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File: Z-8071  
Planner: M. Tomazincic

<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING &amp; ENVIRONMENT COMMITTEE</b>
<b>FROM:</b>	<b>JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER</b>
<b>SUBJECT:</b>	<b>APPLICATION BY: 312185 ONTARIO LTD 40 PACIFIC COURT PUBLIC PARTICIPATION MEETING ON TUESDAY, SEPTEMBER 4, 2012</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of the Managing Director, Planning and City Planner, with respect to the application of 312185 Ontario Ltd relating to the property located at 40 Pacific Court, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on September 18, 2012 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 (LI2/LI7) Zone which permits manufacturing, warehouse, wholesale, support office, service and repair uses, and various light industrial uses **TO** a Light Industrial Special Provision/Light Industrial (LI2( )/LI7) Zone to add a Retail Store ancillary to a permitted Wholesale Establishment subject to a special provision which permits: a total gross floor area of 445m<sup>2</sup> for a Retail Store; a maximum proportion of the total gross floor area for Wholesale Establishments and ancillary Retail Stores of 26%; and, a minimum of 26 parking spaces.

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
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None.

<b>PURPOSE AND EFFECT OF RECOMMENDED ACTION</b>
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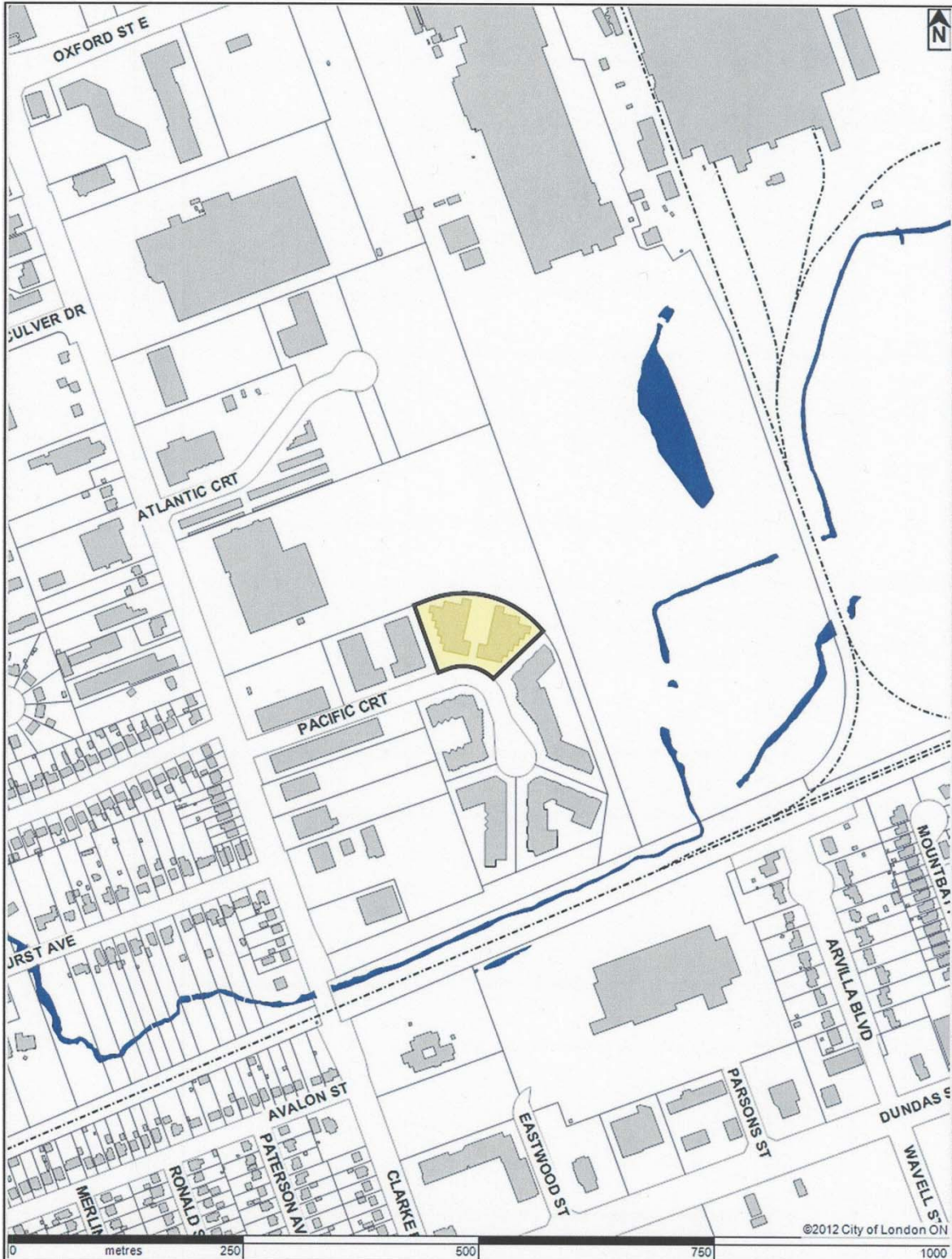
The purpose and effect of the proposed amendment to the Zoning By-law is to permit an accessory retail store to facilitate the permitted light industrial uses operated by Habitat for Humanity.

<b>RATIONALE</b>
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1. The recommended amendment is consistent with the policies of the *Provincial Policy Statement, 2005*.
2. The recommended amendment is consistent with the General Industrial policies of the Official Plan.
3. The recommended amendment will permit a Retail Store *in association with* a permitted Wholesale Establishment, as opposed to a stand-alone retail use in an industrial area.
4. The recommended amendment will allow the user (Habitat for Humanity) to consolidate their operations within a single building and create synergies between all of their operations.

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File: Z-8071  
Planner: M. Tomazincic



**LOCATION MAP**  
Subject Site: 30  
Applicant: 312185 Ontario Limited Heriot Bay Investments Ltd  
File Number: Z-8071  
Planner: Michael Tomazincic  
Created By: Michael Tomazincic  
Date: 2012-07-11  
Scale: 1:5000

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

Corporation of the City of London  
Prepared By: Planning, Environmental



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**File: Z-8071**  
**Planner: M. Tomazincic**

<b>BACKGROUND</b>
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<b>Date Application Accepted:</b> 28 June 2012	<b>Agent:</b> Dan Young (Stantec)
<p><b>REQUESTED ACTION:</b> Possible amendment to the Zoning By-law Z.-1 <b>FROM</b> a Light Industrial (LI2/LI7) Zone which permits manufacturing, warehouse, wholesale, support office, service and repair uses, and various light industrial uses <b>TO</b> a Light Industrial Special Provision/Light Industrial (LI2( )/LI7) Zone to add a Retail Store ancillary to a permitted Wholesale Establishment.</p>	

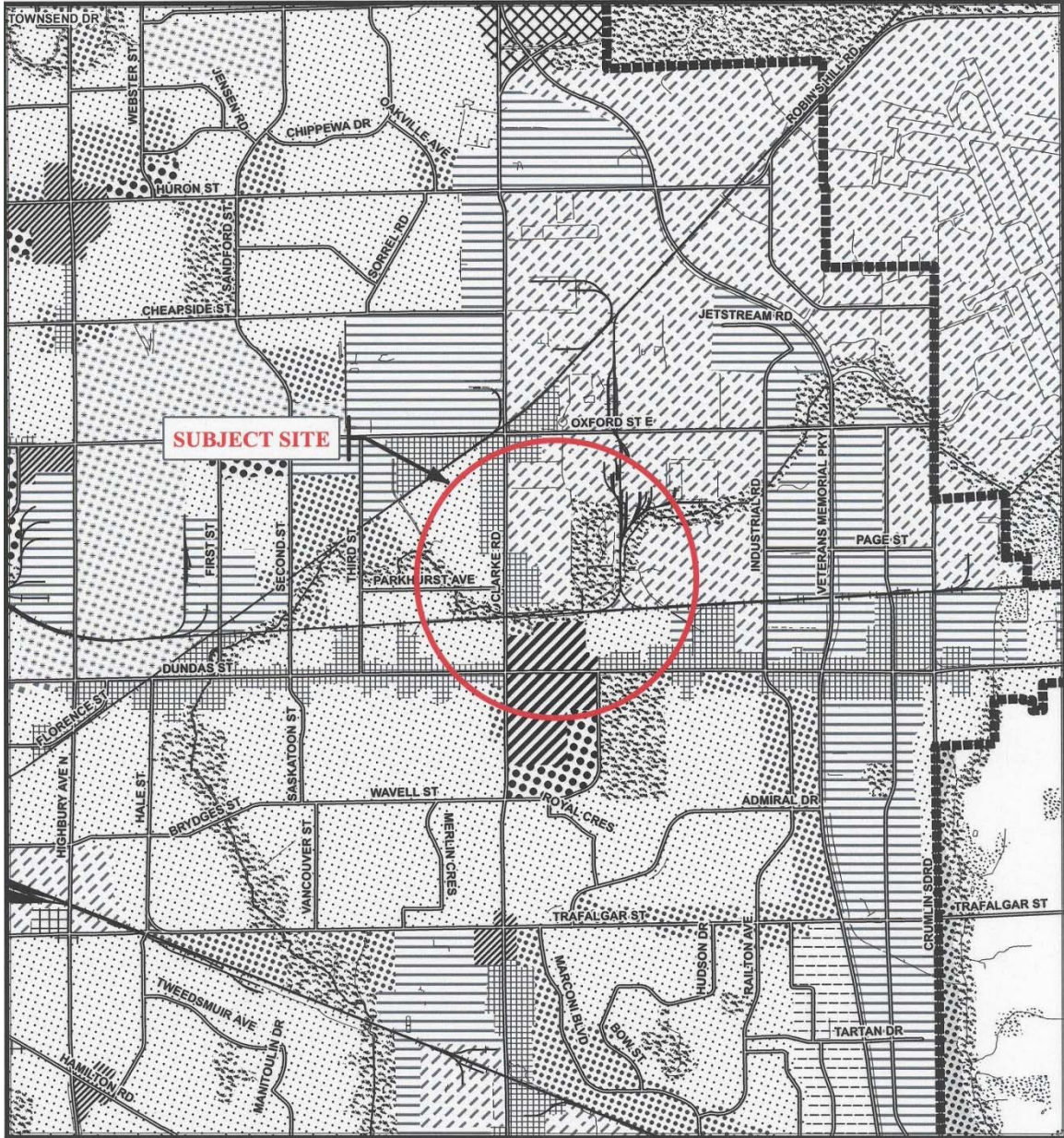
<p><b>SITE CHARACTERISTICS:</b></p> <ul style="list-style-type: none"> <li>• <b>Current Land Use</b> – Industrial Mall</li> <li>• <b>Frontage</b> – Approximately 62.9 metres (206.4 feet)</li> <li>• <b>Depth</b> – Approximately 128.0 metres (420.0 feet)</li> <li>• <b>Area</b> – Approximately 0.81 hectares (1.99 acres)</li> <li>• <b>Shape</b> – Pie Shaped</li> </ul>
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<p><b>SURROUNDING LAND USES:</b></p> <ul style="list-style-type: none"> <li>• <b>North</b> – Light Industrial (Manufacturing)</li> <li>• <b>South</b> – Light Industrial (Industrial Mall)</li> <li>• <b>East</b> – Light Industrial (Industrial Mall)</li> <li>• <b>West</b> – Light Industrial (Industrial Mall)</li> </ul>
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<p><b>OFFICIAL PLAN DESIGNATION:</b> (refer to Official Plan Map on Page 4)</p>
<p><b>GENERAL INDUSTRIAL – SCHEDULE A (LAND USE)</b> – Main permitted uses in the General Industrial category include: any industrial use that include assembling, fabricating, manufacturing, processing, and repairing activities; service trades; public and private utilities and related facilities; large storage facilities, such as wholesale and warehouse establishments, and retail uses that are ancillary to the above uses are also allowed.</p> <p>A retail outlet may be allowed in connection with a permitted industrial use provided the retail component is clearly ancillary to the industrial use of the property, is carried on within the main building of the industrial use, and does not generate traffic or parking that may have an adverse impact on adjacent properties. Goods sold in the retail outlet do not have to be produced on site but must be related to the permitted industrial use. The Zoning By-law shall contain regulations to limit the kinds of activities to be allowed as ancillary retail uses and the size of the retail use and to require the provision of parking facilities.</p>
<p><b>EXISTING ZONING:</b> (refer to Zoning Map on Page 5)</p>
<p><b>LIGHT INDUSTRIAL (LI2/LI7)</b> - 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.</p>

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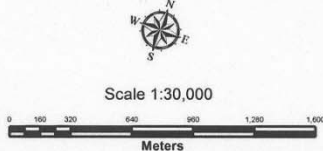


**Legend**

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

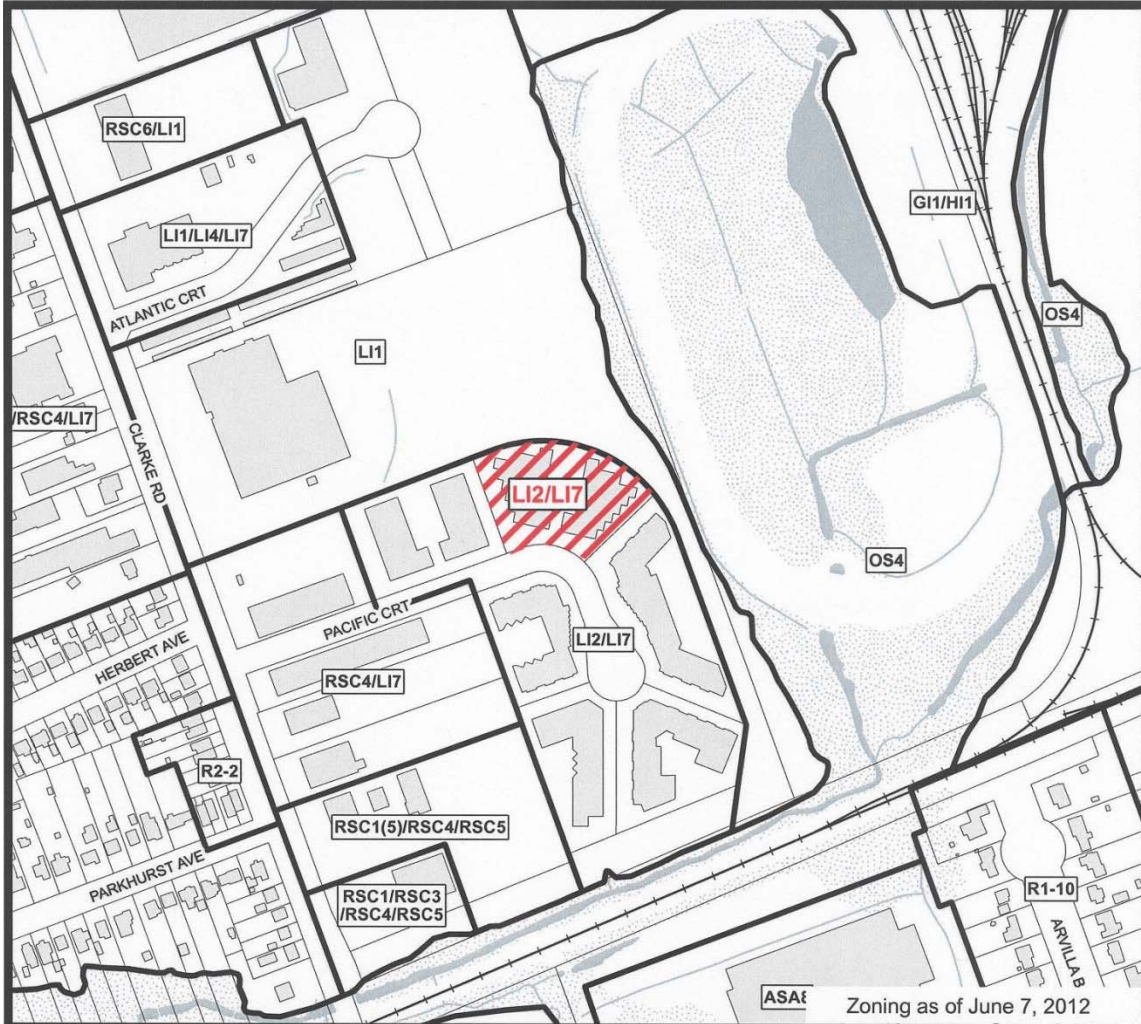
**CITY OF LONDON**  
Department of  
Planning and Development  
**OFFICIAL PLAN SCHEDULE A**  
- LANDUSE -

PREPARED BY: Graphics and Information Services



FILE NUMBER: Z-8071  
PLANNER: MT  
TECHNICIAN: CK  
DATE: 2012/07/30

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**COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: LI2/LI7**

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

<p><b>CITY OF LONDON</b> PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES</p> <p><b>ZONING BY-LAW NO. Z-1</b></p> <p><b>SCHEDULE A</b></p> <div style="text-align: center;"> </div> <p style="font-size: small;">THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS</p>	<p>FILE NO: <b>Z-8071</b> <span style="float: right;"><b>MT</b></span></p> <hr/> <p>MAP PREPARED: <b>2012/07/30</b> <span style="float: right;"><b>CK</b></span></p> <hr/> <p style="text-align: center;">1:4,500</p> <p style="text-align: center;">0 20 40 80 120 160 Meters</p>
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**File: Z-8071**  
**Planner: M. Tomazincic**

**PLANNING HISTORY**

On June 28, 2012, the applicant submitted an application for a Zoning By-law amendment for the lands at 30 and 40 Pacific Court to add a site-specific special zoning provision to permit a Retail Store on the subject lands.

On July 24, 2012, the applicants amended their application to request that a Retail Store be permitted as an accessory to a permitted Wholesale use, thereby negating the possibility of a stand-alone retail use in a General Industrial area, in conformity to the policies of the Official Plan. The applicants further amended their application by requesting that the amendment be applied to 40 Pacific Court only, given that their intended user (Habitat for Humanity) will only be occupying the building located at this address.

**SIGNIFICANT DEPARTMENT/AGENCY COMMENTS**

**London Hydro**

*No objection.*

**Stormwater Management Unit**

*No comment.*

**Urban Forestry**

*Urban Forestry has no comments for this application.*

**Upper Thames River Conservation Authority (UTRCA)**

*The UTRCA has no objections to this application for rezoning.*

<b>PUBLIC LIAISON:</b>	On 11 July 2012, Notice of Application was sent to 7 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 Saturday, July 14, 2012. A "Possible Land Use Change" sign was also posted on the site on July 30. Notice of Public Meeting was sent to 7 property owners in the surrounding area. Notice of Public Meeting was published in the "Living in the City" section of the London Free Press on Saturday, August 18, 2012.	1 reply was received
<b>Nature of Liaison:</b> Possible amendment to the Zoning By-law Z.-1 <b>FROM</b> a Light Industrial (LI2/LI7) Zone which permits manufacturing, warehouse, wholesale, support office, service and repair uses, and various light industrial uses <b>TO</b> a Light Industrial Special Provision/Light Industrial (LI2( )/LI7) Zone to add a Retail Store ancillary to a permitted Wholesale Establishment.		
<b>Responses:</b> 1 caller requesting general information – no concern expressed.		

**ANALYSIS**

**Subject Site**

The subject site is located on the north side of Pacific Court, east of Clark Road. Pacific Court is classified as a Local Road. The traffic volume per day is not available. The subject site is designated General Industrial on Schedule A to the City of London Official Plan (Land Use).

The subject site (40 Pacific Court) contains a building that has been constructed as an industrial mall with the potential for 6 individual units. The proposed user, Habitat for Humanity (Habitat), intends to occupy the entire building for its various operations. The subject site contains 26 parking spaces.

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**Nature of the Application**

The user of the subject site (Habitat) is engaged in a variety of construction/building initiatives many of which are permitted within the existing zoning. However, one of Habitat’s key endeavours includes the selling of used and salvaged building material to the public which is not listed as a permitted use under the current zoning. As a result, the requested amendment seeks to add a Retail Store as an accessory to a Wholesale Establishment by way of a site-specific Zoning By-law amendment. This differs from a stand-alone Retail Store in that it is associated with a permitted industrial use.

**Provincial Policy Statement**

The *Provincial Policy Statement, 2005* (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS is more than a set of individual policies. It is intended to be read in its entirety and the relevant policies are to be applied to each situation. The PPS provides some direction to this matter.

To support the proposed Zoning By-law amendment, the application states that “*the proposed change provides a compatible retail/industrial mix without jeopardizing the future viability of the existing industrial area*” and cites policy 1.1.1.b) of the PPS to support the application. Policy 1.1.1.b) states that, “*Healthy, liveable and safe communities are sustained by accommodating an appropriate range and mix of residential, employment (including industrial, commercial and institutional uses), recreational and open space uses to meet long-term needs*”.

The subject lands are currently zoned and designated to permit a wide range and mix of employment uses in conformity to the PPS. There are other lands in the immediate area that also permit a wide range of employment opportunities including office uses, light industrial uses, and other commercial uses. Notwithstanding the fact that Council has already provided for a wide range and mix of uses in this area in conformity to the policies of the PPS, the addition of an accessory retail use on the subject site to complement the industrial uses currently permitted will provide for a modest expansion to the existing range and mix of employment uses.

**Official Plan**

The Official Plan contains Council's objectives and policies to guide the short-term and long-term physical development of the municipality. The policies promote orderly urban growth and compatibility among land uses. While the objectives and policies in the Official Plan primarily relate to the physical development of the municipality, they also have regard for relevant social, economic and environmental matters.

The subject site is designated General Industrial on Schedule A – Land Use – to the City’s Official Plan. The primary permitted uses in areas designated General Industrial include:

- any industrial use that include assembling, fabricating, manufacturing, processing, and repairing activities;
- service trades;
- public and private utilities and related facilities;
- large storage facilities, such as wholesale and warehouse establishments, contractors yards, transportation terminals, and heavy equipment sales and service;
- residential and other source recycling facilities; and,
- subject to policy 7.5.3. uses which are ancillary to the above uses are also allowed.

The ancillary uses for General Industrial lands contemplated in 7.5.3 include a Retail Outlet. This policy states that:

*A retail outlet may be allowed in connection with a permitted industrial use provided the retail component is clearly ancillary to the industrial use of the property, is carried on within the main building of the industrial use, and does not generate traffic or parking that may have an adverse impact on adjacent properties. Goods sold in the retail outlet do not have to be produced on site but*

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*must be related to the permitted industrial use. The Zoning By-law shall contain regulations to limit the kinds of activities to be allowed as ancillary retail uses and the size of the retail use and to require the provision of parking facilities.*

The requested Retail Store is intended to be in association with a permitted industrial use (Wholesale) in conformity to the above policy. The GFA of the requested combined Wholesale/Retail Store use is proposed to be maximized at 444.4m<sup>2</sup> (4,783.5sq.ft), comprising 25.7% of the overall GFA. This proportion is characteristic of an ancillary function of the overall operations of the permitted industrial uses. Although the applicants indicated in their conceptual site plan that the total GFA for the proposed Wholesale/Retail Store use totals 24.3% of the total GFA, the applicants did not include the floor area for a 13.2m<sup>2</sup> manager's office and an 11.4m<sup>2</sup> barrier-free washroom in this calculation. With the inclusion of these rooms, the total GFA for the Wholesale/Retail Store comprises 25.7%. The increase in floor area to accommodate a small manager's office and a washroom space represents a modest increase in the total GFA.

The requested retail use is intended to be carried on within the existing building and is not anticipated to generate traffic or parking that may have an adverse impact on the adjacent properties. This is demonstrated by the fact that the proposed user has been operating their existing Retail Store at 45 Pacific Court, immediately across the street from the subject site, for several years without adverse impact.

The requested amendment to permit a Retail Store ancillary to a permitted Wholesale use with special provisions which limit the floor area to a maximum of 26% of the building is consistent with the above Official Plan policy.

Planning Impact Analysis

Planning Impact Analysis will be used to evaluate applications for a zone change, to determine the appropriateness of a proposed change in land use and to identify ways of reducing any adverse impacts on surrounding uses.

Where a zone change application is for a general change in land use and does not relate to a specific development proposal the following criteria may be considered:

- *Compatibility of proposed uses with surrounding land uses, and the likely impact of the proposed development on present and future land uses;*  
The requested Retail Store is intended to be accommodated within the existing building and the use will be ancillary to a permitted Wholesale use. There are no negative impacts anticipated on present and future land uses given that the proposed user has been operating their business in the immediate area for several years with no negative impacts. There is no development proposed.
- *The size and shape of the parcel of land on which a proposal is to be located, and the ability of the site to provide adequate services for industrial development;*  
The parcel of land is designated and zoned for industrial uses and the existing servicing is adequate to accommodate the existing and proposed uses. Given the variety of uses proposed to be operated by Habitat at the subject site, the required number of parking spaces is deficient. The Zoning By-law requires that 37 spaces be provided while the subject site contains 26 spaces. However, due to the specialized nature of Habitat's operations, it is anticipated that the demands for parking will be less than those of the more general uses permitted by the Zoning By-law. Furthermore, the proposed retail use is intended to be intertwined within a permitted Wholesale use, which has a substantially lower parking requirement, as opposed to a stand-alone retail store. Therefore, the blended parking demands for the wholesale and retail uses are less than what would be required for a stand-alone retail use with a similar floor area. Additionally there is on-street parking available on the north side of Pacific Court immediately in front of the subject site.



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- *The supply of vacant land in the area which is already designated and/or zoned for the proposed use;*  
Although there are lands in the area that are zoned to permit retail uses, there are no lands that are designated and zoned to permit retail uses in association with a Wholesale Establishment. This distinction means that without the proposed Zoning By-law amendment, Habitat for Humanity would effectively lose the opportunity to consolidate their operations within a single building to create synergies between all of their operations. The current zoning would require that Habitat open a stand-alone Retail Store away from the rest of their operations that is permitted by the Zoning By-law.
- *The location of any proposal for industrial development where there is good access to arterial roads and/or rail lines; and*  
The subject site is located in an area where industrial development exists with access to Clarke Road. Although railway lines are also located in the immediate area, they are not required for the requested use.
- *Impacts of the proposed change on the transportation system, including transit.*  
There are no impacts anticipated on the transportation system. The proposed uses are being relocated from a site directly across the street from the subject site where they have achieved a measure of compatibility in the area without negative impacts.

### **Zoning By-law**

The Zoning By-law is a comprehensive document used to implement the policies of the Official Plan by regulating the use of land, the intensity of the permitted use, and the built form. This is achieved by applying various zones to all lands within the City of London which identify a list of permitted uses and regulations that frame the context within which development can occur. Collectively, the permitted uses and regulations assess the ability of a site to accommodate a development proposal. It is important to note that all three criteria of use, intensity, and form must be considered and deemed to be appropriate prior to the approval of any development proposal.

Section 40.1 – General Purpose of the LI Zone – describes the rationale behind the Light Industrial zone variations. 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.

Although the requested Retail Store is not identified as a primary permitted use in the LI zones, it is permitted as a secondary use under section 40.3 of the Zoning By-law. This section of the Zoning By-law permits retail sales of goods as an ancillary use to a permitted industrial use provided that:

- *the ancillary use is located within the main building or unit occupied by the industrial use;*
- *the ancillary use does not exceed 25% of the gross floor area (GFA) of the use of unit and does not exceed 30 m<sup>2</sup> (323 sq. ft.) in total if retail goods are not manufactured on site; and,*
- *the ancillary retail use provide off-street parking spaces at the retail rate in Section 4.19 (Parking) of this By-law.*

The requested retail use *is* located within the main building in conformity to the above regulations, however the proposed GFA exceeds 25% of the total GFA of the use of the unit, the requested use exceeds 30m<sup>2</sup>, and the site is deficient in parking thereby requiring a special provision.

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However, the requested retail use is not intended to be a stand-alone use as is contemplated in this regulation. It will be intertwined within a wholesale and showroom space which is permitted under the current zoning. As previously mentioned, the total GFA devoted to the proposed Wholesale/Retail Store use exceeds the 25% GFA threshold to accommodate a small manager's office and barrier-free washrooms. Without the inclusions of these two facilities, the proportion of the GFA devoted to the Wholesale/Retail Store would comprise 24.3% in conformity to the requirements of the Zoning By-law. However, the inclusion of these two small facilities increases the proposed area devoted to the Wholesale/Retail Store to 25.7% of the total GFA (as shown in Figure 1, below) thereby requiring a special provision.

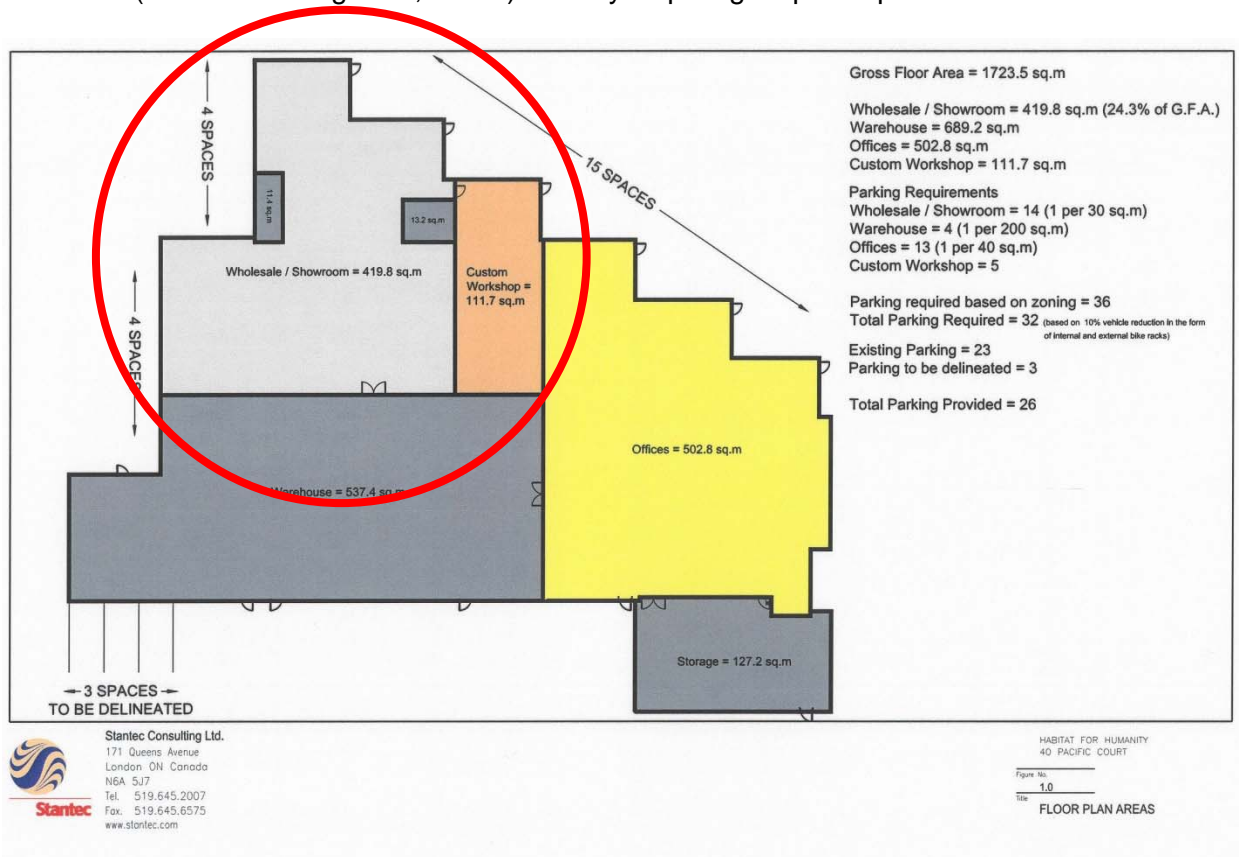


Figure 1 – Proposed floor plan depicting the proposed Retail Store intertwined within a showroom area

As previously mentioned, the reduction in the number of required off-street parking spaces is based on the more specialized nature of Habitat's operations as well as the synergies between the internal mix of uses, as opposed to a series of stand-alone uses. As a result of this interweaving of uses, and given the fact that the proposed retail use is very specialized in nature, it is anticipated that the demands for parking will be reduced.

## CONCLUSION

The requested amendment seeks to add a Retail Store as an accessory to a permitted Wholesale Establishment by way of a site-specific Zoning By-law amendment. The user of the subject site (Habitat for Humanity) is engaged in a variety of construction/building activities which are permitted within the existing zoning. However, the selling of used and salvaged building material is not a permitted use thereby necessitating the need for a Zoning By-law amendment.

The recommended amendment to permit a site-specific Retail Store ancillary to a Wholesale Establishment is consistent with the policies of the *Provincial Policy Statement, 2005* and the General Industrial policies of the Official Plan. The recommended amendment will permit a Retail Store *in association with* a permitted Wholesale Establishment, as opposed to a stand-alone retail use in an industrial area, that will allow the user to consolidate their operations within a single building and create synergies between all of their operations.

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**Planner: M. Tomazincic**

<b>PREPARED BY:</b>	<b>SUBMITTED BY:</b>
<b>MICHAEL TOMAZINCIC, MCIP, RPP PLANNER II, COMMUNITY PLANNING AND DESIGN SECTION</b>	<b>JIM YANCHULA, MCIP, RPP MANAGER, COMMUNITY PLANNING AND DESIGN SECTION</b>
<b>RECOMMENDED BY:</b>	
<b>JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER</b>	

August 16, 2012

MT/mt

Y:\Shared\implemen\DEVELOPMENT APPS\2012 Applications 8003 to \8071Z – 30 & 40 Pacific Court (MT)\8071Z – Report to  
PEC

Agenda Item #    Page #

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**Planner: M. Tomazincic**

**Responses to Public Liaison Letter and Publication in “Living in the City”**

<u><b>Telephone</b></u>	<u><b>Written</b></u>
Mike Mugford [Address Unknown]	

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**File: Z-8071  
Planner: M. Tomazincic**

**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 40 Pacific Court.

WHEREAS 312185 Ontario Ltd has applied to rezone an area of land located at 40 Pacific Court, 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 40 Pacific Court, as shown on the attached map comprising part of Key Map No. 77, from a Light Industrial (LI2/LI7) Zone to a Light Industrial Special Provision/Light Industrial (LI2( )/LI7) Zone.

1) Section Number 40.4 of the Light Industrial (LI) Zone is amended by adding the following Special Provision:

- ) LI2( ) 40 Pacific Court
  - a) Additional Permitted Use
    - i) Retail store ancillary to a Wholesale Establishment
  - b) Regulations
    - i) Total gross floor area for Retail store (Maximum) 445 square metres (4,790 square feet)
    - ii) Percentage of total gross floor area for Wholesale Establishment and ancillary Retail store (Maximum) 26%
    - iii) Total number of parking spaces (Minimum) 26 spaces

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 September 18, 2012.

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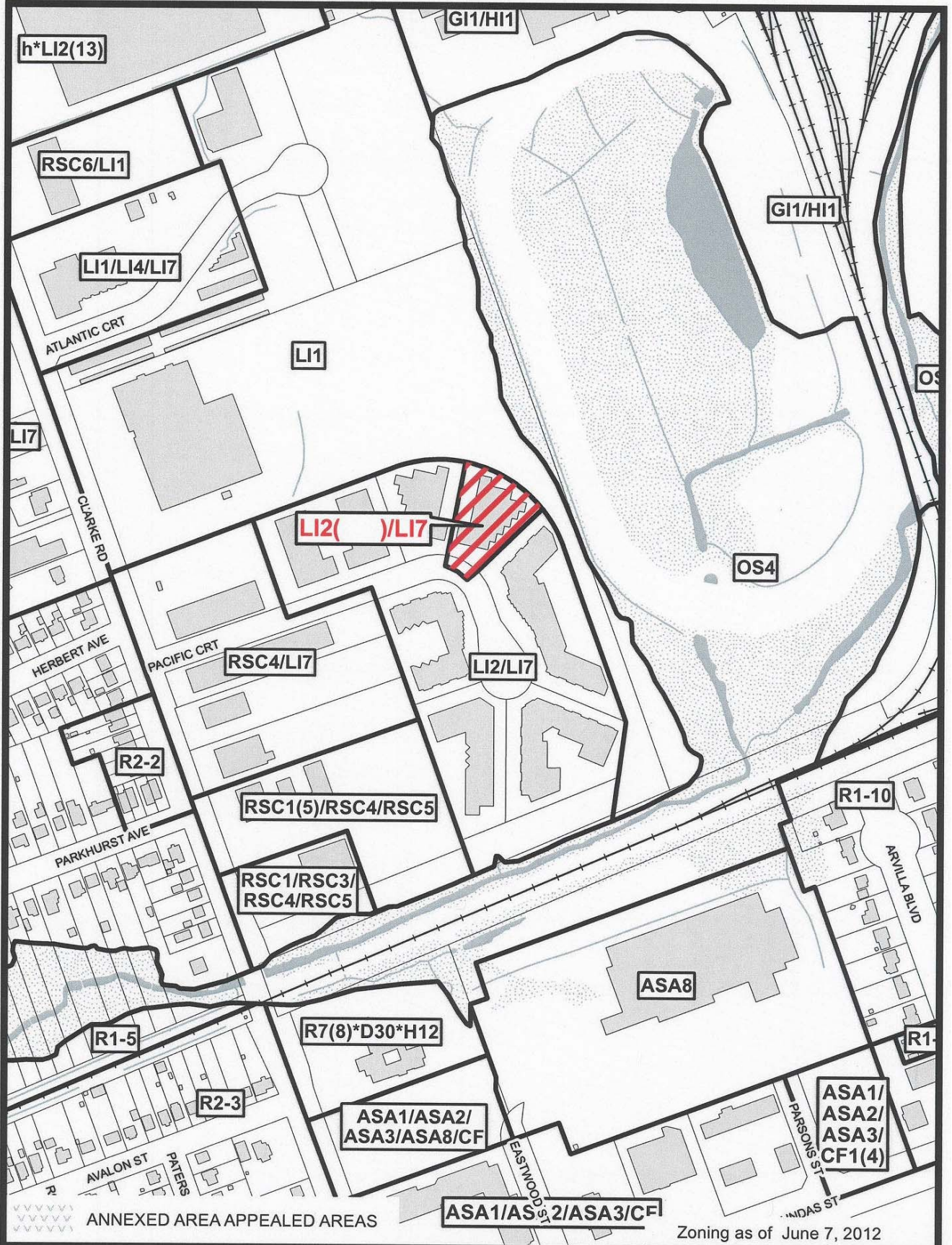
Joe Fontana  
Mayor

Catharine Saunders  
City Clerk

First Reading – September 18, 2012  
Second Reading – September 18, 2012  
Third Reading – September 18, 2012

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



File Number: Z-8071

Planner: MT

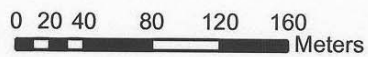
Date Prepared: 2012/08/13

Technician: CK

By-Law No: Z.-1-

SUBJECT SITE 

1:4,000



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**File: Z-8071**  
**Planner: M. Tomazincic**

**Bibliography of Information and Materials**  
**Z-8071**

**Request for Approval:**

City of London Zoning By-law Amendment Application Form, completed by Stantec Consulting (Authorized Agents).

Stantec Consulting. Planning Justification Report

City of London. Zoning Referral Record – 14 August 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.

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**City of London**

Tomazincic, Michael. City of London Planning Division. E-mail to D. Young. 04 May 2012

Leunissen, Jeff. City of London Development Services. E-mail to M. Tomazincic. 11 July 2012

Tomazincic, Michael. City of London Planning Division. E-mail to J. Swan. 23 July 2012

Tomazincic, Michael. City of London Planning Division. E-mail to R. Turner. 24 July 2012

Mugford, Lisa. City of London Development and Compliance Division. E-mail to M.

Tomazincic. 14 August 2012

**Stantec Consulting**

Turner, Richard. Stantec Consulting. E-mail to M. Tomazincic. 24 July 2012

Turner, Richard. Stantec Consulting. E-mail to M. Tomazincic. 31 July 2012

**Agency Review and Public Responses: (located in City of London File No. Z-8071 unless otherwise stated)**

**London Hydro**

Dalrymple, D. Projects and Materials Manager. Facsimile to M. Tomazincic. 13 July 2012

**Stormwater Management Unit**

Galloway, A. Engineering Technologist. E-mail to M. Tomazincic. 17 July 2012

**Urban Forestry**

Postma, R. Forestry Technologist. E-mail to M. Tomazincic. 18 July 2012

**Upper Thames River Conservation Authority (UTRCA)**

Creighton, C. Land Use Planner. E-mail to M. Tomazincic. 01 August 2012

**Public Responses**

Written

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