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File: TZ-8563
Planner: Eric Lalande

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: NELSON-WOLFE DEVELOPMENT INC. 585 THIRD STREET PUBLIC PARTICIPATION MEETING ON MARCH 7, 2016

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, based on the application of Nelson-Wolfe Developments Inc. relating to the property located at 585 Third Street the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on March 22, 2016 to amend Zoning By-law No. Z.-1 in conformity with the Official Plan to extend the Temporary (T-55) Zone for a further three (3) year period.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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- Z-6751- Planning Committee – May, 2000
- Z-7293 - Planning Committee – March, 2007
- TZ-8112 – Planning Committee – April 12, 2010
- TZ-8112 – Planning and Environment Committee – January 8, 2013

PURPOSE AND EFFECT OF RECOMMENDED ACTION

To extend a temporary use zone that permits a repair and rental establishment, warehouse, service and repair establishment, service trade, office, and convenience store with no outdoor storage for any of the permitted uses for a period not exceeding three (3) years.

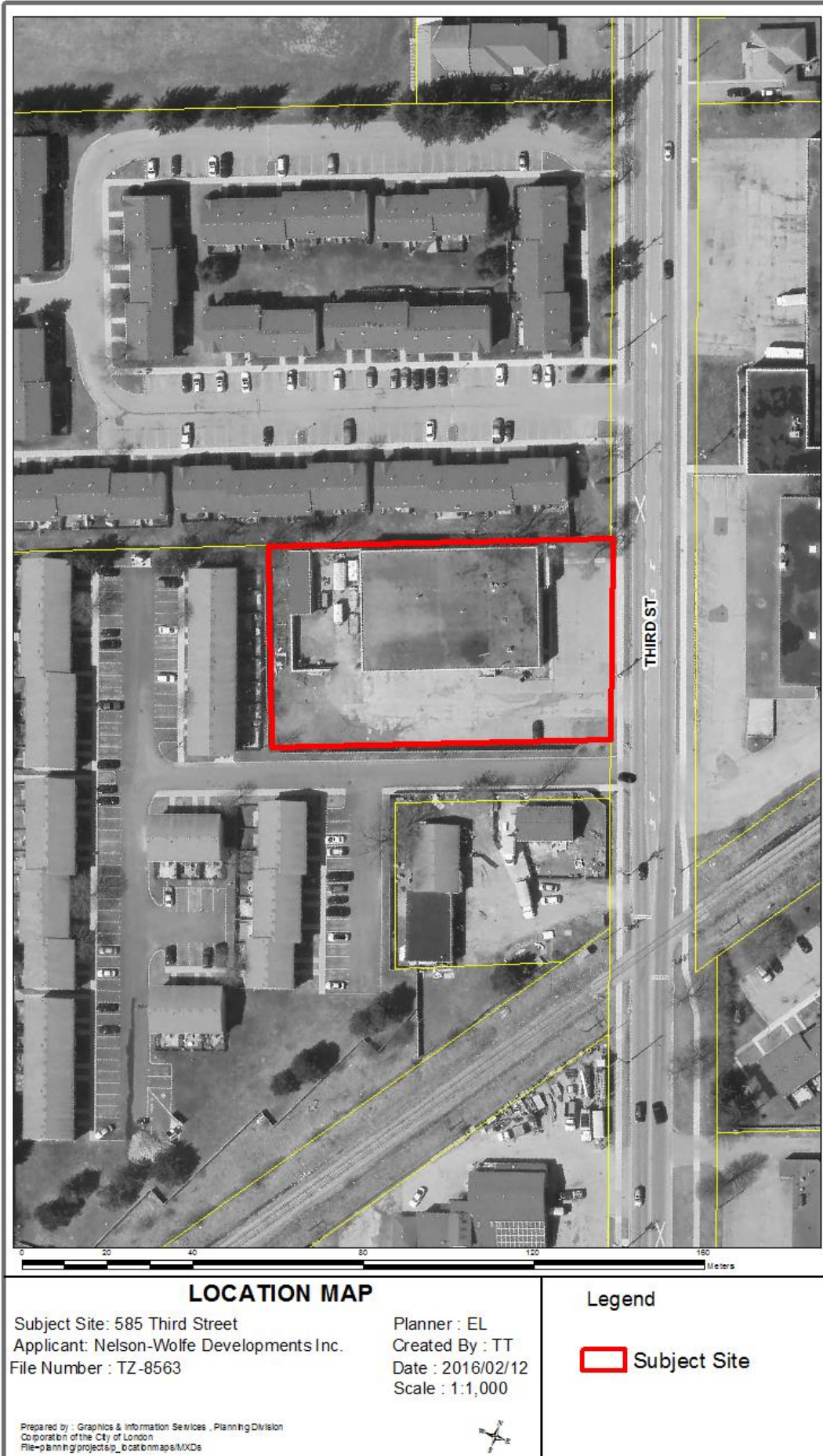
RATIONALE

The proposed amendment, based on the rationale contained in this report:

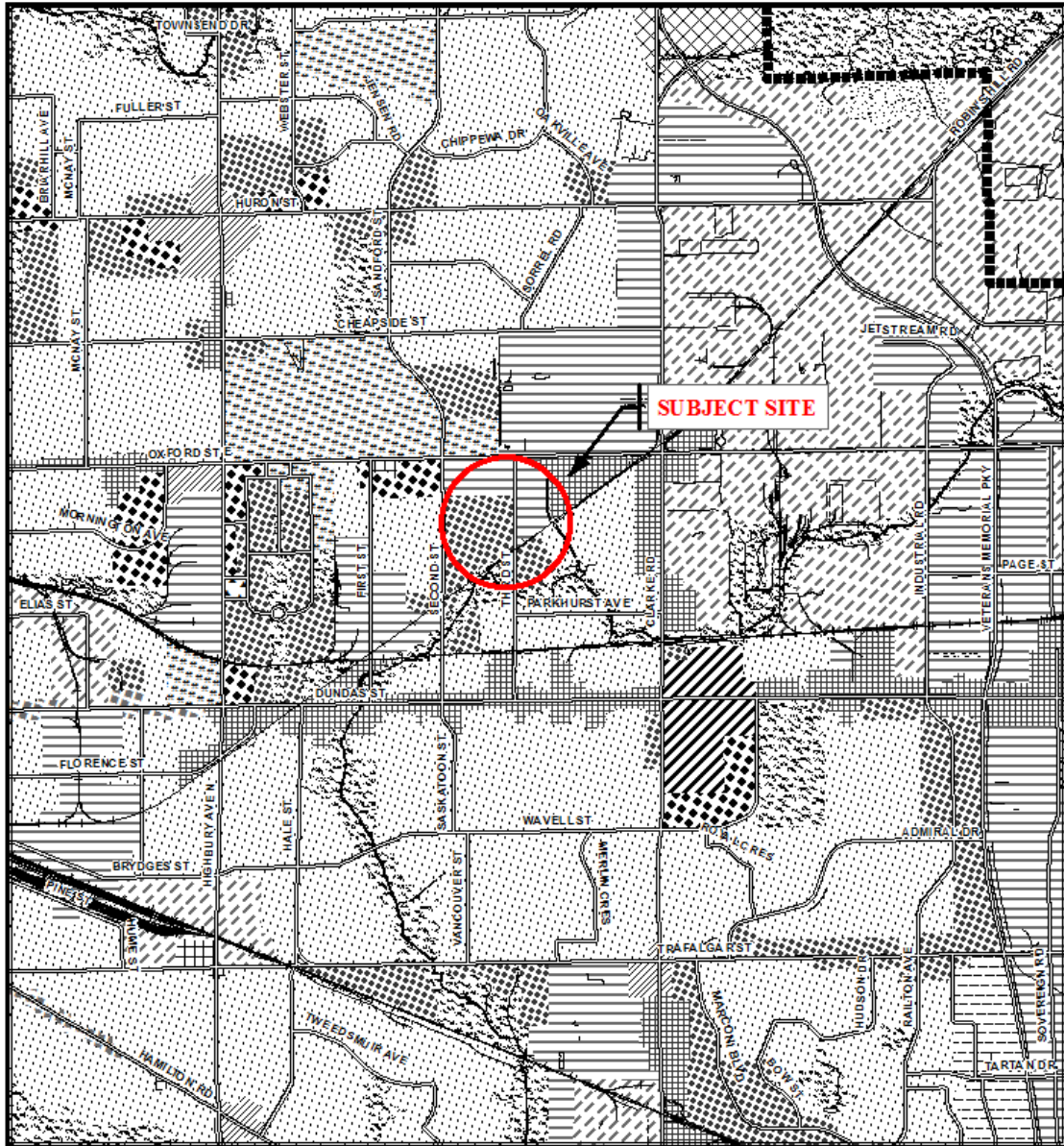
1. is consistent with the *Provincial Policy Statement, 2014*;
2. conforms to the general intent of the Official Plan;
3. conforms to the general intent of the Zoning By-law;
4. maintains an existing and compatible use, while maintaining long term policy and zoning provisions in place.

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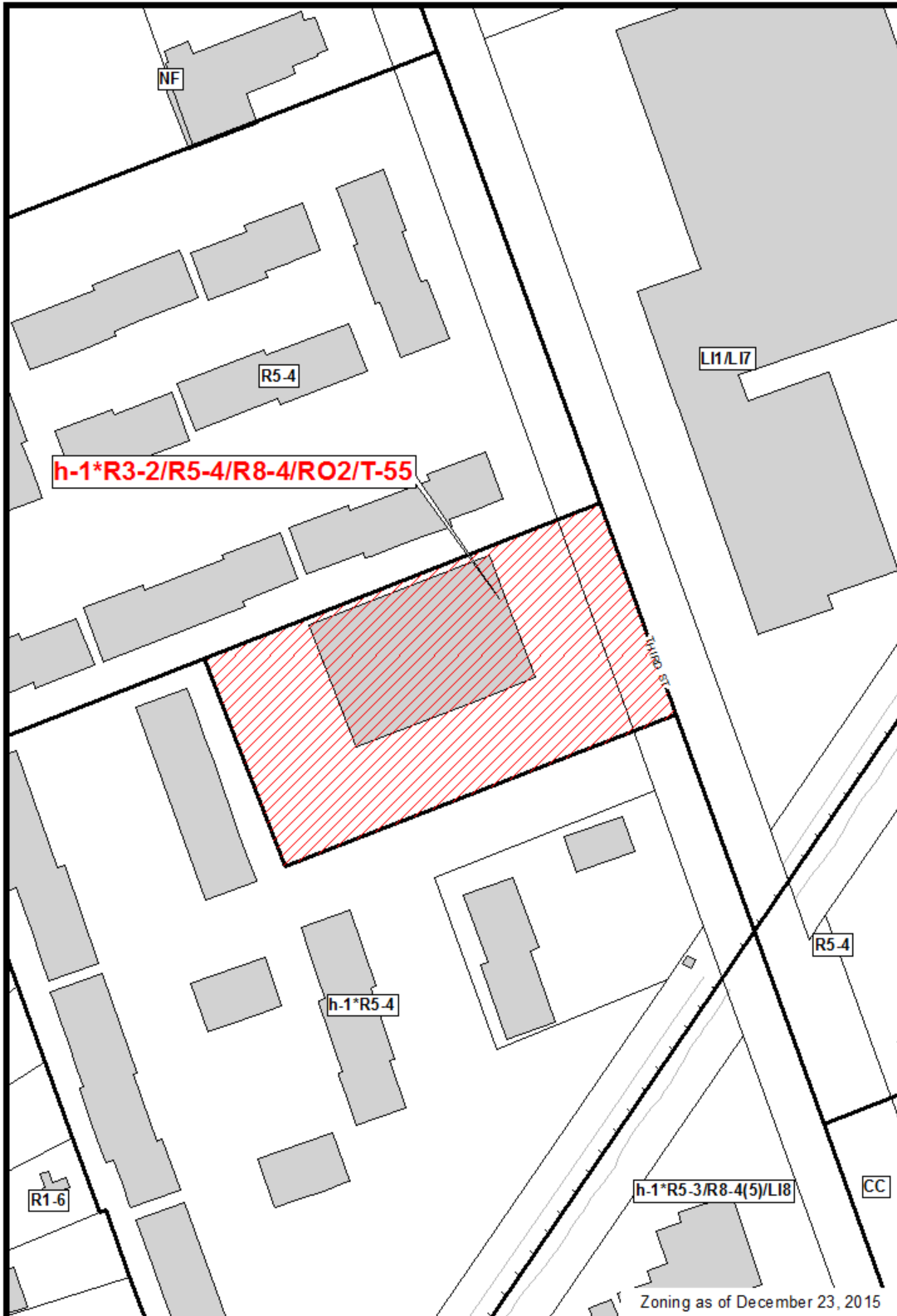


Legend					
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p> Downtown</p> <p> Wonderland Road Community Enterprise Corridor</p> <p> Enclosed Regional Commercial Node</p> <p> New Format Regional Commercial Node</p> <p> Community Commercial Node</p> <p> Neighbourhood Commercial Node</p> <p> Main Street Commercial Corridor</p> <p> Auto-Oriented Commercial Corridor</p> <p> Multi-Family, High Density Residential</p> <p> Multi-Family, Medium Density Residential</p> <p> Low Density Residential</p> <p> Office Area</p> </div> <div style="width: 45%;"> <p> Office/R Residential</p> <p> Office Business Park</p> <p> General Industrial</p> <p> Light Industrial</p> <p> Regional Facility</p> <p> Community Facility</p> <p> Open Space</p> <p> Urban Reserve - Community Growth</p> <p> Urban Reserve - Industrial Growth</p> <p> Rural Settlement</p> <p> Environmental Review</p> <p> Agriculture</p> <p> Urban Growth Boundary</p> </div> </div>	 Scale 1:30,000 Meters	FILE NUMBER: TZ-8563 PLANNER: EL TECHNICIAN: TT DATE: 2016/02/12			
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; padding: 5px; vertical-align: top;"> <p style="text-align: center;">CITY OF LONDON Department of Planning and Development</p> <p style="text-align: center;">OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p style="font-size: small;">PREPARED BY: Graphics and Information Services</p> </td> <td style="width: 33%;"></td> <td style="width: 33%;"></td> </tr> </table>			<p style="text-align: center;">CITY OF LONDON Department of Planning and Development</p> <p style="text-align: center;">OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p style="font-size: small;">PREPARED BY: Graphics and Information Services</p>		
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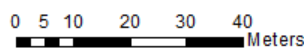
AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



File Number: TZ-8563
 Planner: EL
 Date Prepared: 2016/02/12
 Technician: TT
 By-Law No: Z.-1-

SUBJECT SITE 

1:1,000



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BACKGROUND

Date Application Accepted: December 14, 2015	Agent: Steve Allen, Nelson Wolfe Development Inc.
REQUESTED ACTION: To extend the temporary use for an additional 3 years.	

SITE CHARACTERISTICS:
<ul style="list-style-type: none"> • Current Land Use – Warehouse and Service Trade Office • Frontage – 47.39 m • Depth – 85.43m • Area – 0.4 ha (ac) • Shape - Rectangular

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

OFFICIAL PLAN DESIGNATION: (refer to Official Plan Map)
<ul style="list-style-type: none"> • Multi-Family, Medium Density Residential
EXISTING ZONING: (refer to Zoning Map)
<ul style="list-style-type: none"> • Holding Residential R3/Residential R5/Residential R8/Restricted Office/Temporary Zone (h-1*R3-2/R5-4/R8-4/RO2/T-55)

PLANNING HISTORY

The subject lands were designated and zoned for medium density residential development by Council in 1988. Concerns with regards to proximity to the railway were raised at that time and as a result, the subject lands were permitted to operate as a personal service establishment and to vary a legal non-conforming use to a building or contracting establishment, provided there is no outdoor storage. This approval largely set up what is existing on the subject lands today.

In 2000, a zoning by-law amendment that requested a temporary use zone to permit a range of industrial uses within the existing building was approved by Council. A further request for an automobile repair garage was denied. The temporary use lapsed in 2003 and following municipal by-law compliance enforcement in 2006, the property owners reinstated and maintained the temporary zone to continue to operate. Subsequent request for extension of the temporary use have been approved by Council in 2010 and 2013.

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SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

- **Transportation Engineering:** “No Concerns”
- **Environmental and Engineering Services Department:** “No Concerns”
- **Urban Design:** “No Concerns”
- **Parks Planning:** “No Concerns”
- **Urban Forestry:** “No Concerns”
- **Upper Thames River Conservation Authority:** “No Objections”
- **London Hydro:** “No Objections”

PUBLIC LIAISON:	On December 23, 2015, Notice of Application was sent to 257 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 December 24, 2015. A “Possible Land Use Change” sign was also posted on the site.	1 replies were received
Nature of Liaison: Change Zoning By-law Z.-1 from a Holding Residential R3/Residential R5/Residential R8/Restricted Office/Temporary (h-1•R3-2/R5-4/R8-4/RO2/T-55) Zone which permits a range of residential and restricted office uses as well the temporary uses of a repair and rental establishment, warehouse, service and repair establishment, service trade, office and convenience store, with no outdoor storage, to a Holding Residential R3/Residential R5/Residential R8/Restricted Office /Temporary (h-1•R3-2/R5-4/R8-4/RO2/T-55) Zone which permits the temporary uses to continue for a time period of up to three years.		
Responses: All public input received has supported the application proposed.		

ANALYSIS

NATURE OF THE APPLICATION

The requested amendment seeks to extend the operation of the existing service trade office and associated warehouse, for a time period of up to 3 years. Specifically, the existing use was permitted as part of the Temporary (T-55) Zone being sought for extension as part of this application. The Temporary (T-55) Zone permits:

“Lands located at 585 Third Street, west side, between Oxford Street and Culver Drive as shown on the map attached hereto comprising of Key Map A108, may be used for a repair and rental establishment, warehouse, service and repair establishment, service trade, office and convenience store, with no outdoor storage for any of the permitted uses for a period not exceeding three (3) years from the date of the passing of the By-law. (Z.-1- 071622)

This temporary use is hereby extended for a temporary period not exceeding three (3) years from the date of the passing of this By-Law beginning April 19th, 2010. (Z.-1-101930)

This temporary use is hereby extended for a temporary period not exceeding three (3) years from the date of the passing of this By-law beginning January 15, 2013.”

The requested amendment was submitted on December 1, 2015 in advance of the temporary use expiration on January 15, 2016. The requested amendment would extend the date to reflect 3 years from the time Council passes a by-law to this effect.

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USE

The requested temporary use has been permitted, as existing, since 2000 and similar uses have operated on-site prior to that date. Compatibility with adjacent uses has been demonstrated since adoption of the initial temporary zone and those conditions continue to be met. Third Street possesses a mix of light industrial uses intermingled with cluster townhouse dwellings. The Service Trade office provides a less intense use than others in the immediate area which include auto body repair, auto sales, hydraulic distributors, print shop and confectionary wholesale uses. The subject lands primarily conduct business administration from the office and enclosed storage. The existing use, while not the long term intended use of land, provides an appropriate use for the area on an interim basis.

Furthermore, the Provincial Policy Statement, 2014 (PPS) has been updated since the previous extension. As such, the requested amendment must be consistent with the PPS.

The PPS (Section 1.1.1.a.) promotes efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term. The designation and zone applied to the subject lands are considered appropriate. While the temporary use is using an existing building. Section 1.1.1.e. promotes cost-effective development patterns and standards to minimize land consumption and servicing costs. The temporary use maintains an existing use, on an interim basis until such time that the redevelopment of the site to a residential use can occur. This minimizes land consumption and servicing costs. Further, Section 1.7.1.a. supports long-term economic prosperity by promoting opportunities for economic development and community investment-readiness. The temporary zone will continue to facilitate economic productivity on the subject lands until such time that redevelopment can occur.

The Official Plan designates the land “Multi-Family, Medium Density Residential” which contemplates forms of development similar to the cluster townhouse dwellings located in the area. While, a Service Trade office and associated warehouses are not uses permitted within the residential designation (Official Plan, 3.3.1), the use has been permitted on a temporary basis. Section 19.4.5 of the Official Plan, a policy framework for reviewing temporary zones, and is covered in greater detail further in this report.

INTENSITY AND FORM

The subject lands have an existing single storey building, 1,360 m² (14,650 ft²) with loading bays on the south side of the building. The existing structure was originally constructed in the 1950's and renovated and improved over the years. The subject lands are surrounded by board-on-board fencing and is accessible only from Third Street (pictured below from entrance to the subject lands)



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The subject lands have an enclosed storage area to the rear of the building (westerly portion of land), only visible internally (pictured below).



The surrounding uses have a mixed range of 1 and 2 storey residential and commercial buildings. The building is setback from the adjacent residential development and is fenced along the lot lines between the residential townhouse development on the lands to the north, south and west.



TEMPORARY ZONING BY-LAW POLICIES

Section 19.4.5 of the Official Plan provides Council with enacting provisions. In order to enact a temporary use, Council shall have regard for:

(a) compatibility of the proposed use with surrounding land uses;

Mixing industrial and residential uses have the potential to create negative impacts if the sources of impacts are not mitigated. While the temporary use provides for a light industrial use, the nature of this specific operation requires no outdoor storage, and provides a transitional buffer between the wholesaling office and railway from the westerly residential uses.

The recommended temporary uses do not typically generate noise or other nuisances which may have a negative impact on residential lands. There is no concerns with regards to compatibility issues of the temporary use.

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(b) any requirement for temporary buildings or structures in association with the proposed use;

The existing building is intended to remain to accommodate the temporary use. No further expansions to the building are proposed. There are no concerns with the requirements for temporary buildings or structures as the temporary use seeks to work with existing buildings. The existing industrial building can be utilized to house these uses without the need for the site to be re-developed.

(c) any requirement for temporary connection to municipal services and utilities;

The subject lands currently have access to municipal services and utilities. These services provide sufficient capacity for the temporary use, as well as would provide access to services for the long-term residential use of the subject lands.

(d) the potential impact of the proposed use on transportation facilities and traffic in the immediate area;

The temporary use provides vehicular access for private and commercial vehicles. The level of traffic has achieved a measure of compatibility in the area and is not anticipated to increase as a result of the recommendation to extend the temporary use for up to 3 years. The traffic related to this use is less intense than other light industrial uses in the area. There are no concerns related to the potential impact of the proposed use on traffic in the area.

(e) access requirements for the proposed use;

The existing access to the site is sufficient for the temporary use and is to be maintained. There are no concerns related to the access requirements of the temporary use.

(f) parking required for the proposed use, and the ability to provide adequate parking on-site;

The subject lands have parking areas along the front of the property and the southerly side yard. Parking areas support the temporary use and are sufficient to suit the needs of the facility. There are no concerns with the parking requirements for the temporary use.

(g) the potential long-term use of the temporary use.

The subject lands have continued the existing temporary use via by-law since 2000. This temporary use facilitates a site-specific situation that was established by Council recognizing that subject lands operated as a personal service / construction business office prior to this time. Effectively, the temporary and non-residential nature of the subject lands was rationalized due to the proximity to the rail lands and compatibility with other light industrial uses along Third Street. On the ground, the temporary use achieves a level of compatibility with the surrounding areas.

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CONCLUSION

The recommended action supports the proposed extension of temporary use of the subject lands. An extension to the Temporary (T-55) Zone will allow for the continued use to operate within the existing building, until such time that a long term use, conforming to the Official Plan designation and permanent Zone becomes feasible. Additionally, the temporary use, as it has existed, is compatible with surrounding land uses. Staff supports the recommended action contained in this report.

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

February 10, 2016
EL/el
"Attach"

Draft Zoning By-law Amendment
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Responses to Public Liaison Letter and Publication in “The Londoner”

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

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Bibliography of Information and Materials
TZ-8563

Request for Approval:

City of London Temporary Zoning By-law Amendment Application Form, completed by Nelson-Wolfe Developments Inc., submitted on December 1, 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.

Correspondence: (all located in City of London File No TZ-8563. unless otherwise stated)

City of London -

B. Page, Environment and Parks Planning, e-mail to E. Lalande, January 20, 2016

C. Crieghton, Upper Thames River Conservation Authority, e-mail to E. Lalande January 13, 2016

R. Moore, Wastewater and Drainage Engineering, email to E. Lalande January 12, 2016

Other:

Site visit January 19, 2016 and photographs of the same date.

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Appendix "A"

Bill No.
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 585 Third Street.

WHEREAS **Nelson-Wolfe Developments Inc.** has applied to rezone an area of land located at 585 Third Street, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

AND WHEREAS the Municipal Council of The Corporation of the City of London, by By-law No. Z.-1-132161, extended the Temporary Use for 585 Third Street to be used for a temporary period not longer than three years from the passing of the By-law;

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

1. Section Number 50.2 of By-law No. Z.-1 is amended by changing the Temporary Zone as follows:

“55) T-55

This temporary use is hereby extended for a temporary period not exceeding three (3) years from the date of the passing of this By-law beginning March 22, 2016.”

2. 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 22, 2016.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading - March 22 2016
Second Reading - March 22, 2016
Third Reading - March 22, 2016