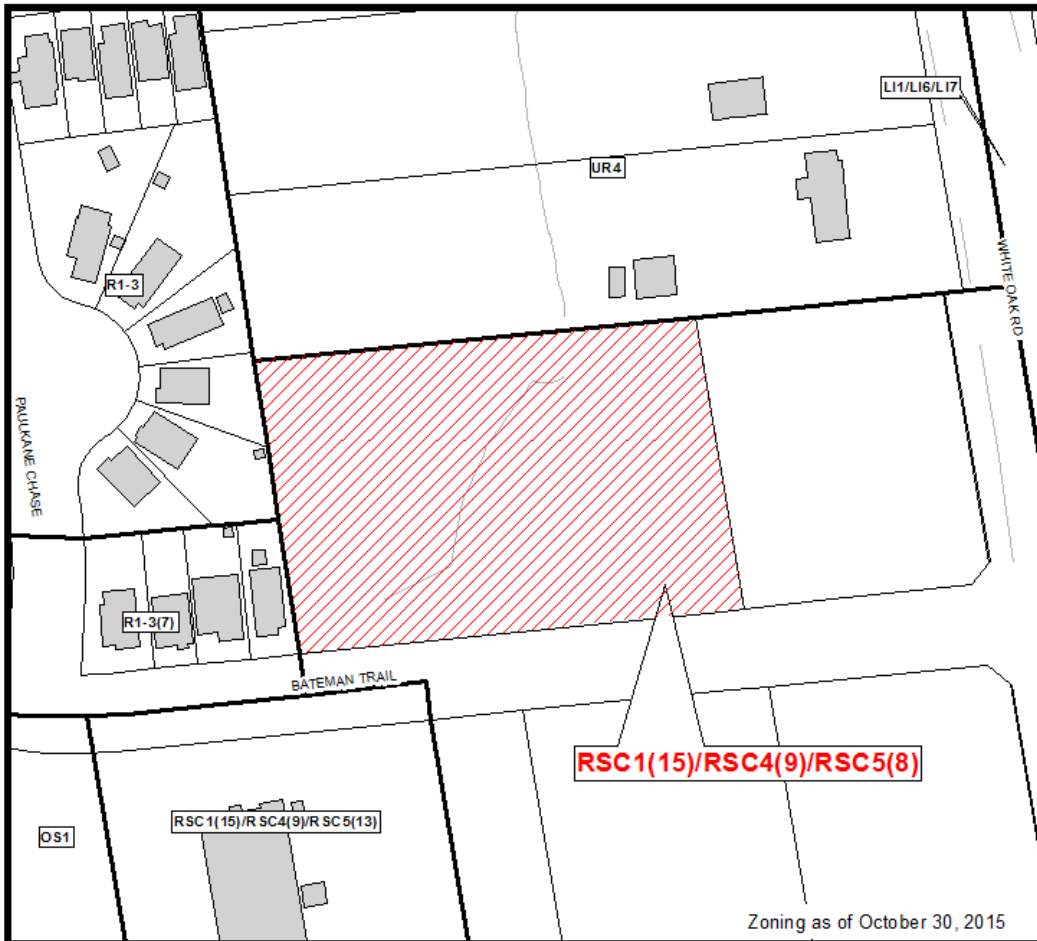
Legend	
	Downtown
	Wonderland Road Community Enterprise Corridor
	Enclosed Regional Commercial Node
	New Format Regional Commercial Node
	Community Commercial Node
	Neighbourhood Commercial Node
	Main Street Commercial Corridor
	Auto-Oriented Commercial Corridor
	Multi-Family, High Density Residential
	Multi-Family, Medium Density Residential
	Low Density Residential
	Office Area
	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

<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>	 Scale 1:30,000 Meters	<p>FILE NUMBER: Z-8537</p> <p>PLANNER: SW</p> <p>TECHNICIAN: TT</p> <p>DATE: 2015/12/21</p>
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PROJECT LOCATION: e:\planning\projects\p_officialplan\work\consol\0\excorp\templates\scheduleA_b&w_8x14_with_SWAP.mxd

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Z-8537
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COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: RSC1(15)/RSC4(9)/RSC5(8)

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
 OR - OFFICE/RESIDENTIAL OC - OFFICE CONVERSION RO - RESTRICTED OFFICE OF - OFFICE | <ul style="list-style-type: none"> 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
 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 |
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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:
 Z-8537 SW

MAP PREPARED:
 2015/12/21 TT

1:1,500
 0 5 10 20 30 40 Meters

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Z-8537
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Z-8537
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BACKGROUND

Date Application Accepted: September 29, 2015	Agent: Stantec Consulting Ltd.
REQUESTED ACTION: Change Zoning By-law Z.-1 from a Restricted Service Commercial Special Provision (RSC1(15)/RSC4(9)/RSC5(8)) Zone to a Restricted Service Commercial Special Provision (RSC1(_)/RSC4(9)/RSC5(8)) Zone, to permit the existing range of uses and to add the commercial recreation establishment use.	

SITE CHARACTERISTICS:
<ul style="list-style-type: none"> • Current Land Use – Vacant • Frontage – 123m • Depth – 81.5m • Area – 9,978m² • Shape – rectangular

SURROUNDING LAND USES:
<ul style="list-style-type: none"> • North - Residential • South - Office • East - Vacant • West - Residential

OFFICIAL PLAN DESIGNATION: (refer to Official Plan Map)
<ul style="list-style-type: none"> • LI
EXISTING ZONING: (refer to Zoning Map)
<ul style="list-style-type: none"> • RSC1(15)/RSC4(9)/RSC5(8)

PLANNING HISTORY

Subject Site

The subject site was created through a plan of subdivision in 2006 (33M-542), and is currently vacant. The property has a frontage of 123m on Bateman Trail and a lot area that is just under 1ha. The site is located north of the Elementary Teacher Federation of Ontario offices and east of an established residential subdivision. There are single detached dwellings to the north, and vacant commercial/industrial land to the east. The proposed amendment is to permit a commercial recreation establishment, specifically to allow an indoor gym for gymnastics and cheerleading.

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Z-8537
Sonia Wise



Figure 1: Streetview of subject site – Google, June 2014

The site is located near a class III industry located at 3280 & 3300 White Oaks Road which is known as Kelcoatings Ltd. (Kelcoatings) and Oakside Chemicals Ltd (Oakside). The industrial operations were established in 1967, and include paint coating manufacturing, paint waste solvent recycling, and the storage of hazardous materials such as resin, solvents, pigments and other additives. The operation of the site is regulated by the Ministry of Environment and Climate Change and has a certificate of approval from the ministry for their operation.

The proximate distance of the subject site to the class III industry represents a potential land use conflict between a sensitive use (commercial recreation establishment) and an industrial use that produces odours and emissions. The requested zoning amendment application will be evaluated, in part, to determine if the proposed commercial recreation establishment use is appropriate for this location at 2946 Bateman Trail.

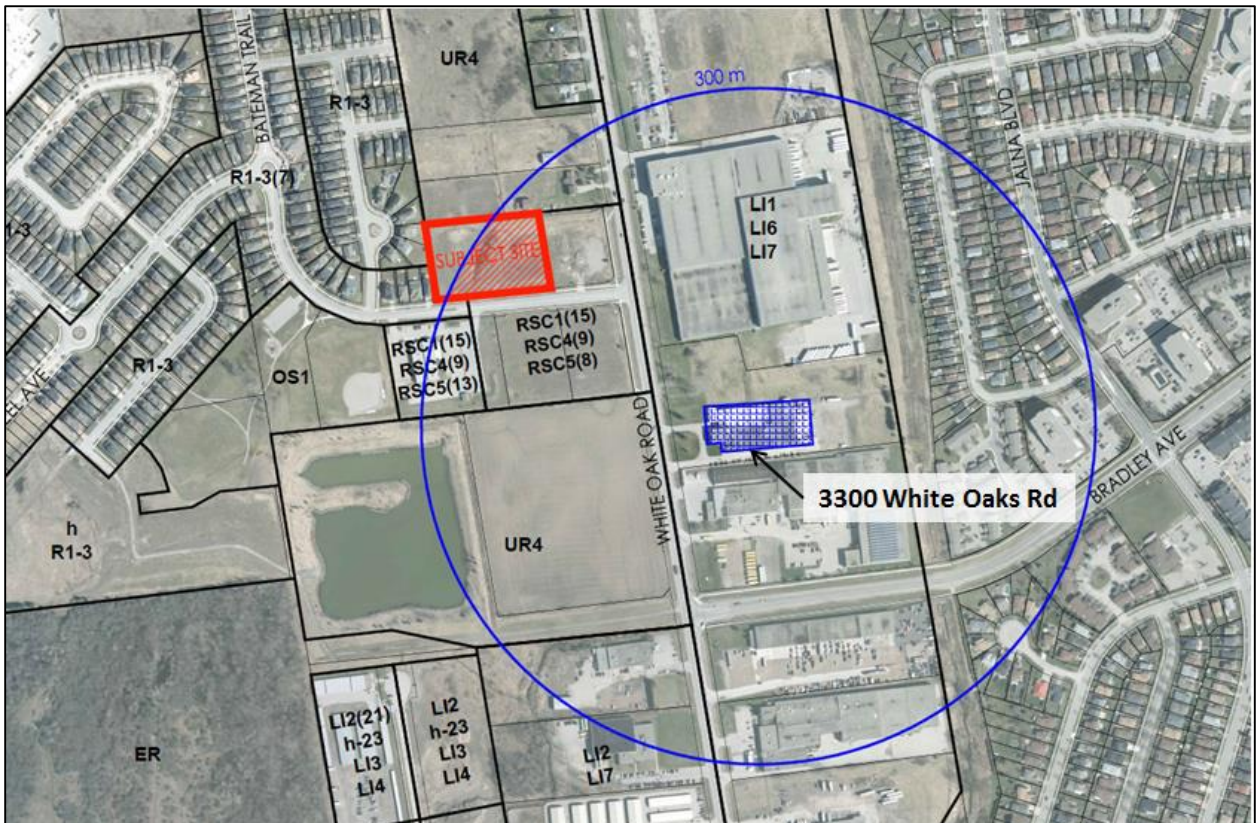


Figure 2: 300m Area of Influence – Planning Justification Report

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Z-8537
Sonia Wise

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

Transportation – October 28, 2015: No Comments

Transportation – January 15, 2016 (Response to Community Concerns): Bateman trail is a secondary collector road, the function of a secondary collector road is to serve through traffic and provide access to land. Secondary collectors are designed and intended to carry higher volumes of traffic of approximately 5000 vehicles a day compared to local streets which are expected to carry approximately 1000 vehicles a day.

Currently Bateman Trail carries 1250 vehicles a day which is well below the expected volume of 5000 vehicles a day. The development of additional lands will increase traffic but the increases will not dramatically increase the volumes on Bateman trail and it is still expected to operate similar to existing conditions and well within the expected volume range.

Parking issues for existing streets can be directed Doug Bolton (dbolton@london.ca ,Ext 7007) however it should be noted that vehicle speeds typically increase when parking is restricted and residents may also lose the use of on street parking.

Traffic Signals are only installed when the traffic signal warrant has been met, the traffic signal warrants is based off of traffic volumes on both the through street and the cross street, I do not believe this intersection would warrant a signal at this time, a request could be made to Alexei Chkouro (achkouro@london.ca Ext 4658) to review the intersection in question.

A speed volume study was conducted on Bateman Trail and the results are as follows:

- Average Speed was 47 km/h,
- 85th percentile speed was 55.0 km/h (85th percentile speed is the speed at which 85% of vehicles are travelling at or below)

Based off of the above speeds it would appear that speeding along this road is not an issue.

Development Services – Engineering, November 17, 2015: Consolidated Comments:

WADE: The sanitary outlet for the subject lands is the 200mm municipal sanitary sewer on Bateman Trail. City Plan #21,007 shows a 200mm p.d.c. at manhole W0822 for the subject lands. City Drainage Area Plan #21,004 shows a density of 100 ppha. for the subject lands.

SWM:

- The owner is to be required to submit a servicing plan and report to the City, for review and acceptance, that includes, but it is not limited to, design of minor and major flows, recommendations on storm sewer layout over 2946 Bateman Trail and minimum width of the required easement to service upstream areas as shown on as constructed drawings 21003 (Copperfield Subdivision 33M-542), all in accordance with City of London Design Specifications requirements and MOECC’s requirements.
- The owner is to be required to submit a draft of the reference plan to the City, for review and acceptance, showing the easement necessary to service upstream lands as shown on as constructed drawings 21003 (Copperfield Subdivision 33M-542).
- 2946 Bateman Trail is tributary to the municipal facility White Oaks II and therefore, the owner is to be required to comply with the functional design of the SWM facility White Oaks II.
- The owner is to be required to ensure the storm sewer/drainage conveyance from the existing external drainage through the subject lands are preserved and to allow for conveyance of overland flows from external drainage areas that naturally drain by topography through the subject lands (refer to as constructed drawing 21013).
- The owner is to be required to comply with the City’s Drainage By-Law VM-4, to ensure that the post-development storm/drainage discharges from the subject lands will not cause any adverse effects to adjacent or downstream land, all to the satisfaction of the City Engineer.

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Z-8537
Sonia Wise

- The owner is to be required to install an Oil/Grit separator to the standards of the Ministry of the Environment and Climate Change and 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.

London Hydro – January 5, 2016: No objections

Urban Design – January 6, 2016:

- The property is located within the Southwest Area Secondary Plan (SWASP), specifically in the North Longwoods Residential Neighbourhood and the Urban Design Policies of Section 20.5.3.9 apply.
- Locate and orient the building to the public street and provide main pedestrian entrances on the street-facing façade with direct access to the public sidewalk.
- Design the building to provide visual interest to pedestrians, as well as a “sense of enclosure” to the street.
- Design off-street parking areas to reduce their visual impact on both the adjoining streetscape and on people using the site and/or facility by locating the parking lot to the side or rear of the main building.
- Detailed urban design comments will be provided at the Site Plan Approvals stage.

Wastewater Treatment Operations – January 5, 2016:

I have reviewed the URS Canada Inc. report Performance of an Air and Odour Study for Howden Lands White Oak Road London, Ontario prepared for Z GROUP Property Development Management Investment dated March 15, 2004 and have the following comments in regard to your questions below:

- 1) *What is considered to be an appropriate ventilation system? Is standard air conditioning sufficient? Is there any need for enhanced ventilation, ie- scrubbers? How would they be incorporated?*

The emissions from 3280/3300 White Oaks Road are organic compounds and the 24 hour dispersion modelling figures show an issue based on the 2004 report. Carbon Filters have been used to remove organic compounds so a carbon filter could be used as well as other technologies such as ozone. The City of London has used ozone in space heater installations to control odours (Mark Spitzig).

The report is 11 years old and air criteria have changed as well as the dispersion models required to be used currently. The Current model is AEROMOD and it could generate different results for organic compounds than the modelling done in 2004 however a sufficient carbon filter would be able to handle the levels.

The National Pollutant Release Inventory data used in the report is 11 years out of date. Paint has moved to low Volatile Organic Compounds and the property at 3300 White Oak Road has reported that they were below the reporting threshold for 2011 and 2012.

This does not preclude any new business starting up at the site in the future having different emission levels but they would have stricter requirements based on the homes to the east of the facility if they required an Environmental Compliance Approval for air emissions.

Is laminated glass and veneer masonry considered preferable building materials for odour reduction? or does this matter?

The build material would not impact the level of organic compounds.

- 2) *Is there anything else that you can see is missing or should be mitigated?*

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Z-8537
Sonia Wise

The impact on 3300 White Oaks road site would not be expected to be adversely impacted due to the housing to the east of the site would be the most restrictive for emissions and noise requirements from a Ministry of the Environment and Climate Change perspective.

PUBLIC LIAISON:	On October 21, 2015, Notice of Application was sent to 204 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 October 22, 2015. A “Possible Land Use Change” sign was also posted on the site.	3 replies were received
Nature of Liaison: Change Zoning By-law Z.-1 from a Restricted Service Commercial Special Provision (RSC1(15)/RSC4(9)/RSC5(8)) Zone which permits a limited range of moderately intensive commercial uses, to a Restricted Service Commercial Special Provision (RSC1(_)/RSC4(9)/RSC5(8)) Zone, which permits the existing range of uses with a special provision to permit the commercial recreation establishment use.		
Replies: 1) One response expressed concern with the increased traffic flow associated with the indoor gym, and that people will not use White Oaks Road for access, but will instead cut through Legendary Drive, exacerbating the existing traffic issues which include: furniture store truck traffic, over-flow parking from the teacher’s union offices and park, and a blind corner at Paulkane Chase and Bateman Trail; 2) One response expressed concern that there are already adequate commercial recreation facilities in the area, and that the proposal will bring more traffic to the area, exacerbating the existing traffic issues of the furniture store truck traffic and over-flow parking from the teacher’s union offices and park; 3) One response acknowledged the potential for job creation associated with the facility, though expressed concern that the proposal will bring congestion, and requests a traffic light at the intersection of White Oaks Rd and Bateman Trail.		
Response: Bateman trail is a secondary collector road, and its function is to serve through traffic and provide access to land. Secondary collectors are designed and intended to carry higher volumes of traffic of approximately 5,000 vehicles a day and currently Bateman Trail carries 1,250 vehicles a day which is well below the expected volume. The development of additional lands will increase traffic but not dramatically affect the volumes on Bateman trail, which is still expected to operate similar to existing conditions and well within the expected volume range.		
A speed volume study was conducted on Bateman Trail which concluded that the average speed was 47 km/h and that 85% of the vehicles were travelling at 55 km/h or below.		

ANALYSIS

Provincial Policy Statement 2014 (PPS)

Healthy, livable and safe communities are supported by accommodating a range and mix of residential, employment, institutional and other uses to meet long-term needs (PPS 1.1.1.a). The proposed commercial recreation use increases the diversity of commercial uses within the area. The PPS requires that settlement areas are to be the focus of growth and development, and that their vitality and regeneration shall be promoted (PPS 1.1.3.1). The site is located within an existing settlement area which has not yet been fully built out, on a vacant site appropriate for development. The PPS further requires that land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources and are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available (PPS 1.1.3.2 a) 1 & 2). The site has access to full municipal services and the use of the property as a commercial recreation establishment

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Z-8537
Sonia Wise

represents an appropriate use of the site and transition between adjacent uses.

The PPS promotes economic development and competitiveness by maintaining a range and choice of suitable sites for employment uses (PPS 1.3.1 b)). The subject portion of the subdivision was established to provide commercial employment opportunities along Bateman Trail, which are dominantly vacant sites. The proposed use of the site will facilitate a purpose-built recreation enterprise which will enhance the commercial nature of the street.

The PPS requires development and land use patterns which may cause environmental or public health and safety concerns to be avoided, and that appropriate intensification and redevelopment of a compact form be promoted while avoiding or mitigating risks to human health (PPS 1.1.1 c) & 1.1.3.4). The site is located close to a class III industry which must address functional and compatibility issues to ensure there are no detrimental impacts. Major facilities and sensitive uses should be appropriately planned, designed, buffered and separated to prevent or mitigate adverse effects from odour, noise and other contaminants to minimize risk to public health and safety and to ensure the long-term viability of major facilities (PPS 1.2.6.1). The major facility located at 3280 & 3300 White Oaks Road pre-dates the creation of the subject site, and will not be negatively impacted by the commercial recreation establishment use. The commercial recreation establishment shall utilize appropriate design and mitigation measures to address the impacts from the existing major facility.

D-6 Guideline: Compatibility Between Industrial Facilities and Sensitive Uses

The D-6 Guidelines were created by the Ministry of the Environment in 1995 in accordance with the Environmental Protection Act, and are intended to prevent or minimize land use issues due to the encroachment of sensitive land uses and industrial uses on one another. Adequate buffering of incompatible land uses is intended to supplement, not replace, controls which are required by legislation for both point source and fugitive emissions at the facility source. These emissions, which are difficult to control on-site, under all circumstances, all of the time, are associated with normal operating procedures.

A class III industry is the most intensive type of use and has a potential influence area of 1,000m, within which adverse impacts may be experienced. The actual area of influence for a facility is site specific and may either be beyond or within the potential influence area. A Performance of an Air and Odour Study was undertaken by URS in 2004 to assess the potential impacts of the class III industry on the surrounding lands, and recommend a reduced area of influence.

Performance of an Air and Odour Study: URS Canada Inc. 2004

URS conducted an investigation of air quality based on site investigations, interviews with the neighbouring residents, regulatory agency inquiries, environmental database review, consideration of prevailing wind patterns, and ambient air quality monitoring data. It was identified that the wind blows from the odour source over the draft approved blocks 155, 156, 157 (now blocks 63, 64, 65, 66 & 67 (subject site) on plan 33M-542), 18% of the time. The outcome of the study supported a reduced area of influence from the emitting site from 1,000m to 300m.

Lands within the 300m buffer were permitted to be used for non-sensitive, restricted service commercial uses, such as vehicle repair, service trades, warehouses etc., due to the potential for odour impacts. As such, the sensitive uses normally permitted under the restricted service commercial zone such as bake shops or day cares were prohibited. The subject site, 2946 Bateman Trail is located within the 300m buffer area of the emitting site (see figure 2 on page 6).

The applicant has had discussions with the owners of Kelcoatings/Oakside in the spring of 2015, indicating that the operations of the facility, the material and the solvents being handled and the range of solvents being managed on site had not changed over the last few years. This

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Z-8537
Sonia Wise

is supported by the annual reporting records to the National Pollutant Release Inventory (NPRI), which showed that the property was actually below the reporting threshold for years 2011 & 2012. As a result, the URS 2004 report is still a relevant assessment tool for the operations of the Class III industrial use.

Official Plan – Southwest Area Secondary Plan (SWASP)

The site is within the boundary of the Southwest Area Secondary Plan (SWASP) which designates the property industrial. The SWASP acknowledges that some areas of the plan are subject to existing area plans, and defaults to the policies of the North Longwoods Area Plan in the event of a conflict. The SWASP policies relevant to the site are related to the built form, and are considered in the ‘Official Plan – Form’ section of this report.

Official Plan – North Longwoods Area Plan

The site is within the North Longwoods Area Plan which encompasses the lands bounded by Southdale Road East, White Oak Road, the Bradley Avenue extension and Wharncliffe Road South. The North Longwoods Area Plan was prepared to address the local demand for development through a comprehensive review that considered broader community issues such as parks, road connections, traffic, servicing, and land use compatibility. The corresponding Official Plan Amendment (OPA 290) was adopted by Council on July 7, 2003, with no appeals.

At the time of the North Longwoods Area Plan review, the issue of land use compatibility was raised by the industrial operations Kelcoatings and Oakside, who objected to the (then) proposed residential land uses opposite to the existing industrial land uses, specifically due to compatibility, security and risk management issues. The resolution was to change the proposed residential designation to Restricted Service Commercial, and to incorporate a special policy into the Official Plan to reflect the D-6 Guidelines regarding land uses within 300m of the industrial site.

The North Longwoods Area Plan Special Policy (10.1.3 ci)) prohibits sensitive land uses for any building or associated amenity area (i.e. may be indoor or outdoor space) that are not directly associated with industrial uses, where humans or the natural environment may be adversely affected by emissions generated by the operation of Oakside and Kelcoatings. Such uses include, but are not limited to, the building or amenity area that may be associated with residences, senior citizen homes, schools, day care facilities, hospitals, churches and other similar institutional uses, campgrounds, assembly hall, clinic, commercial recreation establishment, emergency care establishment, funeral home, medical/dental office, private club, convenience service establishment, convenience store, financial institution, florist shop, personal service establishment, restaurant, video rental establishment, park, hotel and motel.

In the absence of a compatibility study which meets Ministry of Environment guidelines, the potential area of influence is 300 metres from the front yard building setback for the properties located at 3280 and 3300 White Oak Road until such time as the incompatible use ceases to exist. Any deviation to allow sensitive land uses within the 300 metre separation distance from the Class III industrial use would only be considered on the basis of studies undertaken by a qualified consultant which demonstrates that the deviation is satisfactory to protect the interests of both the residential/sensitive land use development and industrial operation from potential safety impacts and compatibility issues, to the satisfaction of the City of London and the Ministry of Environment.

Compatibility/Feasibility Study

The applicant has submitted a compatibility study in accordance with section 4.10.3 of the D-6 Guidelines, to specifically consider the impacts of Oakside and Kelcoatings on the requested commercial recreation establishment use. Additionally, the compatibility study proposes measures to address the outcomes of the Air and Odour Study completed by URS 2004, which identified that odours could be detected on site on an infrequent basis.

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Z-8537
Sonia Wise

The D-6 guidelines identify a sensitive use as any use that is not associated with industrial uses which may be adversely affected by emissions. A sensitive use can be further characterized by the hours of operation, the number of on-site users and/or a high number of vulnerable users. The general commercial recreation definition allows for a broad range of activities that are permitted under the commercial recreation ‘umbrella’, one of which is the cheerleading/gymnastics establishment. As such, consideration is given to the specific requested use, as well as the general commercial recreation use.

Uses that have extended hours of operation can reflect long-term occupation of a site which can result in increased exposure to the nuisance. For this reason residential dwellings, senior’s centres and hospitals are all considered sensitive as they have a 24 hour operation. Some commercial recreation uses can represent long-term on-site occupancy such as commercial gymnasiums that have 24 hours of operation, though it would be unlikely staff or patrons would be on-site for such extended periods. The specific use of the proposed indoor gym for cheerleading and gymnastics is likely to have operating hours that are based on morning through evening times ranging approximately from 8:00am – 8:00pm, rather than a 24 hour model.

The number of users for commercial recreation establishments could range from one on one instruction, to group classes, practices or competitions. There is the potential that the site could support moderate to high numbers of patrons at various times, which could be considered comparable to other sensitive uses such as places of worship, which accommodate a high concentration and diversity of patrons for short periods of time.

Commercial recreation establishments can cater to a full spectrum of demographics and populations. Certain recreational uses like the requested gymnastics/cheerleading use are directed to a younger demographic, which can represent a vulnerable population. Other sensitive uses that involve similar vulnerable populations include day cares and schools, which primarily accommodate children, and senior’s centres and hospitals which can represent disabled or lower mobility populations.

For these reasons, the proposed commercial recreation establishment use can reasonably be considered to be of a sensitive nature, which could be adversely impacted by the nearby class III industry. As such, there are two mitigation measures proposed that will be incorporated into the site design and function.

The first measure is to restrict the operation of the commercial recreation uses to the interior of buildings only and to prohibit any exterior activity. This limits the amount of time spent outside where the odours are likely to be noticed, and minimizes the exposure to the nuisances. The second measure requires an appropriate ventilation system to be installed to address the odours and emissions. An appropriate ventilation system such as a carbon filter with ozone, has demonstrated abilities to neutralize and remove Volatile Organic Compounds (VOCs) as well as odours. In the event that odours could be detected outside, such a ventilation system would ensure the interior air would be odourless. The recommended amendment is intended to implement both of these two mitigation measures (see Zoning By-law section below).

Official Plan – Light Industry Designation Use, Intensity, Form

Use

The primary permitted uses within the Light Industrial designation include those which involve assembling, fabricating, manufacturing, processing, and/or repair activities that are unlikely to cause adverse effects with respect to air, odour or water pollution or excessive noise levels. In addition to the primary permitted uses some secondary uses, including commercial recreation establishments, are permitted where located at least 300m away from General or Heavy industrial uses.

The proposed commercial recreation use is appropriate for the subject site as it represents a

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Z-8537
Sonia Wise

suitable transition between the residential uses to the west, and the industrial land to the east. The proposed commercial recreation use will have minimal impact on the residential lands and will not inhibit the remaining industrial lands to develop for the commercial or light industrial uses permitted by the Zoning By-law.

The site is located more than 300m away from lands designated general or heavy industrial, and is on a secondary collector road. Some non-sensitive secondary uses such as convenience stores and personal service establishments which are currently permitted by the existing zone will continue to be permitted, and the requested amendment would expand the existing range of secondary uses by permitting a commercial recreation establishment as an additional secondary use.

Typically secondary permitted uses are located on arterial or primary collector roads as these road classifications are generally found on the perimeter of industrial areas and do not result in the establishment of a secondary permitted use within the interior of a dominantly industrial area. The subject property is the last parcel of the light industrially designated lands and directly abuts residentially designated lands to the west. The site is a transitional location to more sensitive uses, and not a traditional interior lot within a homogenously designated industrial area.

Intensity

The size and shape of the parcel is adequate and appropriate to accommodate the various performance criteria specified by the zone including required setbacks, parking, landscaped open space etc. The site has access to full municipal services along Bateman Trail including water, stormwater and sanitary infrastructure.

The lands were created through a plan of subdivision which considered the eventual build out of the area and the related traffic generation. The subdivision review also specified the road pattern and road classification hierarchy, including Bateman Trail as a secondary collector road. The proposed commercial recreation use has a similar traffic generation and parking rate as the current permitted uses, which is not anticipated to introduce any higher or unanticipated traffic volumes. There are two bus routes located within 1km of the site, and Bateman Trail was identified as a possible location for future LTC bus services, including two new potential bus stops.

Form

The Urban design policies 20.5.3.9 iii) j) of SWAP are relevant to buildings and site design, and require industrial development to contribute to the public realm by integrating the development into the streetscape by utilizing quality and varied built forms, and by minimizing parking facilities and other hardstand areas along the street frontage.

The proposed location of the building on the site is oriented towards the southwest property boundary to provide for the greatest amount of separation distance from the emitting site. The building is an 'L' shape which is brought to the street to also address Bateman Trail. The parking is proposed to be located behind the building which effectively screens it from the street. The access driveway for the parking area is proposed to be located towards the east of the site which is the furthest distance away from the nearby residential dwellings.

The highest portion of the building of 9m is oriented towards the street and parallel to Bateman Trail. The building is proposed to have a height of 8m along the west property boundary which is an appropriate interface with the existing residential uses. The dwellings are predominantly two storeys, although they are zoned Residential R1 Special Provision (R1-3(7)) zone which allows for a maximum height of up to 9m. A special provision is recommended to ensure that the building height of the subject site is no greater than 9m to ensure compatibility. The proposed location of the building along the western boundary will also act as a buffer from the lighting associated with the parking area. A holding provision is proposed to ensure the urban

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design policies are implemented through the site plan approval process.

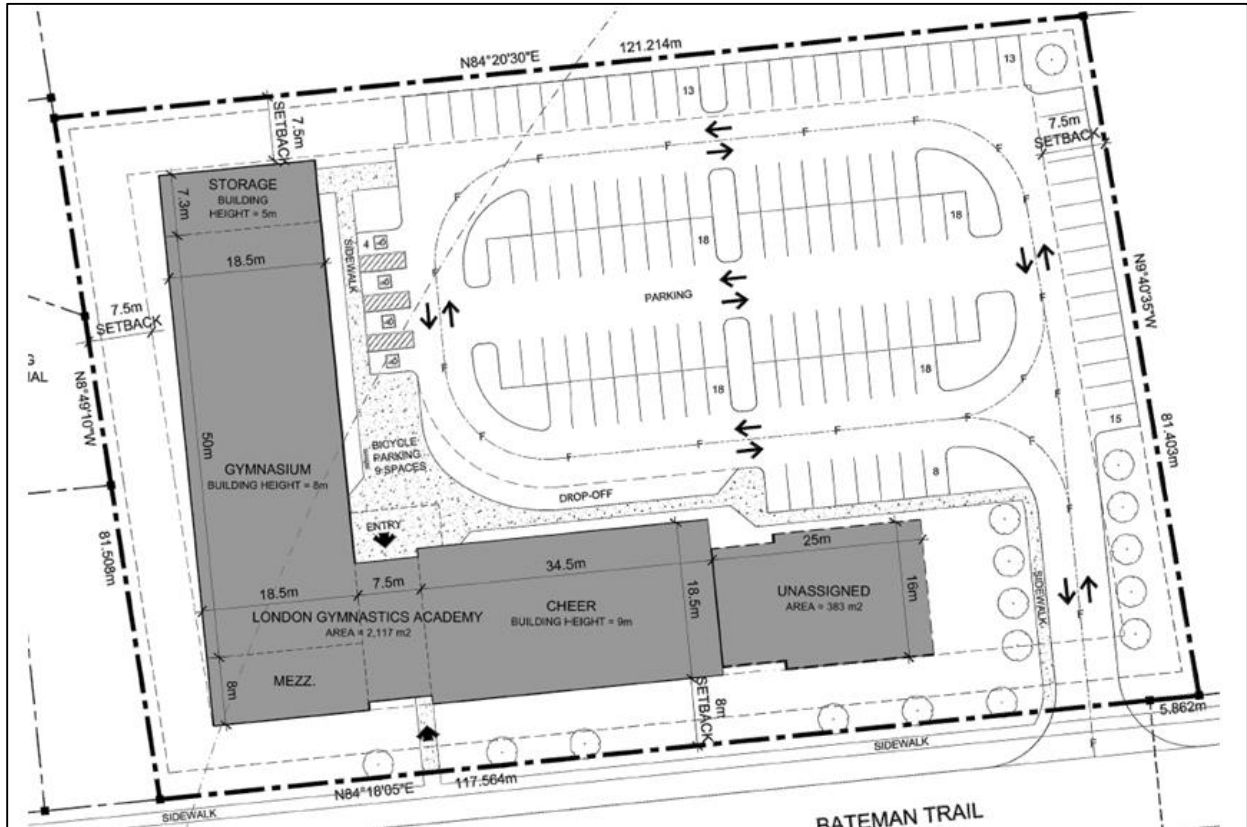


Figure 3: Conceptual Site Plan

Zoning By-law

The recommended zoning amendment is to add a special provision to the Restricted Service Commercial Zone to permit the additional use of commercial recreation establishment, with a restriction that the use may only occur within buildings, and a height no greater than 9m. The existing range of non-sensitive commercial uses will continue to be permitted, and the existing range of sensitive uses will continue to be prohibited with the addition of *outdoor* commercial recreation establishment as a prohibited use.

A holding provision is recommended for the site to implement 1) urban design measures, and 2) an appropriate ventilation system. The holding provision is proposed as follows:

h- purpose: to ensure that there are no land use conflicts of the operation of the class III industry (as per the D-6 guidelines) located at 3280 & 3300 White Oaks Road on the subject site, and to implement appropriate urban design policies. The holding provision shall not be removed until a development agreement associated with a site plan is entered into with the City of London which:

- i) Provides for an appropriate ventilation system, certified by the owner’s qualified professional engineer, that airborne contaminants and odours are removed, neutralized or diluted to acceptable levels consistent with Health Canada’s Residential Indoor Air Quality Guidelines, to the satisfaction of the City of London; and
- ii) Implements the urban design policies in the Southwest Area Secondary Plan, to the satisfaction of the City of London.

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Z-8537
Sonia Wise

CONCLUSION

The proposed zoning amendment conforms to the relevant provincial and municipal policies to allow for a sensitive use in proximity to a class III industry. The commercial recreation use will not negatively impact the existing industry, and will undertake mitigation measures to address compatibility issues. The commercial recreation use is an appropriate intervening land use between commercial and industrial uses to the east and residential uses to the west.

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

Jan 25, 2016

/SW

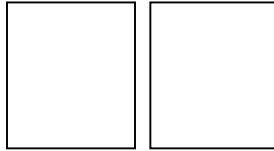
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**Z-8537
Sonia Wise**

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

<u>Telephone</u>	<u>Written</u>
David Anderson – 2951 Paulkane Chase Mantsebi(Prince) & Ustene Kwakwaranya – 2919 Paulkane Chase	David Anderson – 2951 Paulkane Chase Mantsebi(Prince) & Ustene Kwakwaranya – 2919 Paulkane Chase Steve Specknew – 2963 Paulkane Chase



Z-8537
Sonia Wise

Insert written responses received

From: Anderson, David (N167081) [mailto:]
Sent: Monday, October 26, 2015 10:26 AM
To: Wise, Sonia
Cc: Hopkins, Anna;
Subject: Z-8537: Concerns
Importance: High

Hi Sonia. As per our discussion on Monday Oct the 26th, 2015. The following is a summary of our conservation:

History:

1. I have been in contact with your Traffic planning group for a number of years now identifying the need to calm the amount of traffic going through our community.
 - Electronic Speed identifying signs were put up for a couple of weeks & Traffic counter strips were put up for a couple of weeks.
 - This was the only action taken (2-3 wks) in three years and resulted in the city figuring there was no need for any calming measures.

2. People now know they can get to Wharncliffe Rd (ie: Furniture stores or short cut) from White Oaks Rd without having to go thru lights at:
 - Southdale Rd & White Oaks Rd
 - Southdale Rd and Wharncliffe Rd

 - And then thru Tepperman's parking lot to get to Wharncliffe Rd

3. Increased truck traffic from furniture companies such as Bad Boy, The Brick and Tepperman's.

4. With the play ground on the corner (Bateman Trail) there are no Crossing areas marked (+ signage) for the kids to get across the road nor for motorists to see.

5. Accident has already occurred with speed and weather being a contributing factor. Damage to the gateway arch to the park.

6. When turning off Paulkane Chase to head east on Bateman Trail there is a blind spot coming around corner.

7. Other contributing factors for increased traffic flow:
 - Teachers Union Building. Increase in cars when there are Union meetings. Over flow parking on side streets.
 - In the summer, baseball games. Over flow parking on side streets.

How the above relates to this project:

1. Increased traffic flow with the indoor gym. Not sure of the gym's capacity but there will be an increase in cars.

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**Z-8537
Sonia Wise**

2. People will not just come from White Oaks Rd to get to these facilities. They will come in off Legendary Drive.

Action would like to see implemented:

1. Speed bumps put in on Bateman Trail on the corner heading towards White Oaks Rd. To slow cars down.
2. Three way Stop Sign installed at Paulkane Chase (realize this will never happen but might as well dream big).

My faith in City Hall even looking at this e-mail is not high. But it was nice to get my concerns on paper (excuse me in an e-mail).

David Anderson



From: PRINCE SOWAH-KHARTEY [redacted]
Sent: Thursday, November 12, 2015 4:13 PM
To: Wise, Sonia
Subject: 2946 BATEMAN TRAIL Z-8537

Dear Sonia,

The notice of application to amend the zoning by-law is received by us and have studied it accordingly, the project has a lot of prosperous to it including job creation at same time bringing congestion to this quite neighborhood.

Our concern are as follows, motorist speeds a at **curve** and there are a lot of children in this sub-division, studies has been done in the past but it did not fly, when a kid or even an adult crossing to head to the park get killed, the issue will light up again and action will be taking immediately, but then at the expense of a love one in a family. Please hear us and come up with anything that will force motorist to slow down, there has been few car accidents, we have live here since the creation of this division.

We will also suggest that should the Development gets its approval, its very important to introduce traffic light on white oak road, reason is, it will almost be impossible to make a left turn onto Bateman Trail or left out of Bateman Trail unto White Oak Road.

Thanking you in anticipation,

Mantsebi(Prince) & Ustene Kwakwaranya

From: sbsimprints rogers [mailto:redacted]
Sent: Monday, November 02, 2015 2:23 PM
To: Wise, Sonia
Cc: Hopkins, Anna
Subject: z-8537

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Z-8537
Sonia Wise

Regarding the rezoning for this parcel of land

I have some concerns

There is a facility like this on Exeter Road also there is White Oaks Rec Centre plus Nicolas Arena and where they are located now

so I think there is enough buildings (that are empty and waiting) all ready in this area to house them.

This is a quiet residential area and we would like to keep it that way.

This also will bring more traffic driving through the neighbourhood which is a concern, we already have the Temperman's and Bad Boy trucks going through to cut to White Oaks Road

The baseball diamond is still a concern as there is never enough parking for them and they are always parking in front of my house and my neighbours houses

so I am concern that is will happen all year round and not just in the summer time if this project goes forward

Regards

Steve Speckner

[Redacted]

[Redacted]

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Z-8537
Sonia Wise

Bibliography of Information and Materials
Z-8537

Request for Approval:

City of London Zoning Application Form, completed by Corri Marr, September 29, 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. North Longwoods Area Plan. 2003.

City of London. Southwest Area Secondary Plan. 2014.

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

URS. *Performance of an Air and Odour Study for Howden Lands White Oak Road London, Ontario*. 2004.

Stantec. Planning Justification Report & Feasibility Analysis. 2015.

Archaeologix Inc. *Archaeological Assessment Stages 1 & 2*. 2002

Guideline D-6. Compatibility between Industrial Facilities and Sensitive Land Uses. 1995.

City of London. Staff Report 39T-03517/Z-6603. 2004.

City of London. Staff Report OZ-7291. 2007.

Government of Canada – Environment and Climate Change. NPRI Data Search Kelcoatings Ltd. 2016.

Government of Canada – Environment and Climate Change. NPRI Data Search Oakside Chemicals Ltd. 2016.

Health Canada. Exposure Guidelines for Residential Indoor Air Quality. 1989.

Health Canada. Indoor Air Quality in Office Buildings: A Technical Guide. 1995.

Correspondence: (all located in City of London File No. Insert File No. Z-8537 unless otherwise stated)

City of London -

Van Rossum, A. City of London Wastewater Treatment Operations. Various Emails. December 18 to January 7, 2016.

Van Rossum, A. City of London Wastewater Treatment Operations. Memo to S. Wise. January 5, 2016.

O'Hagan, B., City of London Urban Design. Memo to S. Wise. January 6, 2016.

Rowland, S. City of London Urban Forestry. Email to S. Wise. December 21, 2015.

Giesen, A., City of London Transportation Planning and Design. Various emails to S. Wise. October 28, 2015 – January 15, 2016.

Abushehada, I., City of London Development Services – Engineering. Memo to S. Wise. November 17, 2015.

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**Z-8537
Sonia Wise**

Departments and Agencies -

Bezzina, J., London Hydro. Memo to S. Wise. January 5, 2016.

Newton, C., Ministry of Environment and Climate Change. Various emails. November 23, 2015 to December 15, 2015.

McClure, K., Ministry of Municipal Affairs and Housing. Various emails. November 23, 2015 to December 15, 2015.

Other:

Site visit January 13, 2016

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**Z-8537
Sonia Wise**

Appendix "A"

Bill No. (number to be inserted by Clerk's Office)
2016

By-law No. Z.-1-16_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 2946 Bateman Trail.

WHEREAS LGA Holdings Ltd. have applied to rezone an area of land located at 2946 Bateman Trail, 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 2946 Bateman Trail, as shown on the attached map comprising part of Key Map No. A111, from a Restricted Service Commercial Special Provision (RSC1(15)/RSC4(9)/RSC5(8)) Zone to a holding Restricted Service Commercial Special Provision (h-_*RSC1(_)/RSC4(9)/RSC5(8)) Zone.

2) Section Number 28.2 of the Restricted Service Commercial (RSC1) Zone is amended by adding the following Special Provision:

- | | | |
|---------|---|--------------|
| RSC1(_) | 2946 Bateman Trail | |
| a) | Prohibited Uses | |
| | i) Animal clinics | |
| | ii) Kennels | |
| | iii) Outdoor Commercial Recreation Establishment | |
| b) | Additional Permitted Use | |
| | i) Commercial Recreation Establishment within buildings | |
| c) | Regulations | |
| | i) Height | 9m (29.5 ft) |
| | (maximum) | |

3) Section Number 3.8 of the Holding "h" Zone is amended by adding the following Holding Provision:

3.8) h-(_)

Purpose: to ensure that there are no land use conflicts of the operation of the class III industry (as per the D-6 guidelines) located at 3280 & 3300 White Oaks Road on the subject site, and to implement appropriate urban design policies. The holding provision shall not be removed until a development agreement associated with a site plan is entered into with the City of London which:

- i) Provides for an appropriate ventilation system, certified by the owner's qualified professional engineer, that airborne contaminants and odours are removed, neutralized or diluted to acceptable levels consistent with Health Canada's Residential Indoor Air Quality Guidelines, to the satisfaction of the City of London; and
- ii) Implements the urban design policies in the Southwest Area Secondary Plan, to the satisfaction of the City of London.

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of

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Z-8537
Sonia Wise

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 March 1, 2016.

Matt Brown
Mayor

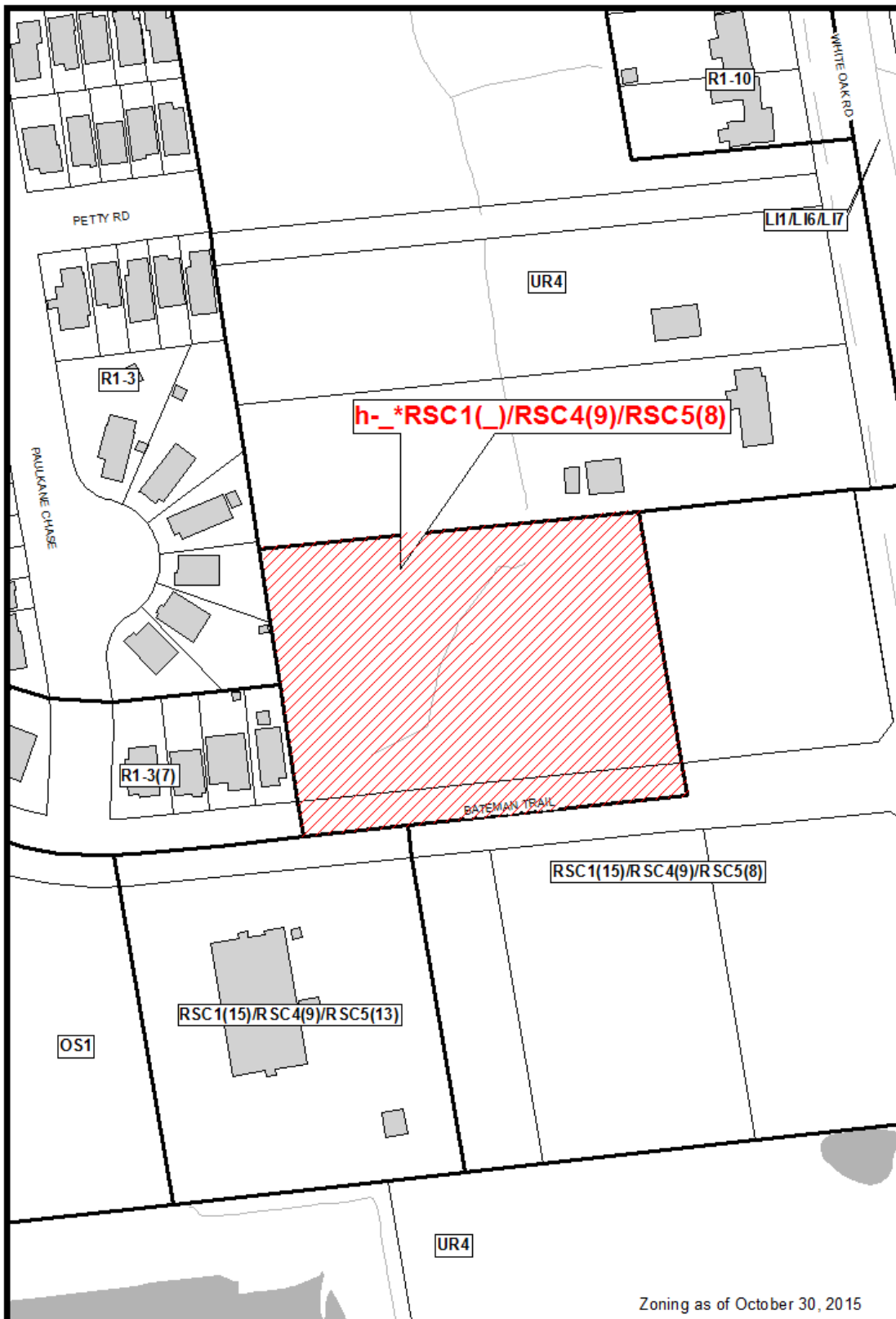
Catharine Saunders
City Clerk

First Reading - March 1, 2016
Second Reading - March 1, 2016
Third Reading - March 1, 2016

Empty boxes for Agenda Item # and Page #


Z-8537
Sonia Wise

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



Zoning as of October 30, 2015

File Number: Z-8537
 Planner: SW
 Date Prepared: 2015/12/21
 Technician: TT
 By-Law No: Z.-1-

SUBJECT SITE 

1:1,500

0 5 10 20 30 40
 Meters



Geobase