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File: TZ-8112  
Planner: Mike Corby

<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING &amp; ENVIRONMENT COMMITTEE</b>
<b>FROM:</b>	<b>JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER</b>
<b>SUBJECT:</b>	<b>APPLICATION BY: NELSON-WOLFE DEVELOPMENTS INC. 585 THIRD STREET PUBLIC PARTICIPATION MEETING ON JANUARY 8, 2013</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of the Managing Director, Planning and City Planner, based on the application of Nelson-Wolfe Developments Inc. relating to the property located at 585 Third Street the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on January 15, 2013 to amend Zoning By-law No. Z.-1 in conformity with the Official Plan to extend the Temporary (T-55) Zone to permit a repair and rental establishment, warehouse, service and repair establishment, service trade, office, and convenience store with no outdoor storage for any of the permitted uses for a further three (3) year period.

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
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Z-6751- PC- May 2000

Z-7293- PC March 2007

TZ-8112 – PC April 12, 2010

<b>PURPOSE AND EFFECT OF RECOMMENDED ACTION</b>
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To extend a temporary use zone that permits a repair and rental establishment, warehouse, service and repair establishment, service trade, office, and convenience store with no outdoor storage for any of the permitted uses for a period not exceeding three (3) years.

<b>RATIONALE</b>
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1. The recommended extension of temporary use zoning conforms with the criteria for temporary uses in the Official Plan (Section 19.4.5).
2. The range of permitted uses provides flexibility for the property that maintains the existing industrial building and does not compromise the future redevelopment opportunities for the site.
3. The temporary zoning is appropriate for this site based on its location and the limited impact of its uses on the neighbouring residential units.

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LOCATION MAP	LEGEND
<p>Subject Site: 585 Third St                      Applicant: NELSON-WOLFE DEVELOPMENTS INC.                      File Number: TZ-8112                      Planner: Mike Corby                      Created By: Mike Corby                      Date: 2012-10-15                      Scale: 1:2500</p>	<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: #cccccc; border: 1px solid black; margin-right: 5px;"></span> Subject Site</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: #808080; border: 1px solid black; margin-right: 5px;"></span> Parks</li> <li><span style="display: inline-block; width: 15px; height: 15px; border: 1px solid black; margin-right: 5px;"></span> Assessment Parcels</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: #d3d3d3; border: 1px solid black; margin-right: 5px;"></span> Buildings</li> <li><span style="display: inline-block; width: 15px; height: 15px; border: 1px solid black; margin-right: 5px;"></span> Address Numbers</li> </ul>
<p>Corporation of the City of London                      Prepared By: Planning and Development</p>	

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**BACKGROUND**

<b>Date Application Accepted:</b> October 15, 2012	<b>Agent:</b> Steve Allen – Nelson-Wolfe Developments Inc.
<b>REQUESTED ACTION:</b> The purpose and effect of this zoning change is to extend the Temporary Zone (T-55) which permits repair and rental establishment, warehouse, service and repair establishment, service trade, office and convenience store, with no outdoor storage for any of the permitted uses for a period not exceeding three (3) years.	
<b>SITE CHARACTERISTICS:</b>	
<ul style="list-style-type: none"> <li>• <b>Current Land Use</b> - Industrial building with a building contractor use and offices</li> <li>• <b>Frontage</b> - 47.8 (456.1 ft.)</li> <li>• <b>Depth</b> - 80.1 metres (260 ft.)</li> <li>• <b>Area</b> - 0.38 hectares (0.94 acres)</li> <li>• <b>Shape</b> - rectangular</li> </ul>	

<b>SURROUNDING LAND USES:</b>
<ul style="list-style-type: none"> <li>• <b>North</b> - residential (townhouse)</li> <li>• <b>South</b> - residential and warehouse/wholesale establishment</li> <li>• <b>East</b> - industrial</li> <li>• <b>West</b> - residential (townhouse)</li> </ul>

<b>OFFICIAL PLAN DESIGNATION:</b> (refer to Official Plan Map)
<ul style="list-style-type: none"> <li>• Multi-Family, Medium Density Residential</li> </ul>
<b>EXISTING ZONING:</b> (refer to Zoning Map)
<ul style="list-style-type: none"> <li>• <b>Holding Residential R3/Residential R5/Residential R8/Restricted Office/ Temporary Use (h-1-R3-2/R5-4/R8-4/RO2/T-55) Zone</b> which permits single detached dwellings, duplex dwellings, fourplex dwellings, cluster townhouses, cluster stacked townhouses, apartment buildings, lodging house and emergency care establishments, clinics, medical/dental offices, medical/dental laboratories and offices and permits on a temporary bases in the exiting building a repair and rental establishment, warehouse, service and repair establishment, service trade, office, and convenience store with no outdoor storage for any of the permitted uses for a period not exceeding three (3) years.</li> </ul>

**PLANNING HISTORY**

In March 1988, Municipal Council amended the Official Plan and Zoning By-law for the subject site and neighbouring lands at 577 Third Street from "Medium Scale Industrial" to "Special Residential" to permit residential development. Townhouses were constructed and currently exist at 577 Third Street which abuts this property to the west and south. Concerns were raised in 1988 by the Ministry of Municipal Affairs and the Ministry of the Environment regarding the proximity of the residential use to the railway line, however, approval was granted from Municipal Council in 1990.

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**Planner: Mike Corby**

Subsequent to the application in 1988, the property owner obtained two minor variances for the site.

- 1997 Committee of Adjustment approved a conditional minor variance to permit a personal service establishment provided the site maintained adequate parking for the use, limited its hours of operation (Monday to Friday 9am to 11pm and Saturday and Sunday noon to 6 pm) and the leaseable area be restricted to 306.6 sq. metres (3300 sq. feet).
- 1999 Committee of Adjustment conditionally approved a change of use to change from one legal non-conforming use, a manufacturing and assembly establishment, to another legal non-conforming use, a building or contracting establishment, provided there is no outdoor storage as per section 45.2 of the Planning Act.

In 1999, a zoning by-law amendment application was filed by Velma Maidment for a temporary use zone to permit similar uses being sought by the current application. The application was withdrawn as a result of the sale of the property and approval of the 1999 minor variance application to permit a building and contracting establishment. In 2000, the new purchasers of the property requested a similar zoning by-law amendment that sought a temporary use zone to permit the range of existing industrial uses within the building and the addition of an automobile repair garage. Council approved the amendment with exception of the automotive repair garage.

In September 2003, the Temporary Use Zone lapsed but the existing uses have continued since that time. In 2006, the City of London contacted a number of property owners with expired temporary use zones to ensure compliance with the Zoning By-law. Council granted the temporary zone for a period of three years, expiring March 26, 2010 and then again granted an extension on April 12, 2010 expiring on April 12, 2013.

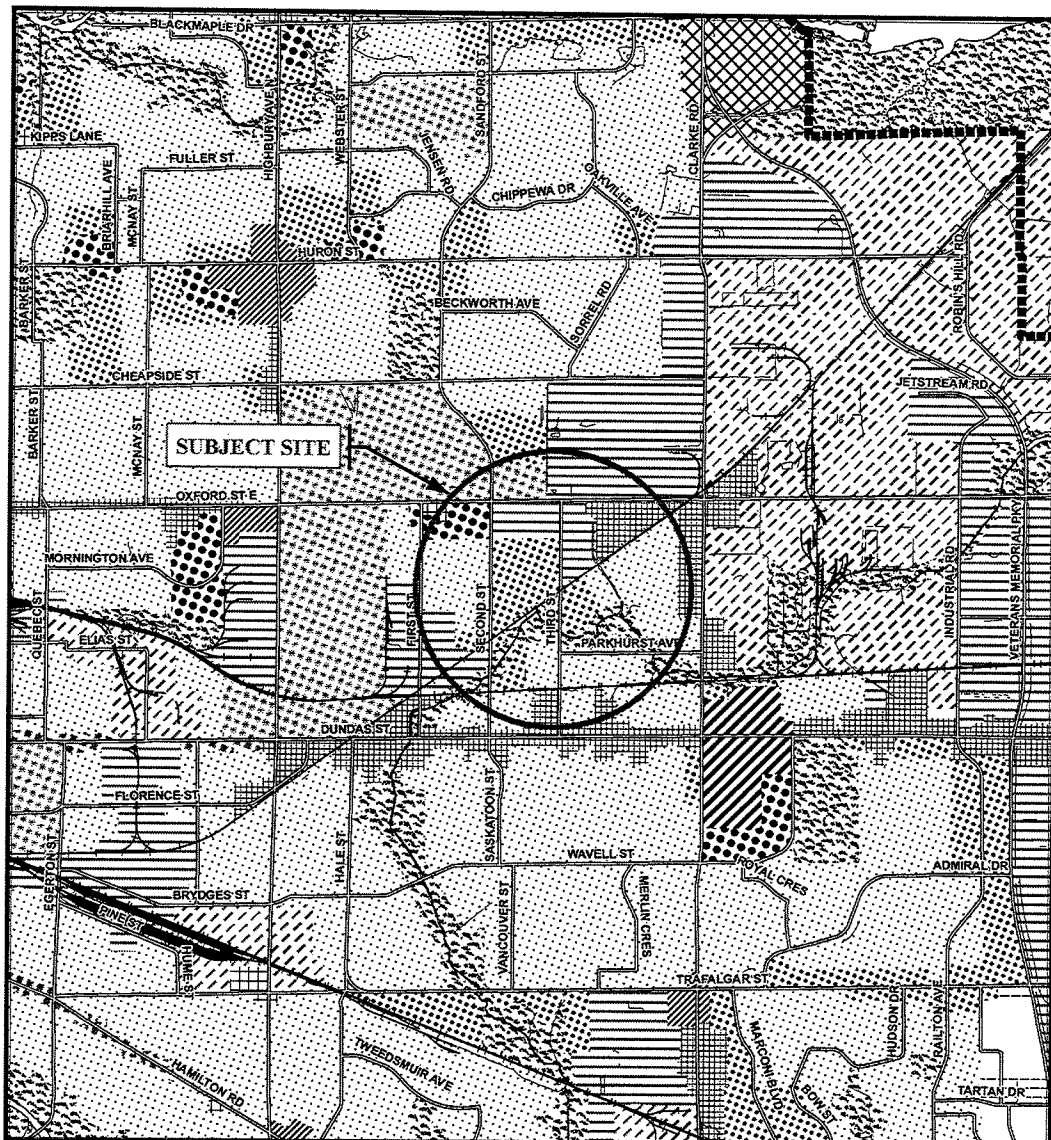
<b>SIGNIFICANT DEPARTMENT/AGENCY COMMENTS</b>
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- No significant comments

<b>PUBLIC LIAISON:</b>	On October 19, 2012, Notice of Application was sent to 33 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 October 20, 2012. A "Possible Land Use Change" sign was also posted on the site.	One reply was received
<b>Nature of Liaison:</b> The purpose and effect of this zoning change is to extend the Temporary Zone (T-55) which permits repair and rental establishment, warehouse, service and repair establishment, service trade, office and convenience store, with no outdoor storage for any of the permitted uses for a period not exceeding three (3) years.		
Change Zoning By-law Z.-1 to extend the existing temporary use zone (T-55) for a period of not more than three years from the date of the passing of the By-Law.		
<b>Responses:</b> Supported the proposed Temporary Zone.		

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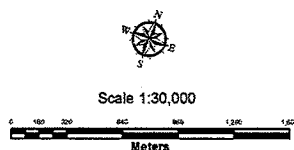


**Legend**

- |  |                                   |
|--|-----------------------------------|
| 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 -

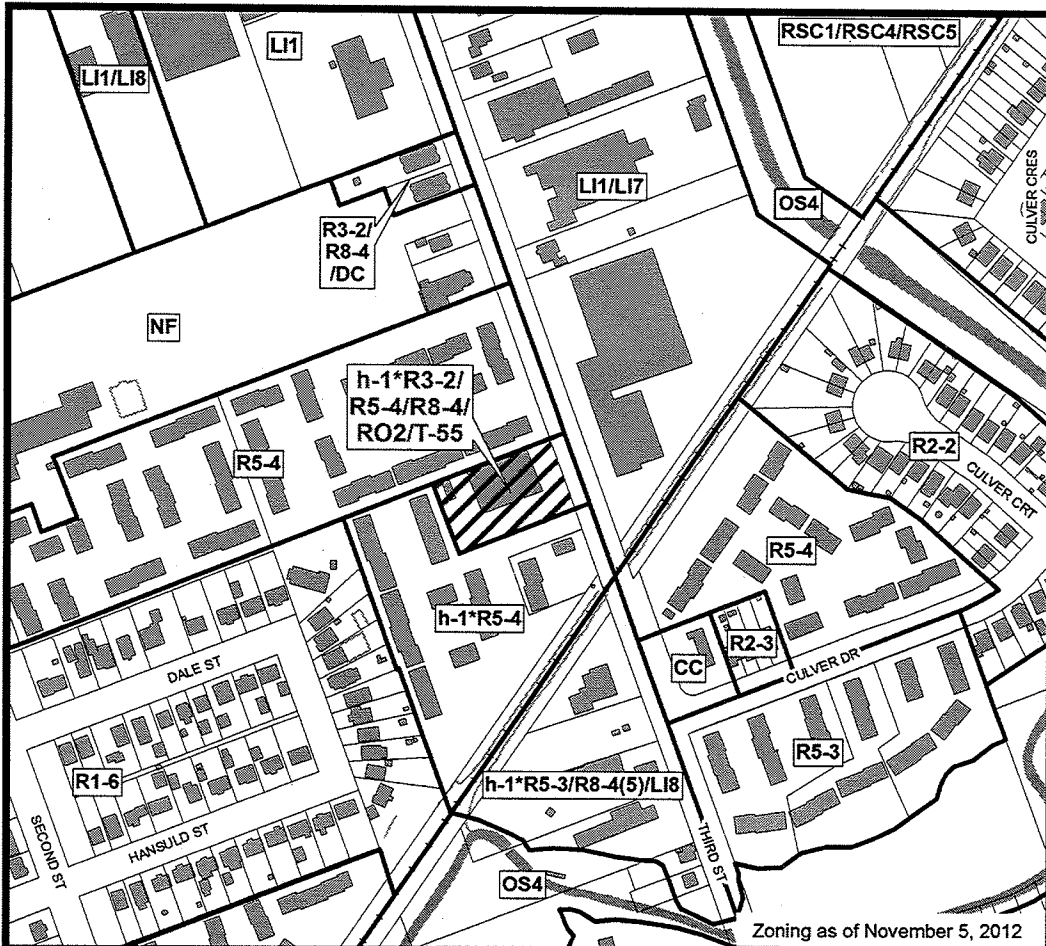
PREPARED BY: Graphics and Information Services



FILE NUMBER: TZ-8112  
 PLANNER: MC  
 TECHNICIAN: CK  
 DATE: 2012/11/19

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Planner: Mike Corby



**COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: h-1\*R3-2/R5-4/R8-4/RO2/T-55**

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:  
TZ-8112 MC

MAP PREPARED:  
2012/11/21 CK

1:3,500  
0 15 30 60 90 120  
Meters

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

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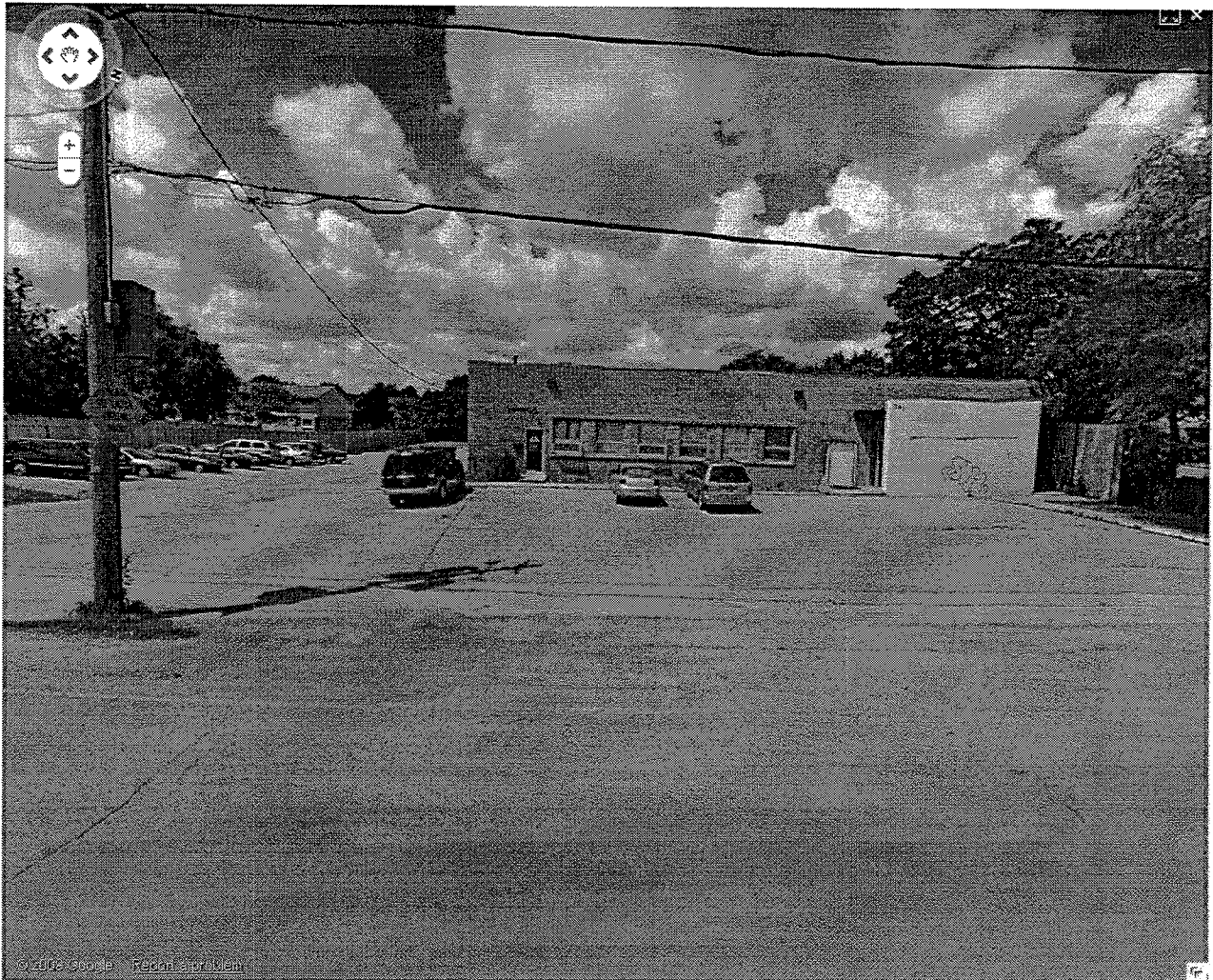
**Subject Site**

The subject site is located on the west side of Third Street, between Oxford Street and Culver Drive. The site consists of a single storey industrial building constructed in 1955 with a gross floor area of 1,360 sq. metres (14,650 ft<sup>2</sup>). The building has been used for a variety of light industrial, automotive and office uses. Currently the site is occupied by a number of offices and warehouse type uses.

The site is separated from the surrounding residential land uses by a 6 foot high wooden privacy fence. A semi-enclosed compound is located at the rear of the building which also contains a small outbuilding and some outdoor storage.

The surrounding land uses are comprised of a 78 unit townhouse development to the north, a 47 unit townhouse development to the west, a wood working shop and railway lands to the south and a food wholesale/warehousing operation to the east.

**585 Third Street**



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**Nature of the Application**

The applicant is seeking to extend the Temporary Use Zone applied to the site in 2010. The Temporary Use Zone (T-55) reads:

*Lands located at 585 Third Street, west side, between Oxford Street and Culver Drive as shown on the map attached hereto comprising of Key Map 68, may be used for a repair and rental establishment, warehouse, service and repair establishment, service trade, office and convenience store, with no outdoor storage for any of the permitted uses for a period not exceeding three (3) years from the date of the passing of the By-law.*

The existing range of commercial and light industrial uses were permitted previously by way of a temporary use by-law in 2000 and minor variances which were granted in 1998. To ensure continued compatibility with the abutting uses Council included a provision in 2007 that no outdoor storage be permitted at this location for any of the permitted uses. The uses remain in operation at this location without any By-law Enforcement complaints from the neighbourhood since the approval by Council in 2010.

**Official Plan**

The subject property is designated "Multi-Family, Medium Density Residential" in the Official Plan, which permits multi-unit forms of residential development at a maximum density of 75 units per hectare. Secondary uses which are considered to be compatible and integral to the residential area, such as community facilities, commercial recreational establishments, small-scale office developments and office conversions, are also permitted.

Section 19.4.5 of the Official Plan provides Municipal Council with the opportunity to pass by-laws to authorize the temporary use of land, building or structure for a purpose that is not otherwise permitted by the Plan. In reviewing these requests, Council shall have regard for land use compatibility, municipal services, transportation, parking, access, and temporary buildings and structures. The requested uses were permitted by Council in 2007 and 2010; and the aforementioned criteria continue to be met.

The proposed extension of the temporary use zone is in conformity with the Official Plan as it:

- is compatible with the character of the area and the temporary uses can be accommodated within the existing industrial building and do not require outdoor storage;
- its municipal water, storm and sanitary sewers are available and connections have been installed through a previous development;
- it has not impacted on any planned transportation facilities or traffic flow in the immediate area from this development;
- it has existing on-site parking that is adequate for the range of uses; and
- it has not created any new adverse impacts on the abutting land uses.

**Zoning By-Law**

Currently, the subject site is zoned Holding Residential R3/Residential R5/Residential R8/Restricted Office/Temporary Use (h-1-R3-2/R5-4/R8-4/RO2/T-55) which permits single detached dwellings, duplex dwellings, triplex dwellings, fourplex dwellings, cluster townhouses and cluster stacked townhouses, low-rise apartment buildings, lodging house and emergency care establishments, clinics, medical/dental offices, medical/dental laboratories and offices to a maximum density of 75 units per hectare (30 units per acre) and a maximum height of 13 metres (43 feet) for the R8-4 Zone variation. A holding provision "h-1" has been applied to the site to ensure appropriate attenuation measures from the rail corridor are incorporated into the design of future residential developments.



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The zone permits a repair and rental establishment, warehouse, service and repair establishment, service trade, and a convenience store with no outdoor storage on a temporary basis.

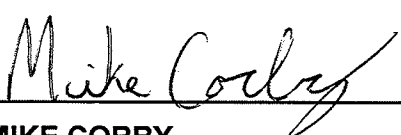


**Use/Intensity/Form**

The subject property has historically been used for light industrial purposes and is located within an area undergoing a residential transformation from industrial uses. The existing single storey, 1,360 sq. metre (14,650 sq. feet) industrial building, with loading bays on the south side of the building was constructed in the 1950's and appears to be in generally good repair. The building is setback from the adjacent residential development and the site is fenced along the lot lines between the residential townhouse development on the lands to the north, south and west.

The broader range of uses afforded by the existing permanent zoning is compatible with the surrounding residential neighbourhood. The recommended non-residential temporary uses do not typically generate noise or other nuisances which may have a negative impact on residential lands. The existing industrial building can be utilized to house these uses without the need for the site to be re-developed. The zones also provide for the future residential re-development of the site, both independent or in conjunction with neighbouring lands.

<b>CONCLUSION</b>
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The recommended temporary use zone, which permits a repair and rental establishment, warehouse, service and repair establishment, service trade, office, and convenience store with no outdoor storage for any permitted use, for a period not exceeding three (3) years is consistent with the policies of the Official Plan. The broader range of uses afforded by the recommended zone provides the property owner with the flexibility to occupy vacant portions of the existing building and still provide a future opportunity for the site to re-develop for residential uses either integrated with or separated from the existing residential developments.

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

November 12, 2012

MC/mc

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

<u>Telephone</u>	<u>Written</u>
	John Brotzel

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File: TZ-8112  
Planner: Mike Corby

**Bibliography of Information and Materials  
TZ-8112**

**Request for Approval:**

City of London Zoning By-law Amendment Application Form, completed by Steve Allen, October 10, 2012

**Reference Documents:**

Ontario. Ministry of Municipal Affairs and Housing. *Planning Act, R.S.O. 1990, CHAPTER P.13*, as amended.

Ontario. Ministry of Municipal Affairs and Housing. *Provincial Policy Statement*, March 1, 2005.

City of London. *Official Plan*, June 19, 1989, as amended.

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

**Correspondence: (all located in City of London File No. Insert File No. unless otherwise stated)**

**City of London -**

R. Postma., City of London Forestry Division. E-mail to M. Corby. October 23, 2012

**Departments and Agencies -**

Creighton C., UTRCA. Letter to M. Corby., November 6, 2012.

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File: TZ-8112  
Planner: Mike Corby

**Appendix "A"**

Bill No. (number to be inserted by Clerk's Office)  
2013

By-law No. Z.-1-13\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to extend the Temporary Use (T-55) for an area of land located at 585 Third Street.

WHEREAS Nelson-Wolfe Development Inc. has applied to extend the Temporary Use (T-55) zone relating to the property located at 585 Third Street, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

AND WHEREAS the Municipal Council of The Corporation of the City of London, by By-law No. Z.-1-101930, extended the Temporary Use for 585 Third Street to be used for a temporary period not exceeding three (3) years from the date of passing of this by-law beginning April 19, 2010.

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

1. By-law No. Z-1 is amended by changing the zoning applicable to lands located at 585 Third Street, to extend the temporary repair and rental establishment, warehouse, service and repair establishment, service trade, office and convenience store, with no outdoor storage for any of the permitted uses for a further three (3) year period.
2. Section 50.2 of By-law No. Z-1 is amended by changing the temporary zone as follows:

55) T-55

This temporary use is hereby extended for a temporary period not exceeding three (3) years from the date of the passing of this By-law beginning January 15, 2013.

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 January 15, 2013.

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**File: TZ-8112**  
**Planner: Mike Corby**

Joe Fontana  
Mayor

Catharine Saunders  
City Clerk

First Reading – January 15, 2013  
Second Reading – January 15, 2013  
Third Reading – January 15, 2013