Report to Planning and Environment Committee

To: Chair and Members

Planning & Environment Committee

From: George Kotsifas, P. Eng

Managing Director, Development & Compliance Services &

Chief Building Official

Subject: Application By: Yardigans Estate Liquidation Services

1350 Trafalgar Street

Public Participation Meeting on: May 27, 2019

Recommendation

That, on the recommendation of the Director, Development Services, with respect to the application of Yardigans Estate Liquidation Services relating to the property located at 1350 Trafalgar Street, the proposed by-law <u>attached</u> hereto as Appendix "A" **BE**INTRODUCED at the Municipal Council meeting June 11, 2019 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** a General Industrial (GI1) Zone, **TO** a General Industrial Special Provision (GI1(_)) Zone.

Executive Summary

Summary of Request

Request to allow for a new commercial use and identify an associated parking rate to facilitate an adaptive reuse for one unit in the existing building.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended amendment will allow for the "second hand goods outlet" as new use, with a total floor space maximum of 1,500m², as well as a new parking rate of 1 space per 65m².

Rationale of Recommended Action

- 1. The proposed reuse of the existing unit is consistent with the Provincial Policy Statement 2014, and maintains the economic contributions of the employment lands;
- The proposed commercial use is appropriate for the subject site and conforms to the 1989 Official Plan Brydges Area Specific Policy and the general intent of The London Plan;
- 3. The recommended amendment will ensure the continued operation and viability of the industrial area for current and future uses; and,
- The commercial use has demonstrated there will be no adverse impacts
 produced that would affect nearby sensitive uses or the long-term viability of the
 adjacent industrial uses.

Analysis

1.0 Site at a Glance

1.1 Property Description

The subject site is a purpose-built industrial building with approximately four individual units currently used for a renovation store and self-storage establishment. The site is

located on the east side of Highbury Avenue North and the north side of Trafalgar Street. There are Canadian National (CN) Railway tracks directly to the north of the site, commercial and industrial uses to the east, west and south, and low density residential uses located further south.

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

- Official Plan Designation General Industrial (GI)
- The London Plan Place Type Light Industrial (LI)
- Existing Zoning General Industrial (GI1) Zone

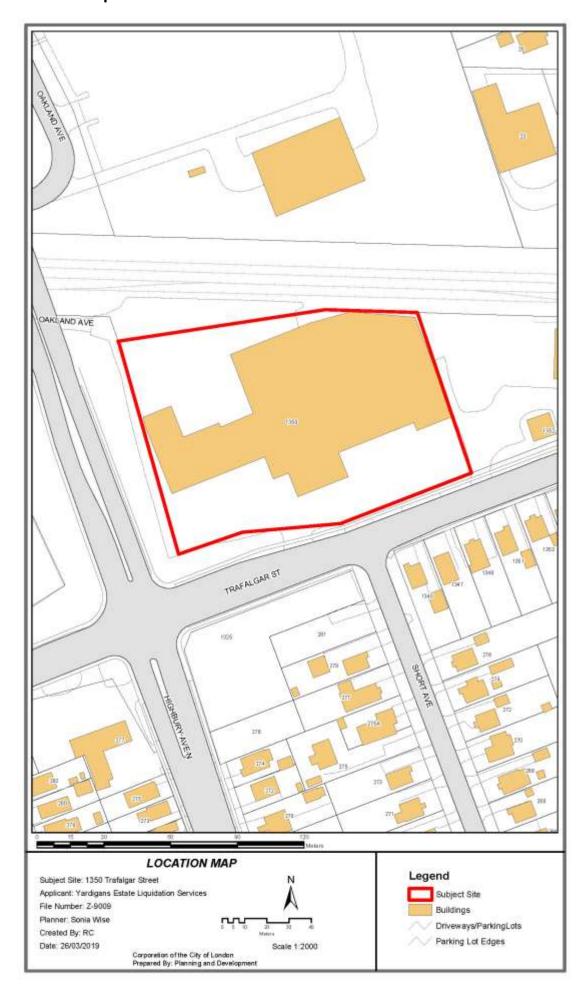
1.3 Site Characteristics

- Current Land Use industrial, commercial and self-storage
- Frontage 98m (321 ft)
- Depth Varies
- Area 1.2ha (3 ac)
- Shape Irregular

1.4 Surrounding Land Uses

- North Railway
- East Restaurant and Industrial
- South Service Station and Restaurant
- West Commercial Plaza

1.6 Location Map



2.0 Description of Proposal

2.1 Development Proposal

The development proposal is for an adaptive reuse of an interior unit in the existing building at 1350 Trafalgar Street for a new use defined as a "second hand goods outlet". The existing built form is not proposed to change. A new definition and parking rate is proposed to allow for the use, which is proposed to occupy up to a maximum of 1,500m² gross floor area.



Figure 1: Conceptual Site Plan

2.2 Detailed Description of Operation

The proposed use is of a commercial and industrial nature and employs approximately five (5) employees in a total space of 1,470m². There is a retail/wholesale component of the site where the public can access the goods and products derived from estate liquidations in a large floor space which occupies 1,030m². The remaining 440m² is more industrial in nature which is used for the storage, dismantling, cleaning, and reconditioning various furniture and appliances.

The applicant has identified that most other liquidators use third parties to dispose of goods such as charitable non-profit organizations, or auctioneering businesses, or items are taken to landfill sites. The proposed use would incorporate all features of estate liquidation in one business model, including the delivery, refurbishment, and wholesale or retail sales.

3.0 Relevant Background

3.1 Planning History

In 2017, the Brydges Street Area Review study (O-8749) recommended a new specific policy to Chapter 10 of the 1989 Official Plan to allow for limited commercial uses within the industrial portion of the Brydges Street Area, as industrial lands within the interior of the City such as the subject site, were struggling to attract new industrial users. The

study area included industrial parcels south along the CN Rail Yard between Egerton and Hale Streets and north of the rail yard along Brydges Street.

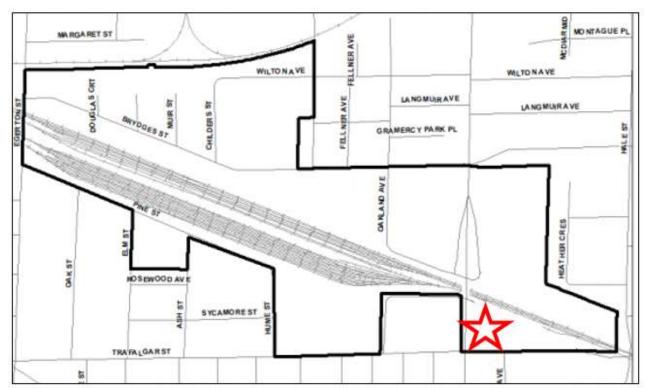


Figure 2: Brydges Street Special Policy Area Boundary

3.2 Requested Amendment

The requested amendment is to introduce a new use and parking rate for a "second hand goods outlet" through a special provision to the General Industrial (GI1) Zone. A special provision is also proposed to limit the size of the use to the existing unit measuring 1,500m² of gross floor area.

The applicant proposed the following definition for a 'second-hand and used goods outlet':

Second-Hand and Used Goods Outlet: A commercial industrial use and an establishment that retails and wholesales household and business goods and products that have been used or are second hand, as opposed to brand new, and to which can be dismantled, cleaned, serviced, and repaired as part of the process of recycling and re-selling the goods in the establishment. The maximum floor area is proposed to be restricted to 1,500m² within the existing building.

The recommended definition has been modified for clarity to a "Second Hand Goods Outlet" as follows:

Second Hand Goods Outlet: means a building, or part thereof, used for the storing, selling, dismantling, refurbishing, and repair of used goods, wares and materials; but does not include a retail store, material recovery facility or a salvage yard.

3.3 Community Engagement (see more detail in Appendix B)

1 reply was received that requested more information about the application and expressed concern about a loss of local jobs.

3.4 Policy Context (see more detail in Appendix C)

Provincial Policy Statement (PPS) 2014

The Provincial Policy Statement (PPS) 2014, provides policy direction on matters of provincial interest related to land use planning and development. The Provincial Policy

Statement encourages healthy, liveable and safe communities that are sustained by accommodating an appropriate range and mix of employment uses, including industrial and commercial to meet long-term needs (1.1.3).

The London Plan

The London Plan is the new Official Plan for the City of London (Council adopted, approved by the Ministry with modifications, and the majority of which is in force and effect). The London Plan policies under appeal to the Local Planning Appeals Tribunal (Appeal PL170100) and not in force and effect are indicated with an asterisk (*) throughout this report. The London Plan policies under appeal are included in this report for informative purposes indicating the intent of City Council, but are not determinative for the purposes of this planning application.

The site is within the Light Industrial Place Type where industries generating minimal planning impacts are permitted (1110). The London Plan will be amended to add the Brydges Street Area policies to the specific policies of the Industrial Place Types at a future time when the plan is in full force and effect.

Official Plan

The site is within the General Industrial designation, which permits any industrial use that includes assembling, fabricating, manufacturing, processing, repairing and wholesale and warehouse establishments (7.2). The General Industrial Designation is also applied to certain older industrial areas that may be located adjacent to residential uses like the lands on the south side of Trafalgar Street.

Chapter 10 Brydges Street Specific Policy Area

The Site is located within the Brydges Street Specific Policy Area which contemplates a limited amount of commercial uses in industrial areas through site-specific zoning amendments (10.1.3.cxlix).

Zoning

The existing zoning is the General Industrial (GI1) Zone which provides for and regulates a broad range of industrial activities, though does not allow the specific nature of the requested "second hand goods outlet" commercial use.

4.0 Key Issues and Considerations

4.1 Use

Section 1.3 of the PPS contains the Employment policies, which promote economic development and competitiveness by providing an appropriate mix and range of employment uses (1.3.1a). The subject site is located within an existing industrial designated area and future industrial place type which forms part of the City's economy and employment sector. The adaptive reuse of the unit will allow for an alternative employment use within an existing industrial area. The PPS promotes opportunities for a diversified economic base, including maintaining a range of economic activities and ancillary uses which take into account the needs of existing and future businesses (1.3.1 b)). The proposed commercial/industrial use maintains the industrial nature of the area and moderately diversifies the permitted uses which enhances the viability of the industrial node overall.

Industrial Place Types represent a critical part of The London Plan's City Structure – where one-third of Londoners work and where many of the goods and services the City produces are designed, manufactured, processed, assembled and then transported to the world. Many of the industrial lands in the core of the City that formed 50-100 years ago are losing their attraction, and some are now transitioning to new uses, such as the subject site proposal for a 'second hand goods outlet', that create alternative

employment opportunities (1107).

The site is designated General Industrial in the 1989 Official Plan, and within the Light Industrial Place Type in The London Plan. The main permitted uses in the General Industrial Designation are industrial uses that include assembling, fabricating, manufacturing, processing, repairing, wholesaleing and warehousing (7.2.1). Within the Light Industrial Place Type, a broad range of industrial uses that are unlikely to impose significant impacts on surrounding light industrial land uses due to their emissions such as noise, odour, particulates and vibration may be permitted (*1115). Though the long-term intent for the site in The London Plan is for less intensive industrial uses for the future, neither the General Industrial designation, nor the Light Industrial Place Type allow for the commercial nature of the "second hand goods outlet".

The site is also within the Brydges Street Specific Policy Area, which supplements the industrial uses with a limited amount of commercial uses that maintain the existing building stock and reduce vacancy in industrial areas. A limited amount of new commercial uses may be permitted through a site-specific zoning by-law amendment provided the following evaluation criteria can be met:

Evaluation Criteria

a. The commercial use is located within an existing building

The building at 1350 Trafalgar Street is existing and the proposed amendment will apply to permissions within a portion of the existing building. The total gross floor area of the entire building is approximately 6,227m², and the proposed 'second hand goods outlet' is proposed to occupy 1,500m² in one unit.

b. Additions to or enlargement of the building to accommodate commercial uses will be discouraged. Substantial additions or alterations to existing buildings to accommodate commercial uses will not be permitted;

No external works to add, expand or enlarge the existing building or site are proposed. The request is to adaptively reuse one unit in the existing building which will make efficient use of the space without requiring any additions or enlargements to the building.

c. The commercial use does not fit well within the Downtown, Enclosed Regional Commercial Node, New Format Regional Commercial Node, Community Commercial Node, Neighbourhood Commercial Node, Auto-oriented Commercial Corridor or Main Street Commercial Corridor land use designations due to its planning impacts;

The proposed use requires a large amount of gross floor area for sale, storage, and display, and also includes a repair and restoration component. The retail portion of the operation is similar to other specialty second-hand stores as Goodwill, Value Village or Habitat for Humanity ReStore, which are typically found in, and would be appropriate for, many other designations around the City including the Downtown, the Main Street Commercial Corridor, Neighbourhood Commercial Nodes, and Auto-Oriented Commercial Corridors. A portion of the 'second hand goods outlet' use also includes a repair and restoration component for the refurbishment of items which includes activities such as dismantling, cleaning, re-conditioning, re-finishing and repairing items, which are typically more industrial in nature. The proposed repair and restoration portion may have more noticeable impacts for generation of noise, odour or emissions associated with the refurbishment of items than would be expected for a standard retail store and could be considered as quasi-industrial in nature. It is appropriate to separately define and recognize the commercial/industrial nature of the use as more unique than a standard retail store.

d. The commercial use may generate noise, vibration or emission impacts;

The repair and restoration portion of the use could include impacts associated with the generation of noise from tools, odours from lacquers, paint and other solvents, and emissions such as dust from the refurbishment works. The more intensive repair and restoration activities are operated from the rear of the site, near the rail line which is located the furthest distance from the nearby residential uses as possible, and are buffered by the existing building. The retail component of the facility is located along the Trafalgar Street frontage and operated internally to the building which insulates any impacts of noise, vibration or emissions to the surrounding area.

e. The commercial use may generate large volumes of truck traffic;

Yardigans specializes in estate liquidation services which would involve periodic large truck traffic for the shipment of goods to the site, as well as delivery or pick-up of large goods from the site. An existing loading dock is located at the front of the building which facilitates the movement of large items. The site has convenient access to two arterial roads at Highbury Avenue North and Trafalgar Street which are appropriate for, and direct large truck traffic away from, the interior of nearby residential neighbourhoods and streets.

f. The commercial use may require large storage and/or display space;

The proposed use features a variety of furniture, and large household items that require ample gross floor area for display space. The proposed storeroom portion of the site would include approximately 1,030m², and an additional 440m² for storage and refurbishment, which creates a large demand for space that can be accommodated onsite.

g. Minor variances to accommodate additional parking or minor variances that could have an impact on the industrial operations in the area will be discouraged;

A new parking rate is proposed to accompany the newly defined use of 'second hand goods outlet'. The parking for the site is shared between the various tenants on site and no negative impacts are anticipated for the other existing industrial operations. More detailed information is addressed under the 'Parking' section of this report.

h. The commercial use would not prevent the future reuse of the building for industrial uses;

The proposal is adaptively reusing an existing unit in the building with minimal internal alteration. If Yardigans was to cease operation, the space would revert back to a large, vacant unit, which would be easily convertible for alternative industrial tenant(s).

i. The commercial use does not generate significant additional traffic that will interfere with the industrial uses or operations in the areas; and

The proposed use will generate traffic associated with delivery of goods to and from the site, as well as patronage from customers. The anticipated traffic can be managed by the site and will not interfere with the other on-site, or nearby industrial uses. The use is not anticipated to generate significant amounts of traffic, and parking will be shared on-site between all the users of the building which will support peak operation times.

j. The commercial use does not constitute a sensitive land use which would have an impact on, or would impair or interfere with the existing or planned industrial use in the area.

The proposed use is not considered to be of a sensitive nature, though is considered less intensive than traditional general industrial uses. The 'second hand goods outlet' is a complementary and transitional use to both the nearby residential area and the existing industrial uses in the building and nearby area.

Summary of Criteria

The Brydges Street Specific Policy Area considers new commercial uses that maintain the existing building stock and reduce vacancies while new industrial uses are sought. The criteria ensures any commercial uses that locate within the Brydges Street Area do not negatively affect existing or future industrial or nearby residential uses. The proposed 'second hand goods outlet' use is an appropriate commercial use to introduce in a historically industrial node, and fits harmoniously with the existing industrial uses, nearby residential uses, and broader area.

4.3 Compatibility

The PPS provides direction to avoid development and land use patterns which may cause environmental or public health and safety concerns (PPS 1.1.1 c)), and The London Plan further requires that the Province's *D-series Guidelines* be implemented to ensure that industrial uses and sensitive land uses are not located inappropriately close to one another (1138).

The D-6 Guidelines were created by the Ministry of the Environment in 1995 in accordance with the Environmental Protection Act, and are intended to prevent or minimize land use issues due to the encroachment of sensitive land uses and industrial uses on one another. The proposed commercial use is not considered to be of a sensitive nature, and is a complementary land use to the existing industrial uses as well as the nearby residential uses. The proposed zoning amendment has been reviewed in accordance with the D-6 guidelines and does not represent a conflict between sensitive and non-sensitive land uses.

4.4 Form and Scale of Development

The PPS requires that settlement areas are to be the focus of growth and development, and that their vitality and regeneration shall be promoted (PPS 1.1.3.1). The subject site is located within an existing settlement area and industrial building and will repurpose an existing unit for a new and complementary use. The PPS further requires that land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources and are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available (PPS 1.1.3.2 a) 1 & 2). The adaptive reuse allows the efficient utilization of the existing site which has access to full municipal services.

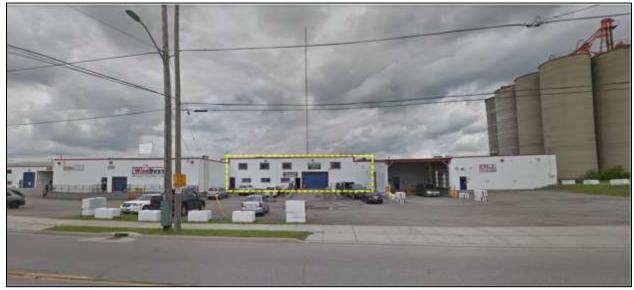


Figure 3: Streetview of Subject Site

The Existing Industrial Areas Objectives policies of the 1989 Official Plan recognize the role of older, viable inner-city industrial areas and provide for their continuation and improvement. The policies encourage the rehabilitation or replacement of functionally

obsolete industrial buildings, which is reinforced and further detailed through the Brydges Street Specific Policy Area criteria (7.1.5).

A special provision will allow for a maximum of 1,500m² of gross floor area to be used for the "second hand goods outlet" which is appropriate to allow for the site function, and also to ensure the industrial nature of the remainder of the building is maintained. The proposed use of the site will efficiently reuse the existing floor space in an interior unit of the existing building, and no additional or new development is proposed.

The vehicular access, building setbacks, height and GFA are all existing and will not change through the requested Zoning By-law amendment. Some minor improvements to the site will be undertaken this summer by the owner, to demarcate parking stalls and delineate the boundary between parking and landscaped open space areas to improve the overall function of the site. Any future development or redevelopment of the site that results in a substantive increase in usability will require Site Plan Approval and compliance with the Site Plan Control Area by-law.

4.5 Parking

The proposal is for a new use which also requires consideration and justification for a new associated parking rate. Yardigans employs five (5) people, and includes a retail space of 1,030m², and refurbishment and warehouse space of 440m², for a total gross floor area of 1,470m². The applicant has proposed a parking rate of 1/65m² for the 'second hand goods outlet" use which is based on a review of the parking rates for similar uses, as well as consideration for the specific details of the proposed use.

The following existing uses were considered as their parking rates relate to the proposed 'second hand and used goods establishment':

- a) Building Supply Outlet requires 1 per 30m² for retail/showroom plus 1 per 200m² warehouse/wholesaling
- b) Department Store requires 1 per 20m²
- c) Home Appliance Store requires 1 per 30m²
- d) Home Furnishings Store 1 per 30m²
- e) Industrial Mall requires 1 per 65m²
- f) Retail Warehousing requires 1 per 1 per 30m² retail/showroom plus 1 per 200m² for warehousing/wholesaling
- g) Service Industrial Use requires 1 per 65m²
- h) Wholesale Establishment 1 per 125m²

The above eight (8) uses were identified as having some commonality with the Yardigans Store in terms of being large, single floor plate commercial users and the types of goods and products they sell. The industrial mall definition was considered to be the most appropriate for the purposes of justifying the parking rate which requires 1 space per 65m² given the shared parking arrangement that serves all the units of the existing building, which equates to 23 spaces required for Yardigans. The industrial mall is defined as "a building or group of buildings held in single ownership or by participants in a condominium corporation or cooperative and divided into units for separate occupancy by different industrial uses for which common loading and parking facilities and other common services may or may not be provided."

The entire site has 44 parking spaces shown, with the renovation store requiring 14 spaces, the self-storage facility requiring 3 spaces, leaving 27 spaces available for Yardigans. The site is also well-served by public transportation with route 14 along Highbury Avenue North and nearby services with route 2A at Hale Street and Trafalgar Street and route 7 at Brydges Street and Highbury Avenue North within 500m.

More information and detail is available in Appendix B and C of this report.

5.0 Zoning By-law

The proposal is to amend the zone from the General Industrial (GI1) Zone to the

General Industrial Special Provision (GI1(_)) Zone to add a new use of 'second hand goods outlet'. A newly defined use for the second hand goods outlet will facilitate the specific use and operation for the site, and special provisions will be applied to limit the gross floor area to 1,500m² and establish a new parking rate of 1 space per 65m².

6.0 Conclusion

The proposed 'second hand goods outlet' is consistent with the Provincial Policy Statement, 2014, and conforms with the General Industrial policies and Brydges Street Specific Area policies of the 1989 Official Plan and the general intent of the Light Industrial Place Type in The London Plan. The reuse of the existing building provides for an appropriate and compatible land use with the existing industrial and nearby residential uses.

Prepared by:	
	Sonia Wise, MCIP, RPP Senior Planner, Development Services
Recommended 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.

May 16, 2019

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Appendix A

Bill No.(number to be inserted by Clerk's Office) 2019

By-law No. Z.-1-19_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 1350 Trafalgar Street.

WHEREAS Yardigans Estate Liquidation Services has applied to rezone an area of land located at 1350 Trafalgar Street as shown on the map attached to this bylaw, 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:

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 1350 Trafalgar Street, as shown on the attached map comprising part of Key Map No. A108, from a General Industrial (GI1) Zone to General Industrial Special Provision (GI1(_)) Zone.
- 2) Section Number (41.4) of the General Industrial (GI1) Zone is amended by adding the following Special Provision:

GI1() 1350 Trafalgar Street

- a) Additional Permitted Use
 - i) Second Hand Goods Outlet within existing building

Second Hand Goods Outlet: means a building, or part thereof, used for the storing, selling, dismantling, refurbishing, and repair of used goods, wares and materials; but does not include a retail store, material recovery facility or a salvage yard.

b) Regulations

i) Gross floor area 1,500m² (16,145 sq ft) (maximum)

ii) Parking 1 per 65m² (699 sq ft) (minimum)

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 June 11, 2019.

Ed Holder Mayor

Catharine Saunders City Clerk

First Reading – June 11, 2019 Second Reading – June 11, 2019 Third Reading – June 11, 2019

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



Appendix B – Public Engagement

Community Engagement

Public liaison: On January 23, 2019, Notice of Application was sent to 57 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on January 24, 2019. A "Planning Application" sign was also posted on the site.

1 reply was received

Nature of Liaison: Possible change to Zoning By-law Z.-1 from a General Industrial (GI1) Zone to a General Industrial Special Provision (GI1(_)) Zone to introduce and permit the new use of a "second-hand and used goods outlet", with special provisions to restrict the maximum floor area to 1,500m² within the existing building, and introduce a parking rate of 1/65m² for the use.

Responses: A summary of the various comments received include the following:

1 reply was received that requested more information about the application and expressed a concern about a loss of local jobs.

Responses to Public Liaison Letter and Publication in "The Londoner"

Telephone	Written
Sherri Read 145 Fairhaven Circle London ON N5W 1E3	

Agency/Departmental Comments

<u>London Hydro – February 4, 2019</u>

This site is presently serviced by London Hydro. Contact Engineering Dept. if a service upgrade is required to facilitate the new building. Any new and/or relocation of existing infrastructure will be at the applicant's expense. Above-grade transformation is required. Note: Transformation lead times are minimum 16 weeks, Contact Engineering Dept. to confirm requirements & availability.

<u>Development Services – Engineering – February 22, 2019</u>

No comments for the re-zoning application.

The following items are to be considered during the development application approval stage:

Transportation

- Road widening dedication of 18.0m from centre line required on Trafalgar Street
- 6.0mx6.0m daylight triangle required at Highbury and Trafalgar Street
- Close and restore the westerly access
- Close and restore the easterly access
- Detailed comments will be provided through the site plan process regarding access location and design

Canadian National Railway - January 30, 2019

Thank you for circulating CN Rail on the above noted application.

If this application is only related to the change in use, then we have no comments. We would like to be notified if there are any proposed changes to the site that could affect site drainage.

<u>Upper Thames River Conservation Authority – January 28, 2019 Excerpt</u>

The UTRCA has no objections to this application.

Appendix C – Policy Context

The following policy and regulatory documents were considered in their entirety as part of the evaluation of this requested land use change. The most relevant policies, bylaws, and legislation are identified as follows:

Provincial Policy Statement, 2014

1.1.1 c – avoid land use conflicts 1.1.3.1 – settlement areas

1.1.3.2 - efficient use of land

1.1.3a - mix and range of employment uses

1.3.1 b - diversified economic base

1989 Official Plan

Chapter 7: General Industrial Designation

Chapter 10 cxlix: Brydges Street Specific Policy Area

The London Plan

1107 – Transitioning industrial areas

1110 - Light Industrial Place Type

1115* - Permitted Uses

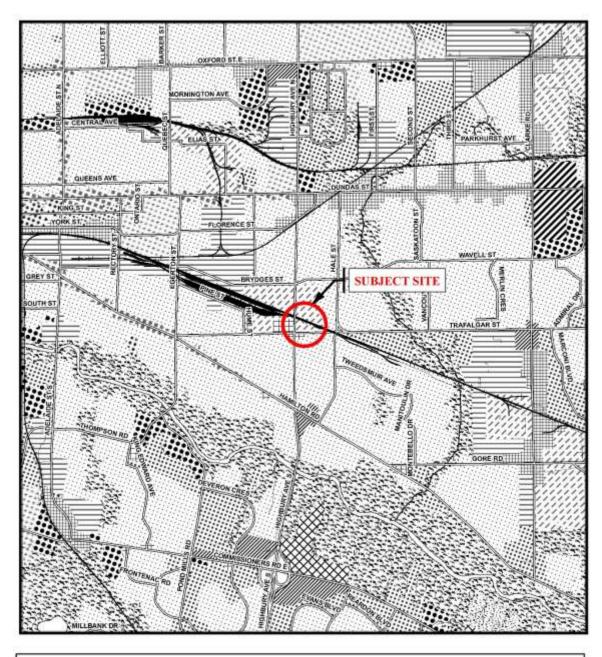
1138 - D-6 Guidelines

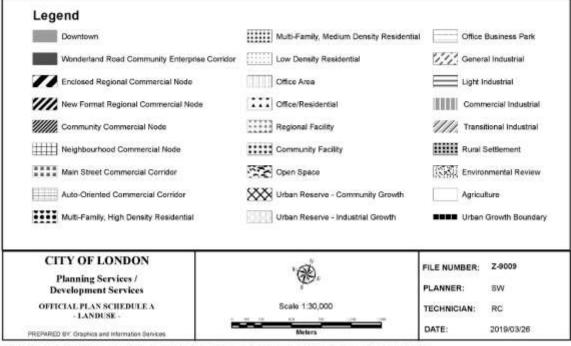
Z.-1 Zoning By-law Section 4: General Provisions

Section 41: General Industrial (GI) Zone

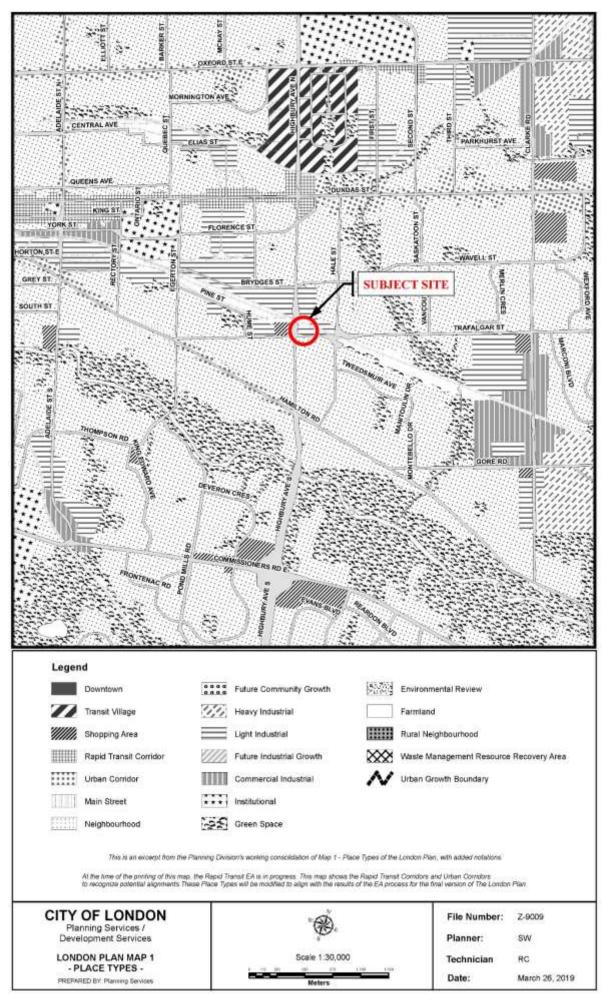
Appendix D – Relevant Background

Additional Maps





PROJECT LOCATION: enplanning/projects/p_officis/plan/workconsoi/O/excerpts/mind_templates/acheduleA_b&w_8x14_with_SWAP.mixd



Project Location: E::Planning:Projects/p_zoning/z-1zones/amendments/Z-9009/projects/Z-9009-LP-Placetypes-Excerpt-Map mxd

