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OZ-7319

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: HOWARD DARWIN ENTERPRISES LIMITED 4551 WELLINGTON ROAD SOUTH PUBLIC PARTICIPATION MEETING ON MONDAY, SEPTEMBER 24, 2012

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of Howard Darwin Enterprises Limited relating to the property located at 4551 Wellington Road South:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on October 9, 2012 to amend the Official Plan to change the designation of a portion of the subject lands **FROM** an Urban Reserve- Industrial Growth designation **TO** a Light Industrial designation to permit a wide range of light industrial uses which involve assembling, fabricating, manufacturing, processing and/or repair activities which are located in enclosed buildings, require only a limited amount of outdoor storage and are unlikely to cause adverse effects with respect to air, odour or water pollution, or excessive noise levels; and,
- (b) the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on October 9, 2012 to amend Zoning By-law No. 2000 (Former Town of Westminster) to delete the existing Industrial Holding (M2-H) Zone and remove the site from the By-law; and,
- (c) the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on October 9, 2012 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan as amended in part (a) above, to apply a Holding Light Industrial Special Provision (h-17.h-18.h-55.h-103.LI1()/LI6()) Zone to the northeast corner of the subject property to permit bakeries, business service establishments, laboratories, manufacturing and assembly industries, support offices, research and development establishments, warehouse and wholesale establishments, custom workshop, brewing on premises establishments, service trades and industries including paper and allied products, pharmaceutical and medical products and printing, reproduction and data processing and building and contracting establishments, transport terminals and storage depots with special provisions to deal with outdoor storage, screening requirements and MOE D-6 Guidelines and subject to holding provisions to address servicing, archaeological assessment, traffic and urban design/site plan issues; and,
- (d) the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on October 9, 2012 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan to apply a Holding Light Industrial Special Provision (h-2. h-17.h-18.h-55.h-103.LI1()/LI6()) Zone to the southeast portion of the property, permitting the same uses as above except for the addition of another holding provision requiring an EIS, to a part of the southerly portion of the subject property which includes lands between the regulatory floodline and lands at the EIS "trigger distance", a total distance of approximately 80 metres from the stream corridor boundary; and,
- (e) the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on October 9, 2012 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan to apply an Open Space (OS4) Zone to the southwest portion of the subject property which includes lands below the regulatory floodline , and,
- (f) the request to amend Zoning By-law No. Z.-1 to change the zoning of the subject property to add the Light Industrial (LI4) Zone variation and add an Open Space Special Provision (OS4()) Zone variation, **BE REFUSED** for the following reasons:

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SUBJECT SITE

WELLINGTON RD
HWY 401 E

DINGMAN DR

ROXBURGH RD

WILTON GROVE RD

WELLINGTON RD S

SUBJECT SITE

--- FloodLine

Prepared by:
Graphics & Information Services
Planning Division
Corporation of the City of London
based on April 2011 flight data.
File: planning\gis\p0215_senat-floodcontour.mxd
or if planning\gis\p0215_senat-floodcontour.mxd

SCALE 1:4,800

0 15 30 60 90 120
Meters



Note: Dashed lines show where
the flood line is not shown.

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OZ-7319

- i) The LI4 Zone variation, which permits commercial uses which serve industrial areas, is not appropriate because there is currently no industrial area to serve and because of the presence of a future major commercial node north of Dingman Drive; and,
 - ii) The OS4 () Special Provision Zone is not appropriate because it would allow the parking of transport trailers within the floodplain without the benefit of seeing the results of an Environmental Impact Statement (EIS) to consider such things as environmental contamination through surface runoff.
- (g) The Site Plan Approval Authority **BE REQUESTED** to consider the following design issues through the site plan process:
- i) the design of the “streetface” along Wellington Road and enhanced landscaping along that street frontage because of the site’s location along a major entryway into the City.

It being noted that upon the passing of the zoning by-law amendments in clause (b) to (e) the applicant has agreed to withdraw their appeal to Zoning By-law No. Z-1-051390 (Annexed Area Zoning By-law Amendment) through the Ontario Municipal Board.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

There have been no previous applications on this property since it was annexed into the City of London in 1993, however, this site was discussed, and reports written, and reviewed by Planning Policy Review Committee (PPRC) on October 6, 2004 and May 25, 2005 with regard to the Annexed Area Zoning By-law amendment.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The applicants have requested Official Plan and Zoning By-law changes to permit “dry” light industrial uses, specifically a transport terminal use, on the majority of the property and a limited range of commercial uses on the northeast corner. The initial request was for a self storage facility.

RATIONALE

1. The recommended Official Plan and Zoning By-law Amendments are appropriate to resolve an appeal to the Ontario Municipal Board against the Annexed Area Zoning By-law Amendment.
2. It is anticipated both in the former Town of Westminster and City of London Official Plans that these lands will be used for industrial uses over the long term once services are available.

BACKGROUND

<p>Date Application Accepted: January 23, 2007 File Inactive from October 2007 until May 3, 2012 File Reactivated by letter dated May 3, 2012</p>	<p>Agent: Richard Zelinka; Zelinka Priamo Ltd.</p>
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OZ-7319

REQUESTED ACTION: The applicants initially requested a Light Industrial Official Plan designation and a Holding Light Industrial (h-17.LI1) Zone on lands above the floodplain. Specifically they requested zoning to permit a self storage establishment. The City added consideration of the zoning on the floodplain lands because the zoning on those lands has been appealed.

By letter dated May 3, 2012 the applicants have now changed their request. The Official Plan amendment request remains the same. With regards to zoning, they are now requesting a Light Industrial (LI1/LI2/LI6) Zone on the majority of the property above the floodline and a Light Industrial (LI4) Zone variation on the northeast corner of the property. They specifically requested zoning to permit a transport truck terminal.

They are also asking for a special provision to the Open Space (OS4) Zone to permit the parking of transport trucks in a portion of the floodplain.

They indicated that h-17 ("dry uses") and h-2 (EIS) holding provisions may be required.

SITE CHARACTERISTICS:

- **Current Land Use** - Farmland
- **Frontage** – 289 metres
- **Depth** – 565 metres
- **Area** - 12.95 hectares
- **Shape** - Irregular

SURROUNDING LAND USES:

- **North** - Home improvement retail, clothing retail, animal hospital, restaurants
- **South** - recycling facilities
- **East** - vacant farmland
- **West** - vacant farmland, wooded areas

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OFFICIAL PLAN DESIGNATION: (refer to Official Plan Map)

SCHEDULE "A" – LAND USE

- **URBAN RESERVE – INDUSTRIAL GROWTH** designation is intended to identify lands for long term industrial growth but development is considered premature until a number of site constraints are addressed (eg. Servicing, natural heritage assessment, traffic studies etc.). The designation is applied to large land parcels where new lot creation is prohibited and only existing uses are permitted.
- **OPEN SPACE** designation is applied to lands which are to be maintained as active park space or in a natural state. Floodplain lands and hazard lands are included.

SCHEDULE "B1" – NATURAL HERITAGE FEATURES

- **SIGNIFICANT, RIVER, STREAM AND RAVINE CORRIDORS** are a designation applied to features which perform an important ecological, hazard protection, recreational, aesthetic and/or water resource management function.
- **BIG PICTURE META-CORES AND META-CORRIDORS** are conceptual areas for encouraging bioregional linkages through naturalization projects and landowner stewardship initiatives.
- **MAXIMUM HAZARD LINE** delineates the general extent of the combined natural hazards associated with the flood plain.

PROPOSED SOUTHWEST AREA PLAN DESIGNATIONS (Council direction to circulate JUNE 2012)

- **LIGHT INDUSTRIAL and OPEN SPACE** designations the same as Official Plan

EXISTING ZONING: (refer to Zoning Map)

- **INDUSTRIAL HOLDING (M2-H) (FORMER TOWN OF WESTMINSTER BY-LAW NO.2000)** permits those uses legally existing on the day of the passing of this By-law (June 1983). This zone is intended to remain in place until conditions are appropriate for development to occur. If it is to occur these lands may be rezoned utilizing the provisions of Section 35 of the Planning Act, 1983, to a specific zoning category so long as the proposal conforms to the underlying designation found in the Official Plan.

General provisions in the By-law deferred any interpretation of the floodplain and any approvals of activity within the floodplain to UTRCA.
- **URBAN RESERVE (UR6) (ANNEXED AREA ZONING BY-LAW – Council adopted June 27, 2005)**

This zone variation permits existing defined industrial uses; kennels; private outdoor recreation clubs; riding stables; agricultural uses except for mushroom farms, commercial greenhouses, livestock facilities and manure storage facilities; conservation lands; managed woodlot; wayside pit and passive recreation use.
- **OPEN SPACE (OS4)/ENVIRONMENTAL REVIEW (ER) (ANNEXED AREA ZONING BY-LAW- Council adopted June 27, 2005)**

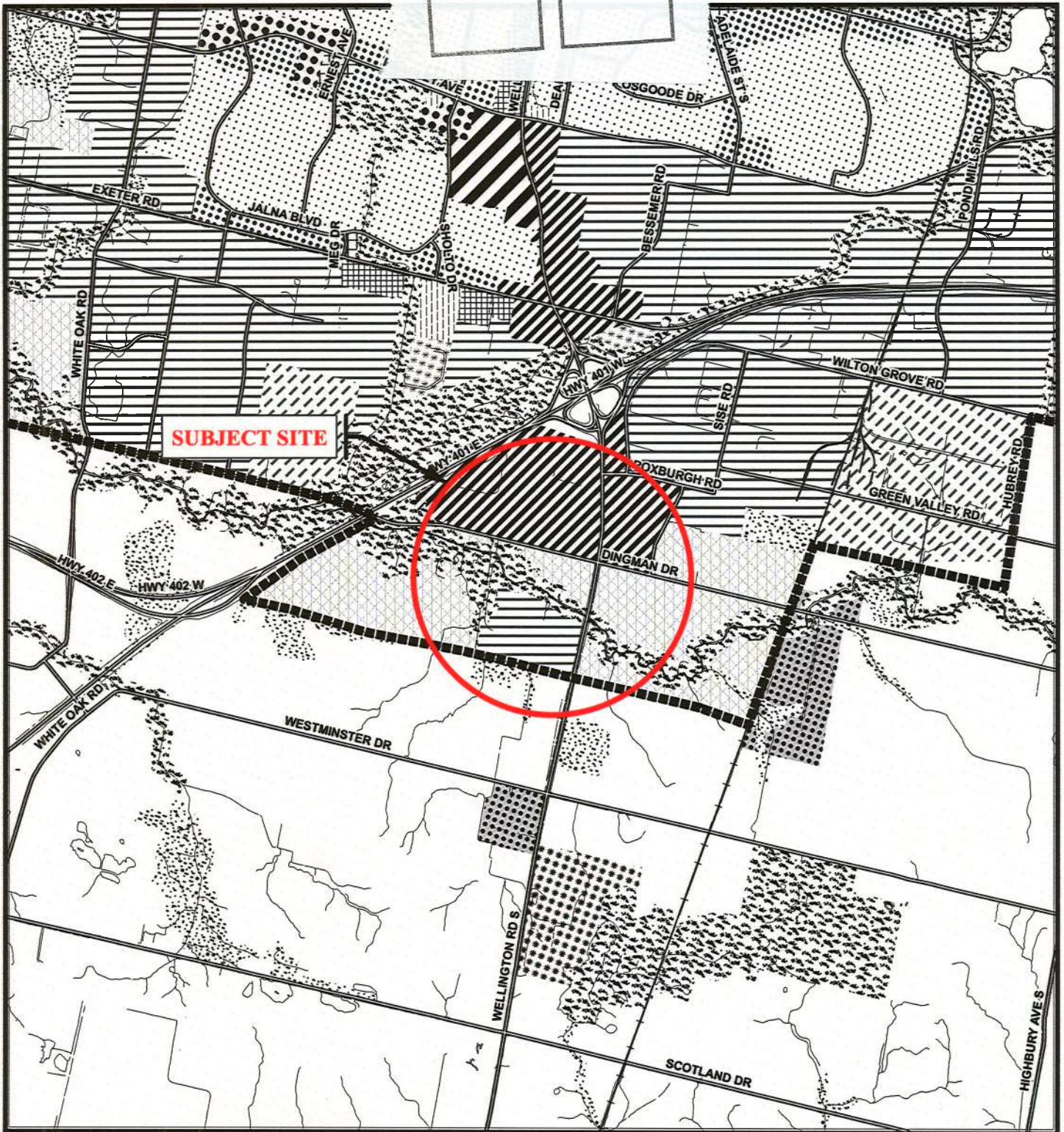
The **OS4 Zone** variation allows conservation lands, conservation works, cultivation or use of land for agricultural/horticultural purposes and golf courses, private parks, public parks, recreational golf courses and sports fields without structures.

The **ER Zone** allows conservation lands, conservation works, passive recreation uses, managed woodlot and agricultural uses.

PLANNING HISTORY

This property became part of the City of London on January 1, 1993.

There have been no previous amendment applications but there was one inquiry for a commercial storage establishment.



Legend

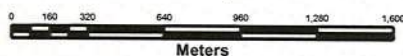
- | | |
|--|-----------------------------------|
| Downtown | Office Business Park |
| Enclosed Regional Commercial Node | General Industrial |
| New Format Regional Commercial Node | Light Industrial |
| Community Commercial Node | Regional Facility |
| Neighbourhood Commercial Node | Community Facility |
| 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 -

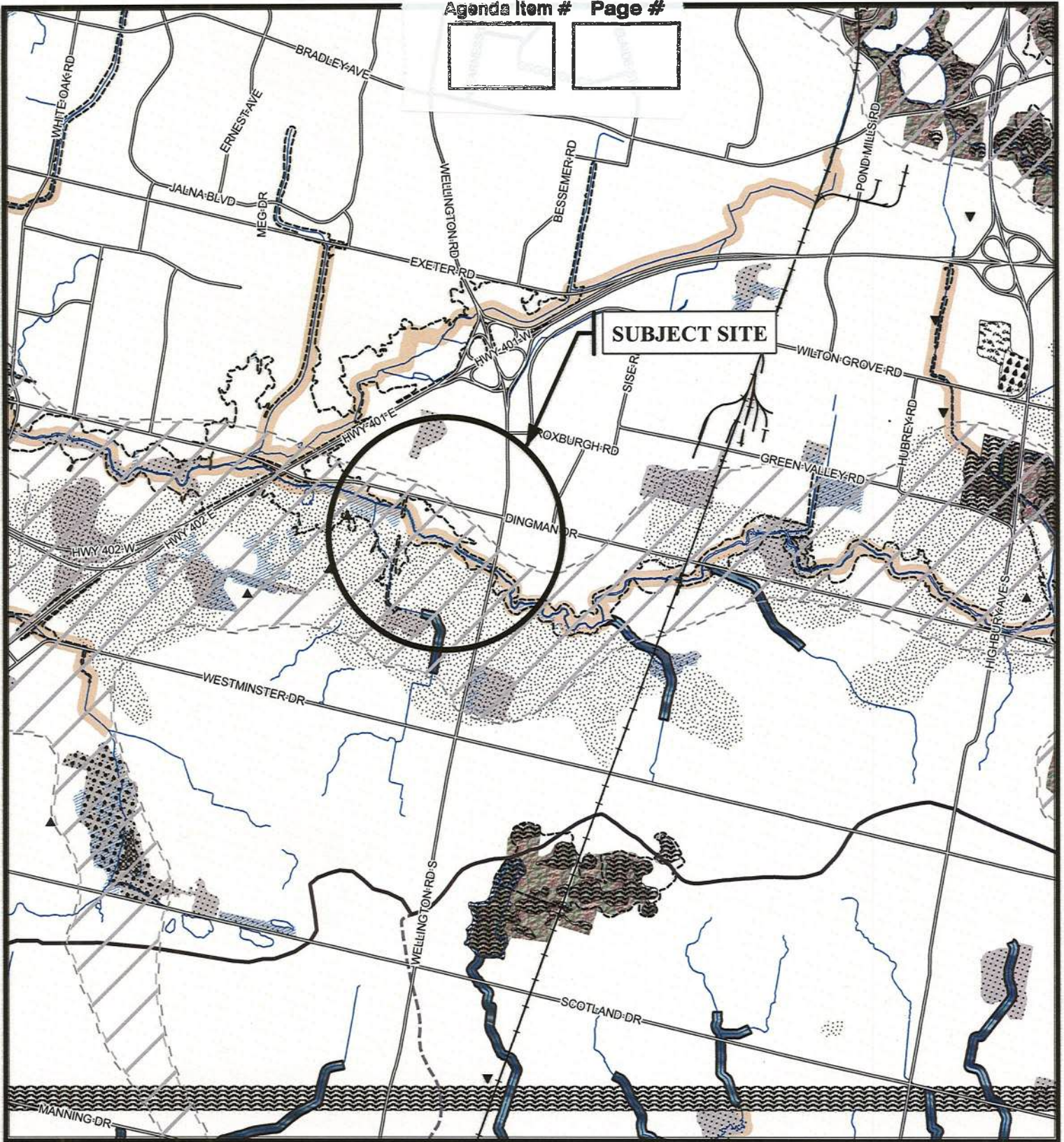
PREPARED BY: Graphics and Information Services



Scale 1:30,000



FILE NUMBER: OZ-7319
 PLANNER: CP
 TECHNICIAN: CK
 DATE: 2012/09/05



NATURAL HERITAGE SYSTEM

- ESAs
- Potential ESAs
- Significant Woodlands
- Woodlands
- Unevaluated Vegetation Patches
- Significant River, Stream, and Ravine Corridors
- Unevaluated Stream and Ravine Corridors
- Provincially Significant Wetlands
- Locally Significant Wetlands
- Unevaluated Wetlands
- Potential Naturalization Areas
- Potential Upland Corridors
- Ground Water Recharge Areas

NATURAL HAZARDS

- Maximum Hazard Line
- NOTE 1: Hazard Lines shown on this map are approximate. The precise delineation of hazard line mapping available from the Conservation Authority having jurisdiction.
- NOTE 2: Flood Fringe mapping for certain areas of the city is available from the Upper Thames River Conservation Authority.

Base Map Features

- Railways
- Water Courses/Ponds
- Streets (refer to Schedule "C")
- Conservation Authority Boundary
- Subwatershed Boundary
- Big Picture Meta-Cores and Meta-Corridors

CITY OF LONDON
 Department of
 Planning and Development

OFFICIAL PLAN SCHEDULE B1
 - NATURAL HERITAGE FEATURES -

PREPARED BY: Graphics and Information Services



Scale 1:30,000

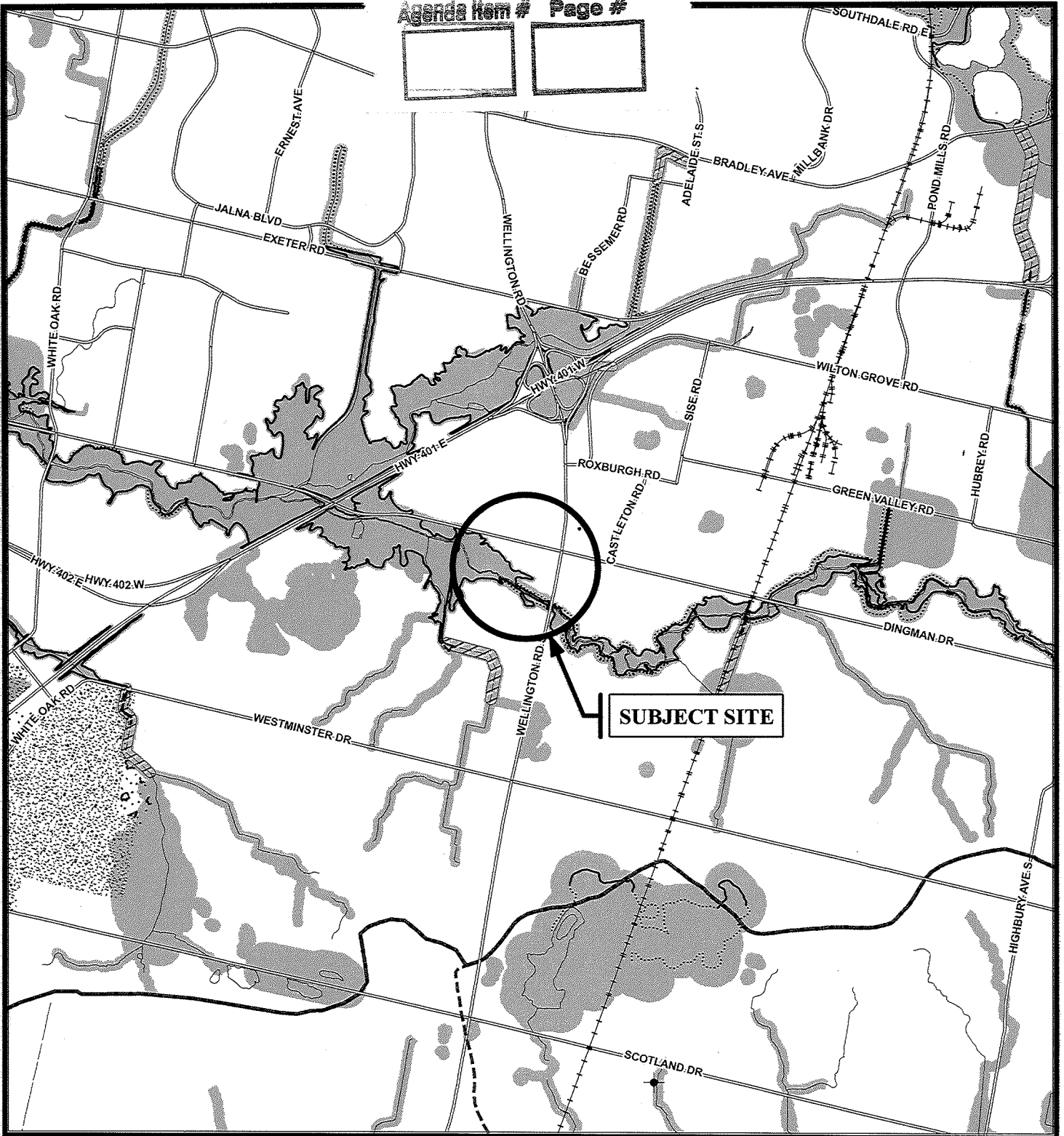


FILE NUMBER: OZ-7319

PLANNER: CP

TECHNICIAN: CK

DATE: 2012/05/30



NATURAL RESOURCES

- Aggregate Resource Areas
- Extractive Industrial
- Emergency Municipal Water Wells

Base Map Features

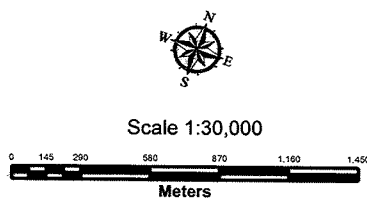
- Railways
- Water Courses/Ponds
- Streets (refer to Schedule "C")
- Conservation Authority Boundary
- Subwatershed Boundary
- Potential Special Policy Areas
- Special Policy Area

NATURAL HAZARDS

- Regulatory Flood Line
NOTE 1: Flood Lines shown on this map are approximate. The precise delineation of flood plain mapping is available from the Conservation Authority having jurisdiction.
NOTE 2: Flood Fringe mapping for certain areas of the city is available from the Upper Thames River Conservation Authority.
- Riverine Erosion Hazard Limit For Confined Systems
- Riverine Erosion Hazard Limit For Unconfined Systems
- Steep Slopes Outside of the Riverine Erosion Hazard Limit
- Abandoned Oil/Gas Wells
- Conservation Authority Regulation Limit

CITY OF LONDON
 Department of
Planning and Development
 OFFICIAL PLAN SCHEDULE B2
 NATURAL RESOURCES
 AND
 NATURAL HAZARDS

PREPARED BY: Graphics and Information Services

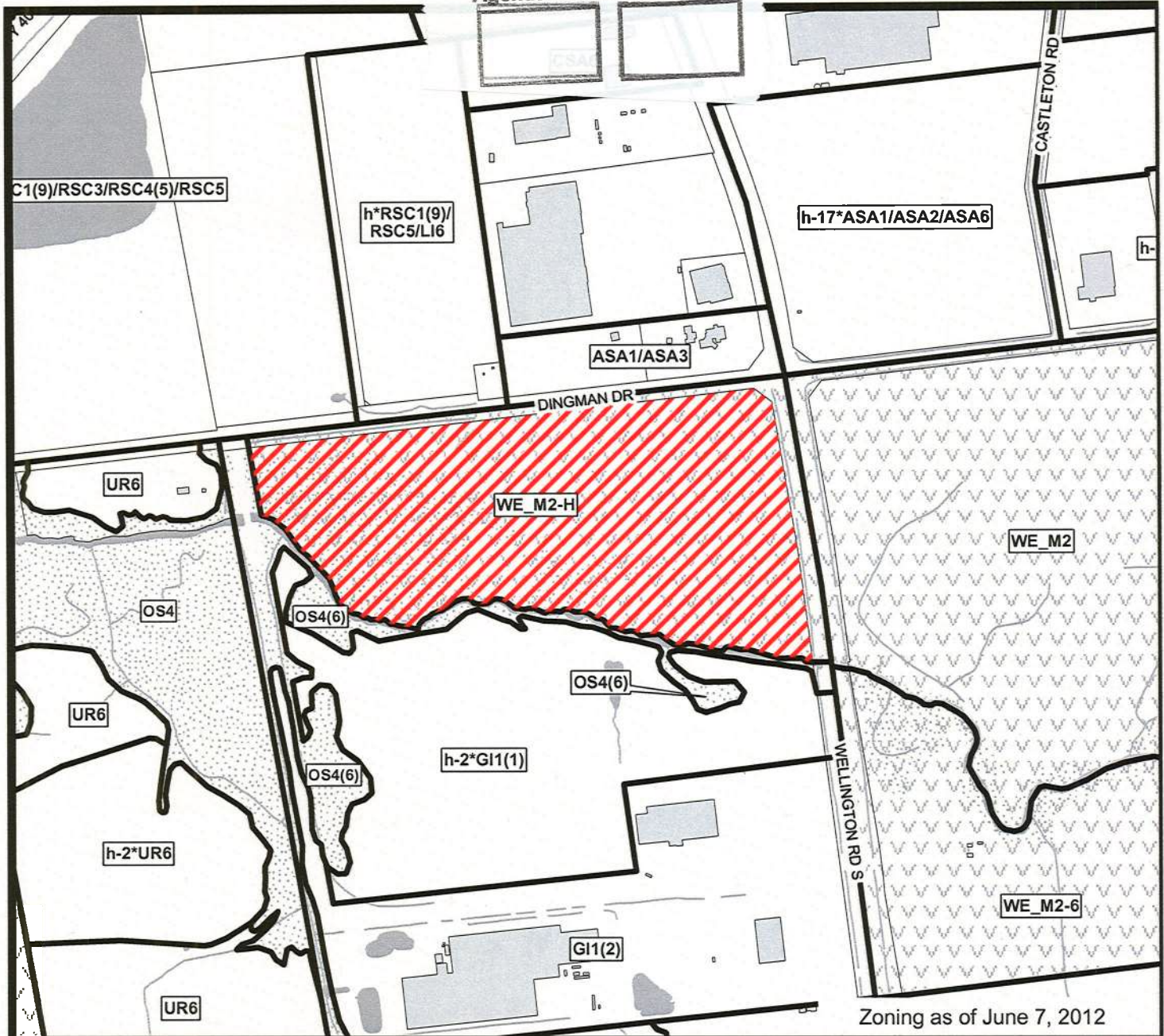


FILE NUMBER: OZ-7319

PLANNER: CP

TECHNICIAN: CK

DATE: 2012/05/30



Zoning as of June 7, 2012



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: WE_M2-H

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:

OZ-7319

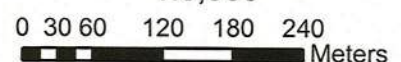
CP

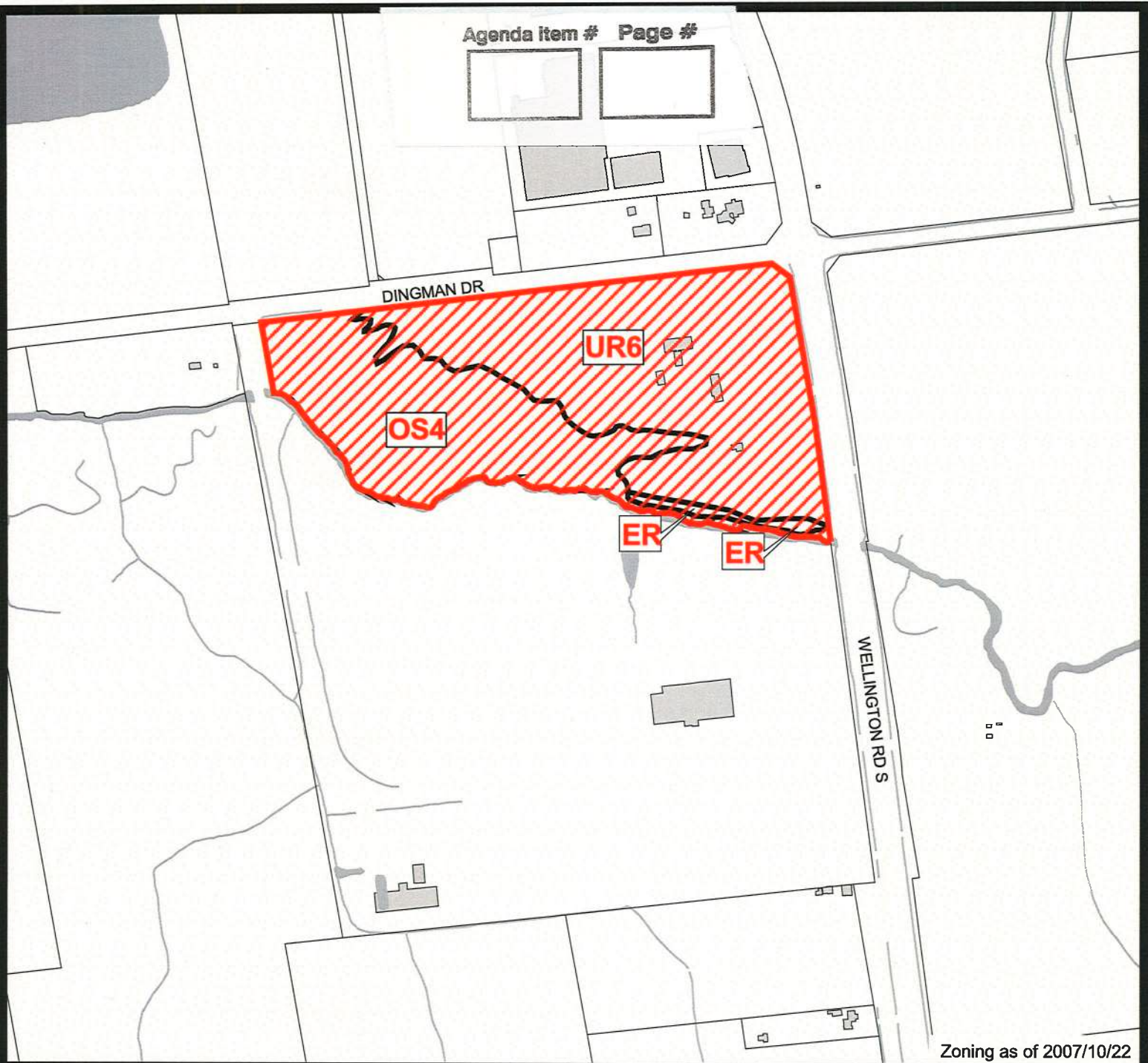
MAP PREPARED:

2012/09/06

CK

1:6,500





Zoning as of 2007/10/22

 **COUNCIL APPROVED ZONING AMENDMENT Z.-1-051390 FOR THE SUBJECT SITE: UR6, ER & OS4**

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
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- R8 - MEDIUM DENSITY/LOW RISE APTS.
- R9 - MEDIUM TO HIGH DENSITY APTS.
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- OR - OFFICE/RESIDENTIAL
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- RRC - RURAL SETTLEMENT COMMERCIAL
- TGS - TEMPORARY GARDEN SUITE

- "h" - HOLDING SYMBOL
- "D" - DENSITY SYMBOL
- "H" - HEIGHT SYMBOL
- "B" - BONUS SYMBOL
- "T" - TEMPORARY USE SYMBOL

2)  **ANNEXED AREA APPEALED AREAS**

CITY OF LONDON

DEPARTMENT OF PLANNING AND DEVELOPMENT

**COUNCIL APPROVED
ZONING AMENDMENT Z.-1-051390
ADOPTED JUNE 27, 2005**



FILE NO:

OZ-6985

CP

MAP PREPARED:

2008/01/31

CK

1:6000

0 100 Meters



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OZ-7319

From January 8, 2003 to date the subject property has been the subject of periodic discussions on future land use. In 1998, through Official Plan Amendment No.88, the Official Plan designation was changed from Fringe Perspective-Industrial and Hazard Lands in the Former Town of Westminster Official Plan to Urban Reserve – Industrial Growth in the City’s Official Plan. The landowners never appealed that change. In 2002 the City started the process of consolidating the former township by-laws into the City’s Zoning By-law Z-1. Zoning was applied based on the Official Plan designations which resulted in the Urban Reserve (UR6), Open Space (OS4) and Environmental Review (ER) Zones being applied to the property. The landowner appealed that zoning on July 25, 2005.

In order to resolve the appeal the applicants submitted an Official Plan/Zoning By-law Amendment on January 18, 2007. One of the main requirements for completion of the file was the preparation and acceptance of a Environmental Impact Statement (EIS) which would clearly identify the limits of the floodplain and thus identify where the Open Space (OS4) and development zone would be applied. The applicants submitted a Subject Lands Status Report, a preliminary review of ecological features, but never submitted a completed EIS to the satisfaction of the City, EEPAC and UTRCA. The file has sat dormant since October 2007 awaiting completion of that study.

In advance of a pending Ontario Municipal Board hearing on September 4, 2012 the applicants, by letter dated May 3, 2012, revised their application and asked that the requested changes be considered only on subject lands outside of the EIS “trigger” distance.

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

*The **Upper Thames River Conservation Authority (UTRCA)** reviewed the subject application with regard for the policies in the *Environmental Planning Policy Manual for the Upper Thames River Conservation Authority (June 2006)*. These policies include regulations made pursuant to Section 28 of the *Conservation Authorities Act*, and are consistent with the natural hazard and natural heritage policies contained in the *Provincial Policy Statement (2005)*. The *Upper Thames River Source Protection Area Assessment Report* has also been reviewed in order to confirm whether the subject property is located within a vulnerable area. The *Drinking Water Source Protection* information is being disclosed to the Municipality to assist them in fulfilling their decision making responsibilities under the *Planning Act*.*

PROPOSAL

We understand that the hazard lands are proposed to be zoned OS4. The agent for the application has pre-consulted with Authority staff regarding the possibility of parking transport trailers in association with the permitted uses in the flood plain to an elevation no greater than 0.5 metres below the Regulatory Flood Elevation. This would be accommodated by way of a special provision in the proposed OS4 zone. The Authority has no objections to this proposal which would be subject to our Section 28 approval process.

CONSERVATION AUTHORITIES ACT

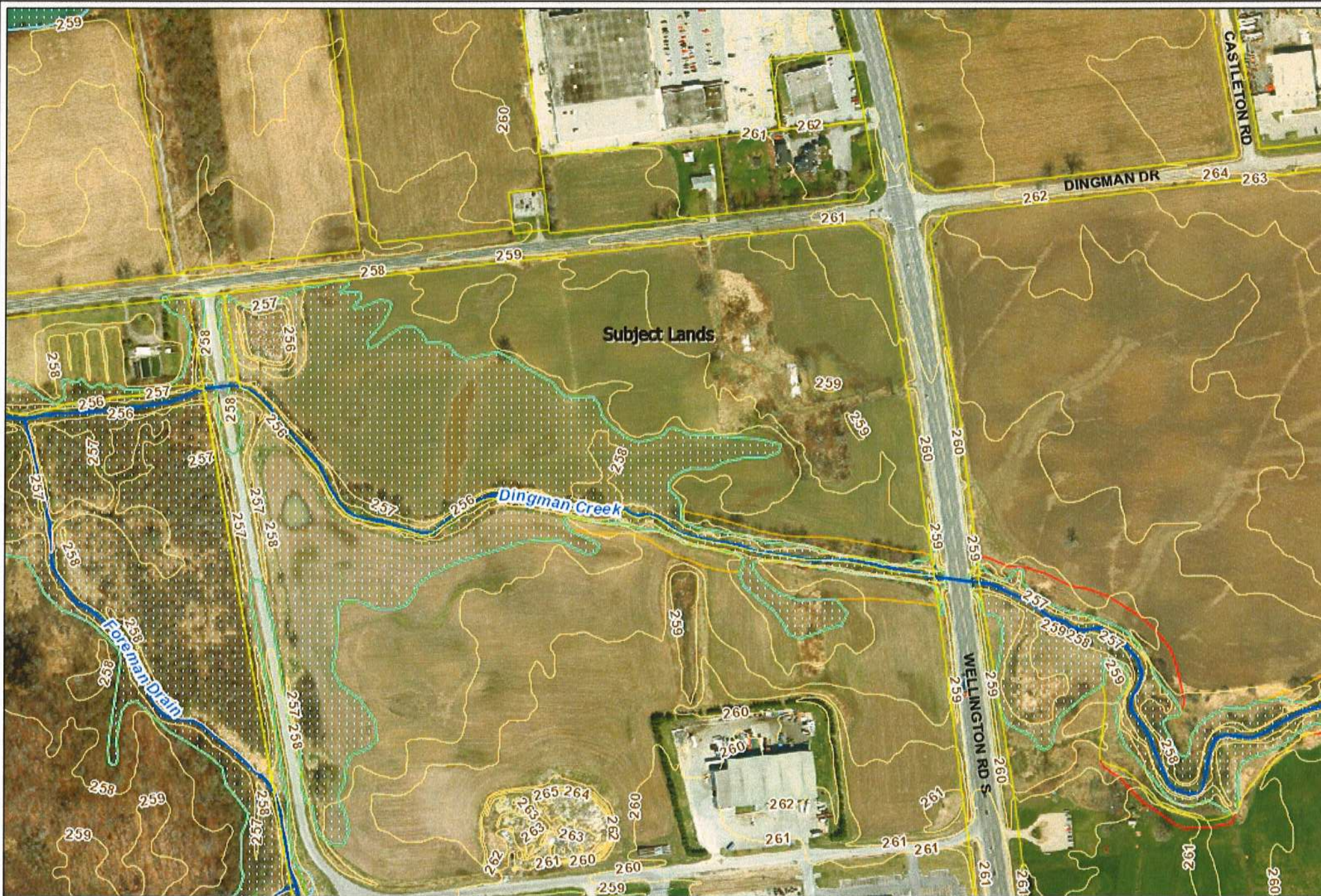
*As shown on the enclosed mapping, the subject lands are regulated by the UTRCA in accordance with Ontario Regulation 157/06 made pursuant to Section 28 of the *Conservation Authorities Act*. The Regulation Limit is comprised of riverine flooding and erosion hazards associated with Dingman Creek as well as a wetland feature and the surrounding area of interference. The UTRCA has jurisdiction over lands within the regulated area and requires that landowners obtain written approval from the Authority prior to undertaking any site alteration or development within this area including filling, grading, construction, alteration to a watercourse and/or interference with a wetland.*

UTRCA ENVIRONMENTAL PLANNING POLICY MANUAL (June, 2006)

The policies which are applicable to the subject lands include:

3.2.2 General Natural Hazard Policies

These policies direct new development and site alteration away from hazard lands. Any development which is permitted in hazard lands must provide appropriate floodproofing measures, protection works and safe or dry access during times of flooding, erosion and other



Regulation Limit

Regulation under s.28 of the Conservation Authorities Act.
 Development, interference with wetlands, and alterations to shorelines and watercourses. O.Reg 157/06, 97/04.

Legend

- Road Labels (1:64K)
- Assessment Parcel
- London Contour (1:2K City)
- Watercourse**
 - Open
 - Tiled
- London Hazard**
 - FLD250
 - Remnant Valley
 - Stable Slope
 - Toe Erosion - Stable Slope
 - Top of Slope
- Flooding Hazard

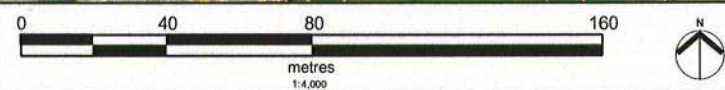
Agenda Item # Page #

The Regulation Limit depicted on this map schedule is a representation of O.Reg 157/06 under O.Reg 97/04.
 The Regulation Limit is a conservative estimation of the hazard lands within the UTRCA watershed. Depending on the specific characteristics of the hazard land and the land use proposed, the Regulation Limit may be subject to change.
 The UTRCA disclaims explicitly any warranty, representation or guarantee as to the content, sequence, accuracy, timeliness, fitness for a particular purpose, merchantability or completeness of any of the data depicted and provided herein.
 The UTRCA assumes no liability for any errors, omissions or inaccuracies in the information provided herein and further assumes no liability for any decisions made or actions taken or not taken by any person in reliance upon the information and data furnished hereunder.
 This map is not a substitute for professional advice. Please contact UTRCA staff for any changes, updates and amendments to the information provided.
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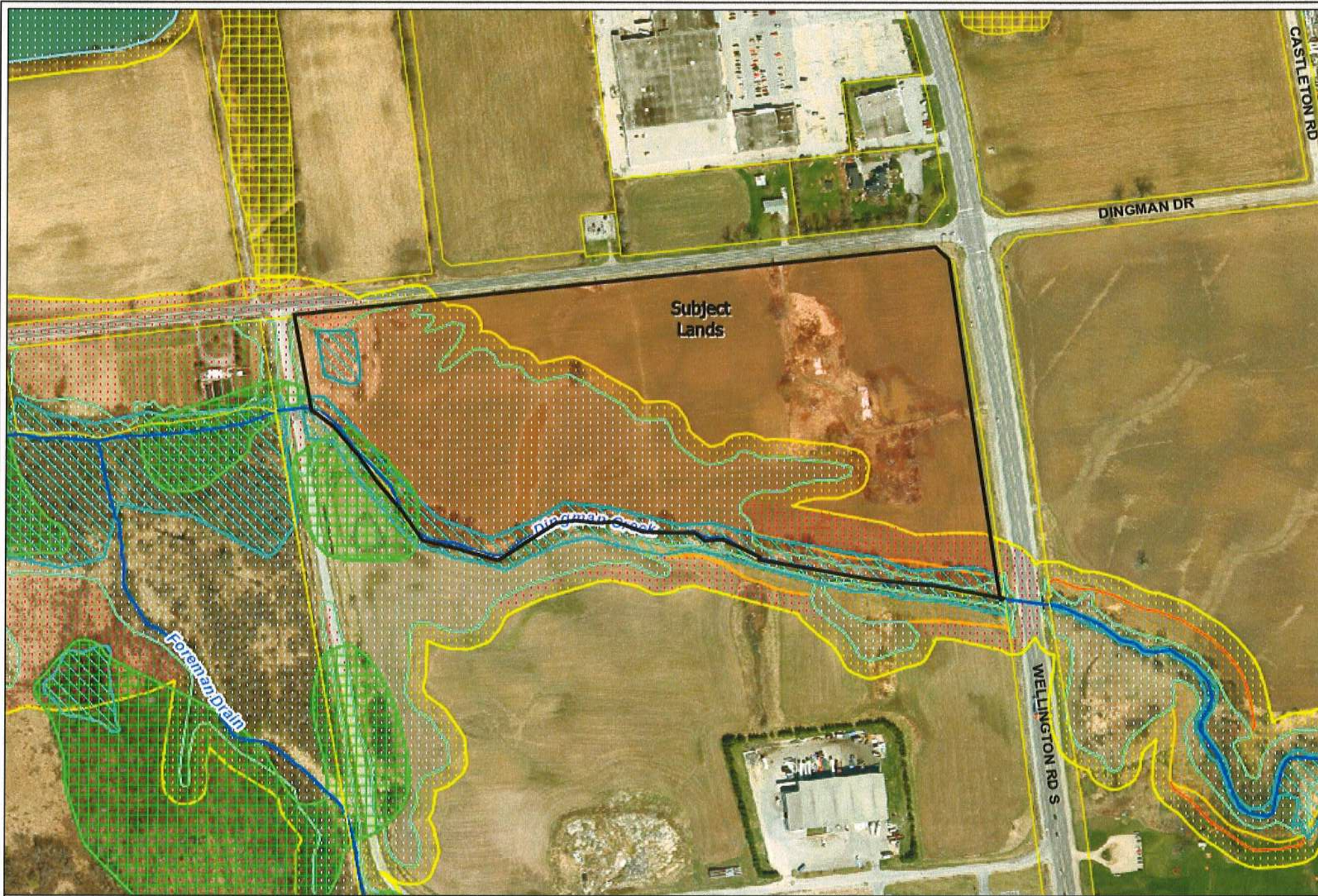
Notes:
 4551 Wellington Road South, London - Riverine Flooding Hazard

Created By: CC June 20, 2012

* Please note: Any reference to scale on this map is only appropriate when it is printed landscape on legal-sized (8.5" x 14") paper.



UPPER THAMES RIVER
 CONSERVATION AUTHORITY
 Copyright © 2012 UTRCA.



Regulation Limit

Regulation under s.28 of the Conservation Authorities Act
 Development, interference with wetlands, and alterations
 to shorelines and watercourses. O.Reg 157/06, 97/04.

Legend

- Road Labels (1:64K)**
- Assessment Parcel**
- Watercourse**
 - Open
 - Tiled
- Middlesex NHS Woodland**
 - No Criteria Met
 - 1+ Criteria Met
- Evaluated Wetland (MNR)**
- Unevaluated Wetland (UTRCA)**
- London Hazard**
 - FLD260
 - Remnant Valley
 - Stable Slope
 - Toe Erosion - Stable Slope
 - Top of Slope
- Flooding Hazard**
- Erosion Hazard**
- Wetland Interference**
- Regulation Limit**

Agenda Item #
 Page #

The Regulation Limit depicted on this map schedule is a representation of O.Reg 157/06 under O.Reg 97/04.

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The UTRCA assumes no liability for any errors, omissions or inaccuracies in the information provided herein and further assumes no liability for any decisions made or actions taken or not taken by any person in reliance upon the information and data furnished hereunder.

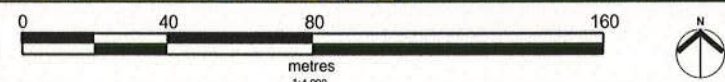
This map is not a substitute for professional advice. Please contact UTRCA staff for any changes, updates and amendments to the information provided.

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Notes:
 4551 Wellington Road South, London

Created By: CC June 26, 2012

* Please note: Any reference to scale on this map is only appropriate when it is printed landscape on legal-sized (8.5" x 14") paper.



UPPER THAMES RIVER
 CONSERVATION AUTHORITY
 Copyright ©2012 UTRCA.

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emergencies. Furthermore, no new hazards are to be created and existing hazards should not be aggravated.

3.2.3 Riverine Flooding Hazard Policies

These policies address matters such as the provision of detailed floodplain mapping, floodplain planning approach (one zone vs. two zones), and uses that may be allowed in the floodplain subject to satisfying UTRCA permit requirements.

3.2.4 Riverine Erosion Hazard Policies

The Authority generally does not permit development and site alteration in the meander belt or on the face of steep slopes, ravines and distinct valley walls. The establishment of the hazard limit must be based upon the natural state of the slope, and not through re-grading or the use of structures or devices to stabilize the slope.

3.2.6 & 3.3.2 Wetland Policies

New development and site alteration is not permitted in wetlands. Furthermore, new development and site alteration may only be permitted in the area of interference and /or adjacent lands of a wetland if it can be demonstrated through the preparation of an Environmental Impact Study that there will be no negative impact on the hydrological and ecological function of the feature.

DRINKING WATER SOURCE PROTECTION

The Clean Water Act (CWA), 2006 is intended to protect existing and future sources of drinking water. The Act is part of the Ontario government's commitment to implement the recommendations of the Walkerton Inquiry as well as protecting and enhancing human health and the environment. The CWA sets out a framework for source protection planning on a watershed basis with Source Protection Areas established based on the watershed boundaries of Ontario's 36 Conservation Authorities. The Upper Thames River, Lower Thames Valley and St. Clair Region Conservation Authorities have entered into a partnership for The Thames-Sydenham Source Protection Region. Drinking Water Source Protection represents the first barrier for protecting drinking water including surface and ground water from becoming contaminated or overused thereby ensuring a sufficient, clean, safe supply now and for the future.

Assessment Reports:

The Thames-Sydenham Source Protection Region has prepared Assessment Reports which contain detailed scientific information that:

- identifies vulnerable areas associated with drinking water systems;
- assesses the level of vulnerability in these areas; and
- identifies activities within those vulnerable areas which pose threats to the drinking water systems, and assess the risk due to those threats.

The Assessment Report for the Upper Thames watershed delineates three types of vulnerable areas: Wellhead Protection Areas, Significant Groundwater Recharge Areas and Highly Vulnerable Aquifers. We wish to advise that the subject property is located within an area with Highly Vulnerable Aquifers. Mapping which shows these areas is available at:

Highly Vulnerable Aquifers:

http://www.sourcewaterprotection.on.ca/downloads/assessment_reports/UTRCA/Appendices/A1-Maps/Map4-3-2_Highly%20Vulnerable%20Aquifers.pdf

Source Protection Plans:

Using the information in the Assessment Report, a Source Protection Plan is being developed for the Upper Thames watershed. It is anticipated that this Plan will consist of a range of policies that together, will reduce the risks posed by the identified water quality and quantity threats in the vulnerable areas. These policies will include a range of voluntary and regulated approaches to manage or prohibit activities which pose a threat to drinking water. Activities that can lead to;

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OZ-7319

low, medium and significant threats have been identified in Appendix 10 of the Upper Thames River Source Protection Area Assessment Report, dated August 12, 2011 which is available at: http://www.sourcewaterprotection.on.ca/downloads/assessment_reports/UTRCA/Appendices/A10-Threats%20and%20Risk%20Assessment.pdf

AREA OF VULNERABILITY	VULNERABILITY SCORE	THREATS & CIRCUMSTANCES
Highly Vulnerable Aquifer (HVA)	6	Moderate & Low Threats

NOTE: At this time, certain activities on this property may be considered *Moderate or Low* threats to drinking water.

As indicated, the Source Protection Plan is currently being developed and as such, the UTRCA cannot speculate what the Plan might dictate for such areas. Under the CWA, the Source Protection Committee has the authority to include policies in the Source Protection Plan that may prohibit or restrict activities identified as posing a significant threat to municipal drinking water supplies. Municipalities may also have or be developing policies that apply to vulnerable areas when reviewing development applications. Proponents considering land use changes, site alteration or construction in these areas need to be aware of this possibility.

Provincial Policy Statement (PPS, 2005):

Section 2.2.1 requires that:

“Planning authorities shall protect, improve or restore the quality and quantity of water by: d) implementing necessary restrictions on development and site alteration to:

1. protect all municipal drinking water supplies and designated vulnerable areas; and
2. protect, improve or restore vulnerable surface and ground water features, and their hydrological functions”

Section 2.2.2 requires that:

“Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored”.

Municipalities must be consistent with the Provincial Policy Statement when making decisions on land use planning and development. This information is provided for the City’s consideration in moving forward on this application.

RECOMMENDATION

The UTRCA has no objections to this application to amend the official plan and zoning by-law. We support the proposed OS4 zoning for the floodplain lands but note that an outdated floodline has been circulated and will need to be revised to be consistent with our current line work. The Authority would be pleased to provide the up to date digital 250 year flood line information. In addition, we wish remind the applicant and City planning staff that written approval must be obtained from the UTRCA before any site alteration or development can occur within the regulated area.

Nature London is pleased to have received the notice of OZ-7319, for 4551 Wellington Road South. We support an OS4 zone and an Open Space Designation for lands within the floodplain as good planning. We also strongly support the requirement for an Environmental Impact Study to delineate lands suitable for development from those that are not, due to floodplain constraints.

The City of London SWM Unit comments:

- Portion of this site is located within the Conservation Authority Regulated Area, and therefore a letter/permit of clearance and approval is required from the UTRCA.
- Consistent with the Cities Subwatershed Planning, Studies were approved by City Council on September 18, 1995. The update to the Dingman Creek Subwatershed

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OZ-7319

Study was approved by City Council in 2005. The Owner shall be required to be consistent with the SWM targets and criteria identified in the Updated Dingman Creek Subwatershed Planning Study, which may include but not be limited to, quantity/quality control, erosion, stream morphology, etc.

- *The Cousin Municipal Drain is located along the western portion of the site. Any works proposed within this area will need to comply with the Municipal Drainage Act and City Standards.*
- *The owner shall be required to comply with all City's By-Laws and acts.*
- *Currently there is an existing 825-900mm private storm sewer easement that runs in a southerly direction through center of the property between Dingman Drive and the outlet at Dingman Creek. A private joint maintenance agreement would need to be registered on title for each property should the use of the current storm sewer outlet be considered.*

PUBLIC LIAISON:	<p>On February 8, 2007 the original Notice of Application was sent to 13 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 February 17, 2007. A "Possible Land Use Change" sign was also posted on the site.</p> <p>On June 4, 2012 the second Notice of Application was sent to 13 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 8, 2012. A "Possible Land Use Change" sign was also posted on the site.</p>	Six (6) replies were received
<p>Nature of Liaison: The original liaison proposed a Holding Light Industrial (h-17.LI1) Zone specifically asking for a self storage establishment.</p> <p>The second liaison proposed a Holding Light Industrial (h- .h-2.h-17.LI1/LI4/LI6) Zone specifically asking for a transport truck terminal. They also requested an Open Space (OS4()) Zone to permit transport truck parking in the floodplain.</p>		
<p>Responses: In response to the original liaison we received one letter from SmartGrowth London objecting (see attached).</p> <p>In response to the second liaison we received additional comments. Comments include;</p> <ul style="list-style-type: none"> • don't like transport terminals; • too many trucks and traffic on Dingman Drive; • disregarding this is the main gateway into the City; • development premature; • no Plan has been approved for the area; • use not compatible with a residential neighbourhood; • truck terminal not compatible with other commercial uses; • increase in noise and pollution; and, • not aesthetically pleasing use. 		

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ANALYSIS

These lands have been designated for future industrial uses since the Town of Westminster Official Plan was approved in February 1980. However, industrial development was considered long term and premature until a number of studies (eg. Servicing, natural heritage, traffic) had been completed and accepted by the City. These lands are located at the southern edge of the Urban Growth boundary , a considerable distance from any sewage treatment plant and located on a road which maintains a rural cross- section. Because of this the issues raised with this application normally require some form of study to identify the limits or possibility of future development.

The applicants have specifically asked that the site be zoned for a transport truck terminal although it is unclear whether there is a specific company involved. No concept plan or site plan has been supplied to support the application.

The issues raised include;

1. Delineation of the Floodplain Boundary

In order to establish the limits of development and apply zoning the maximum extent of the floodplain boundary or any natural features are needed and these limits are normally established through the completion of an Environmental Impact Statement (EIS). If development is proposed within these limits within the floodplain and/or within the “trigger distance” an approved Environmental Impact Statement (EIS) is required.

There is no completed EIS on this property, only a revised Subject Lands Status Report has been submitted and comments provided. On February 22, 2007 EEPAC requested an EIS and in July 2007 the applicants submitted a Subject Lands Status Report. On August 22, 2007 EEPAC reviewed the report and an EIS Scoping meeting was held September 7, 2007. All comments from those meetings were provided to the applicant. These comments were never addressed and the EIS was never completed and the file sat dormant.

By letter dated May 3, 2012 the applicant indicated they now only want to deal with lands outside the “trigger distance” which will not require a completed EIS. This application is being reviewed on that basis, delaying development on the remaining lands until the EIS is complete.

On this basis update comments (July 24, 2012) have been received.

As previously discussed and documented in a letter from Chuck Parker dated January 15, 2008, the requested zoning amendment requires the completion of an Environmental Impact Study to identify the full range of potential impacts that may result from the proposed land use and future development. These impacts are not restricted to biological, but may encompass hydrological, hydrogeological, geomorphological, geotechnical (slope stability).

Natural Heritage System Features

We confirm that Schedule B-1 identifies a significant river and stream corridor along the Dingman Creek with the minimum width of the corridor generally comprised of 30 metres on each side of the watercourse measured from the high water mark (O.P. 15.4.6.ii) a) and b) as modified by OPA428). This corridor is designated as Open Space on Schedule A.

Schedule B-1 also shows an overlay of the Carolinian Canada Big Picture Corridor along Dingman Creek. This overlay represents conceptual areas for encouraging bioregional linkages through naturalization projects and landowner stewardship initiatives.

Schedule B-2 identifies an area subject to flood plain regulations. The limits of the floodplain exceed the minimum, corridor width in the eastern portion of the subject lands. Floodplain lands are designated Open Space on Schedule A and are subject to regulations of the Conservation Authority.

Environmental Impact Study Requirements – Options for Re-Zoning

Appendix C “Procedural Notes” in the Guidelines for the Preparation and Review of EIS (approved by Council January 2004) describes the options available for implementation of an

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OZ-7319

OPA or ZBA in areas subject to EIS requirements. Below is an interpretation of these options for the Howard Darwin Enterprises lands. By the letter from Richard Zelinka dated May 3, 2012, his client would prefer option 2 as outlined below:

[..based on discussions...we are agreeable to having an (h-2) holding zone apply to the 50 m adjacent to the 30 m Dingman Creek Corridor, to require completion of an EIS when there is a specific development proposal.]

1. *Avoidance of EIS through Policy: An EIS will not be required if the zone line is established greater than 50 m from the limit of the Significant Stream Corridor.*
2. *Pre-zoning: The limit of the significant stream corridor designated open space will establish the preliminary OS5 zone line. This line representing 30 metres width from the watercourse will not be amended through future studies. The adjacent lands as described in #1 above (50 m of lands outside the 30 m corridor) would be zoned for development with a holding provision that requires the completion of an EIS. The purpose of the EIS will be to determine the final corridor width and any required buffers based on submission of a detailed site plan. The EIS must present evidence and rationale to refine the zone line and remove the holding provision. The EIS will address all requirements as determined by the City including biological, geotechnical, hydrogeological, water balance and functional stormwater management plan.*
3. *Zoning Regulations: In order to draw a firm zone line between development lands and natural heritage lands, the EIS would have to be completed in its entirety based upon submission of all required studies and a detailed site plan.*

Based on these comments the attached zoning by-law amendments would address these comments.

2. Prematurity because of Servicing

The Environmental and Engineering Services Department (EESD) indicated that services are not available and are not expected for at least 10-20 years. They indicated only dry uses should be permitted in the interim. Their comments are;

“There are currently no municipal sanitary sewers available to service this site. It is not anticipated that municipal sanitary services will be available for some time. It is recommended an h-17 holding provision be applied to this site. This holding provision shall not be lifted until such time as municipal sanitary sewer services are available and in the interim restricts site uses to dry uses which can be accommodated by a privately owned and operated individual sewage treatment system (septic system)”

To address these comments the h-17 holding provision has been recommended for potential development lands on the property.

3. Need for Commercial uses on the Property

The applicant has asked for the Light Industrial (LI4) Zone variation on the northeast corner of the property which permits restricted automotive uses, clinics, convenience service establishments, convenience stores, day care centres, financial institutions, medical/dental offices and personal service establishments. This zone variation is normally applied at the periphery of existing industrial areas in a plaza format and contains uses which serve employees of the industrial area.

Questions were raised regarding the need for commercial uses south of Dingman Drive given the absence of an industrial area to serve at this time and the presence of a preplanned major commercial node north of Dingman Drive. PennEquity has proposed 74,000 m² (790,705 sq.ft.) of new commercial space on the north side of Dingman Drive, in addition to the commercial space already there. The entire area north of Dingman Drive is designated New Format Regional Commercial Node, a nodal designation similar to Hyde Park. The Official Plan policies in this area direct all commercial development to the node to prevent the spread of commercial uses down Wellington Road South.

Also, because of the servicing issues most commercial uses (eg. Restaurants) would not be feasible in this area because there are no sanitary sewers.

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OZ-7319

Applying a LI4 Zone variation is not appropriate.

4. Traffic

Because of the increase in truck traffic and the presence of a two lane unimproved rural road allowance on Dingman Drive and possible limits to access onto Wellington Road South, Traffic Division have requested a traffic study be completed. They also indicated a road dedication to accommodate a 18m road from centerline on Dingman Drive would be required. Their comments included;

“A Traffic Study in accordance with the Traffic Impact Study will be required to determine the infrastructure needs on abutting arterial roads to accommodate development of the subject lands including upgrades to the intersection of Wellington Road and Dingman Drive. EESD does not support full access to Wellington Road South for any development of these lands. Access should be from Dingman Drive and subject to adequate transportation infrastructure to accommodate development of the subject lands.”

Because of these comments and because there is no specific development proposal, a holding provision requiring a traffic study has been applied.

5. Urban Design for Industrial Uses

Lastly, an issue was raised about putting a transport truck terminal at the primary entrance to the City from the south. These land uses tend to have a large gravel parking lot with a lot of truck parking and movement (see below example), not the most aesthetically pleasing land use in such a prime location. In London, these uses, until now, have tended to be located in “hidden” locations, away from major arterial roads.



Through previous inquiries we have discussed the possibility of a transport truck terminal on the rear portion of these lands, hidden by another industrial use along the frontage but the proponents never proceeded with the proposal. To address these concerns the LI6 Zone variation has been recommended but with special provisions to limit the range of uses and to address outdoor storage, screening and any future uses compliance with the Ministry of the

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OZ-7319

Environment (MOE) D-6 Guidelines. Special provisions to the LI1 Zone variation have also been recommended dealing with outdoor storage, screening and the MOE D-6 Guidelines.

Because there is no specific proposal and because of the sites key location, a holding provision requiring a site plan/urban design review has also been recommended.

What additional holding provisions are required?

In addition to the h-2 (Environmental Impact Statement), h-17 (servicing), h-55 (traffic study) and h-103 (site plan/urban design review) recommended above, the h-18 holding provision for archaeological review should also be applied because this side of the creek has not been assessed.



Given there is no firm development proposal and the number of holding provisions being recommended, Planning Staff considered the possibility of refusing the entire application on the basis of prematurity. There are still a number of conditions that have to be met before development can occur. However, this is the last site still subject to appeal under the Annexed Area Zoning By-law (Z-1-051390). Planning staff are interested in finally resolving this issue, seven years after approval of the by-law amendment by Council. The recommended zoning gives them sufficient uses which are appropriate on this property.

Is this proposal an economic opportunity?

Most industrial uses and office-based uses are the primary generators of employment. Industrial uses such as Dr. Oetkers, 3M and Kellogg's employ hundreds of people which enhances the economic health of the City. Transport truck terminals typically do not employ significant numbers of people. For instance the truck terminal at 2724 Roxburgh Road is located on approximately 7 hectares (17 acres) of land and employs only 10-15 people. The developable portion of the subject site is approximately the same size.

CONCLUSION

A range of light industrial uses, subject to meeting the requirements of the holding provisions, are appropriate on the property.

SUBMITTED BY:

GREGG BARRETT, AICP MANAGER OF CITY PLANNING AND RESEARCH SECTION
RECOMMENDED BY:

JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER

September 5, 2012

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OZ-7319

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

<u>Telephone</u>	<u>Written</u>
Peter Firth ,Firth Animal Hospital, 4499 Wellington Rd. S	Joshua Hurwitz SmartGrowth London 497 Richmond St- Upper, London, N6A 3E4
	Roma-Lynn Gillis, Brockley/Shaver Coalition (e-mail)
	Alan Tipping (e-mail)
	Don Windsor Sr., Ricco Food Distributor (e-mail)
	Peter Firth ,Firth Animal Hospital, 4499 Wellington Rd. S (e-mail)

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OZ-7319

**Bibliography of Information and Materials
OZ-7319**

Request for Approval:

City of London Official Plan/Zoning By-law Application Form/Planning Justification Report, completed by Richard Zelinka of Zelinka Priamo Ltd, January 18, 2007

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.

Former Town of Westminster Official Plan, January 1980, as amended

City of London. *Zoning By-law No. Z.-1*, May 21, 1991, as amended.

Former Town of Westminster Zoning By-law No. 2000

Annexed Area Zoning By-law Appeal file for 4551 Wellington Road South

2010 London and Regional Business and Employment Directory (electronic database)

Issues Scoping Report; Biologic, June 2007

Issues Scoping Report; Biologic, June 2008

Dingman Creek Subwatershed Study Update Report, August 22, 2005

Guideline Documents for Environmentally Significant Areas Identification, Evaluation and Boundary Delineation, July 31, 1997

Penn Equity Leasing Contact Sheet; October 28, 2011

Correspondence: (all located in City of London File No. OZ-7319 unless otherwise stated)

Other:

Site visit June 4, 2007 and photographs of the same date.

Site Visit on August 31, 2012 and photographs of the same date.

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OZ-7319

Appendix "A"

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

By-law No. C.P.-1284-_____

A by-law to amend the Official Plan for the City of London, 1989 relating to 4551 Wellington Road South.

The Municipal Council of The Corporation of the City of London enacts as follows:

1. Amendment No. (to be inserted by Clerk's Office) to the Official Plan for the City of London Planning Area – 1989, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. This by-law shall come into effect in accordance with subsection 17(38) of the *Planning Act, R.S.O. 1990, c.P.13.*

PASSED in Open Council on October 9, 2012.

Joe Fontana
Mayor

Catharine Saunders
City Clerk

First Reading – October 9, 2012
Second Reading – October 9, 2012
Third Reading – October 9, 2012

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OZ-7319

AMENDMENT NO.

to the

OFFICIAL PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is:

1. To change the designation of certain lands described herein from Urban Reserve – Industrial Growth to Light Industrial on Schedule “A”, Land Use, to the Official Plan for the City of London.

B. LOCATION OF THIS AMENDMENT

1. This Amendment applies to lands located at 4551 Wellington Road South in the City of London.

C. BASIS OF THE AMENDMENT

A range of light industrial uses, subject to meeting the requirements of the holding provisions, are appropriate on the property.

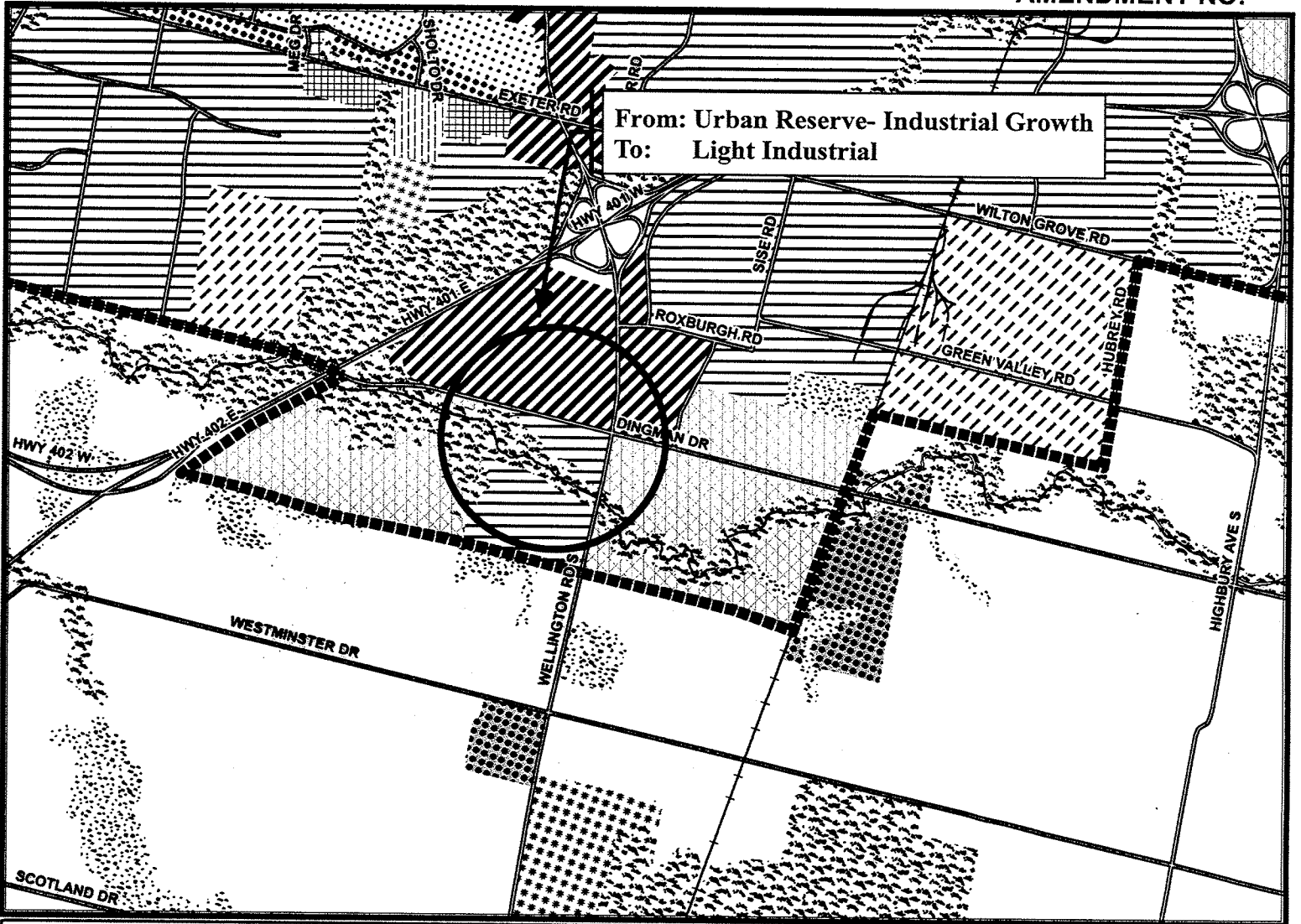
D. THE AMENDMENT

The Official Plan for the City of London is hereby amended as follows:

1. Schedule “A”, Land Use, to the Official Plan for the City of London Planning Area is amended by designating those lands located at 4551 Wellington Road South in the City of London, as indicated on “Schedule 1” attached hereto from Urban Reserve – Industrial Growth to Light Industrial.

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AMENDMENT NO:



Legend

- | | |
|--|--|
| <ul style="list-style-type: none"> Downtown Enclosed Regional Commercial Node New Format Regional Commercial Node Community Commercial Node Neighbourhood Commercial Node Main Street Commercial Corridor Auto-Oriented Commercial Corridor Multi-Family, High Density Residential Multi-Family, Medium Density Residential Low Density Residential Office Area Office/Residential | <ul style="list-style-type: none"> Office Business Park General Industrial Light Industrial Regional Facility Community Facility Open Space Urban Reserve - Community Growth Urban Reserve - Industrial Growth Rural Settlement Environmental Review Agriculture Urban Growth Boundary |
|--|--|

This is an excerpt from the Planning Division's working consolidation of Schedule A to the City of London Official Plan, with added notations.

**SCHEDULE 1
TO
OFFICIAL PLAN**

AMENDMENT NO. _____

PREPARED BY: Graphics and Information Services



Scale 1:30,000



FILE NUMBER: OZ-7319

PLANNER: CP

TECHNICIAN: CK

DATE: 2012/09/05

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OZ-7319

Appendix "B"

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 4551 Wellington Road South.

WHEREAS Howard Darwin Enterprises Ltd. has applied to rezone an area of land located at 4551 Wellington Road South, as shown on the map attached to this by-law, as set out below;

AND WHEREAS upon approval of Official Plan Amendment Number (number to be inserted by Clerk's Office) this rezoning will conform to the Official Plan;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

- 1) Schedule "A" to By-law No. 2000 (Former Town of Westminster) is amended by changing the zoning applicable to lands located at 4551 Wellington Road South, as shown on the attached map comprising part of Key Map No. 12 to delete the existing Industrial Holding (M2-H) Zone and remove the site from the By-law;
- 2) Schedule "A" to By-law No. Z-1 is amended by changing the zoning applicable to lands located at 4551 Wellington Road South, as shown on the attached map comprising part of Key Map No. 170, to apply a Holding Light Industrial Special Provision (h-17.h-18.h-55.h-103.LI1()/LI6()) Zone to the northern portion of the subject property;
- 3) Schedule "A" to By-law No. Z-1 is amended by changing the zoning applicable to lands located at 4551 Wellington Road South, as shown on the attached map comprising part of Key Map No. 170, to apply a Holding Light Industrial Special Provision (h-2. h-17.h-18.h-55.h-103.LI1()/LI6()) Zone to a part of the southerly portion of the subject property which includes lands between the regulatory floodline and lands at the EIS "trigger distance", a total distance of approximately 80 metres from the stream corridor boundary;
- 4) Schedule "A" to By-law No. Z-1 is amended by changing the zoning applicable to lands located at 4551 Wellington Road South, as shown on the attached map comprising part of Key Map No. 170, to apply an Open Space (OS4) Zone to the southerly portion of the subject property which includes lands below the regulatory floodline.
- 5) Section 40.4 a) of the Light Industrial (LI1) Zone is amended by adding the following Special Provision:

- | | | |
|-----|--------------------------|--|
|) | LI1 () | |
| a) | Regulations | |
| i) | Outdoor Storage Location | No outdoor storage is permitted in any required front yard or exterior side yard |
| ii) | Screening Requirements | All outside storage and loading areas shall be suitably screened and bermed, fenced, planted and/or landscaped so that the view of these areas is concealed from public roads. |

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OZ-7319

- iii) **MOE D-6 Guidelines**

Prior to the establishment of an industrial use on the subject property, the owner shall have a qualified expert in the field of noise, dust, odour and/or vibration, where applicable, prepare a study which demonstrates the compatibility of the proposed industrial use with nearby sensitive land uses. The study shall be certified as being in accordance with the Ontario Ministry of Environment D-6 Guidelines as amended.

6) Section 40.4 f) of the Light Industrial (LI6)) Zone is amended by adding the following Special Provision:

) **LI6 ()**

a) Permitted Uses

- i) Transport terminals;
- ii) Building or contracting establishments;
- iii) Storage depots.

b) Regulations

- i) **Outdoor Storage Location** No outdoor storage is permitted in any required front yard or exterior side yard
- ii) **Screening Requirements** All outside storage and loading areas shall be suitably screened and bermed, fenced, planted and/or landscaped so that the view of these areas is concealed from public roads.
- iii) **MOE D-6 Guidelines** Prior to the establishment of an industrial use on the subject property, the owner shall have a qualified expert in the field of noise, dust, odour and/or vibration, where applicable, prepare a study which demonstrates the compatibility of the proposed industrial use with nearby sensitive land uses. The study shall be certified as being in accordance with the Ontario Ministry of Environment D-6 Guidelines as amended.

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.

Agenda Item # Page #

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OZ-7319

PASSED in Open Council on October 9, 2012.

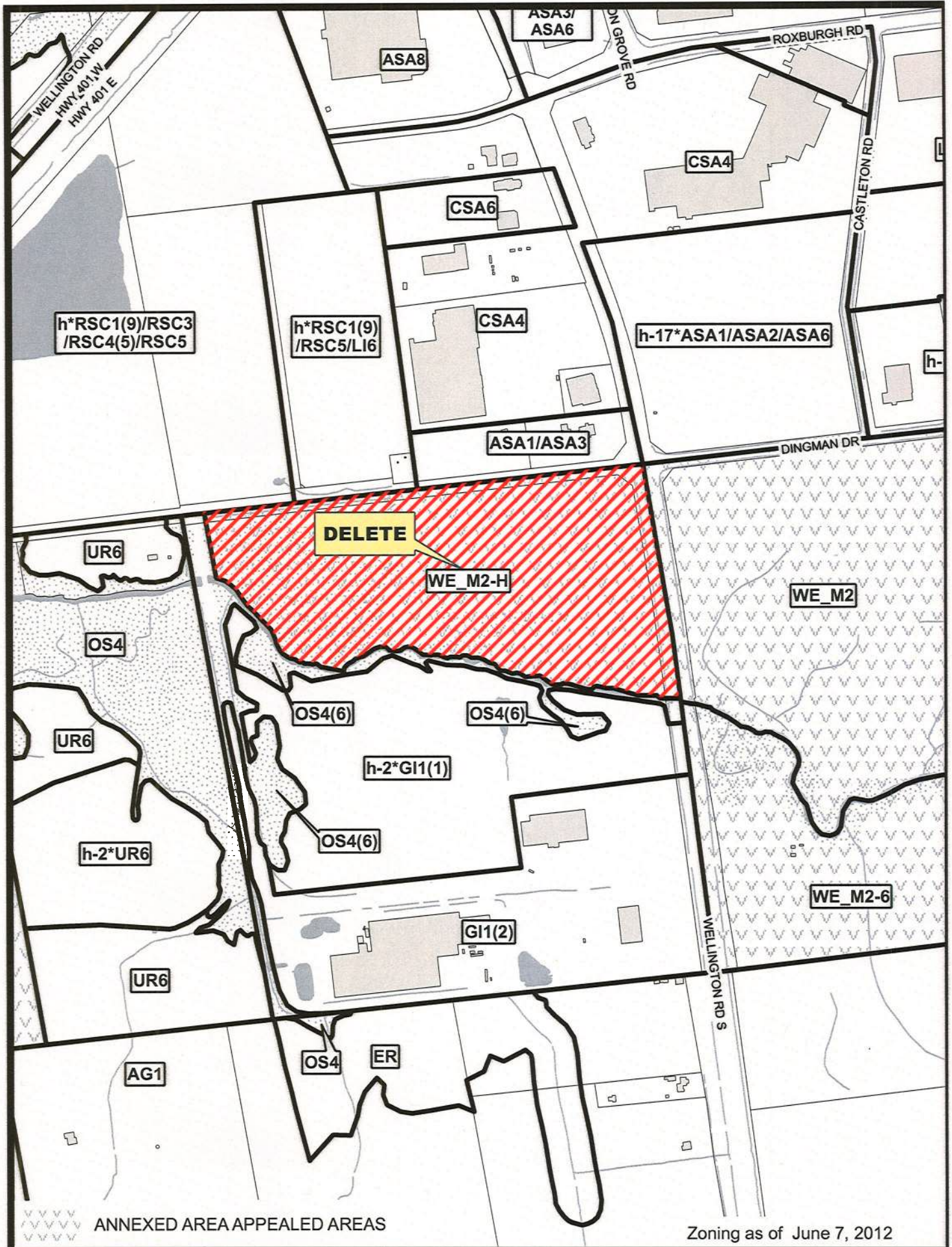
Joe Fontana
Mayor

Catharine Saunders
City Clerk

First Reading - October 9, 2012
Second Reading - October 9, 2012
Third Reading - October 9, 2012

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AMENDMENT TO SCHEDULE "A" (BY-LAW NO. 2000)



File Number: OZ-7319

Planner: CP

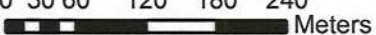
Date Prepared: 2012/09/06

Technician: CK

By-Law No: Z.-1-

SUBJECT SITE 

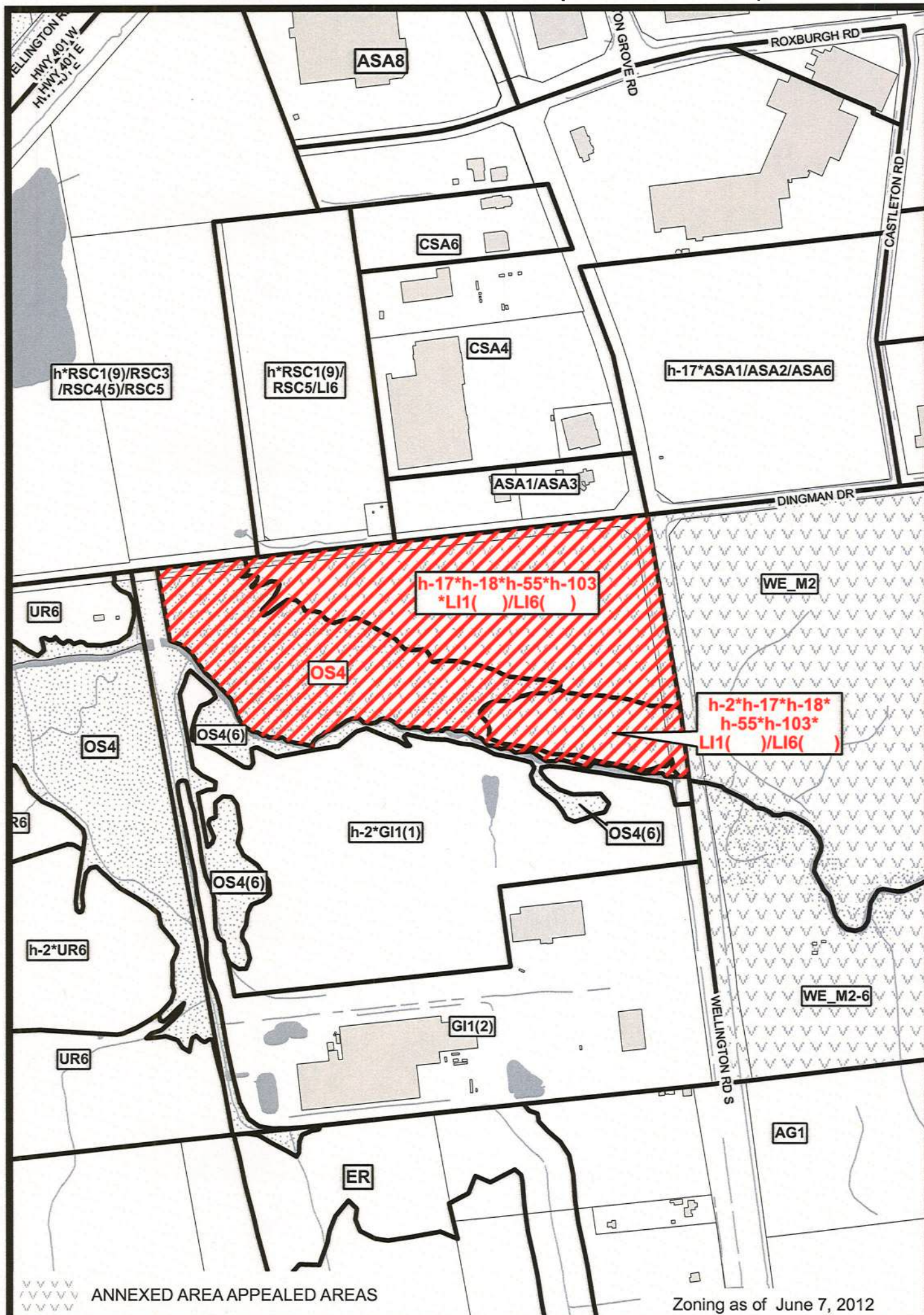
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0 30 60 120 180 240 Meters 



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



File Number: OZ-7319
 Planner: CP
 Date Prepared: 2012/09/06
 Technician: CK
 By-Law No: Z-1-

SUBJECT SITE 

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0 25 50 100 150 200 Meters



Agenda Item # Page #

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SmartGrowth London

Progressive planning for a sustainable, cosmopolitan Forest City
487 Richmond Street, upper London N6A 3E4 - 519.701.2050

To the Planning Committee:

With respect to the proposed development at 4551 Wellington Rd S, we recommend that the application be **REFUSED**.

Rationale:

1. The proposed development represents an unnecessary extension of the urban area of London.
2. The proposed uses could be accommodated within the existing industrial areas North of Dingman Dr, or in one of the City's many industrial parks.

Sincerely,

Joshua Hurwitz
Smart Growth London

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Parker, Charles

From: Roma-Lynn Gillis
Sent: Tuesday, June 26, 2012 8:49 AM
To: Barrett, Gregg; McNeely, Heather
Cc: Parker, Charles; Usher, Harold; White, Sandy; Polhill, Bud; Bryant, Judy; Henderson, Dale; Swan, Joseph;
Subject: Darwin Site

Dear City Planners,

On behalf of our two communities of Shaver and Brockley, we want to emphasize that at the public meeting at Westminster Trails with Heather McNeely and Gregg Barrett on May 2nd, 2012, residents were invited to give input regarding future development in the area, and they indicated clearly that assigning lands in the immediate area for such uses as the *truck transport terminal* proposed by Mr. Darwin is not a use we believe to be compatible with residential neighbourhood. Planners Barrett and McNeely heard the outpouring of passionate protest that evening which could be characterized as an accurate reflection of the 130 home owners that comprise Shaver and Brockley, as well as additional scattered rural home owners in our immediate area. Quite frankly, where Dingman and Wellington Road intersect more or less represents the main crossroad linking our two neighbourhoods, and this intersection also is our link to the nearby commercial businesses just south of the 401. With the increased volume of traffic we have seen recently given a steady stream of garbage or BFI trucks passing this intersection--this over and beyond the volume of traffic of persons going back and forth to work between St. Thomas and London--heightened truck traffic along this section of Wellington Road would not be welcome. Further, we do not believe that an industrial use like a trucking terminal compliments the neighbourhood-friendly commercial enterprise immediately to the north of proposed site: businesses like Gold's Gym, Lumberteria, Costco, the Firth Animal Hospital, and other business and eating establishments that we do welcome in our area. Over and beyond the traffic, we believe a truck transport terminal would cause the level of noise and pollution to increase appreciably, simultaneously bringing undue noise closer to our neighbourhoods, and adding to the anxiety we already feel about our stressed airshed. Thirdly, we do not envisage such a development would do anything for aesthetics along Wellington Road; and although the City may be getting a late start in controlling what they allow in an aesthetic sense along this major artery into the City, planners need to think about how to improve the situation now because with careful planning and development going forward, this section of Wellington Road, either side, could provide one of the more attractive entrances to the City. It would be our recommendation that the City adopt special zoning regulation along all major arteries leading into the City that would allow closer supervision of such lands.

Having said all of this, it is important that City Planners understand that we are open to certain kinds of commercial and light industrial enterprise, and we would be more than willing to enter into dialogue with land owners surrounding us. Indeed we believe that together we could come up with mutually satisfactory enterprises which might end up being even better investment for said land owners. We would be willing to work with them, and believe it would be a mistake for them to plow ahead with development that disregards 130 + landowners in the immediate area.

Respectfully submitted by
R.L. Gillis
on behalf of the Shaver-Brockley Coalition

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The Brockley/Shaver Coalition has requested that they be notified of all future correspondence concerning this property. Please add to your mailing list: Roma-Lynn Gillis representing Brockley/Shaver Coalition.

FYI, to Allan and Roma-Lynn, the link below will direct you to the recent notice that was circulated for the Darwin site.
http://www.london.ca/Planning_and_Development/PDFs/LIC/OZ-7319Notice.pdf

Thanks,
Heather

Heather McNeely, Senior Planner 519-661-2500 ext. 5074

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Parker, Charles

From: charles.parker@cityoflondon.com
Sent: Tuesday, June 26, 2012 11:03 PM
To: Parker, Charles
Subject: OZ-7319 reply to June4/12

Dear Chuck Parker:

I received a notice of application to amend the official plan and zoning of 4451 Wellington Rd. I would like to register my strong objection to these changes at this time. My property is on the opposite corner to the property in question and I have run my business from this locale since 1973. We as a community have been intensely fighting to make sense of the zoning in this area not just for our advantages but also because it has been the main gateway to the city of London and there seems to be a total disregard for that fact. Expansion and beautification should be the intent rather than allowing any business proposal that might come along to define the future of that entrance. There also seems to be total confusion amongst those who do the zoning and the enforcement for this area. It seems that they are swayed by every suggestion or promise that comes their way in regard to this area.

Just a quick review of the dismal decisions that have been made over the past 5-6 years for this area will show that there has been a lot of community disappointment. There have been major insults on our living standards with no respect for those of us who have made our homes and businesses in the area with the purpose of forming a community that we as residents can enjoy and prosper.

Until these problems have been resolved and a purposeful plan can be presented to the concerned community there cannot be changes made with out causing more disarray of planning and upset of original residents.

There has been a much politically advertised announcement of a large shopping center that has entrance by way of Dingman Drive just a few hundred feet west of the property in question that will attract a large population of people to shop in the area. To disfigure the area further by putting a transport truck terminal here right on a corner of one of the main intersections that will lead to an entrance to that mall is neither in the good interest of the proposed mall or the community. The positioning of the Mall will be an encouragement and attraction to more of the public, and development needs to be centered on making the best of that proposal.

This change would be another "development [that] is premature" for that property that is, and should remain Urban Reserve until there is resolve of the community concerns. We already have had too much of the new businesses defining our area before the community area planning has had a chance to define it through the political system. Allowing this premature development to further define the community would be a further complication to the process that is in motion presently. If you read the paragraph next to the "POSSIBLE AMENDMENT:" on the notice of application it states "development is premature and primarily permits existing uses until a Community Plan/Area Plan is completed" this "Plan" has not been completed. Why is there even a thought given until that "Plan" is completed? The trucking proposal needs to be shelved until the area has been appropriately set with a plan that is satisfactory to the concerned neighbours.

The city has set aside a large area with the organization of the appropriate structure to support this type of industry to the east of Highbury Ave where it will not negatively affect already established residents (on the south end of the Veterans Memorial road and along Old Victoria side road to the area east of Highbury at the 401). Why would there be allowance to change a plan that already has so many unresolved complications to it when there is such a large unused provision in that vicinity?

I strongly oppose this zoning change at this time.

Sincerely

Peter Firth Animal Hospital

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Parker, Charles

From: Sunday, September 16, 2012 4:54 PM
Sent: Parker, Charles; Usher, Harold; White, Sandy
To: Polhill, Bud; Bryant, Judy; Henderson, Dale; Swan, Joseph
Cc:
Subject: Proposal for 4451 Wellington Road (Darwin Land)

Dear Mr. Parker,

I apologize at not responding sooner regarding the zoning of 4451 Wellington Road, but it is only within the last week or so that I have been able to view the proposed plan.

My **main objection** to any plan--part of which includes a transport truck terminal--would be concern for **noise**. Already we contend with noise from the 401 Corridor, and additionally there is another trucking facility in the area. I can tell you that the noise of their shunting around tractor trailers at late and early hours carries to homes in our neighbourhood, and necessitates closing of bedroom windows at night. So to permit a facility which would only exacerbate levels of noise already experienced by neighbours in the area would simply not be acceptable.

Regards,
David Gillis
(2743 Dingman Drive)

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Parker, Charles

From: Sunday, September 16, 2012 4:43 PM
Sent: Parker, Charles; Usher, Harold; White, Sandy
To: Polhill, Bud; Bryant, Judy; Henderson, Dale; Swan, Joseph
Cc: Proposal for Darwin Land at 4451 Wellington Road
Subject: Doc. for C and CF on Brockley PDF2 09-11.pdf; C. to Planning Com. PDF2 10-06.pdf; 12-04
Attachments: PDF2 S. to Pl. C.pdf

Dear Mr. Parker,

As you may know, citizens along and adjacent to Wellington Road have been fighting unwelcome development in our area on a number of fronts which is why you have not heard from me before now.

However, within the last week a number of concerned citizens have had occasion to meet with the Planner who handles Mr. Darwin's land at the corner of Wellington Road and Dingman Drive to view the actual proposal being made regarding change to the zoning.

While I am certainly sympathetic to Mr. Darwin's plight concerning difficulty for sale of the lands while ambiguous zoning characterizes his land, I would wish to emphasize that any specific zoning along the Wellington Road corridor is in my view completely premature. I am sure you have been informed that citizens from the Communities of Shaver and Brockley south of the 401 met with Gregg Barrett and Heather McNeely at a public meeting at the Westminster Trails Golf Course on May 2nd, at which time the wishes of 150 homeowners in our neighbourhoods were communicated clearly to City Planners. Additionally, documents have been sent from our area to City Councillors, and presentation has been made to the Planning Committee requesting that any project incompatible with our residential neighbourhoods not be allowed either at this time or in the future. **Surely the historicity of our residential neighbourhoods must count for something.** Unfortunately all of the development south of the 401 in the last six years has been schizophrenic, with homes between half a million and a million dollars being given building permits at the same time that unsightly industry--and even heavy industry (Stormfisher Biogas)--is allowed to construct nearby. Such dissonance must be stopped and addressed with dedicated planning and zoning where residents in the area are actually consulted.

For your reference, I will attach below salient historic documents we have presented to City officials as far back as November of 2009. Suffice it to say at the moment that the main request our area has been making to the City is that **before any more**

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development or projects or land use change or zoning be permitted in our area, the City undertake a South Central Area Plan Study. Over the last number of years in a variety of written documents, we have articulated numerous reasons we request this.

It is for reason of the **request for specific study of our area prior to any action** that I would ask that the possible Amendment of the official plan and zoning of 4451 Wellington Road not be permitted at this time.

Respectfully submitted,
Roma-Lynn Gillis
2753 Dingman Drive

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Parker, Charles

From:
Sent: Sunday, September 16, 2012 3:11 PM
To: Parker, Charles
Subject: Zoning

Attention Mr. Parker ,

We are writing in response to rezoning the parcel of land at 4451 Wellington Rd. S. Me -Bob Scott and John Pieteron are NOT in favour of a truck depot on the above lands. There is already to many trucks traveling Wallington Rd south of the 401. This would put it over the top, how ever we are in favour of a SOUTH CENTRAL AREA STUDY on the complete area to get some continuity on the zoning. Attention being paid to the aesthetics of this major artery in London.
Regards Robert Scott 3044 Westminster Dr., and John Pieteron 5011 Wellington Rd. S