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H-8062/L. Mottram

<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE</b>
<b>FROM:</b>	<b>GEORGE KOTSIFAS, P. ENG. CHIEF BUILDING OFFICIAL &amp; DIRECTOR, DEVELOPMENT AND COMPLIANCE DIVISION</b>
<b>SUBJECT:</b>	<b>APPLICATION BY: CITY OF LONDON 2365 &amp; 2865 INNOVATION DRIVE MEETING ON JULY 23, 2012</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of the Senior Planner, Development Services, based on the application by the City of London relating to properties located at 2365 Innovation Drive and 2865 Innovation Drive the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on August 28, 2012 to amend Zoning By-law No. Z.-1 (in conformity with the Official Plan) to change the zoning of the subject lands **FROM** a holding Light Industrial Special Provision (h-h-2-LI2(9)) Zone **TO** a Light Industrial Special Provision (LI2(9)) Zone to remove the holding provisions.

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
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May 8, 2006 – Planning Committee – Report from the General Manager of Planning and Development on an application by the City of London re: 1919-1923 Hamilton Road and 1985 Hamilton Road (File No. H-7113).

<b>PURPOSE AND EFFECT OF RECOMMENDED ACTION</b>
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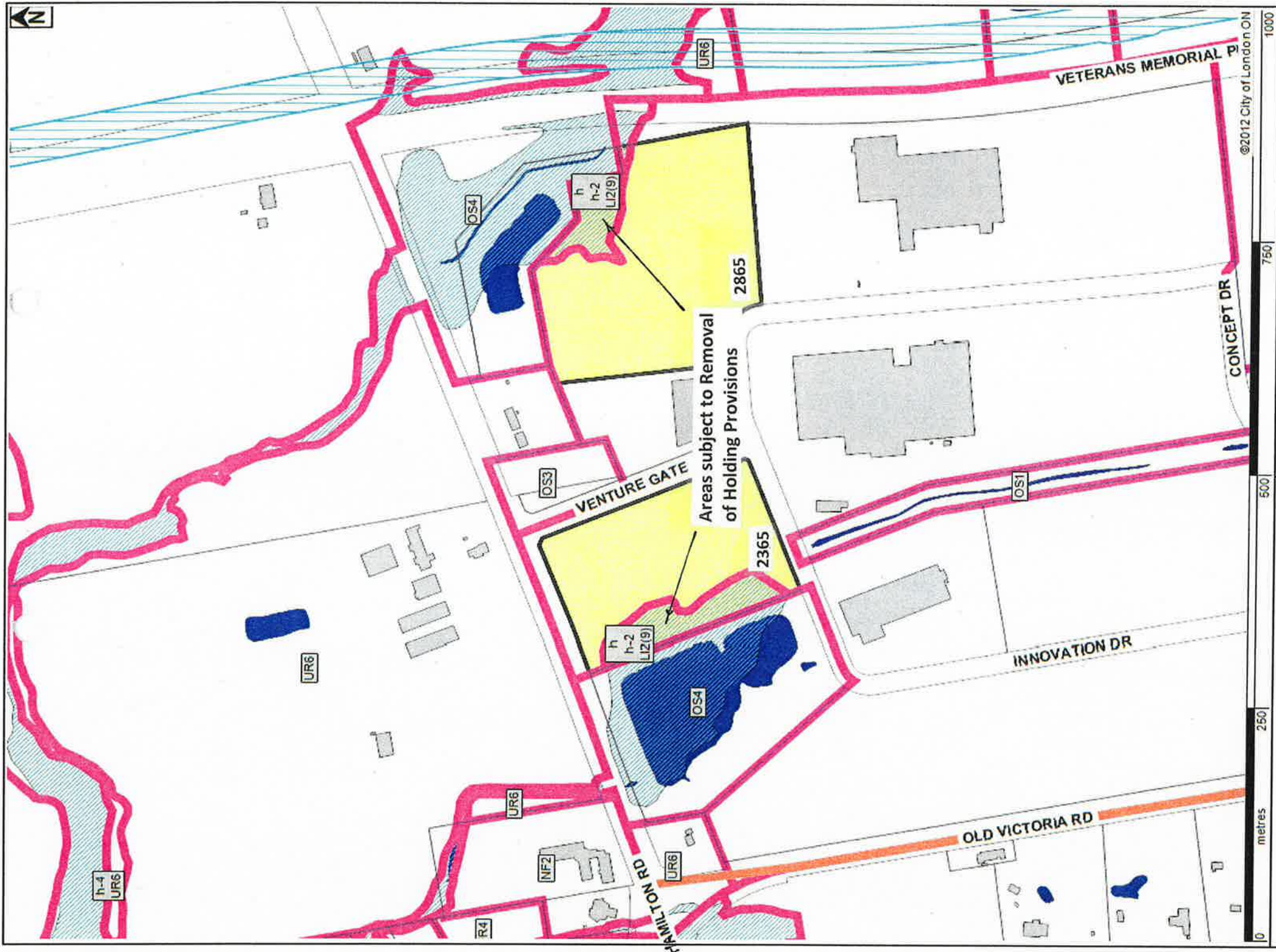
The purpose and effect of this zoning change is to remove the holding (h & h-2) provisions which were applied to ensure the orderly development of lands and the adequate provision of municipal services, and to ensure that development will have no negative impacts on an environmentally sensitive area or natural heritage feature.

<b>RATIONALE</b>
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1. The conditions for removing the holding (h and h-2) provisions have been satisfied and the recommended amendment will allow development of the lands in accordance with the Light Industrial Special Provision (LI2(9)) Zone.
2. These lands represent small portions of two development blocks within the City's Innovation Industrial Park Phase 1 (Blocks 1 & 7, Plan 33M-544). The "h" & "h-2" symbols were not deleted previously in response to UTRCA concerns that construction of the adjacent stormwater management facilities may result in reconfiguration of the regulatory floodlines. Construction of the SWM facilities is now completed, the as-constructed drawings have been submitted, and the UTRCA have updated their floodplain mapping and confirm the areas affected by the holding provisions are not affected by their regulations.

<b>BACKGROUND</b>
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<b>Date Application Accepted:</b> June 5, 2012	<b>Agent:</b> City of London - Realty Services
<b>REQUESTED ACTION:</b> Request to remove the Holding (h and h-2) Provisions from the zoning of lands located at 2365 Innovation Drive and 2865 Innovation Drive within the City's "Innovation Park" industrial subdivision.	



**LEGEND**

-  Subject Site
-  Parks
-  Assessment Parcels
-  Buildings
-  Address Numbers

**LOCATION MAP**

Subject Site: 2365 & 2865 Innovation Dr  
 Applicant: City of London - Realty Services Division  
 File Number: H-8062  
 Planner: L. Mottram  
 Created By: LM  
 Date: 2012-06-15  
 Scale: 1:5000

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Zoning as of June 7, 2012



**COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: h\*h-2\*LI2(9)**

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

- 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
  
- 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

2)  ANNEXED AREA APPEALED AREAS

**CITY OF LONDON**

PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES

**ZONING BY-LAW NO. Z.-1**

**SCHEDULE A**



FILE NO:  
H-8062 LM

MAP PREPARED:  
June 29, 2012 RN



THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS

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<b>SITE CHARACTERISTICS:</b>
<p><b>2365 Innovation Drive</b></p> <ul style="list-style-type: none"> <li>• <b>Current Land Use</b> – vacant</li> <li>• <b>Frontage</b> – 150 metres (492 ft.)</li> <li>• <b>Depth</b> – 240 metres (787 ft.)</li> <li>• <b>Area</b> – 3.6 hectares (9 ac.)</li> <li>• <b>Shape</b> – irregular</li> </ul> <p><b>2865 Innovation Drive</b></p> <ul style="list-style-type: none"> <li>• <b>Current Land Use</b> – vacant</li> <li>• <b>Frontage</b> – 80 metres (2 62 ft.)</li> <li>• <b>Depth</b> – 195 metres (640 ft.)</li> <li>• <b>Area</b> – 4.95 hectares (12.25 ac.)</li> <li>• <b>Shape</b> – irregular</li> </ul>
<b>SURROUNDING LAND USES:</b>
<p><b>2365 Innovation Drive</b></p> <ul style="list-style-type: none"> <li>• <b>North</b> – agricultural</li> <li>• <b>South</b> – industrial</li> <li>• <b>East</b> – industrial and small cemetery</li> <li>• <b>West</b> – stormwater management facility</li> </ul> <p><b>2865 Innovation Drive</b></p> <ul style="list-style-type: none"> <li>• <b>North</b> – stormwater management facility</li> <li>• <b>South</b> – industrial</li> <li>• <b>East</b> – agricultural</li> <li>• <b>West</b> - industrial</li> </ul>

<b>OFFICIAL PLAN DESIGNATION:</b>
<ul style="list-style-type: none"> <li>• Light Industrial</li> </ul>
<b>EXISTING ZONING:</b>
<ul style="list-style-type: none"> <li>• holding Light Industrial (h•h-2•LI2(9))</li> </ul>

<b>PLANNING HISTORY</b>
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On May 16, 2005, Municipal Council passed a resolution to amend the zoning on lands within the Airport Road South Planning Study area. At the same time, Council passed a resolution recommending support for granting draft approval of a City-initiated industrial plan of subdivision in that part of the study area bounded by Hamilton Road to the north, Airport Road (now Veterans Memorial Parkway) to the east, Bradley Avenue to the South, and Old Victoria Road to the west (files 39T-05503 & Z-6802). These actions initiated the first phase of the City's Industrial Land Development Strategy for this area later known as "Innovation Industrial Business Park".

The zoning was amended by deleting the Agricultural (A1) Zone in the former Town of Westminster zoning by-law and applying the following zones from City of London By-law No. Z.-1: a holding Light Industrial Special Provision (h•LI2(9)) Zone, a holding Light Industrial Special Provision (h•h-2•LI2(9)) Zone, an Open Space (OS1) Zone, an Open Space OS4 Zone to the stormwater management blocks, and an Open Space (OS3) Zone to the existing Bostwick Cemetery. Holding (h & h-2) provisions were applied to ensure that full municipal services are available and a subdivision agreement or development agreement is entered into; and to ensure development will not have negative impacts on an environmentally sensitive area, or natural

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feature, environmental impact studies and mitigating measures are required so that development will not adversely affect the area or feature.

Phase I of Innovation Industrial Park was granted final approval and registered as Plan 33M-544 on March 7, 2006. The lands which are the subject of the current application to remove holding (“h” and “h-2”) symbols from the zoning represent portions of Block 1 (2365 Innovation Dr.) and Block 7 (2865 Innovation Dr.) of Plan 33M-544.

Municipal services became available to service the Phase 1 lands, and subsequently Council approved an amendment to the zoning to remove the holding (h) symbol. However, the staff report to Planning Committee (May 8, 2006 - File H-7113)) recommended the h-2 holding provision not be removed as it applied to portions of Blocks 1 and 7 immediately adjacent two storm water management ponds, which were also identified on Schedule B of the Official Plan as being located within the floodplain. The Upper Thames River Conservation Authority had previously raised concerns regarding the inclusion of these lands within the development parcels. Hence, the “h-2” holding provision was applied and appropriate conditions were included with the draft plan of subdivision (39T-05503).

The 2006 staff report indicated removal of the h-2 symbol should be deferred until such time as a review and agreement between the City’s consulting engineer, the Upper Thames River Conservation Authority, and City staff can be confirmed regarding the submission of as-built drawings for the SWM Ponds and the reconfiguration of the flood plain at these locations. Since that time the Municipal Class Environmental Assessment for the stormwater management facilities has been completed, the subdivision servicing drawings have been accepted, construction of the SWM ponds has been completed and the facilities are operational, and roads and infrastructure are in place. New production facilities that have been built as part of Innovation Park Phase 1 include Hanwha L&C Canada Inc. and The Original Cakerie. The UTRCA floodplain mapping has also been updated exempting the development blocks identified above from the regulation limits, including Blocks 1 and 7, Plan 33M-544.

**SIGNIFICANT DEPARTMENT/AGENCY COMMENTS**

Upper Thames River Conservation Authority

The UTRCA reports the subject lands are not affected by any regulations (Ontario Regulation 157/06) made pursuant to Section 28 of the Conservation Authorities Act.

The response from the UTRCA (received June 22, 2012) indicated no objections to this application to remove the holding symbol.

<b>PUBLIC LIAISON:</b>	Notice was published in the Living in the City section of the London Free Press on June 23, 2012.	No replies
<b>Nature of Liaison:</b> To remove the holding “h” and “h-2” provisions.		
<b>Responses:</b> None		

**ANALYSIS**

The purpose of the holding (“h”) provision in the zoning by-law is as follows:

*Purpose:* To ensure the orderly development of lands and the adequate provision of municipal services, the “h” symbol shall not be deleted until a subdivision agreement or development agreement is entered into for the lands in question with the City of London.

*Permitted Interim Uses:* Existing Uses

Being a City-initiated plan of subdivision, the normal practice of the City and the subdivider entering into a subdivision agreement has been replaced by an “Undertaking”. Municipal Council at its session held on June 27, 2005 resolved that the City, being the owner of the subdivision, undertakes to comply with all the requirements of the City’s standard subdivision agreement in relation to the development of the subdivision. The City has undertaken to ensure

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that all required works are completed and that the subdivision is adequately serviced. Furthermore, all requirements for site servicing once individual blocks within the subdivision are acquired for development will be set out in future Development Agreements. Therefore, this satisfies the condition for removing the "h" provision in the zoning as it applies to portions of two development blocks (Blocks 1 and 7 of Plan 33M-544) located adjacent the two stormwater management ponds. The "h" symbol had previously been lifted from the remainder of these blocks by City Council in May 2006.

The purpose of the holding ("h-2") provision in the zoning by-law is as follows:

*Purpose:* To determine the extent to which development will be permitted and ensure that development will not have a negative impact on relevant components of the Natural Heritage System (identified on Schedule "B" of the Official Plan), an agreement shall be entered into specifying appropriate development conditions and boundaries, based on an Environmental Impact Study or Subject Lands Status Report that has been prepared in accordance with the provisions of the Official Plan and to the satisfaction of the City of London, prior to removal of the "h-2" symbol. (Z.-1-051390)

*Permitted Interim Uses:* Existing Uses

The h-2 symbol was placed on portions of Blocks 1 and 7 of Plan 33M-544 immediately adjacent two storm water management ponds, which were also identified on Schedule B of the Official Plan as being located within the floodplain. The Upper Thames River Conservation Authority during the draft plan review raised concerns regarding the inclusion of these lands within the development parcels prior to the submission and review of as-constructed drawings in the event that the final design of the SWM ponds resulted in reconfiguration of the flood lines. As a result, an "h-2" holding provision was applied and appropriate conditions were included with the draft plan of subdivision (39T-05503). All conditions of draft approval have since been satisfied, the as-constructed drawings have been submitted and reviewed, and the UTRCA now advise that the areas affected by the h-2 holding provision are not affected by their regulations and have no objection to removing the holding symbols from the zoning by-law. As there are no other natural heritage features or outstanding environmental issues, the condition for removing the h-2 symbol has been satisfied.

<b>CONCLUSION</b>
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Based on our review, it is appropriate to proceed to lift the holding ("h" & "h-2") provisions from the zoning.

<b>PREPARED and RECOMMENDED BY:</b>	<b>REVIEWED BY:</b>
	
<b>LARRY MOTTRAM MCIP, RPP SENIOR PLANNER</b>	<b>JEFF LEUNISSEN MCIP, RPP MANGER, DEVELOPMENT PLANNING</b>
<b>CONCURRED BY:</b>	<b>SUBMITTED BY:</b>
	
<b>JENNIE RAMSEY MANAGER – DEVELOPMENT SERVICES ENGINEERING LIAISON</b>	<b>GEORGE KOTSIFAS, P. ENG. CHIEF BUILDING OFFICIAL &amp; DIRECTOR, DEVELOPMENT AND COMPLIANCE DIVISION</b>

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**H-8062/L. Mottram**

Bill No. (Number to be inserted by Clerk's Office)  
2012

By-law No. Z.-1-\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to remove the holding provisions from the zoning for an area of land located at 2365 Innovation Drive and 2865 Innovation Drive.

WHEREAS the City of London has applied to remove the holding provisions from the zoning for an area of land located at 2365 Innovation Drive and 2865 Innovation Drive, as shown on the map attached to this by-law, as set out below;

AND WHEREAS it is deemed appropriate to remove the holding provisions from the zoning of the said lands;

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 2365 Innovation Drive and 2865 Innovation Drive, as shown on the attached map, to remove the holding provisions so that the zoning of the lands as a Light Industrial Special Provision (LI2(9)) Zone comes into effect.
2.            This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on August 28, 2012.

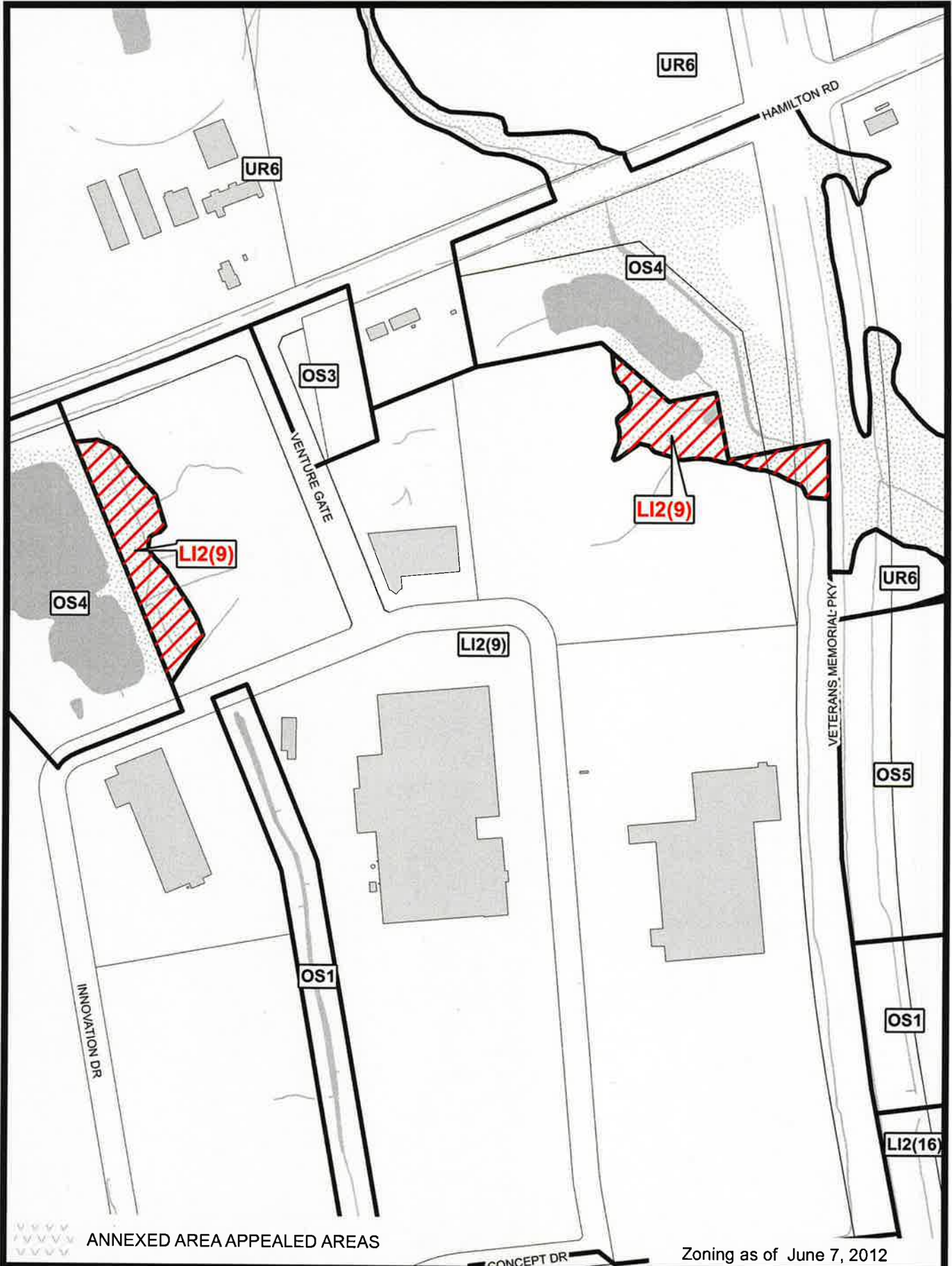
Joe Fontana  
Mayor

Catharine Saunders  
City Clerk

First Reading - August 28, 2012  
Second Reading – August 28, 2012  
Third Reading - August 28, 2012



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



File Number: H-8062  
 Planner: LM  
 Date Prepared: June 28, 2012  
 Technician: RN  
 By-Law No: Z.-1-

SUBJECT SITE 

1:4,000

