

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: John M. Fleming
Managing Director, Planning and City Planner

Subject: Application By: Active Wellness Products Inc.
50 Charterhouse Crescent

Public Participation Meeting on: March 19, 2018

Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, with respect to the application of Active Wellness Products Inc. relating to the property located at 50 Charterhouse Crescent the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting March 27, 2018 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** a Light Industrial (LI1/LI3/LI7) Zone, **TO** a Light Industrial (LI1/LI2/LI3/LI7) Zone.

Executive Summary

Summary of Request

The requested amendment is to facilitate the use of a dairy processing facility for yogurt products.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended action is to add the Light Industrial (LI2) Zone to permit "food, tobacco and beverage processing industries" in addition to the range of other light industrial uses.

Rationale of Recommended Action

1. The proposed reuse of the existing building is consistent with the Provincial Policy Statement 2014, and maintains the economic contributions of the light industrial employment lands;
2. The proposed broadening of the industrial uses is appropriate for the subject site and conforms to the permitted uses in the Light Industrial designation and Light Industrial Place Type;
3. The recommended amendment will ensure the continued operation and viability of the light industrial node for current and future uses; and
4. The dairy processing facility has demonstrated there will be no adverse impacts produced that would affect nearby sensitive uses through a compatibility assessment and Odour Evaluation Letter.

Analysis

1.0 Site at a Glance

1.1 Property Description

The subject site is an existing developed property with two separate buildings located on Charterhouse Crescent. The building fronting the street is not proposed to change, and the rear building which is currently used as a powder coating business is the subject of the application and proposed for adaptive reuse. The site is located within an existing Light Industrial node where light industrial uses are most predominant. Some sensitive uses such as a place of worship and residential uses are located within the general vicinity. Conversely, some heavy industrial uses can be found within the surrounding area as well.



Figure 1: Subject Site – Rear Building

1.2 Current Planning Information (see more detail in Appendix D)

- Official Plan Designation – Light Industrial (LI)
- The London Plan Place Type – Light Industrial (LI)
- Existing Zoning – Light Industrial (LI1/LI3/LI7) Zone

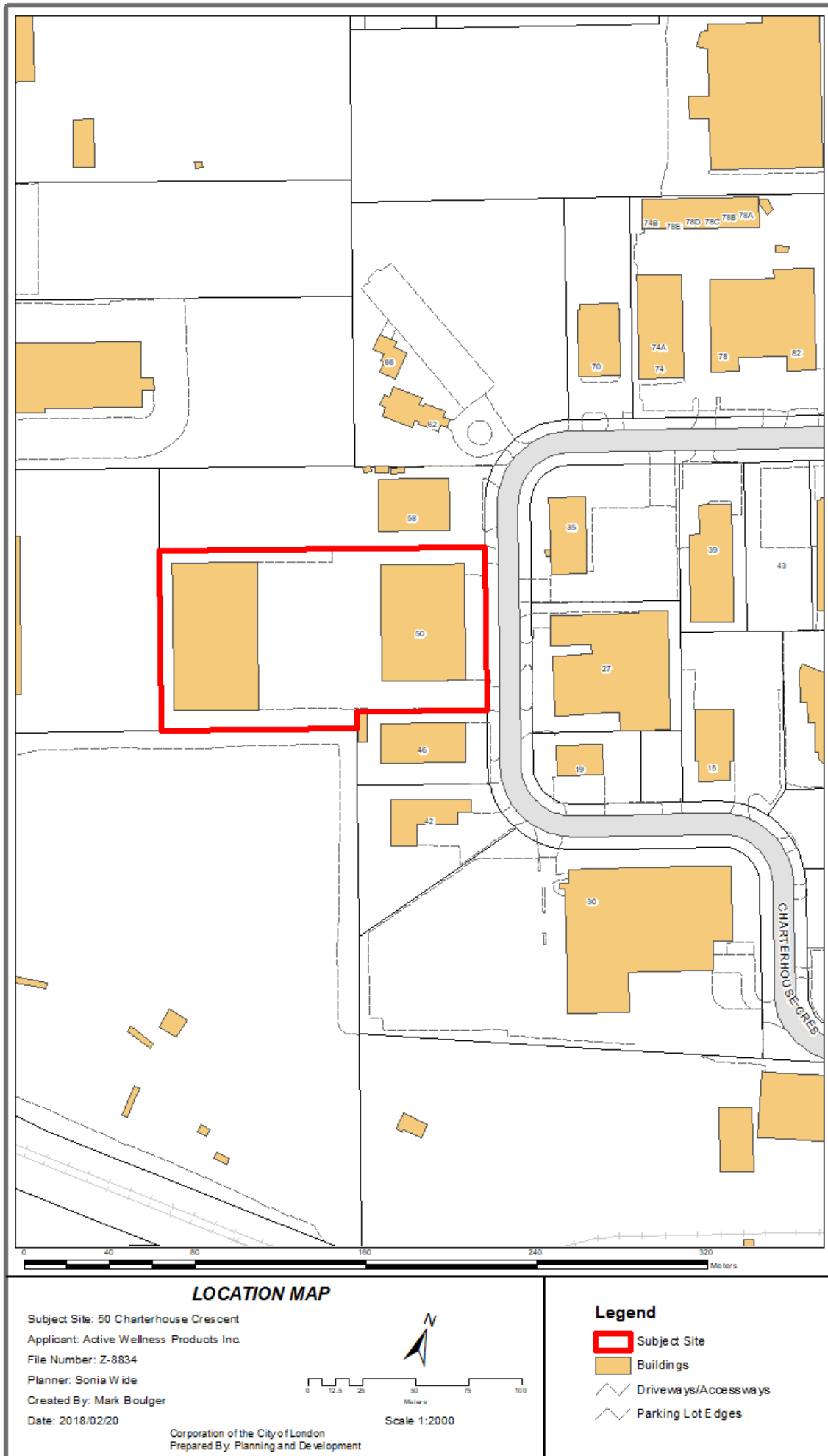
1.3 Site Characteristics

- Current Land Use – light industrial
- Frontage – 76m (249 feet)
- Depth – 162m (531 feet)
- Area – 1.233ha (3 acres)
- Shape – Rectangular

1.4 Surrounding Land Uses

- North – Light Industrial – Auto Body/Hindu Cultural Centre
- East – Light Industrial – Moose Lodge/Custom Millwork/Anti-Rust Coating
- South – Powder Coating/Retail
- West – Light Industrial – Motorsports Sales/Automotive/Tool & Dye/Banquet Hall

1.5 Location Map



2.0 Description of Proposal

2.1 Development Proposal

The proposal is for an adaptive reuse of the existing (rear) building for the processing of milk into yogurt, as part of the food, tobacco and beverage processing industry use. The front building located along Charterhouse Crescent is not proposed to change and is currently used for an automotive repair facility (GTG Automotive) and a Security Screen business (Armoured Guard).

2.2 Detailed Description of Operation

The specific industry requested is to produce a drinkable yogurt product. An Odour Evaluation Letter was submitted by RWDI which assessed in detail the process and impacts associated with the yogurt production. The following are the general steps that are similar for all yogurt products manufacturing: 1) milk receiving, 2) cooling/holding, 3) pasteurization, 4) homogenization, 5) cream separation, 6) inoculation with starter culture, 7) incubation/ fermentation, 8) packing, and 9) cold storing.

The yogurt production will operate within enclosed storage containers located within the building, with the exception of the pasteurization stage where water vapour is evaporated. The process will convert 1L of milk into 1L of yogurt within hermetically sealed tanks and pipes. Minimal waste will be produced from the manufacturing process, primarily involving periodic cleaning of the storage tanks. The Evaluation letter concluded there “are no likely sources of odour emissions at any point in the process” and that “there would be no significant sources of emissions associated with the process” (p.4 & 6, RWDI: Odour Evaluation Letter).

3.0 Relevant Background

3.1 Planning History

The industrial subdivision M62 was registered in 1979, and the site developed shortly after in the early 1980’s through building permits and site plan from 1985, 1988 and 1990. The rear building on the existing lot was most recently used for a powder coating business.



Figure 2: Subject Site – Rear Building Photo

3.2 Requested Amendment

The requested amendment was to add the Light Industrial (LI2) Zone to the existing Light industrial (LI1/LI3/LI7) Zones, to specially allow for the food, tobacco and beverage processing industry use.

3.3 Community Engagement

At the time of the preparation of this report, no community comments were received for this application.

3.4 Policy Context (see more detail in Appendix C)

Provincial Policy Statement (PPS) 2014

The Provincial Policy Statement encourages healthy, liveable and safe communities, that are sustained by accommodating an appropriate range and mix of employment uses, including industrial and commercial to meet long-term needs (1.1.3). The subject site is located within an existing light industrial node which contributes to the City's economy and employment sector. Employment areas should be planned, protected and preserved for current and future uses to support projected needs (1.3.2.1). The proposed use maintains the industrial nature of the area and enhances the viability of the industrial node overall.

D-6 Guidelines: 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. The industrial lands are in proximity to nearby sensitive uses, and the proposed zoning amendment has been reviewed in accordance with the D-6 guidelines.

Official Plan

The site is within the Light Industrial designation, which is intended for industries which have a limited impact on the surrounding environment and are frequently small in scale. Light industrial uses can normally be located in closer proximity to other land uses without significant conflicts (7.4). Within existing industrial areas such as the Charterhouse Crescent industrial node, opportunities should be provided for the introduction of new industries that are compatible with existing and surrounding land uses (7.1.5.ii)

The London Plan

Industrial Place Types represent a critical part of our City Structure – where one-third of Londoners work and where many of the goods and services we produce as a city are designed, manufactured, processed, assembled and then transported to the world (1107). The Light Industrial Place Type is where industries generating more minimal planning impacts will be permitted (1110).

4.0 Key Issues and Considerations

4.1 Proposed Use

Section 1.3 of the PPS contains the Employment policies, which promote economic development and competitiveness by providing an appropriate mix and range of employment uses (1.3.1a). The adaptive reuse of the site will allow for an alternative light industrial use within an industrial node. The PPS promotes opportunities for a diversified economic base, including maintaining a range of economic activities and ancillary uses which take into account the needs of existing and future businesses (1.3.1 b)). The proposed dairy processing facility maintains 50 Charterhouse Crescent for current and future employment uses.

The site is designated Light Industrial in the 1989 Official Plan and a Light Industrial Place Type in The London Plan. The main permitted uses within the Light Industrial designation and place type include industrial uses that involve assembling, fabricating, manufacturing, processing and/or repair activities. The proposed yogurt processing facility is a permitted light industrial use that involves food processing on an industrial scale.

Light Industrial uses are further characterised as uses located within enclosed buildings, that require a limited amount of outdoor storage, and are unlikely to cause adverse effects with respect to air, noise, odour or water pollution (7.3.1). The proposed use will occur within an existing building and will have no associated outdoor storage. There are no anticipated adverse effects associated with the dairy processing as supported by the justification report and Odour Evaluation Letter and detailed further through the

compatibility section of this report.

4.2 Operation Criteria

Permitted uses in the Light Industrial designation shall comply with Ministry of the Environment guidelines and standards regarding the emission of noise, vibration, and air contaminants such as dust, smoke, fumes and odours; water quality, including the quality of waste water discharge and run-off; waste control and disposal; and additional requirements as set out in the Official Plan and in the City of London's Waste Discharge By-law (7.3.3.i). The proposed dairy processing facility is not expected to cause adverse effects regarding emissions or operations, and will be required to comply with the standards and guidelines of the Ministry of the Environment and the City's Waste Discharge By-law.

4.3 Compatibility

The PPS provides direction to avoid development and land use patterns which may cause environmental or public health and safety concerns (PPS 1.1.1 c)). The nature of the proposed dairy processing facility was assessed for the potential nuisance impact on nearby sensitive uses and will not result in any adverse impacts to public health and safety.

One objective of the Official Plan is to provide opportunities within existing industrial areas for the introduction of new industries that are compatible with existing and surrounding land uses (7.1.5 ii). The London Plan further requires that the Province's *D-series Guidelines* are to be implemented to ensure that industrial uses and existing and planned sensitive land uses are not located inappropriately close to one another, and have been assessed as follows (1138):

D-6 Guidelines: Compatibility Between Industrial Facilities and Sensitive Land Uses

The D-6 Guidelines are intended to prevent or minimize the encroachment of industrial land uses on sensitive land uses and vice versa. These guidelines recognize the compatibility issue that may arise from various adverse effects created by industrial operations on sensitive uses (1.1).

Sensitive uses are characterized as any building or associated amenity areas which is not directly associated with industrial use. Examples of sensitive uses include dwellings, schools, senior citizen homes, day care facilities, hospitals and churches (places of worship). There are various sensitive uses within the general area, with the closest being a place of worship located in the Hindu Cultural Centre at 62 Charterhouse Crescent.

Industrial uses are categorized by their potential to produce point source or fugitive emissions such as noise, vibration, odour and dust (1.2.2). There are three industrial facility classifications with class I being the least impactful, and class III the most impactful. The proposed dairy processing facility is a class I facility that is characterized as a small scale, self-contained plant or building which produces/stores a product which is contained in a package and has low probability of fugitive emissions (2.0).

For a class I facility, there is a potential area of influence of 70m which is a standard area applied where adverse effects may be felt. The minimum buffer to be provided is 20m to ensure some separation distance to the nearest sensitive use. The place of worship is located 38m from the subject site, which is the nearest sensitive use. The proposed yogurt processing is not anticipated to have adverse impacts on the place of worship, nor introduce any new nuisances that do not already exist.

4.4 Form and Scale of Development

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 subject site is located within an existing settlement area and industrial node and will repurpose an existing building for the new industrial use. 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 adaptive reuse allows the efficient utilization of the existing site which has full municipal services currently available.

The Zoning By-law may specify maximum building heights and site coverage so that the scale of new industrial development will have a minimal impact on any non-industrial uses in the surrounding area (7.3.6). The proposed use of the site will reuse the existing floor space in the rear building, and will have no changes to the site layout or function. All zone regulations including parking and landscaped open space have been met.

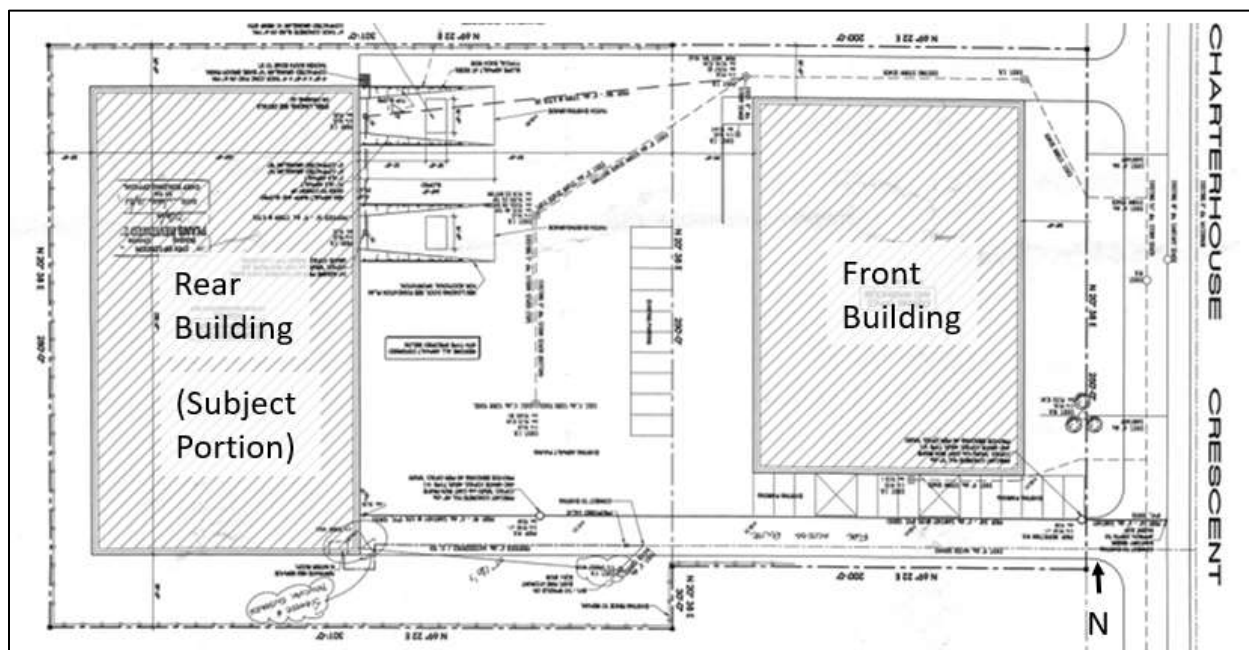


Figure 2: Conceptual Site Plan

4.5 Area and Site Design

The development of light industrial areas will be subject to the following area and site design considerations (7.3.5):

i) Buffering: The Zoning and Site Plan Control By-laws may specify higher standards for setbacks, the location of parking and loading areas, signage, landscaping, and screening of outside storage areas along major entryways to the City and adjacent to residential areas.

The adaptive reuse will occur within the existing building and no change is proposed for the site layout. The building has existing setbacks, parking, signage, landscaping, loading and screening measures that are appropriate to support the new use.

iii) Visual Compatibility: Separation, buffering, and landscaping may be required to provide visual compatibility among adjacent land uses.

The adjacent uses to the subject site are light industrial in nature considered to be complementary and compatible land uses. There are no additional requirements for enhanced landscaping, separation or buffering to transition from more to less intensive uses for the abutting properties.

ii) Traffic: Industrial traffic should be directed away from, and not through, residential areas.

The industrial node is located on a local road (Charterhouse Crescent) that services this industrial subdivision with direct access to the arterial Clarke Road. There are no traffic implications of industrial truck movement on nearby sensitive uses or the surrounding residential area.

iv) Limited Access: The number of access points from Light Industrial sites to arterial or primary collector roads should be limited to minimize disruption to traffic flows.

There are two access points for vehicular traffic from Charterhouse Crescent which is appropriate for the size and function of the site with 2 separate buildings. There are no concerns with maintaining the existing driveways.

More information and detail is available in Appendix B and C of this report.

5.0 Zoning By-law

The proposal is to add the Light Industrial (LI2) Zone to the existing Light Industrial (LI1/LI3/I7) Zone variation. The site meets all regulations for the current zone and the new use within the existing building will not require any changes to the regulations.

6.0 Conclusion

The proposed yogurt processing facility is consistent with the Provincial Policy Statement, 2014, and conforms with the Light Industrial policies of the 1989 Official Plan and The London Plan. The reuse of the existing building provides for the continued operation of a light industrial use, and enhances the viability of the light industrial node. The yogurt processing facility use has demonstrated no adverse impacts will be created which is an appropriate use in proximity to nearby sensitive uses.

| | |
|------------------------|---|
| Prepared by: | Sonia Wise Planner II, Current Planning |
| Submitted by: | Michael Tomazincic, MCIP, RPP Manager, Current Planning |
| Recommended by: | John Fleming, MCIP, RPP Managing Director, Planning and City Planner |

March 9, 2018
/sw

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Appendix A

Appendix "A"

Bill No. (number to be inserted by Clerk's Office)
(2018)

By-law No. Z.-1-18_____

A by-law to amend By-law No. Z.-1 to
rezone an area of land located at 50
Charterhouse Crescent.

WHEREAS Active Wellness Products Inc. has applied to rezone an area of land located at 50 Charterhouse Crescent, 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 50 Charterhouse Crescent, as shown on the attached map comprising part of Key Map No. A109 from a Light Industrial (LI1/LI3/LI7) Zone to a Light Industrial (LI1/LI2/LI3/LI7) Zone.

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

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

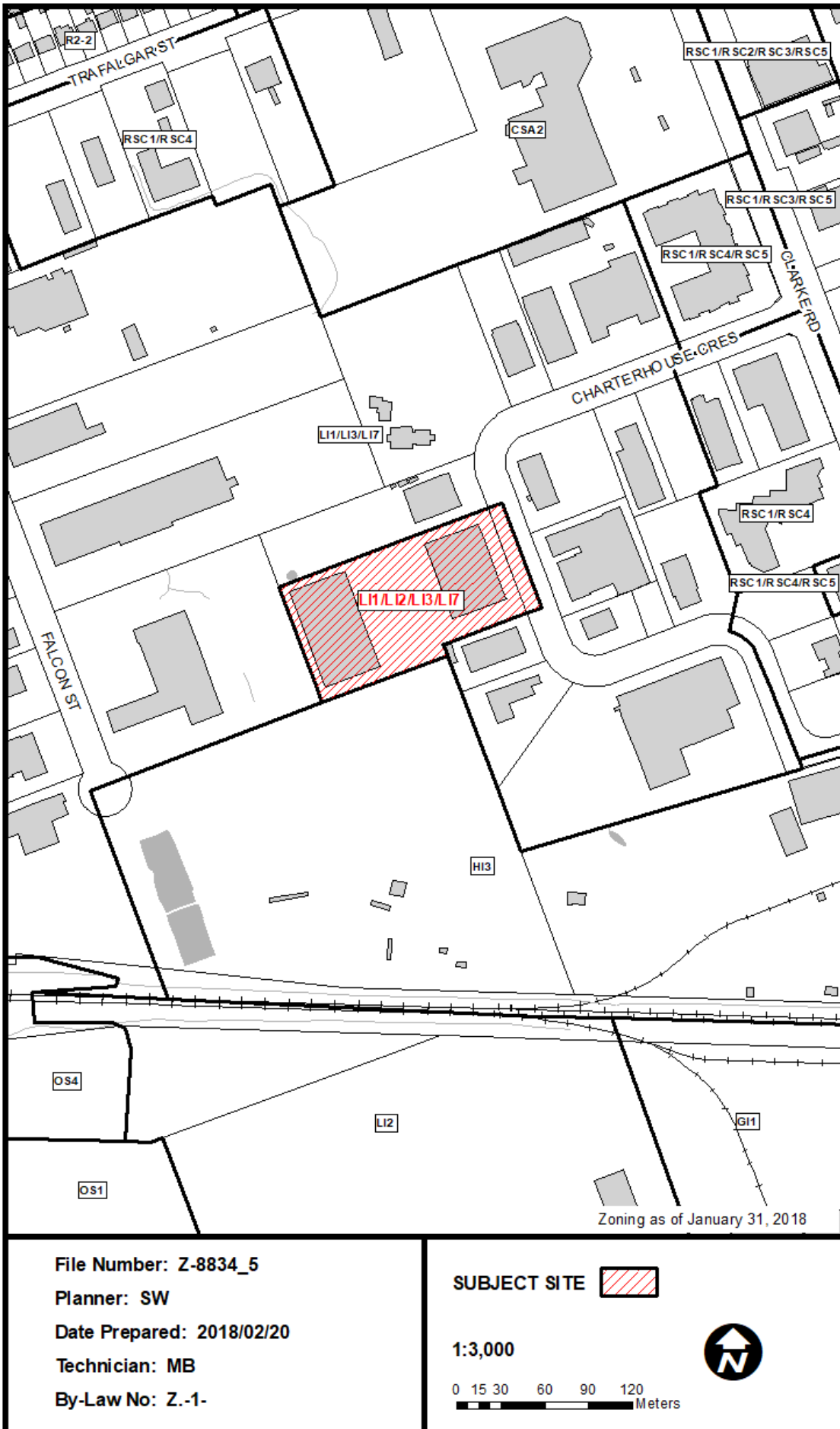
PASSED in Open Council on March 27, 2018

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – March 27, 2018
Second Reading – March 27, 2018
Third Reading – March 27, 2018

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



Appendix B – Public Engagement

Community Engagement

Public liaison: On October 18, 2017, Notice of Application was sent to property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on October 19, 2017. A “Planning Application” sign was also posted on the site.

0 replies were received

Nature of Liaison: Possible change to Zoning By-law Z.-1 from a Light Industrial (LI1/LI3/LI7) Zone which permits a broad range of light industrial uses, secondary permitted uses and automotive related uses, to a Light Industrial (LI1/LI2/LI3/LI7) Zone which permits the existing range of light industrial uses, and adds dry cleaning and laundry plants, food, tobacco and beverage processing industry uses excluding meat packaging, leather and fur processing excluding tanning, repair and rental establishments, service and repair establishments, service trades and textile processing industries

Responses: No responses were received

Agency/Departmental Comments

UTRCA: Nov 9, 2018 – Email excerpt

No Objections

Development Services – Engineering: November 9, 2018

The City of London’s Environmental and Engineering Services Department has not identified any concerns with respect to the aforementioned Zoning By-Law amendment application.

London Hydro: October 24, 2017 – Memo excerpt

No objection

Appendix C – Policy Context

The following policy and regulatory documents were considered in their entirety as part of the evaluation of this requested land use change. The most relevant policies, by-laws, and legislation are identified as follows:

Provincial Policy Statement, 2014

1.1.1 – avoid public health and safety concerns

1.1.3 – range and mix of employment uses

1.1.3.1 – revitalize and regenerate settlement areas

1.1.3.2 – efficiently use infrastructure and public service facilities

1.3.2.1 – protect and preserve employment areas

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

1.1 - Objective

1.2.2 – Industrial Land uses

2.0 – definitions

4.1.1 – Influence Area Concept

4.3 – Recommended Minimum Separation Distance

Official Plan

7.4 – Light Industrial Designation

7.1.5 – compatible industries within existing industrial areas

7.3.1 – main permitted uses unlikely to cause adverse impacts

7.3.3 – Operation Criteria

7.3.6 – Scale of Development

7.3.5 – Area and Site Design Criteria

London Plan

1107 – Industrial place types are critical to our City Structure

1110 – Light Industrial place type includes industries with minimal impacts

1138 – D-series guidelines will be implemented to ensure compatibility

Z.-1 Zoning By-law

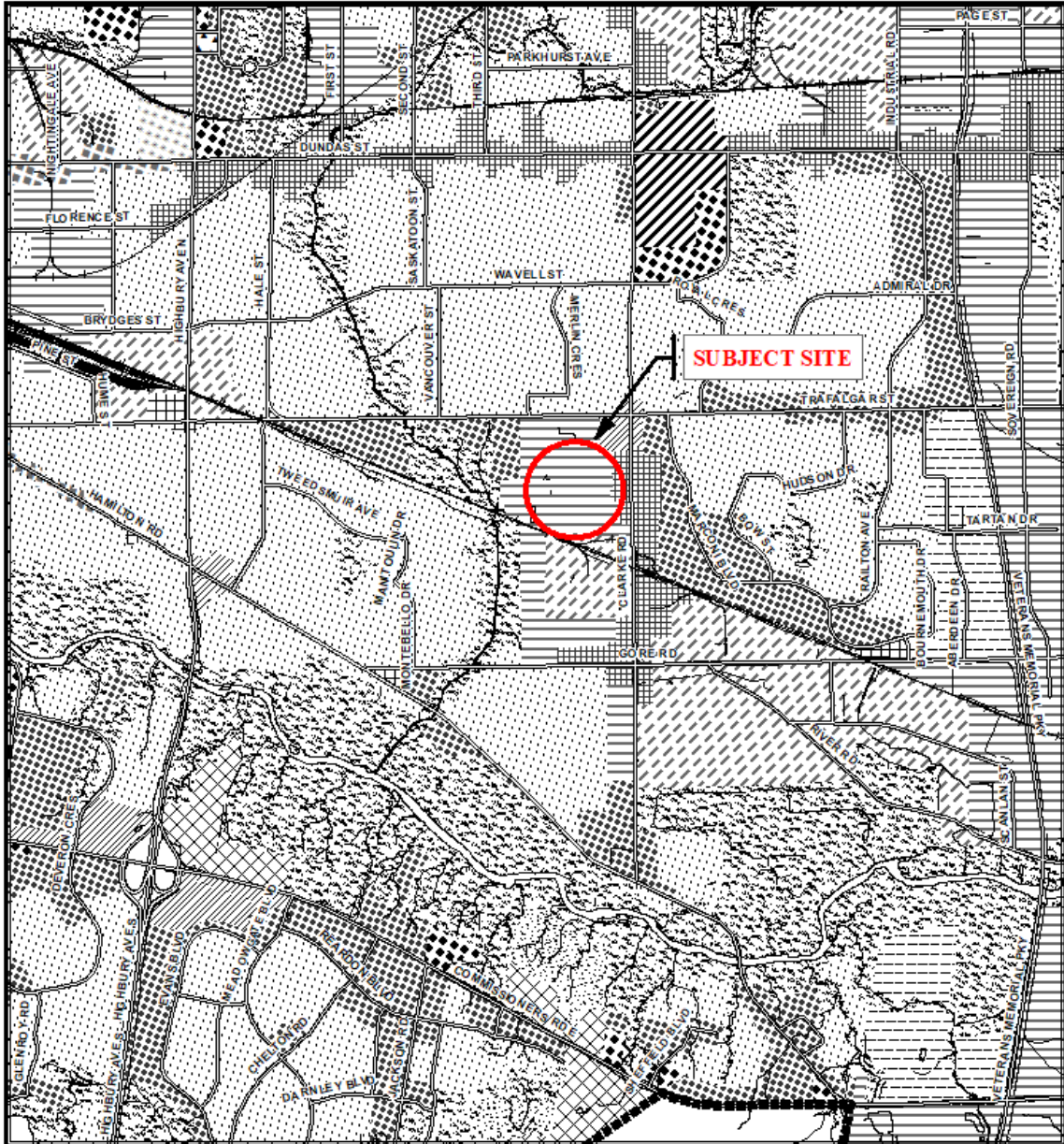
Chapter 4: General Provisions

Chapter 40: Light Industrial

City of London Waste Discharge By-law (WM-16) January 2018

Appendix D – Relevant Background

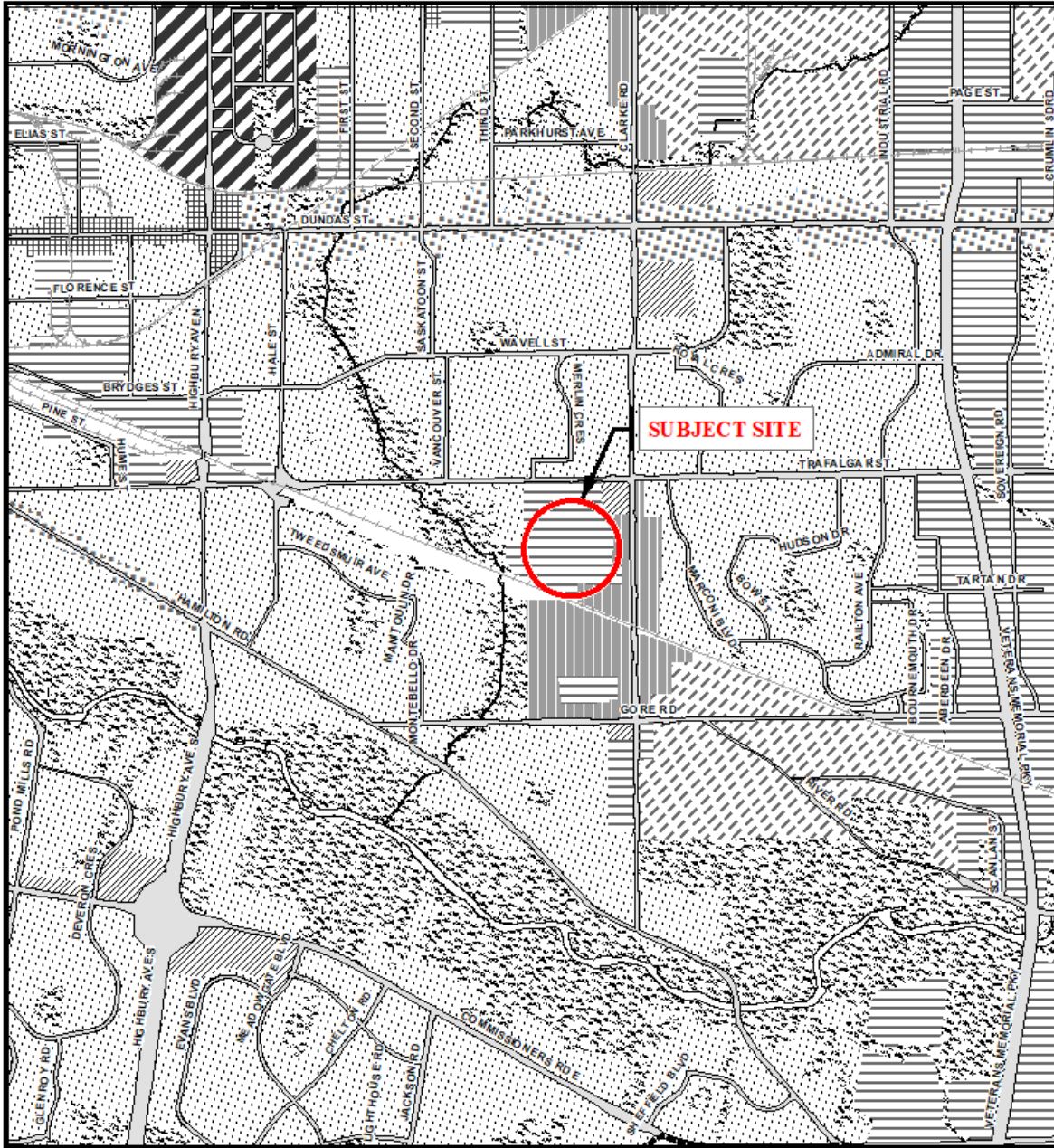




| Legend | | |
|---|--|-------------------------|
| Downtown | Multi-Family, Medium Density Residential | Office Business Park |
| Wonderland Road Community Enterprise Corridor | Low Density Residential | General Industrial |
| Enclosed Regional Commercial Node | Office Area | Light Industrial |
| New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

| | | |
|--|-------------------------------------|--|
| <p>CITY OF LONDON Planning Services / Development Services OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p>PREPARED BY: Graphics and Information Services</p> | <p>Scale 1:30,000</p> <p>Meters</p> | <p>FILE NUMBER: Z-8834</p> |
| | | <p>PLANNER: SW</p> <p>TECHNICIAN: MB</p> <p>DATE: 2018/02/20</p> |

PROJECT LOCATION: e:\planning\projects\p_officialplan\work\c00ns0100\excerpts\mxd_templates\scheduleA_b&w_8x14_with_SWAP.mxd



Legend

- | | | |
|------------------------|--------------------------|---|
| Downtown | Future Community Growth | Environmental Review |
| Transit Village | Heavy Industrial | Farmland |
| Shopping Area | Light Industrial | Rural Neighbourhood |
| Rapid Transit Corridor | Future Industrial Growth | Waste Management Resource Recovery Area |
| Urban Corridor | Commercial Industrial | Urban Growth Boundary |
| Main Street | Institutional | |
| Neighbourhood | Green Space | |

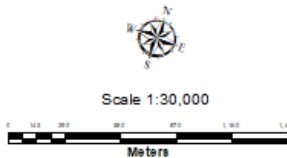
This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.

At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.

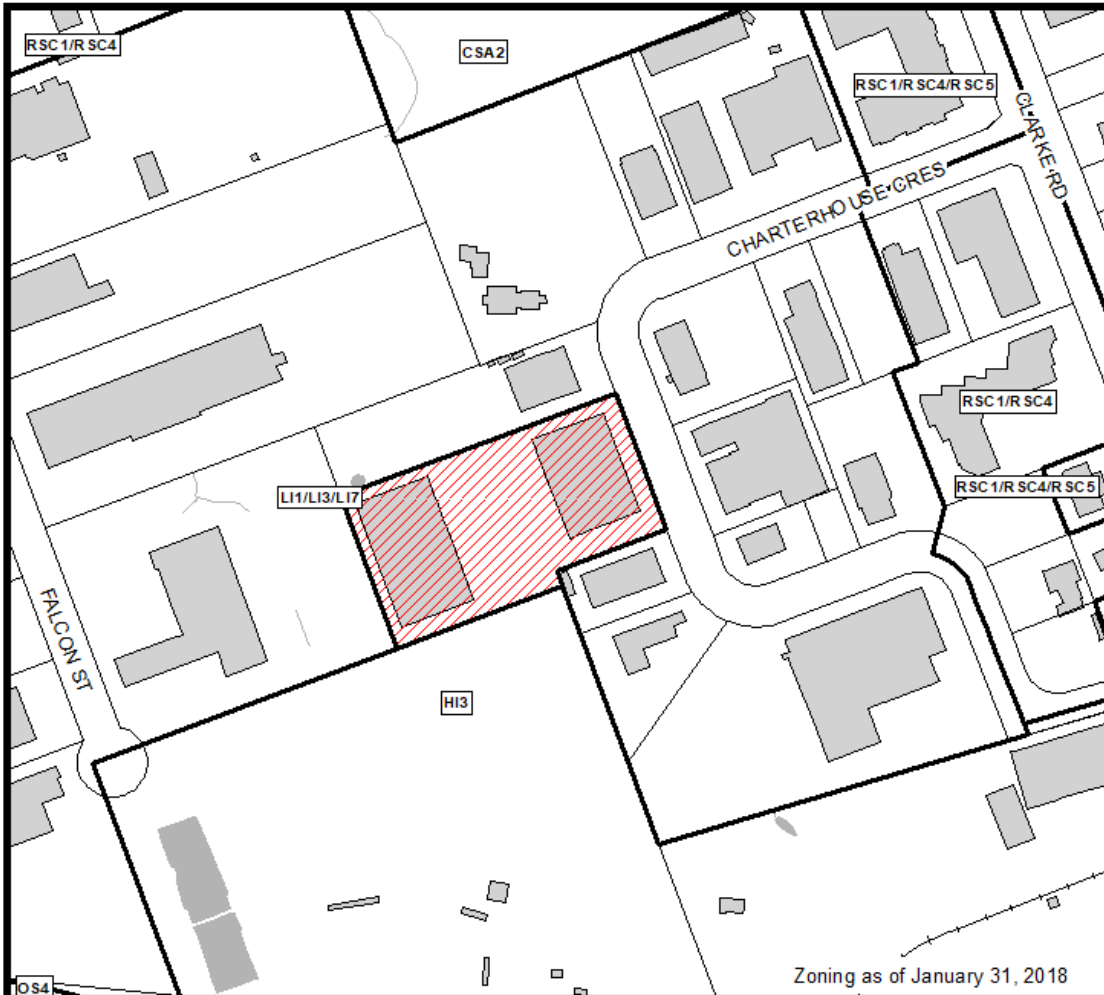
CITY OF LONDON
Planning Services /
Development Services


LONDON PLAN MAP 1
- PLACE TYPES -

PREPARED BY: Planning Services



File Number: Z-8834
Planner: SW
Technician: MB
Date: February 20, 2018



 **COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: LI1/LI3/LI7**

1) **LEGEND FOR ZONING BY-LAW Z-1**

- | | |
|---|-----------------------------------|
| R1 - SINGLE DETACHED DWELLINGS | RF - REGIONAL FACILITY |
| R2 - SINGLE AND TWO UNIT DWELLINGS | CF - COMMUNITY FACILITY |
| R3 - SINGLE TO FOUR UNIT DWELLINGS | NF - NEIGHBOURHOOD FACILITY |
| R4 - STREET TOWNHOUSE | HER - HERITAGE |
| R5 - CLUSTER TOWNHOUSE | DC - DAY CARE |
| R6 - CLUSTER HOUSING ALL FORMS | |
| R7 - SENIOR'S HOUSING | OS - OPEN SPACE |
| R8 - MEDIUM DENSITY/LOW RISE APTS. | CR - COMMERCIAL RECREATION |
| R9 - MEDIUM TO HIGH DENSITY APTS. | ER - ENVIRONMENTAL REVIEW |
| R10 - HIGH DENSITY APARTMENTS | |
| R11 - LODGING HOUSE | OB - OFFICE BUSINESS PARK |
| DA - DOWNTOWN AREA | LI - LIGHT INDUSTRIAL |
| RSA - REGIONAL SHOPPING AREA | GI - GENERAL INDUSTRIAL |
| CSA - COMMUNITY SHOPPING AREA | HI - HEAVY INDUSTRIAL |
| NSA - NEIGHBOURHOOD SHOPPING AREA | EX - RESOURCE EXTRACTIVE |
| BDC - BUSINESS DISTRICT COMMERCIAL | UR - URBAN RESERVE |
| AC - ARTERIAL COMMERCIAL | |
| HS - HIGHWAY SERVICE COMMERCIAL | AG - AGRICULTURAL |
| RSC - RESTRICTED SERVICE COMMERCIAL | AGC - AGRICULTURAL COMMERCIAL |
| CC - CONVENIENCE COMMERCIAL | RRC - RURAL SETTLEMENT COMMERCIAL |
| SS - AUTOMOBILE SERVICE STATION | TGS - TEMPORARY GARDEN SUITE |
| ASA - ASSOCIATED SHOPPING AREA COMMERCIAL | RT - RAIL TRANSPORTATION |
| OR - OFFICE/RESIDENTIAL | "h" - HOLDING SYMBOL |
| OC - OFFICE CONVERSION | "D" - DENSITY SYMBOL |
| RO - RESTRICTED OFFICE | "H" - HEIGHT SYMBOL |
| OF - OFFICE | "B" - BONUS SYMBOL |
| | "T" - TEMPORARY USE SYMBOL |

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT 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-8834 SW

MAP PREPARED:

2018/02/20 MB

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0 15 30 60 90 120 Meters