

TO:	CHAIR AND MEMBERS
	PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING DIRECTOR, LAND USE PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: LONDON OPTIMIST SPORTS CENTRE 230 ADELAIDE STREET NORTH PUBLIC PARTICIPATION MEETING ON AUGUST 20, 2012

## **RECOMMENDATION**

That, on the recommendation of the Director, Land Use Planning and City Planner, the following actions be taken with respect to the application of relating to the property located at 230 Adelaide Street North:

(a) The proposed by-law <u>attached</u> hereto as Appendix "A" **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 a portion of the subject property **FROM** a Light Industrial (LI2) Zone which permits uses such as Business service establishments, Laboratories, Manufacturing and assembly industries, Offices, support, Paper and allied products industries excluding pulp and paper and asphalt roofing industries, Pharmaceutical and medical product industries, Research and development establishments, Warehouse establishments, Wholesale establishments, Repair and rental establishments, Service and repair establishments, Service trades **TO** a Light Industrial Special Provision (LI3( )) Zone which will exclusively permit an accessory parking lot for the Commercial Recreational Establishment use for the property located at 295 Rectory Street.

#### PREVIOUS REPORTS PERTINENT TO THIS MATTER

#### 230 Adelaide Street North

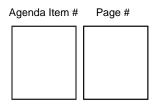
(B.012/12) On June 29th 2012, The City of London Consent Authority granted Provisional Approval to the applicant, Canadian National Railway, consent to sever 4,603.06m2 from 230 Adelaide Street North and convey to 295 Rectory Street, the London Optimist Sports Club for the purpose of parking facilities; and retain 4.14 ha for existing railway purposes, subject to conditions which must be satisfied before any Certificates of Official are issued.

#### 295 Rectory Street

**(OZ-6127)** On September 20, 2001, a planning application was withdrawn by AAR-CON Enterprises, due to the high public response to the original public notice

**(OZ-6668)** The purpose of the Official Plan amendment was to change Schedule 'C' Transportation Corridors to delete the proposed future road corridor. The purpose of Zoning Bylaw amendment was to rezone the subject lands from a Light Industrial (L12) Zone to a Light Industrial Special Provision (L12(8)) Zone.

(Z-7742) The purpose of the Zoning by-law amendment was to change the zoning FROM a Light Industrial Special Provision (L12(8)) Zone TO a Light Industrial Special Provision (L12(8)/Ll3(1)) Zone.



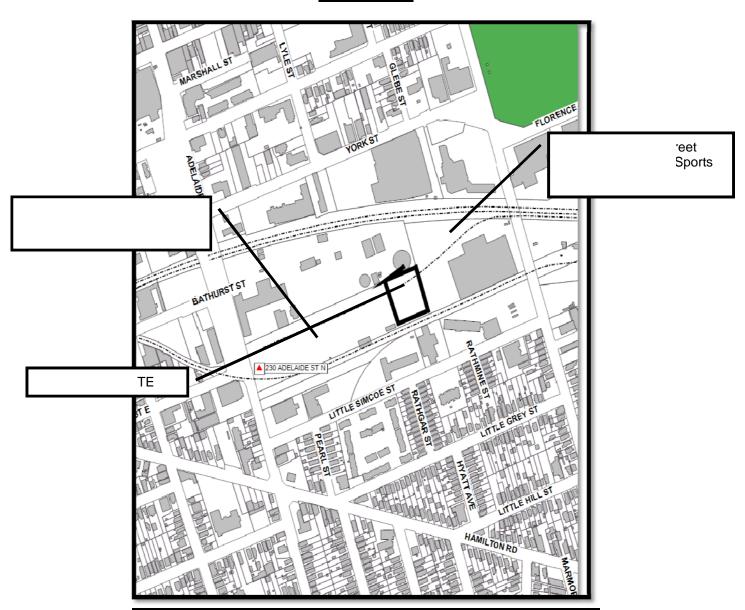
## PURPOSE AND EFFECT OF RECOMMENDED ACTION

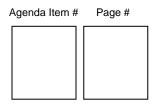
The requested amendment will rezone a portion of 230 Adelaide Street North and merge with 295 Rectory (London Optimist Sports Centre) for a future parking area.

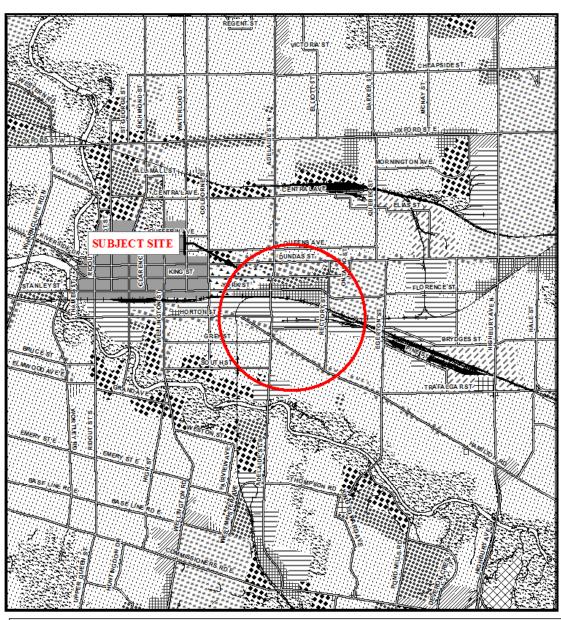
## **RATIONALE**

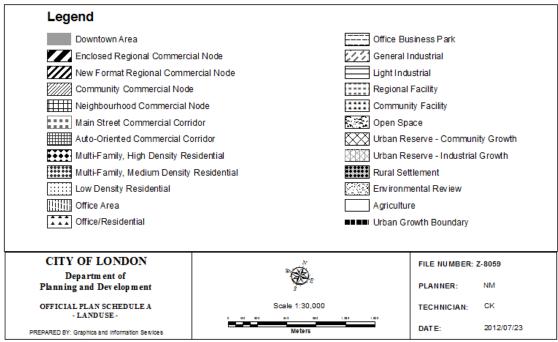
- The proposed amendment is consistent with the Provincial Policy Statement in that it encourages the effective utilization of existing infrastructure.
- The proposed amendment is consistent with the Official Plan as it allows a use in the industrial designated area that will have a minimal impact on surrounding uses.
- The proposed amendment is consistent with the Official Plan as it allows a use that is compatible in terms of appearance, function, and operation with adjacent land uses.
- No buildings are proposed. The newly severed portion of 230 Adelaide Street North will be used strictly as an accessory parking lot.
- The proposed amendment will allow for the development of an accessory parking lot for the London Optimist Sports Centre in the City of London.

## **Location Map**





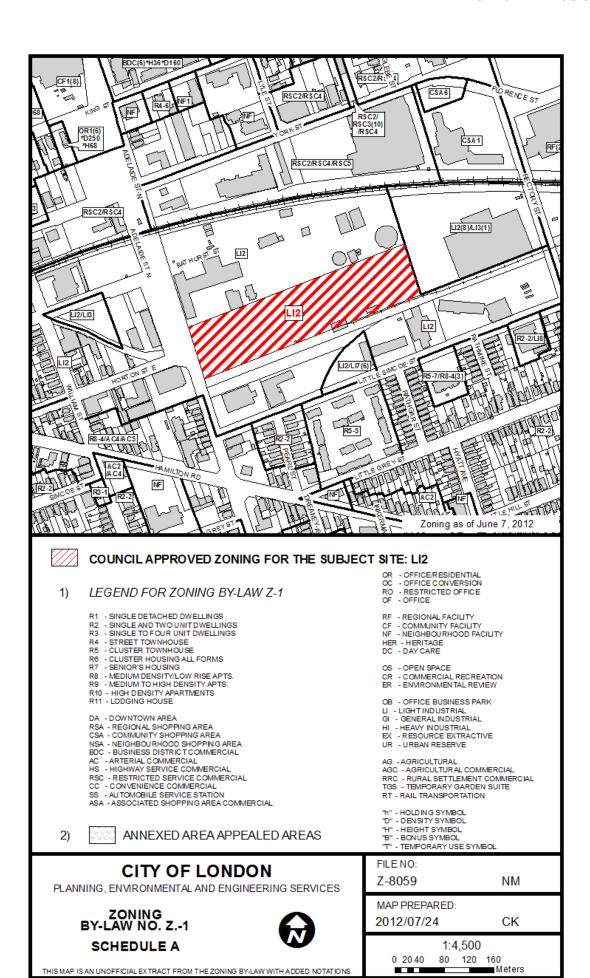


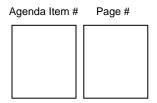


PROJECT LOCATION: e:\planning\projects\p\_officialplan\workconsol00\excerpts\mxd\_templates\scheduleA\_NEW\_b&w\_8x14.mxd

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File: Z-8059 Planner: N. Musicco





#### **BACKGROUND**

Date Application Accepted: May 28, 2012 Agent: Harrison Pensa LLP (Pam Nolan)

**REQUESTED ACTION:** Possible amendment to the Zoning By-law Z.-1 **FROM** Light Industrial (LI2) Zone which permits uses such as Business service establishments, Laboratories, Manufacturing and assembly industries, Offices, support, Paper and allied products industries excluding pulp and paper and asphalt roofing industries, Pharmaceutical and medical product industries, Research and development establishments, Warehouse establishments, Wholesale establishments, Repair and rental establishments, Service and repair establishments, Service trades **TO** a Light Industrial (LI3) Zone which permits Assembly halls, Commercial recreation establishments, Day care centres, Private clubs, Private parks.

#### SITE CHARACTERISTICS:

- Current Land Use Railroad purposes
- Frontage 86 meters
- **Depth** 375 meters
- Shape Irregular

#### **SURROUNDING LAND USES:**

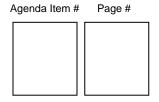
- North CN rail, commercial plaza and Western Fair recreational complex.
- South CN rail spur and light industrial.
- East CN rail yard.
- West City of London (Bathurst) works yard.

## **OFFICIAL PLAN DESIGNATION:** (refer to Official Plan Map)

#### **Light Industrial**

This designation is intended for industries which have a limited impact on the surrounding environment and which are frequently small in scale. Such industries can normally be located in closer proximity to other land uses without significant conflicts if appropriate site planning techniques are utilized. Uses permitted in the Light Industrial designation will be required to meet higher development and operating standards when located near residential areas and major entryways to the City. Certain non-industrial uses may also be permitted, provided that they are complementary to, and supportive of, the surrounding industrial area

**EXISTING ZONING:** (refer to Zoning Map)



#### **Light Industrial (LI2)**

This Zone provides for and regulates a range of industrial and associated secondary uses. In addition to the uses permitted in the LI1 Zone variation, an expanded range of industrial and complementary uses may be permitted, at appropriate locations, through other zone variations. A limited range of convenience, medical/dental and automotive uses may be permitted in association with industrial uses or by compounding with the Convenience Commercial (CC) and/or Automotive Service Station (SS) Zones. The LI2 Zone permits uses such as Business service establishments, Laboratories, Manufacturing and assembly industries, Offices, support, Paper and allied products industries excluding pulp and paper and asphalt roofing industries, Pharmaceutical and medical product industries, Research and development establishments, Warehouse establishments, Wholesale establishments, Repair and rental establishments, Service and repair establishments, Service trades.

#### Stormwater Management Unit (City of London)

- The proposal should be incompliance with the City Design Requirements for Permanent Private Stormwater Systems which were approved by City Council and effective as of January 01, 2012. The stormwater requirements for PPS for all medium/high density residential, institutional, commercial and industrial development sites are contained in this document, which may include but not be limited to quantity/quality control, erosion, stream morphology, etc.
- Appropriate SWM servicing reports and Best Management Practices (OGS may be required).
- Due to the potential condition of soil and contamination, SWM request a site assessment for the condition of the sites groundwater/ services works and are to meet the requirements of the Environmental Protection Act.
- Confirm outlet system and capacity.
- Future expansion of a parking lot may inquire additional storm sewers servicing etc. and therefore our comments are reasonable.

#### Water Engineering

No Comment

#### Parks Planning (City of London)

The Parks Planning & Design Section has reviewed the circulated application for a zoning bylaw amendment, Z-8059, and offers the following comments for your consideration:

- For the purposes of parkland dedication, the conversion of the site to an accessory parking lot for the London Optimist Sports Park does not constitute development.
- As per the email from Manager of Parks Planning and Design (July 17, 2012) parkland dedication will not be required.

#### **Development Services**

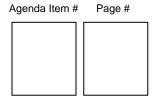
An amendment to the existing site plan will be required.

#### London Hydro

No objection.

## <u>Upper Thames River Conservation Authority</u>

No objection.



#### **PLANNING HISTORY**

#### 230 Adelaide Street North

(B.012/12) On June 29th 2012, The City of London Consent Authority granted Provisional Approval to the applicant, Canadian National Railway, consent to sever 4,603.06m2 from 230 Adelaide Street North and convey to 295 Rectory Street, the London Optimist Sports Club for the purpose of parking facilities; and retain 4.14 ha for existing railway purposes, subject to conditions which must be satisfied before any Certificates of Official are issued. One of the conditions of the consent was that: "The applicant shall rezone the severed property to recognize the proposed use. The rezoning shall be in full force and effect prior to the issuance of a certificate".

#### 295 Rectory Street

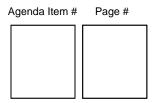
(OZ-6127) The purpose of this Official Plan/Zoning By-law amendment was to add a new definition for "aggregate reprocessing"; to delete the list of permitted uses under the EX zone and inserting Resource Extraction Operations including ancillary aggregate reprocessing; delete the list of permitted uses under the EX1 zone and inserting Resource Extraction Operations including ancillary aggregate reprocessing; ancillary asphalt batching plants; and ancillary concrete batching plant and add a new EX2 Zone to permit Resource Extraction Operations excluding ancillary aggregate reprocessing. On July 25, 2001, the public was notified of an application by AAR-CON Enterprises to amend the Official Plan and Zoning By-Law to permit an aggregate reprocessing use on lands near the intersection of the CN Rail line and Rectory Street. On September 20, 2001, both planning applications were withdrawn by AAR-CON Enterprises, due to the high public response to the original public notice

(OZ-6668) The purpose of the Official Plan amendment was to change Schedule 'C' Transportation Corridors to delete the proposed future road corridor. The purpose of the Zoning By-law amendment was to rezone the subject lands from a Light Industrial (L12) Zone to a Light Industrial Special Provision (L12(8)) Zone. The permitted uses were subject to lot area, lot frontage, setbacks, yard depth requirement adjacent to a railway line or spur line, landscaped open space, lot coverage, height, open storage, gross floor area for specific uses and total gross floor area for all office uses

(Z-7742) The purpose of the Zoning by-law amendment was to change the zoning FROM a Light Industrial Special Provision (L12(8)) Zone which permits light industrial uses and overflow parking for the Western Fair Association TO a Light Industrial Special Provision (L12(8)/LI3(1)) Zone to permit the above uses and commercial recreational uses with a height of 18m and 280 parking spaces.

#### SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

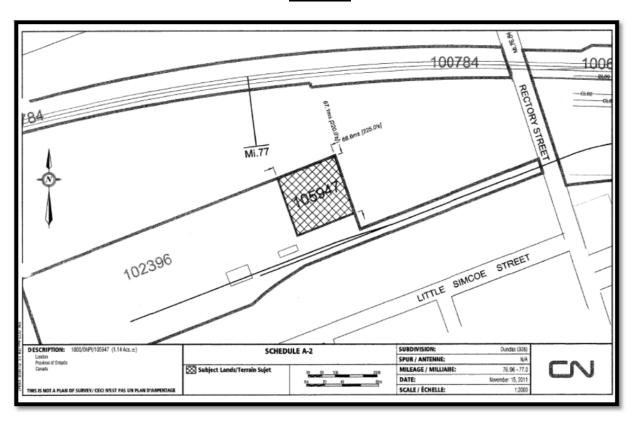
PUBLIC LIAISON:	On June 1, 2012 a Notice of Application was sent to 108 property owners in the surrounding area. Notice of Application was also published in the "Living in the City" section of the London Free Press on June 2, 2012. A "Possible Land Use Change" sign was also posted on the site.	received
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**Nature of Liaison:** Possible amendment to the Zoning By-law Z.-1 **FROM** Light Industrial (LI2) Zone which permits uses such as Business service establishments, Laboratories, Manufacturing and assembly industries, Offices, support, Paper and allied products industries excluding pulp and paper and asphalt roofing industries, Pharmaceutical and medical product industries, Research and development establishments, Warehouse establishments, Wholesale establishments, Repair and rental establishments, Service and repair establishments, Service trades **TO** a Light Industrial (LI3) Zone which permits Assembly halls, Commercial recreation establishments, Day care centres, Private clubs, Private parks.

**Responses:** One inquiry was received and a copy of the Site Plan was requested which was submitted as part of the Zoning By-law amendment application.

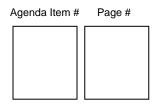
#### Site Plan



# ANALYSIS

## Subject Site

The subject property is on the east side of Adelaide Street, south of the CN rail corridor. The property is located just southwest of the Western Fair regional recreational complex in East London. The property is located south of the mainline CN rail right-of-way and north of a CN rail spur line. Further to the south are existing industrial uses located on the north side of Little Simcoe Street. South of Little Simcoe Street are low density residential uses. The lands to the east include the London Sports Optimist Centre. The City of London Bathurst works yard is located to the east of this property.



#### **Official Plan Policies**

The Light Industrial designation is intended for industries which have a limited impact on the surrounding environment and which are frequently small in scale. Such industries can normally be located in closer proximity to other land uses without significant conflicts if appropriate site planning techniques are utilized. Uses permitted in the Light Industrial designation will be required to meet higher development and operating standards when located near residential areas and major entryways to the City. Certain non-industrial uses may also be permitted, provided that they are complementary to, and supportive of, the surrounding industrial area.

The City of London Official Plan Section 7.3.2 permits uses by way of Zoning By-law amendment, which includes private clubs and commercial recreation establishments. Section 7.1.3 provides for the development and use of industrial lands for a range of activities which are likely to have a minimal impact on surrounding uses. The permitted uses will be compatible in terms of appearance, function, and operation, with adjacent land uses.

The proposed use is compatible with surrounding land uses and will have minimal impact on the proposed development on present and future land uses. The parcel is adequate in the size and shape of the parcel of land on which a proposal is to be located and allows for the London Optimist Sports Centre to remain in the existing location.

#### **Current Zoning**

The subject lands are currently zoned Light Industrial (LI2). This Zone provides for and regulates a range of industrial and associated secondary uses. In addition to the uses permitted in the LI1 Zone variation, an expanded range of industrial and complementary uses may be permitted, at appropriate locations, through other zone variations. A limited range of convenience, medical/dental and automotive uses may be permitted in association with industrial uses or by compounding with the Convenience Commercial (CC) and/or Automotive Service Station (SS) Zones. The LI2 Zone permits uses such as Business service establishments, Laboratories, Manufacturing and assembly industries, Offices, support, Paper and allied products industries excluding pulp and paper and asphalt roofing industries, Pharmaceutical and medical product industries, Research and development establishments, Warehouse establishments, Wholesale establishments, Repair and rental establishments, Service and repair establishments, Service trades.

## Is a Light Industrial LI Special Provision (L13()) Zone appropriate?

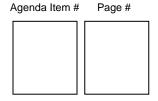
The applicant originally applied to re-zone the subject site to a Light Industrial LI3 Zone. Planning Staff reviewed the original proposal and concluded that it would be more appropriate to recommend a Special Provision zone to exclusively allow for an accessory parking lot for the Commercial Recreational Establishment use at the property located at 295 Rectory Street.

#### Site Plan Area Control By-law (May 1, 2012)

According to the Site Plan Area Control By-law (May 1, 2012), 'development' is defined as:

- (i) the construction, erection or placing of one or more buildings or structures on land; or
- (ii) the making of an addition or alternation to a building or structure that has the effect of substantially increasing the size or usability thereof; or
- (iii) the laying out and establishment of a commercial parking lot or of sites for the location of three or more trailers or of sites for the location of three or more mobile homes; or
- iv) sites for the construction, erection or location of three or more land lease community homes; and includes redevelopment.

Since this proposal is for an 'accessory parking lot' and not a 'commercial parking lot', this application does not constitute development and is therefore not subject to Site Plan Approval. However, the applicant has been advised that an amendment to the existing site plan will be required.



#### Is the proposed amendment appropriate?

The proposed use is in keeping with the intent of the Official Plan and it will permit an accessory parking lot for the Commercial Recreational Establishment use for the property located at 295 Rectory Street (London Optimist Sports Centre). The properties to the south, east and west of the subject site are also designated Light Industrial. North of the subject site is designated Community Shopping Area. The area consists of a mix of different uses such as offices, commercial, industrial, railway lines, warehousing and a yard. The change to permit an accessory parking lot is compatible with adjacent uses and should not have any significant impacts as the site is surrounded by a range of light industrial uses.

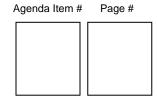
CONCLUSION	

The Light Industrial Special Provision (L13( )) Zone meets the intent of the City of London's Official Plan policies. The proposed accessory parking lot is compatible with the surrounding adjacent properties and should not have any significant impacts on the area. This amendment will also allow the existing Commercial Recreational Establishment use (London Optimist Sports Centre) to remain in the existing location and will have a minimal impact on surrounding uses.

PREPARED BY:	SUBMITTED BY:			
NICOLE MUSICCO	JIM YANCHULA, MCIP, RPP			
PLANNER II COMMUNITY PLANNING AND	MANAGER OF COMMUNITY PLANNING AND URBAN DESIGN SECTION			
URBAN DESIGN SECTION	AND ORBAN DESIGN SECTION			
RECOMMENDED BY:				
JOHN M. FLEMING, MCIP, RPP				
DIRECTOR, LAND USE PLANNING AND CITY PLANNER				

/nm

Y:Shared/Implem/Development Applications/2012/Z-8059 - 230 Adelaide Street North



## Responses to Public Liaison Letter and Publication in "Living in the City"

Telephone
Andris Baders
Canadian National Railway
905-669-3098

#### Bibliography of Information and Materials – Z-8059

## **Request for Approval:**

City of London Zoning By-law Application Form, completed by Harrison Pensa LLP (Pam Nolan), May 4, 2012

#### **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, March 1, 2005.

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. Insert File No. Z-8056 unless otherwise stated)

#### City of London -

Macpherson A., City of London Parks Planning and Design. Various e-mails with N. Musicco November June 1, 2012 to July 30, 2012.

McDougall, L., City of London Parks Planning and Design. Various e-mails with N. Musicco November June 1, 2012 to July 30, 2012.

Page, B., City of London Parks Planning and Design. Various e-mails with N. Musicco November June 1, 2012 to July 30, 2012.

Galloway A., City of London Engineering Review Various e-mails with N. Musicco November June 1, 2012 to July 30, 2012.

Haklander B., City of London Engineering Review Various e-mails with N. Musicco November June 1, 2012 to July 30, 2012.

Masschelein, B. Engineering Review. Various e-mails with N. Musicco November June 1, 2012 to July 30, 2012.

Roobroeck, R. Engineering Review. Various e-mails with N. Musicco November June 1, 2012 to July 30, 2012.

## **Departments and Agencies -**

Creighton C., UTRCA. Letter to N. Musicco May 28, June 19, 2012.

Doyle, R.O., London Hydro. Memo to H. McNeely. June 4, 2012.

## External -.

Elgie, Pam (Harrison Pensa LLP). Various e-mails with N. Musicco November June 1, 2012 to July 30, 2012.

Baders, A. CN Railway. Email to Mr. Baders – June 12, 2012.

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## Appendix "A"

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

By-law No. Z.-1-12\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 230 Adelaide Street North.

WHEREAS London Sports Optimist Centre has applied to rezone a portion of land located at 230 Adelaide Street North, 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:

Schedule "A" to By-law No. Z-1 is amended by changing the zoning applicable to lands located at 230 Adelaide Street North, as shown on the attached map compromising part of Key Map No. 86 from a Light Industrial (LI2) Zone to a Light Industrial (LI3) Special Provision LI3() Zone.

1) Section Number 40 of the Light Industrial Zone (LI3) Zone is amended by adding the following Special Provision:

40.4\_\_ LI3 ( ) a portion of 230 Adelaide Street North

Permitted Use:

a) Accessory Parking Lot for the Commercial Recreational Establishment Use located at 295 Rectory Street.

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.

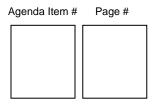
This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on 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)

