

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: George Kotsifas, P. Eng
Managing Director, Development & Compliance Services And
Chief Building Official

Subject: Application By: 1803299 Ontario Inc. c/o Len Leith
100 Kellogg Lane and 1127 Dundas Street

Meeting on: November 12, 2018

Recommendation

That, on the recommendation of the Manager, Development Planning, the following actions be taken with respect to the application of 1803299 Ontario Inc. relating to the property located at 100 Kellogg Lane and 1127 Dundas Street, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on November 20, 2018 to amend Zoning By-law Z.-1 in conformity with the Official Plan to change the zoning of the lands **FROM** a Holding Special Provision Business District Commercial (h-212•BDC1•BDC2(12)) Zone and a Holding Special Provision Business District Commercial (h-212•BDC1•BDC2(13)) Zone **TO** a Special Provision Business District Commercial (BDC1•BDC2(12)) and a Special Provision Business District Commercial (h-212•BDC1•BDC2(13)) Zone to remove the "h-212" holding provision from these lands.

Executive Summary

Summary of Request

The applicant has requested removal of the "h-212" holding provision from the Zone applied to 100 Kellogg Lane and 1127 Dundas Street, which requires an analysis of compatibility between industrial facilities (D6 Guidelines) being carried out by a qualified professional and submitted to the City and any recommendation contained therein for mitigation measures be undertaken to the satisfaction of the City of London Site Plan Approval Authority.

Purpose and the Effect of Recommended Action

The purpose and effect is to remove the holding ("h-212") symbol from the zoning applied to this site to permit the development of a hotel in proximity to commercial and industrial uses including an existing brewery and proposed distillery on site.

Rationale of Recommended Action

The conditions for removing the holding provision have been met, as a D-6 Guideline Compatibility Study has been submitted to the satisfaction of the City of London Site Plan Approval Authority which concludes that the potential impacts from nearby uses are expected to be minimal. The D-6 Study recommendation will be implemented through the Site Plan Approval process, in that the report should be updated if the current development plan and site layout change significantly. All issues have been resolved and the holding provision is no longer required.

Analysis

1.0 Site at a Glance

1.1 Property Description

The site is located on the east side of Kellogg Lane, south of Dundas Street and west of Eleanor Street. The property addressed at 100 Kellogg Lane has a total frontage of 172.4 metres on Dundas Street and 347 metres on Kellogg Lane, with a site area of approximately 6.6 hectares. The property addressed at 1127 Dundas Street has a frontage of approximately 110 metres on Dundas Street and a lot area of approximately

1 hectare. The subject lands are presently occupied by The Factory, Powerhouse Brewing Company, and Drexel Industries within a portion of the existing buildings of the former Kellogg's Factory. There are existing industrial and residential uses to the north, residential uses to the south, residential uses to the west, and industrial and residential uses to the east.

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

- Official Plan Designation – Main Street Commercial Corridor/Light Industrial
- The London Plan Place Type – Rapid Transit Corridor/Light Industrial
- Existing Zoning – Holding Business District Commercial/ Special Provision Business District Commercial (h-212•BDC1•BDC2(12)) Zone and a Special Provision Light Industrial/ Light Industrial (LI(19) •LI3•LI4•LI5) Zone

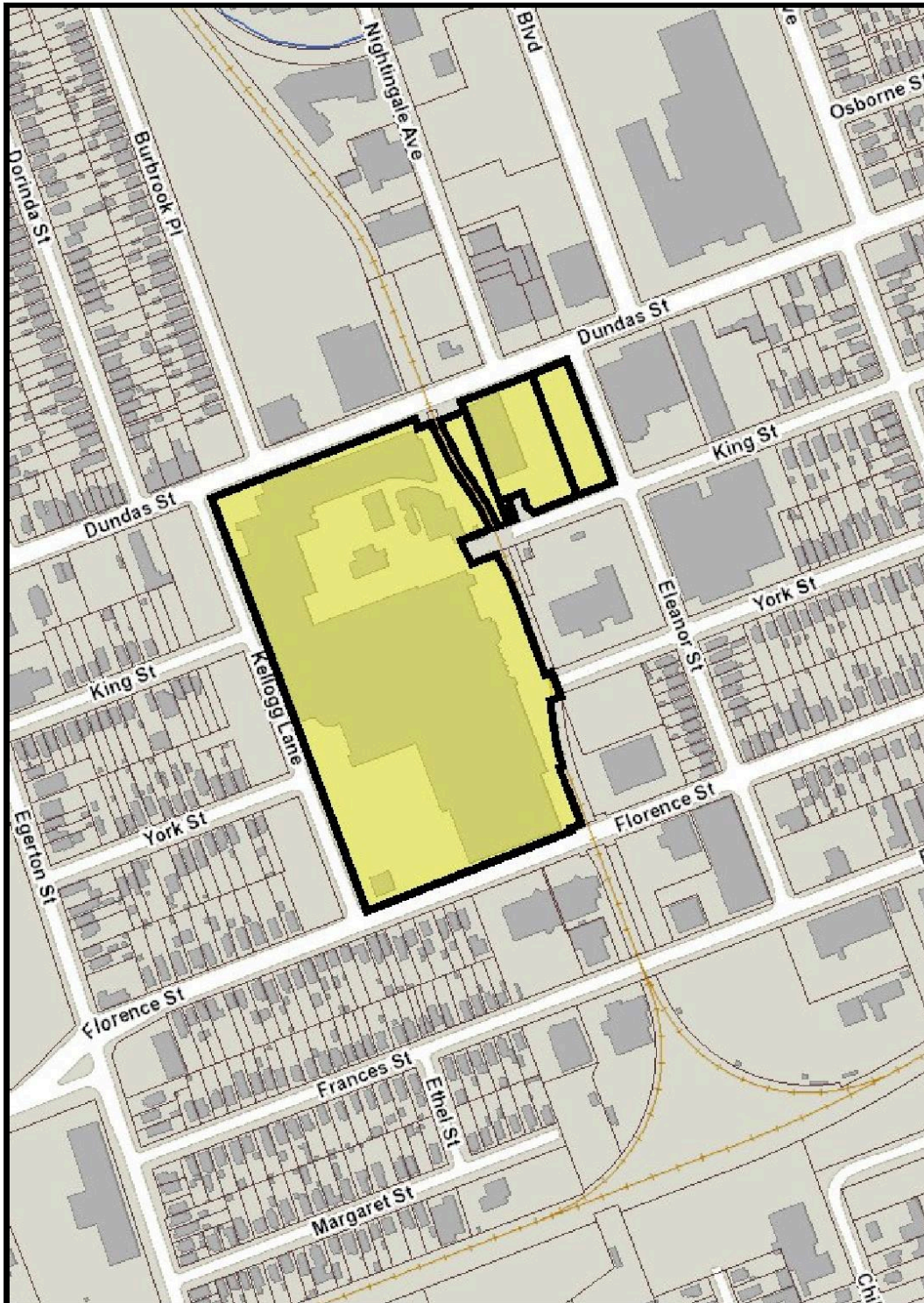
1.3 Site Characteristics

- Current Land Use – Commercial and Industrial Uses
- Frontage – 172.4m on Dundas Street and 347m on Kellogg Lane
- Depth – 347m from Dundas Street
- Area – approx. 6.6ha (16.3 acres)
- Shape – Rectangular

1.4 Surrounding Land Uses

- North – Residential/Industrial
- East – Residential/Industrial
- South – Residential
- West – Residential

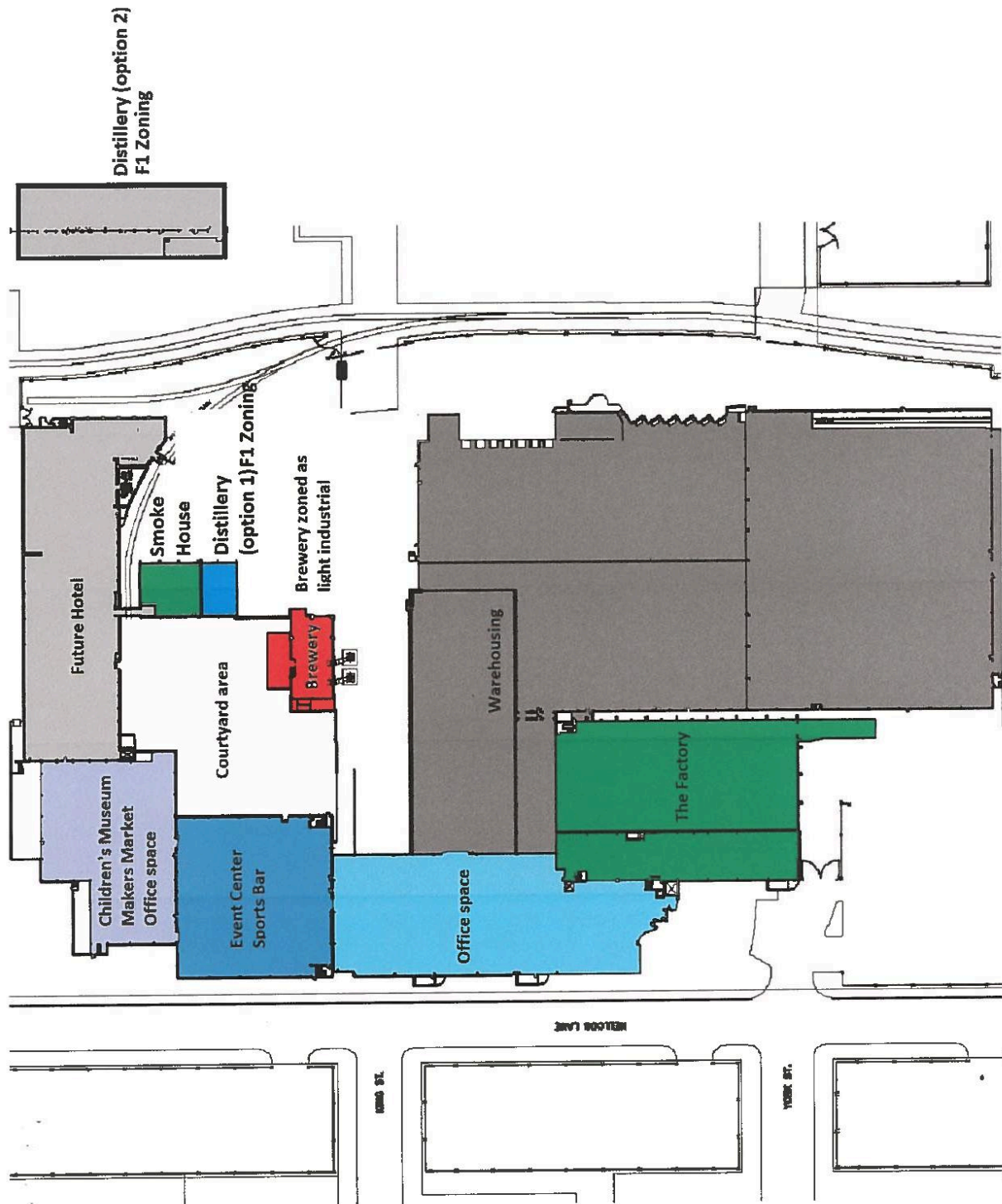
1.5 Location Map



Location Map		Legend	
Subject Property:	100 Kellogg Lane		Subject Property
Applicant:	LEN LEITH		Parks
File Number:	H-8957		Assessment Parcels
Created By:	Meg Sundercock		Buildings
Date:	10/5/2018		Address Numbers
Scale:	1:4000		

Corporation of the City of London

1.6 Proposed Site Plan



2.0 Description of Proposal

2.1 Development Proposal

The requested amendment will permit the development of a hotel in proximity to commercial and industrial uses, including an existing brewery and a proposed distillery use on site. Other proposed uses on the lands include a Children's Museum, Maker's Market, an Event Center, a Sports Bar, and additional office space.

3.0 Revelant Background

3.1 Planning History

On December 23, 2014, the Kellogg's Factory permanently closed.

On October 10, 2017, a report went to Planning and Environment Committee recommending an Official Plan and Zoning By-law Amendment to permit commercial uses on the lands.

On April 30, 2018, a report went to Planning and Environment Committee recommending a Zoning By-law Amendment to add additional entertainment uses to the list of permitted uses in the zone.

3.2 Requested Amendment

The applicant is requesting the removal of the "h-212" holding provision on the site which requires an analysis of compatibility between industrial facilities (D6 Guidelines) being carried out by a qualified professional and submitted to the City and any recommendation contained therein for mitigation measures be undertaken to the satisfaction of the City of London Site Plan Approval Authority..

3.3 Community Engagement (see more detail in Appendix B)

In response to the Notice of Application, no comments were received.

3.4 Policy Context

The Planning Act permits the use of holding provisions to restrict future uses until conditions for removing the holding provision are met. To use this tool, a municipality must have approved Official Plan policies related to its use, a Municipal Council must pass a zoning by-law with holding provisions ("h" symbol), an application must be made to council for an amendment to the by-law to remove the holding symbol, and Council must make a decision on the application within 150 days to remove the holding provision(s).

The London Plan and the 1989 Official Plan contain policies with respect to holding provisions, the process, and notification and removal procedures.

4.0 Key Issues and Considerations

4.1 What is the purpose of the "h-212" holding provision and is it appropriate to consider its removal.

The "h-212" holding provision states:

"To prevent or minimize possible adverse effects on sensitive land uses created by industrial properties an analysis of compatibility between industrial facilities (D6 Guidelines) shall be carried out by a qualified professional and submitted to the City and any recommendation contained therein for mitigation measures be undertaken to the satisfaction of the Site Plan Approval Authority, prior to the removal of the "h-212" symbol.

A Guideline D-6 Compatibility Study was submitted to Development Services which analysed potential noise, odour, and dust impacts of local industry on the proposed hotel development and concluded that the impacts from all nearby facilities were either negligible or predicted to be minimal. The study recommended that the report be updated should the current development plan change significantly.

5.0 Conclusion

The Applicant has provided a D-6 Compatibility Study to the satisfaction of the City of London Site Plan Approval Authority. Therefore, the required conditions have been met to remove the "h-212" holding provision. The removal of the holding provision is recommended to Council for approval.

Prepared by:	Meg Sundercock, BURPL Planner I, Development Services
Reviewed and Recommended by:	Lou Pompilii, MCIP RPP Manager, Development Planning (Subdivision)
Concurred in by:	Paul Yeoman, RPP, PLE Director, Development Services
Submitted by:	George Kotsifas, P.ENG Managing Director, Development and Compliance Services and Chief Building Official
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services	

October 30, 2018
MS/ms

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Previous Reports and Applications Relevant to this Application

OZ-8794 – Report to Planning and Environment Committee on October 10, 2017 to amend the Official Plan and Zoning By-law, and to hold a public participation meeting.

Z-8893 – Report to Planning and Environment Committee on April 13, 2018 to amend the Zoning By-law to include additional entertainment uses in the existing special provision Business District Commercial zone.

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 100 Kellogg Lane and 1127 Dundas Street.

WHEREAS 1803299 Ontario Inc. has applied to remove the holding provision from the zoning for lands located at 100 Kellogg Lane and 1127 Dundas Street, as shown on the map attached to this by-law, as set out below;

AND WHEREAS it is deemed appropriate to remove the holding provision 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 100 Kellogg Lane and 1127 Dundas Street, as shown on the attached map, to remove the holding provision so that the zoning of the lands as a Special Provision Business District Commercial (BDC1*BDC2(12)) Zone and a Special Provision Business District Commercial (BDC1*BDC2(13)) Zone comes into effect.
- 2) The By-law shall come into force and effect on the date of passage.

PASSED in Open Council on November 20, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – November 20, 2018
Second Reading – November 20, 2018
Third Reading – November 20, 2018

Appendix B – Public Engagement

Community Engagement

Public liaison: On July 18, 2018, Notice of Application was sent to 4 property owners in the surrounding area (those that requested notice through the previous Official Plan and Zoning by-law amendment). Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on July 19, 2018.

On August 2, 2018, a Revised Notice of Application was published in the *Public Notices and Bidding Opportunities* section of *The Londoner* to correct an error in the July 19, 2018 notice.

No replies were received.

Nature of Liaison: City Council intends to consider removing the Holding (“h”) Provision from the zoning of the subject lands. The purpose and effect of this zoning change is to remove the holding symbol to allow development of the lands for residential uses permitted under the Residential R4 (R4-6) Zone. The purpose of the “h” provision is to ensure the orderly development of lands and the adequate provision of municipal services. The “h” symbol shall not be deleted until the required security has been provided for the development agreement or subdivision agreement, and Council is satisfied that the conditions of approval of the plans and drawings for a site plan, or the conditions of the approval of a draft plan of subdivision, will ensure a development agreement or subdivision agreement is executed by the applicant and the City prior to development. Council will consider removing the holding provision as it applies to these lands no earlier than August 13, 2018.

Responses: No comments were received.

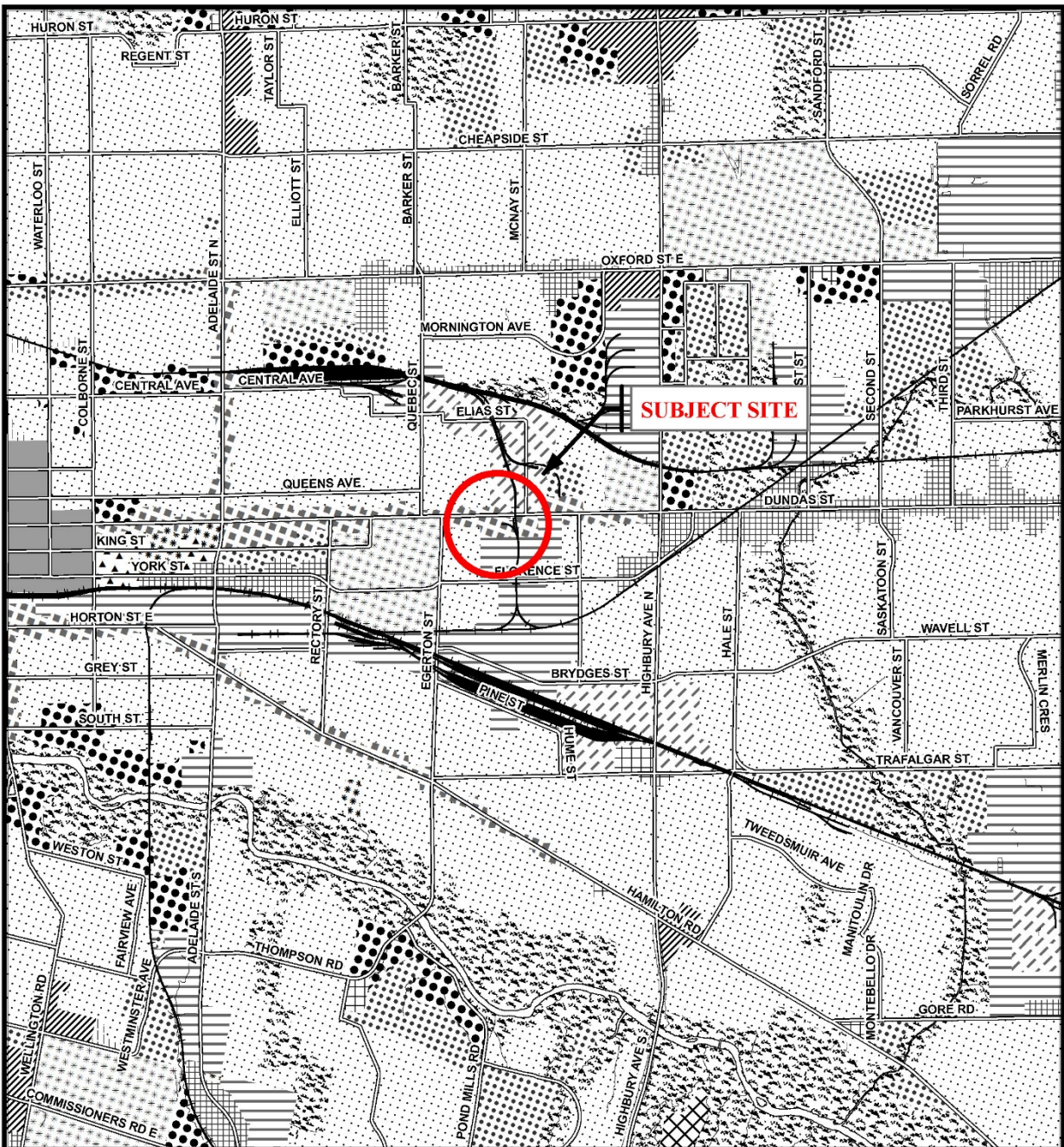
Responses to Public Liaison Letter and Publication in “The Londoner”

Telephone	Written
None	None

Agency/Departmental Comments

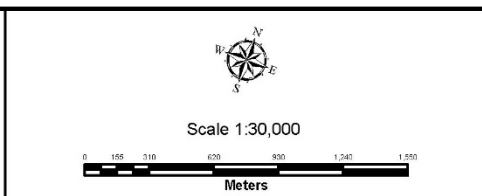
Upper Thames River Conservation Authority: No Objection.

London Hydro: No Objection.

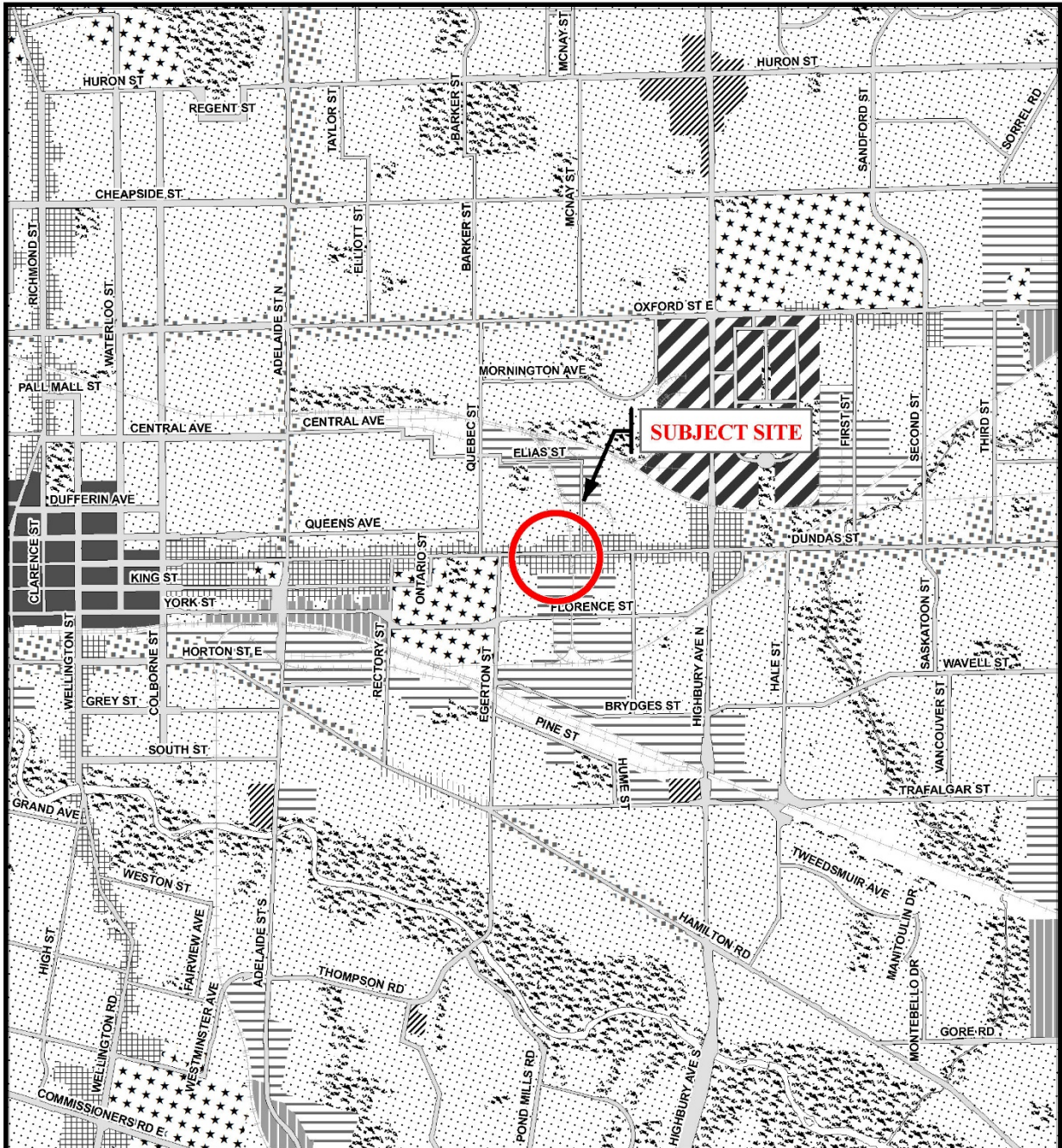


Legend					
	Downtown		Multi-Family, Medium Density Residential		Office Business Park
	Wonderland Road Community Enterprise Corridor		Low Density Residential		General Industrial
	Enclosed Regional Commercial Node		Office Area		Light Industrial
	New Format Regional Commercial Node		Office/Residential		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

CITY OF LONDON
 Planning Services /
 Development Services
 OFFICIAL PLAN SCHEDULE A
 - LANDUSE -
 PREPARED BY: Graphics and Information Services



FILE NUMBER: H-8957
 PLANNER: MS
 TECHNICIAN: RC
 DATE: 2018/09/28



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	

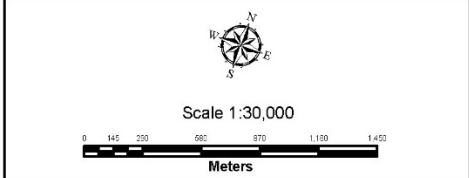
This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.

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.

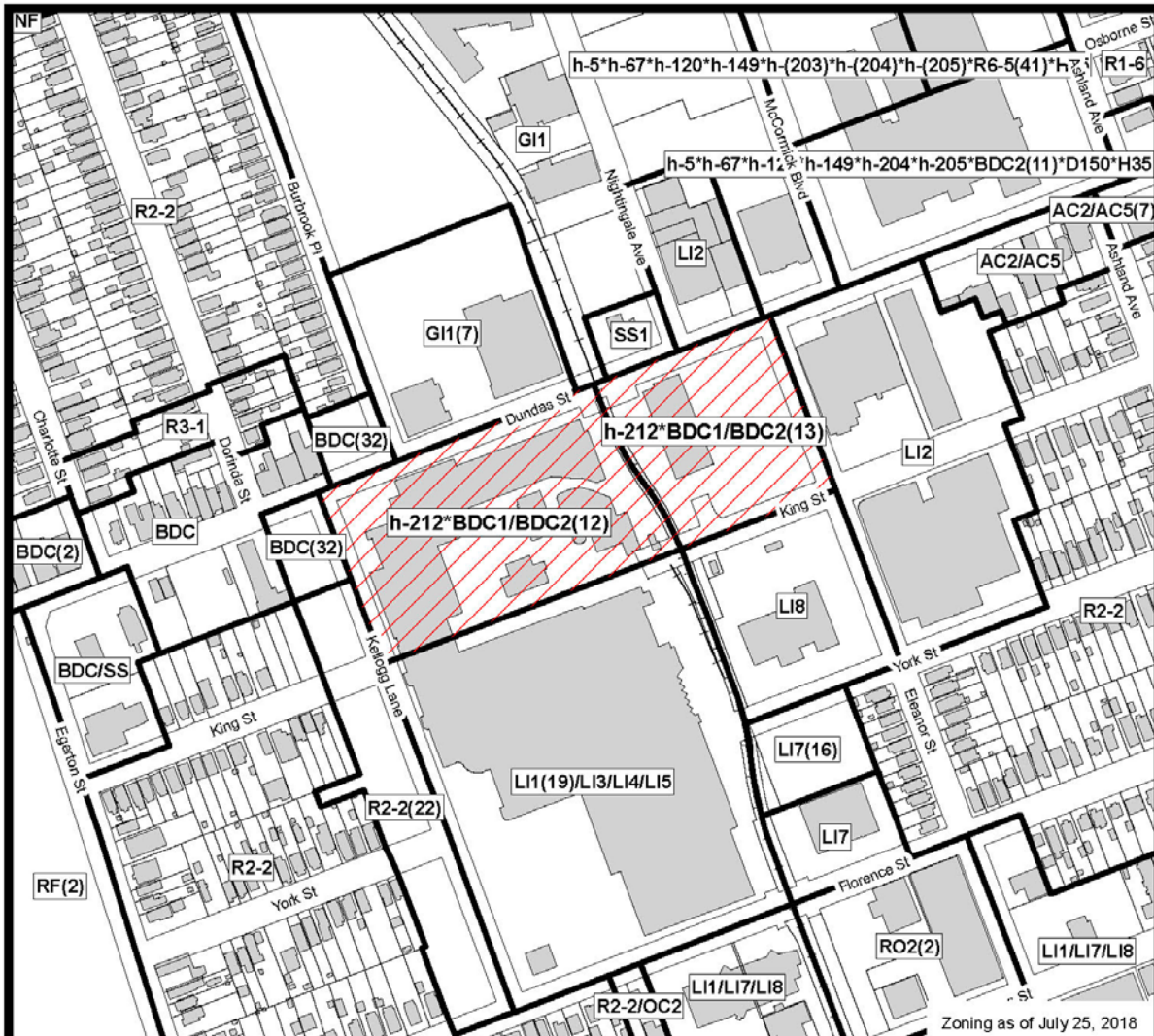
CITY OF LONDON
 Planning Services /
 Development Services

**LONDON PLAN MAP 1
 - PLACE TYPES -**

PREPARED BY: Planning Services



File Number: H-8957
Planner: MS
Technician: RC
Date: September 28, 2018



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

CITY OF LONDON
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**ZONING
 BY-LAW NO. Z-1
 SCHEDULE A**



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

FILE NO:
 H-8957 MS

MAP PREPARED:
 2018/09/28 CK

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 0 20 40 80 120 160
 Meters