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File No.: O-8362
 Planner: G. BARRETT

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	CITY OF LONDON LANDS SOUTH OF EXETER ROAD, NORTH OF DINGMAN DRIVE, EAST OF WHITE OAK ROAD AND WEST OF THE OF THE MARR DRAIN OFFICIAL PLAN AMENDMENT NO. 606 & 607 INFORMATION REPORT MEETING ON MONDAY, SEPTEMBER, 19, 2016

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, with respect to the appeal to the Ontario Municipal Board (OMB) of Municipal Council’s approval of Official Plan Amendments 606 and 607 (By-law No. C.P.-1284-(st)-331) for the lands south of Exeter Road north of Dingman Drive east of White Oak Road and west of the Marr Drain, the following actions **BE TAKEN**:

1. that the attached report **BE RECEIVED** for information; and,
2. that the Map 7- Specific Policy Areas as amended to implement the decision of the Ontario Municipal Board **BE FORWARDED** to the Minister of Municipal Affairs to be incorporated through a modification to *The London Plan*.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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November 10, 2008	Planning Committee, “Environmental Review Lands Study Final Report”
March 5, 2012	Strategic Priorities and Policy Committee, “Status of the 2011 Industrial Land Development Strategy Update”
December 4, 2012	Strategic Priorities and Policy Committee, “O-8014: Industrial Lands Review”
December 18, 2012	Investment and Economic Prosperity Committee, “A Path to Prosperity: Community Business Ideas to Stimulate our Economy”
April 23, 2013	Planning and Environment Committee, “O-8014: Industrial Lands Review Public Participation Meeting”
March 17, 2014	Strategic Priorities and Policy Committee, “Industrial Land Development Strategy”
June 17, 2014	Planning and Environment Committee, “Industrial Land Review: Urban Growth Boundary for Future Industrial Growth”
September 9, 2014	Planning and Environment Committee, “O-8362: City of London lands south of Exeter Road, north of Dingman Drive, east of White

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	Oak Road and west of the Marr Drain”, Public Participation Meeting”
September 23, 2014	Planning and Environment Committee, “O-8014: Industrial Lands Review”
March 23, 2015	Planning and Environment Committee, “O-8362: City of London lands south of Exeter Road, north of Dingman Drive, east of White Oak Road and west of the Marr Drain” - Introduction of the proposed Official Plan Amendment by-law.

BACKGROUND

On March 31, 2015, Municipal Council passed Official Plan Amendments No. 606 and 607. These amendments to both the Official Plan and the Southwest Area Plan (SWAP) respectively re-designated a large area of the block located south of Exeter Road, north of Dingman Drive, east of White Oak Road, and west of the Marr Drain from Light Industrial and General Industrial designations to Transitional Industrial, Commercial Industrial, Urban Reserve Community Growth, Open Space and Environmental Review designations (refer to location map). These lands are located within the Urban Growth Boundary, and cover an area of approximately 224 hectares.

New policies were also added to both the Official Plan and SWAP for the Commercial Industrial and Transitional Industrial land uses.

Three appeals to Municipal Council’s decision were made. Two of the Appellants, Chazim Holdings and Sifton Properties Limited were to the Official Plan Amendments, and one of the Appellants, John S. Seeback, was a site-specific appeal to the Amendments as they applied to their lands at 471 Exeter Road.

In addition to the Appellants and the City, Bluestone Properties/Tradewind Properties and TSI International Group were Parties to the Hearing. Bluestone/Tradewinds are the largest property owners in the area subject to the OPA. TSI have large land holdings nearby in the area of the Highway 401/402 intersection. Both of these landowner groups were in support of the City’s position.

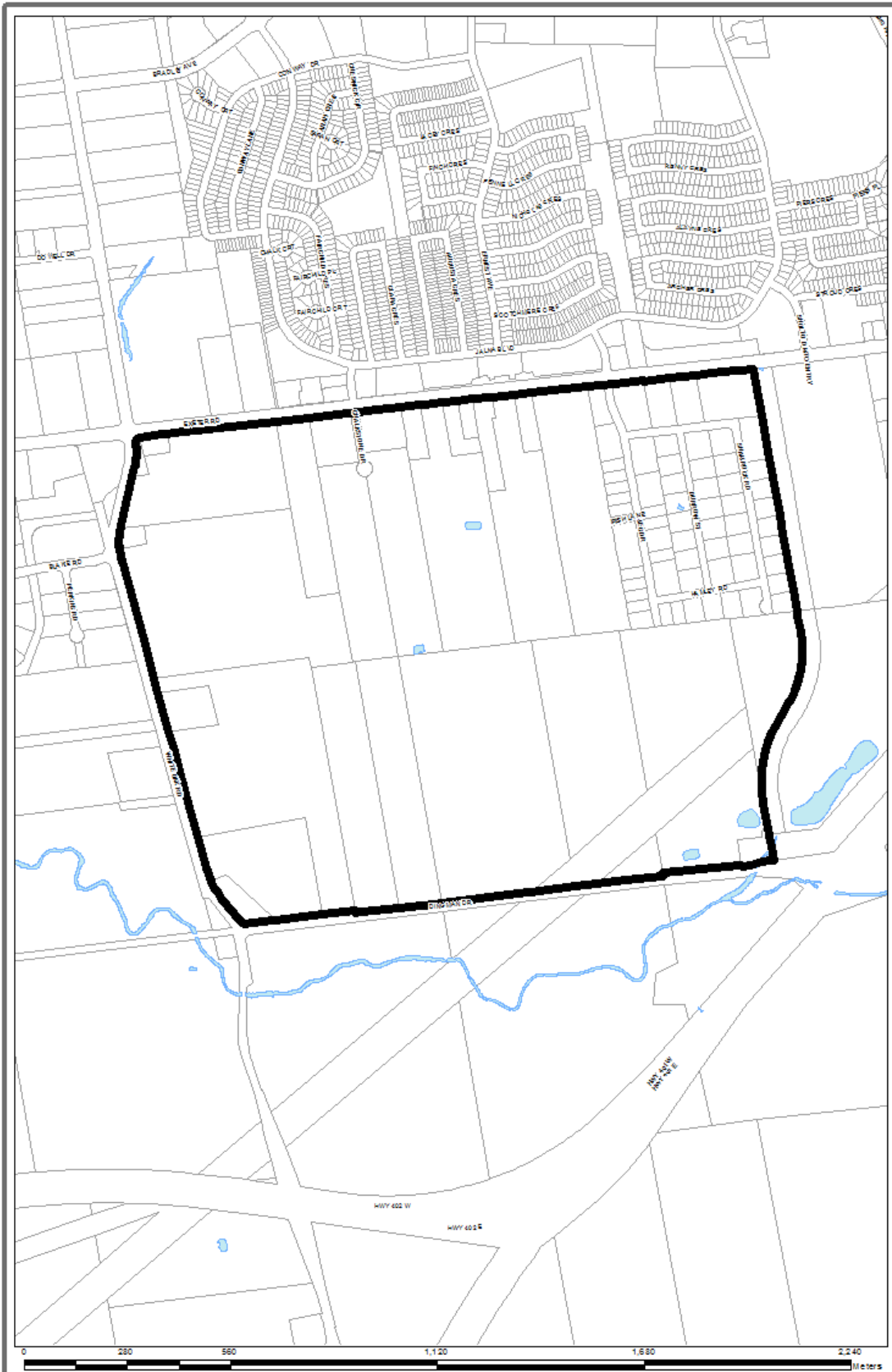
The Seeback Lands are located on the south side of Exeter Road and contain approximately 9 ha of land which is currently occupied by employment, agriculture, open space (woodlot) uses. The employment uses include a distribution center for courier services with indoor and outdoor storage, and an industrial cleaning and maintenance service industry. The lands were previously designated and zoned Light Industrial.

Prior to the hearing, Seeback, the Applicants (Bluestone Properties/Tradewinds Properties), and the City entered into Minutes of Settlement with regard to the Seeback property. As part of the Minutes of Settlement, the front portion of the Seeback lands currently developed with employment uses would remain designated as Light Industrial, and not Transitional Industrial. The rear, undeveloped portion would remain Urban Reserve-Community Growth, Open Space and Environmental Review, consistent with the Council-adopted Official Plan Amendments. The City did not oppose this.

The Hearing commenced on May 24, 2016, and concluded on June 1, 2016. On August 2, 2016, the Board issued its Decision.

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**Figure 1
LOCATION MAP**

Subject Site : White Oak/Dingman Area
File Number: O-8362
Planner : Mark Johnson
Date : 2015/01/07



Scale : 1:12,500

Legend

- Subject Site
- Property Lines

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OMB DECISION

Planning staff provided planning evidence in support of City Council's adoption of OPA 606, amendments to the Official Plan and in support of City Council's adoption of OPA 607, amendments to the Southwest Area Secondary Plan to address the matters included on the list of issues for the Hearing.

The Board allowed the appeal in part. It approved the Council-adopted text and map amendments to both the Official Plan and SWAP, and the site-specific modification to the Seeback lands as identified in the Minutes of Settlement for the Seeback Lands. The Board agreed with the City's position on all the issues before the Board, and with the exception of the modification to the Seeback lands, the appeals were dismissed.

In its decision, the Board states that it does not accept the proposition from one of the appellants that for all industrial land conversions, a municipality must employ a detailed site by site comparison to identify the "best" conversion candidate site(s). The Board finds there is no such specific requirement or provision in the *Provincial Policy Statement, 2014* directing this level of detail review. The Board states that it believes that municipalities should be able to deal with such proposed conversions bearing in mind the scale of the application.

The Board also recognized the due diligence undertaken by City in their review for the conversion of the subject lands to non-employment uses, and the Board finds that the conversion to non-employment uses is in the public interest and far outweighs the private interest that is being advocated by the one appellant in this matter.

The OMB approved amendment map amendments for OPA 606/607 to show the Seeback lands as Light Industrial are attached to this report.

The issues that were before the Board are summarized as follows:

- Issue 1.** Is the rationale and basis of the amendments consistent with section 1.3 of the PPS?
- Issue 2.** Has a comprehensive review demonstrated that the subject lands are not required for employment purposes over the long term and that there is a need for the conversion, in accordance with section 1.3.2 of the PPS?
- Issue 3.** Have the amendments which propose to re-designate the lands to an Urban Reserve-Community Growth designation been properly justified?

Issues 1 to 3 were considered by the Board together. The Board accepted the City's position that a comprehensive review process had been undertaken that led to the approval of SWAP (within which the Subject Lands lie). The Board noted that one of the appellants was a party to the SWAP Hearings, and no issues were raised in that Hearing with regard to the conversion of 345 ha of industrial land. The Board found that the City had undertaken a comprehensive review process that meets the definition and requirements as set out in the PPS.

The Board also accepted that the re-designation of lands in the area from Light Industrial to an Urban Reserve – Community Growth designation was appropriate, and that the lands are not suitable for industrial uses, and that the City will be undertaking a study to determine what the appropriate land uses will be in the future.

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Issue 4. Should the proposed planning study be conducted without the interim step of down designation?

Issue 5. Should the Secondary Plan be completed to determine if “Urban Reserve-Community Growth” is the appropriate designation?

The Board accepted the City’s position that the re-designation of the subject lands to “Urban Reserve-Community Growth” is an appropriate signal to the community that the subject lands are not suitable for industrial uses, and the Official Plan specifically contemplates that until a secondary plan has been prepared for the vacant lands within the Urban Growth Area that the Urban Reserve designation is appropriate.

Issue 6. Are the Official Plan Amendments consistent with the PPS policies 1.1.1 b) and c) and 1.3.1 c)

The Board found that the amendments were consistent with the PPS. The Council-adopted OPAs would ensure that an appropriate range and mix land uses would be available to meet the City’s long-term needs, and that compact mixed-use development that incorporates compatible employment opportunities would be available.

Issue 7. Are there potential adverse impacts of the existing employment land uses on the Seeback property that might impact the changes in land uses contemplated by the Official Plan Amendments, and if yes, are the OPAs premature?

This was a site-specific appeal related to the Seeback lands at 461 Exeter Road. As indicated above, there was a settlement for these lands where the front portion of these lands would remain as Light Industrial rather than Transitional Industrial as adopted by Council, but that the undeveloped rear portion of the lands would be designated as Urban Reserve-Community Growth, Open Space and Environmental Review as adopted by Council.

The Board accepted this settlement. This resulted in a small mapping change as it applies to the front portion of these lands only.

Issue 8. Is it appropriate to re-designate the existing employment lands to “Transitional Industrial” and “Urban Reserve-Community Growth”?

The Board accepted the City’s position that the Transitional Industrial designation was found in the policies of SWAP, and that the re-designation of some of the subject lands to the Transitional Industrial designation is appropriate to allow existing uses to continue, and that it was appropriate that the mostly vacant lands be designated as “Urban Reserve – Community Growth”, and that this would provide the opportunity for the final land uses to be determined through a future Secondary Plan.

Issue 9. Does the approval of the Official Plan Amendments place the existing employment lands at risk contrary to the Official Plan?

The Board accepted the City’s position that these amendments did not place existing employment lands at risk. The Board noted that no landowner or existing business within the 220 ha area that was subject to these amendments came forward in opposition to the City’s

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adoption of OPA 606/607. The Board found that the proposed designations would allow for the continuation of existing uses, and also for the ultimate transition of the Subject Lands.

MODIFICATIONS TO THE LONDON PLAN

A portion of the lands that were subject to the appeal are also subject to Specific Area Policies of The London Plan. Policies for the lands that front along the south side of Exeter Road are found at policies 1136 to 1140 (Council adopted version, June, 2016). These policies, while not specifically addressed through this decision, implement the policies of the current Official Plan, which was the subject of the Hearing, and were upheld through the Decision.

As described above, there was a Settlement for the lands known as the Seeback lands, located at 461 Exeter Road. As a result of that Settlement, and as ordered in the Board's Decision, these lands are not subject to the special policies of the current Official Plan, or the Specific Area Policies of The London Plan. This would require that Map 7-Specific Policy Areas, be amended to remove the Seeback lands from the Specific Policy Area.

CONCLUSION

The Hearing took place over eight days between May 24 and June 1, 2016. The Board found that the approval of OPA's 606 and 607 are appropriate and will, through the secondary planning process ensure that appropriate planning measures are taken with regard to existing Employment uses in the subject lands. The Board was of the view that the approval of OPA's 606 and 607 constitutes good planning and is in the public interest.

PREPARED AND SUBMITTED BY:
GREGG BARRETT, AICP MANAGER, POLICY PLANNING AND PROGRAMS
RECOMMENDED BY:
JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER

August 25, 2016
GB/
"Attach"
cc: N. Hall, Solicitor II

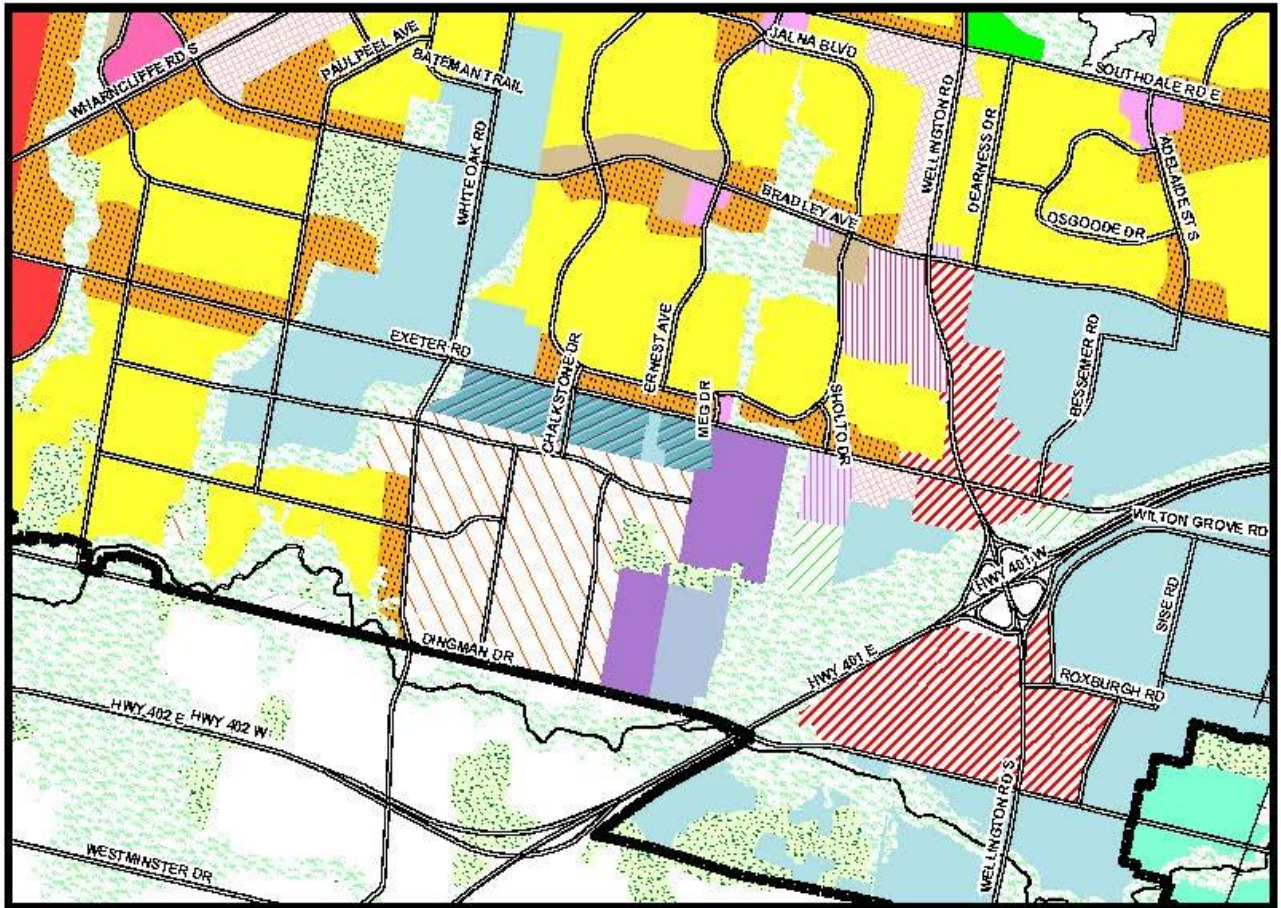
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OMB Approved Official Plan Amendment for OPA 606 and OPA 607

Map of OPA 606 – Amendment to Schedule A of the City Official Plan

AMENDMENT NO:



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	Urban Growth Boundary
	Regional Facility	
	Community Facility	
	Open Space	
	Urban Reserve Community Growth	
	Urban Reserve Industrial Growth	
	Light Industrial	
	Commercial Industrial	
	Transitional Industrial	
	Environmental Review	
	Agricultural	
	Urban Growth Boundary	

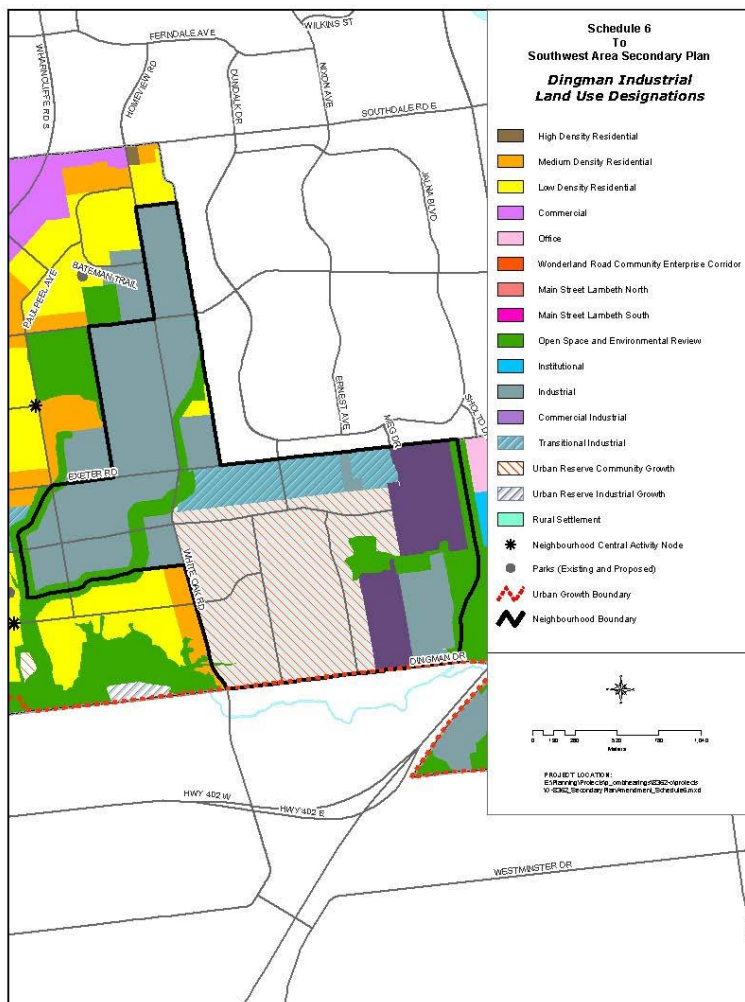
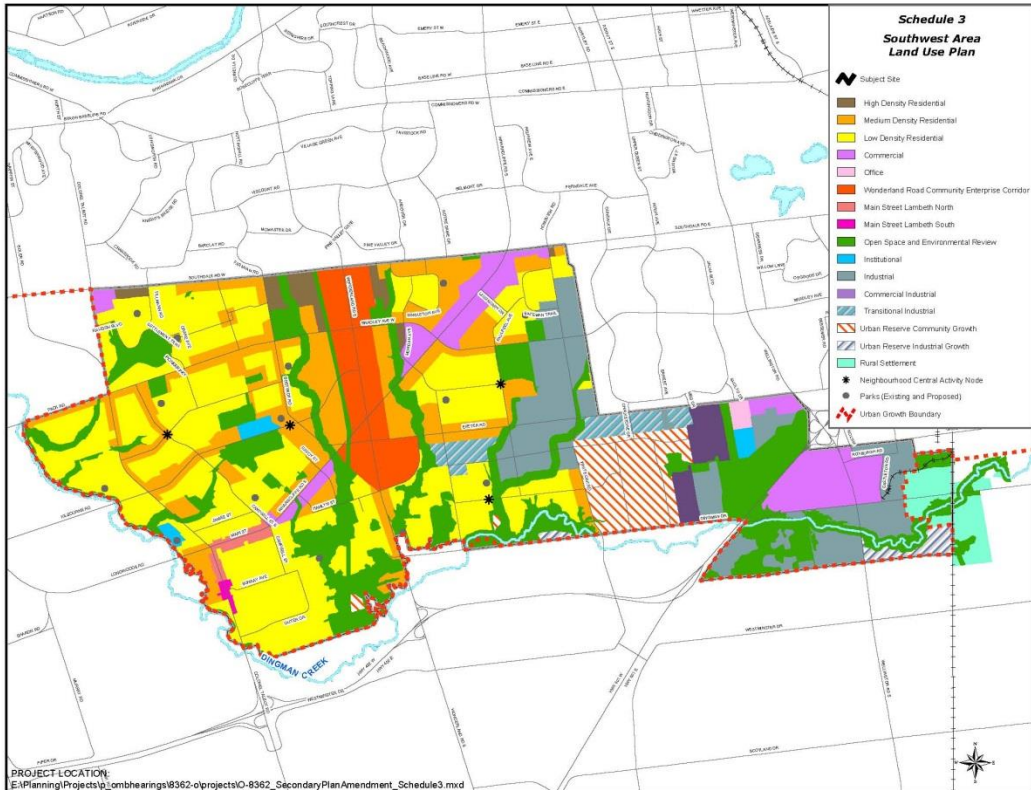
This is an excerpt from the Planning Division's working consolidation of Schedule A to the City of London Official Plan, with added notations.

<p>SCHEDULE 1 TO OFFICIAL PLAN</p> <p>AMENDMENT NO.</p> <p>PREPARED BY: Geographic and Information Services</p>	<p>Scale 1: 30,000</p> <p>Meters</p>	<p>FILE NUMBER: O-8362</p> <p>PLANNER: MJ</p> <p>TECHNICIAN: MB</p> <p>DATE: 2015/01/29</p>
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Maps of OPA 607 – Amendment to Southwest Area Secondary Plan



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