

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee

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

**Subject:** Wharncliffe Enterprise Centre Inc.  
1875 Wharncliffe Road South

**Public Participation Meeting on:** November 4, 2019

## Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of Wharncliffe Enterprise Centre Inc. relating to the property located at 1875 Wharncliffe Road South:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting to be held on November 12, 2019 to amend the (1989) Official Plan to:
  - i) add a policy to Section 10.1.3 – “Policies for Specific Areas” to permit existing industrial uses in existing buildings;
  - ii) add a policy in Section 20.5.9 - “Bostwick Residential Neighbourhood” to the Southwest Area Secondary Plan to permit existing industrial uses in existing buildings;
- (b) the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on November 12, 2019 to amend The London Plan by adding a policy in Section 20.5.9 - “Bostwick Residential Neighbourhood” to the Southwest Area Secondary Plan to permit existing industrial uses in existing buildings; and
- (c) the proposed by-law attached hereto as Appendix "C" **BE INTRODUCED** at the Municipal Council meeting on November 12, 2019 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan as amended in part (a) and (b) above, to change the zoning of the subject property **FROM** an Urban Reserve (UR4) Zone and Temporary (T-52) Zone **TO** a Holding Light Industrial Special Provision (h-17\*LI8( )) Zone.

## Executive Summary

### Summary of Request

The requested amendments would permit the existing industrial uses in the existing buildings to continue, limit the maximum gross floor area of industrial uses to their existing size, and recognize existing site conditions and outdoor storage.

## Purpose and Effect of Recommended Action

The purpose and effect of the recommended amendments would permit the continued operation of an industrial mall on site within existing buildings, and recognize existing outdoor storage and site conditions and allow these uses to continue.

## Rationale of Recommended Action

1. The recommended amendments are consistent with the 2014 Provincial Policy Statement (“PPS”) which directs municipalities to maintain suitable sites for employment uses and consider the needs of existing and future businesses.
2. The recommended amendment conforms to the in-force policies of the (1989) Official Plan including but not limited to the policies of Chapter 10 which list the necessary condition(s) for approval of Policies for Specific Areas to allow the continued use of the site for existing industrial uses until the subject lands can redevelop for residential uses in accordance with the Multi-Family, Medium Density Residential designation.
3. The recommended amendment conforms to the in-force policies of The London Plan, including but not limited to the Southwest Area Secondary Plan which permits special policies for specific areas, and the proposed special policy would allow the continued use of existing industrial uses until the subject lands can redevelop for residential uses in accordance with the Neighbourhoods Place Type.
4. The recommended amendment to Zoning By-law Z.-1 will conform to the (1989) Official Plan and The London Plan as recommended to be amended. The recommended amendment to the Zoning By-law will permit the existing industrial uses in the existing buildings with existing outdoor storage, and limit any expansions or new industrial uses to locate on site. The zoning will ensure the uses continue to maintain an acceptable level of compatibility with the surrounding area. The recommended amendment to the Zoning By-law will regularize and permit existing site conditions which can accommodate the existing uses to continue without serious adverse impacts for surrounding residential land uses.

## Analysis

### 1.0 Site at a Glance

#### 1.1 Property Description

The subject site is located on the north side of Wharncliffe Road South, near the intersection of Bostwick Road and Exeter Road. The site currently contains an industrial mall, with multiple uses within multiple buildings, outdoor storage, and a large parking lot. A portion of the west side of the site is within the Open Space designation (1989 Official Plan)/Green Space Place Type (London Plan), is zoned Environmental Review (ER), and contains a fill line, erosion line and flood line on Schedule B1 of the 1989 Official Plan, and significant valley lands on Map 5 of the London Plan. The site is relatively flat and slopes downwards from north to south. Wharncliffe Road South is a Civic Boulevard in the London Plan and arterial road in the 1989 Official Plan.

There are three existing buildings on the site, for a total of 7413 m<sup>2</sup> (261,787.6 sq.ft). There is also significant outdoor storage, totalling approximately 5.0 ha on site (12.3 ac). There is also a small wooded area located to the south of the outdoor storage, although this area is not designated as Open Space nor is it identified as a significant natural heritage feature. There are no storm or sanitary sewers near the site, however the site is serviced by municipal water.

A graphic indicating where each of the uses are located is found in Figure 1. The property is currently occupied by 12 industrial businesses which are described as follows:

1. Blue Rose Trucking - a truck service truck maintenance and truck storage facility has operated on the property since 1992. The facility is located in Building B

within two units, with a floor area of 320 m<sup>2</sup> (3445 sq. ft) and an outdoor open storage area of about 0.405 ha (1.0 acres).

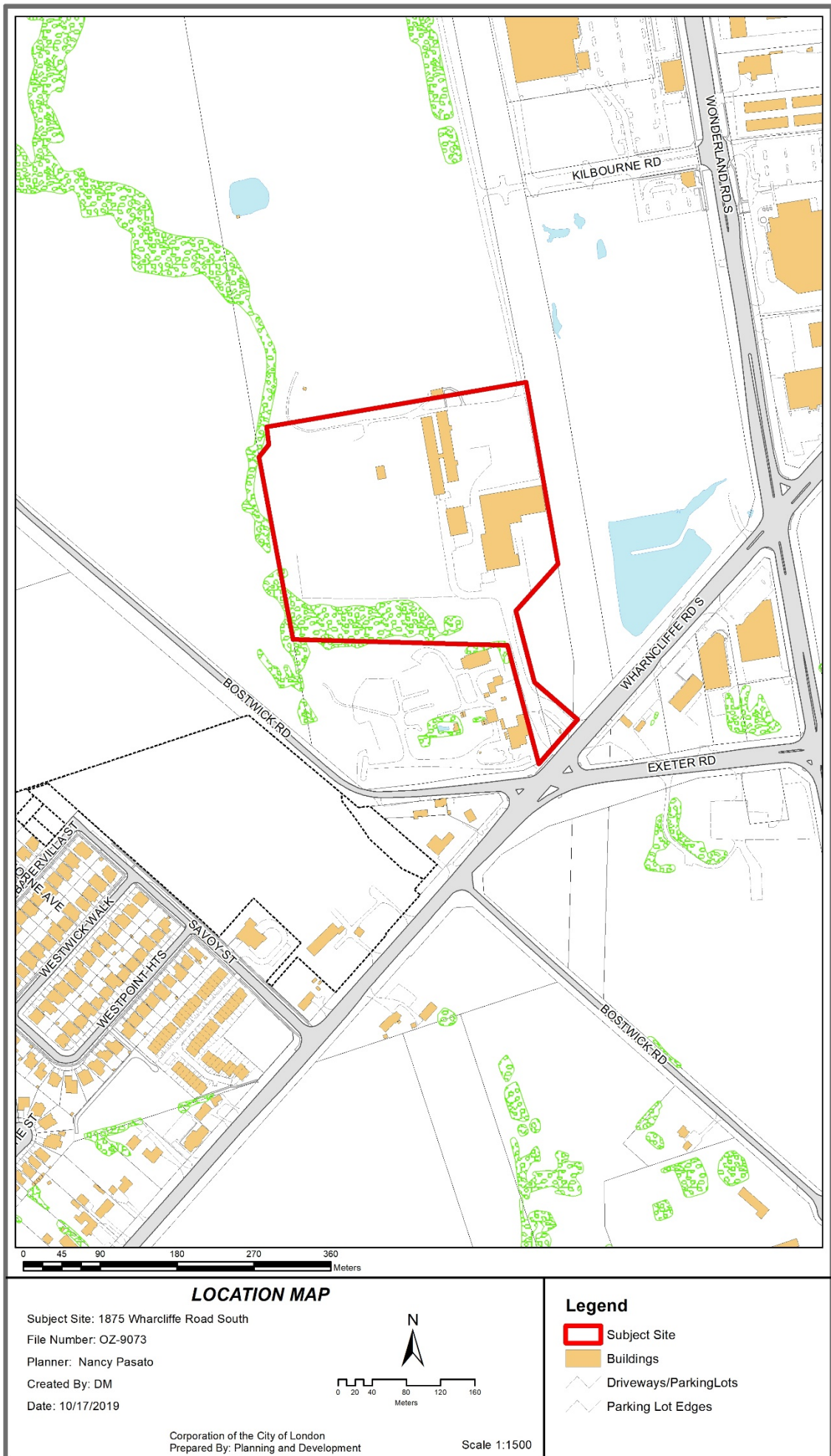
2. Car Mix Auto- is an automotive and truck service/maintenance facility and has operated on the property since 2004. The facility is located in Building A with a floor area of 50 m<sup>2</sup> (541 sq. ft) and an outdoor open storage area of about 0.405 ha (1.0 acres).
3. Ford - is an automotive storage depot and has operated on the property since January 2015. The facility is an outdoor open storage area of about 0.81 ha (2 acres).
4. Canadian Premier Automotive Ltd. (operating as Toyota Town) - is an automotive storage depot/detailing facility and has operated on the property since September 2014. The facility is located in Building A within two units, with a floor area of 1167 m<sup>2</sup> (11,558 sq. ft.) and an outdoor open storage area of about 0.81 ha (2.0 acres).
5. Edwards & Sons Complete Landscape Contractors - is a landscaping company that has operated on the property since 2004. The facility is located in Building B with a floor area of 586 m<sup>2</sup> (6308 sq. ft.) and an outdoor open storage area of about 0.405 ha (1.0 acres).
6. Service Master London - is a service repair establishment/repair and rental establishment and has operated on the property since 2013. The facility is located in Building A with a floor area of 964 m<sup>2</sup> (10,375 sq. ft.).
7. Can-Lift Equipment Ltd. - is a repair and rental establishment and includes service, leasing, and sales of lift equipment. It has operated on site since November 2014. The facility is located in Building B with a floor area of 558 m<sup>2</sup> (6005 sq. ft.) and an outdoor open storage area of about 0.405 ha (1.0 acres).
8. Just Cozy Warehousing – is a warehousing establishment, and it's unknown how long the facility has been on site. The space is located in Building A within 5 units, with a floor area of 3340 m<sup>2</sup> (35,948 sq. ft.).
9. Moduloc – is a supplier and installer of construction fencing and boarding (building or contracting establishment). The business is located in Building C within two units, with a floor area of 354 m<sup>2</sup> (3813 sq. ft.).
10. Dixie Exteriors – is a building maintenance company (building or contracting establishment), and it's unknown how long the facility has been on site. The business is located in Building C within two units, with a floor area of 148 m<sup>2</sup> (1592 sq. ft.).
11. Kent Industries – is a building maintenance company (building or contracting establishment), and it's unknown how long the facility has been on site. The business is located in Building C within two units, with a floor area of 137 m<sup>2</sup> (1472 sq. ft.).
12. General Storage and Warehousing - is a warehousing establishment, and it's unknown how long the facility has been on site. The space is located in Building B within 1 unit, with a floor area of 753 m<sup>2</sup> (8107 sq. ft.).



Figure 1 - Site Layout with Buildings, 1875 Wharncliffe Road South

Adjacent to the site is a golf driving range to the north (Bob Martins Golf), an industrial landscaping/pool business (Hollandia Gardens) to the south, a hydro corridor to the east, and farm lands and a watercourse with vegetation to the west.

1.2 Location Map



### 1.3 Current Planning Information (see more detail in Appendix F)

- London Plan – Neighbourhoods, Green Space
- (1989) Official Plan – Multi-Family, Medium Density Residential, Open Space
- Southwest Area Secondary Plan - Medium Density Residential, Open Space
- Zoning – Urban Reserve (UR4) Zone, Environmental Review (ER) Zone

### 1.4 Site Characteristics

- Current Land Use – industrial mall (multiple industrial and commercial/industrial uses as units in a building)
- Frontage – 20m (65.6 feet)
- Depth – approx. 430 m (1410.8 feet)
- Area – 8.4 ha (20.7 acres)
- Shape – irregular

### 1.5 Surrounding Land Uses

- North – golf driving range (future residential)
- East – Hydro corridor, vacant lands (future commercial)
- South – industrial, vacant lands (future residential)
- West – open space, vacant lands (future residential)

## 2.0 Description of Proposal

### 2.1 Development Proposal

The requested amendments are intended to recognize and permit existing industrial uses in the existing buildings with existing site conditions. The recommended amendments will not permit expansions or alterations to the existing buildings or changes in the existing site conditions, nor will it permit new industrial uses to operate on site. Site Plan Approval is not required.

## 3.0 Relevant Background

### 3.1 Planning History

The site is located within the former Township of Westminster, and was zoned to permit industrial and agricultural uses (TWP 2000 M1-H and A2-2). Through the 1989 Official Plan/OPA 88 process, these lands were designated Urban Reserve Community Growth, while the lands along Wharnccliffe Road (such as Hollandia Gardens) were designated Restricted Service Commercial to recognize existing industrial/commercial uses. Through the Annexed Area Zoning By-law, the lands were rezoned to Urban Reserve (UR4).

In January, 2004, Municipal Council approved a Zoning By-law amendment (TZ-6585) for the northern portion of the site to permit a temporary golf driving range and accessory uses to the driving range. In 2004/2005 the applicant received Municipal approvals for the development and constructed the facility. In July 2005, a complaint was filed against the property claiming that the accessory pro shop use was not in conformity with the zoning by-law. The applicant applied for an extension of the temporary use zone (TZ-7114) to include 140 m<sup>2</sup> golf pro shop and a 93 m<sup>2</sup> golf training facility within an existing building. Council granted the temporary zone for a period of three years, expiring June 1, 2009. The applicant further applied for an extension of the temporary use zone (TZ-7658) in 2009. Council granted the temporary zone for a period of three years, expiring June 29, 2012. Another extension for the golf facility (TZ-8045) was granted in June, 2012, and has since expired. No further extension have been granted for the golf facility.

The Southwest Area Secondary Plan (SWAP) was initiated in 2009 and was presented to the Planning and Environment Committee on April 26, 2010. The Secondary Plan was intended to provide a comprehensive land use plan, servicing requirements and a phasing strategy for future development within the Urban Growth Area south of Southdale Road, east of Dingman Creek and north of the Highway 401/402 corridor. On November 20, 2012, Municipal Council passed By-Law No. C.P.-1284-(st)-331 to

approve Official Plan Amendment 541 (relating to the Secondary Plan). The Secondary Plan was appealed by numerous parties on the basis that it was incomplete and incapable of providing direction expected of a secondary plan and for various site specific land use issues. The outcome of the appeal resulted in changes to the plan. The plan (with amendments) was approved by the Ontario Municipal Board on April 29, 2014. The subject lands are located within the Bostwick Residential Neighbourhood and were redesignated Multi-Family, Medium Density Residential and Open Space.

A consent and minor variance application (B.035/16 and A.014/16) was initiated in 2016 for the site, to sever the golf facility lands from the larger parcel and retain the subject site. Variances were also obtained for the subject site, including interior and rear yard setbacks, lot area, and parking. Currently, parking for the adjacent golf facility is provided on the subject site.

### **3.2 Requested Amendment (by Applicant)**

The applicant has requested an Official Plan amendment (OPA) to the (1989) Official Plan to add a policy to Chapter 10 (Policies for Specific Areas), to permit the existing industrial uses at a total gross floor area of 8400 m<sup>2</sup>.

The applicant also requested a Zoning By-law amendment to change the zoning from an Urban Reserve (UR4) Zone to an Urban Reserve Special Provision (UR4( )) Zone. Permitted uses would include truck sales and service establishment, warehouse establishment, building or contracting establishment, serve and repair establishment, repair and rental establishment, automobile repair garage, open storage, and storage depot. Special provisions have also been requested to permit existing uses, buildings, and open storage as on the date of passing of the by-law.

It should be noted that the lands to the north and west are also owned by the Applicant. The Applicant has indicated the existing industrial uses on site are temporary, as they fully expect to develop residential on these and adjacent lands when servicing and infrastructure becomes available.

### **3.3 Proposed Amendment (Staff)**

Staff are also recommending an amendment to the Southwest Area Secondary Plan (Chapter 20.5), Bostwick Residential Neighbourhood (20.5.9), to add a special policy for the lands at 1875 Wharncliffe Road South to permit existing industrial uses.

Staff are also recommending applying a Light Industrial (LI8) Zone, which permits existing industrial uses on the date of passing of the by-law only. Special provisions have also been requested to permit existing uses, buildings, and open storage as on the date of passing of the by-law.

### **3.4 Community Engagement (see more detail in Appendix D)**

No comments were received as part of the circulation process.

Stakeholder comments provided included a road widening dedication of 24.0m from centre line required along Wharncliffe Road South, and the addition of a holding provision for the dedication and construction of the future Kilbourne Road.

The requirement for road dedication cannot be secured through the zoning by-law amendment process, and will need to be deferred to a future site plan or subdivision application. The lands to the north that were created through a consent application (and were previously part of this parcel) are land locked and will require the construction/extension of Kilbourne Road to develop. Therefore, no holding provision is recommended for the construction of Kilbourne Road on these lands.

### **3.4 Policy Context (see more detail in Appendix E)**

*Provincial Policy Statement, 2014 (PPS)*

Employment lands may be converted to non-employment lands through a comprehensive review where it has been demonstrated that the land is not required

for employment purposes over the long term and that there is a need for the conversion (1.3.2.2).

#### *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 subject lands are located within the “Neighbourhoods” Place Type with frontage on a Civic Boulevard (Wharncliffe Road) and future frontage on a Neighbourhood Connector (extension of Kilbourne Road). A range of residential uses is permitted on this site, including single-detached, semi-detached, duplex and converted dwellings, townhouses, secondary suites, group homes and home occupations, triplexes, and small-scale community facilities; with a minimum height of 1 storey and a maximum height of 2.5-storeys. (\*Table 10, \*Table 11). The existing industrial uses are not contemplated within the Neighbourhoods Place Type.

#### *(1989) Official Plan*

The subject site is designated Multi-Family, Medium Density Residential (MFMDR), which permits multiple-unit residential developments having a low-rise profile, and densities that exceed those found in Low Density Residential areas but do not approach the densities intended for the Multi-Family, High Density Residential designation. Residential uses that typically comprise medium density development include row houses, cluster houses, and low-rise apartment buildings. The scale of development shall be subject to height limitations in the Zoning By-law which are sensitive to the scale of development in the surrounding neighbourhood.

A limited range of non-residential uses are contemplated in the MFMDR designation including secondary uses that are considered to be integral to, or compatible with, residential neighbourhoods and/or convenience commercial uses. The existing industrial uses are not contemplated in the designation.

#### *Southwest Area Secondary Plan (SWAP)*

The purpose of the Southwest Area Secondary Plan (SWAP) is to establish a vision, principles and policies for the development of the Southwest Planning Area as a vibrant community in the city which incorporates a significant gateway into the city, elements of mixed-use development, an increased range and density of residential built form, sustainability, preservation of significant cultural heritage resources, walkability and high quality urban design (Policy 20.5.1.2). It is intended that the Low, Medium and High Density Residential designations will support an urban housing stock, with residential intensity generally decreasing with greater distance from the Wonderland Road South corridor. Residential areas are to accommodate a diversity of dwelling types, building forms and heights, and densities in order to use land efficiently, provide for a variety of housing prices, and to allow for members of the community to “age-in-place”. The maintenance and enhancement of existing residential areas, and the development of new residential areas at higher than current densities, will provide a population base to help to support neighbourhood community facilities, the stores and services offered in the Village Core and Wonderland Road South Commercial Area, and the provision of transit routes along the higher order roads serving the area.

The Bostwick Residential Neighbourhood (20.5.9) will provide for residential development with the highest intensity of all of the Residential Neighbourhood Areas in the Southwest Planning Area, to support activities in the Wonderland Boulevard Neighbourhood. The lands are designated for Multi-Family, Medium Density Residential development, which permits multiple housing forms, including single detached, semi-detached, townhomes, and low rise apartments.



Non-residential uses are contemplated in the MFMDR designation, including a limited range of convenience and personal service commercial uses, live-work uses, and institutional uses. Within the South Longwoods Residential Neighbourhood, a special designation known as Transitional Industrial permits a limited range of industrial/existing uses and properties in this area to develop and evolve for Light Industrial uses over the shorter term. These lands are not considered to be employment lands under the Provincial Policy Statement. However, the subject site is not a candidate for this designation, as encouraging further industrial uses on the site is not contemplated. Overall, the existing industrial uses are not contemplated in SWAP.

## 4.0 Key Issues and Considerations

### 4.1 Specific Area Policies - 1989 OP and SWAP

#### *Provincial Policy Statement (PPS)*

The PPS provides policies related to the protection of employment lands. Policy 1.3.1. encourages planning authorities to provide for an appropriate range of employment lands and provide opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses. Consistent with the PPS, permitting the existing uses would allow the subject lands to continue to be used for employment purposes in the short term, which in turn contributes to the economic activity and employment options within the neighbourhood.

#### *The London Plan*

The London Plan generally directs industrial uses to the range of industrial place types located throughout the City. However, given the long standing nature of the uses and legal non-conforming conditions, it is recognized that there will be a transition period where the industrial uses will continue in the short term, as services and infrastructure for future residential development become available.

For all planning and development applications, potential impacts on adjacent properties will be considered along with the degree to which impacts can be managed and/or mitigated. (\*1578\_ 5.). The existing industrial uses have been located in a rural area for over 30 years. There are limited municipal services (water) therefore redevelopment for residential uses at this time is not possible. Potential impacts on adjacent properties are limited, as there are very few adjacent properties with incompatible uses (i.e. no existing residential nearby), and the existing types of industrial uses do not generate impacts related to noise, dust, odour, garbage or lighting. No industrial related impacts have been noted throughout this time. Although there is a significant amount of outdoor storage and parking associated with the existing industrial uses, generally the uses have achieved an acceptable level of compatibility among the surrounding properties.

#### *(1989) Official Plan*

Within the Multi-Family Medium Density Residential designation, certain non-residential uses are contemplated, such as convenience commercial uses that are compatible within the neighbourhood (Policy 3.3., 3.3.1.). As mentioned previously, the existing industrial uses are generally not contemplated in residential areas.

Chapter 10 – “Policies for Specific Areas” in the (1989) OP allows Council to consider policies for specific areas when it is in the interest of Council to maintain the existing land use designation while allowing for a site-specific change in land use (Policy 10.1.1 ii)). In the near-term, the recommended amendment would permit the continued use of the existing industrial uses and outdoor storage on the subject lands, while not affecting the long-term ability of the subject lands to redevelop in accordance with the MFMDR designation once market conditions and servicing availability warrant redevelopment for residential uses.

The adoption of policies for Specific Areas may be considered where one or more of the following conditions apply:

- i. The change in land use is site specific, is appropriate given the mix of uses in the area, and cannot be accommodated within other land use designations without having a negative impact on the surrounding area.
- ii. The change in land use is site specific and is located in an area where Council wishes to maintain existing land use designations, while allowing for a site specific use.
- iii. The existing mix of uses in the area does not lend itself to a specific land use designation for directing future development and a site specific policy is required.
- iv. The policy is required to restrict the range of permitted uses, or to restrict the scale and density of development normally allowed in a particular designation, in order to protect other uses in an area from negative impacts associated with excessive noise, traffic, loss of privacy or servicing constraints.

Criteria ii) is the most applicable and is the basis being put forth to establish a separate policy. The rationale for this is:

- The change in land use is site specific;
- The existing uses are located in an area that has recently been redesignated through the SWAP and the London Plan; and
- Council would likely wish to maintain the land use designations of Multi-Family Medium Density Residential long term.

The subject site is surrounded to the north, west and south with Medium Density Residential land use designations, and Wonderland Road Community Enterprise Corridor on the east side. In addition, along the east and west sides are Open Space designations following a hydro corridor of 50 m in width along the east side, and a creek/valley lands along the west side of the subject lands. Furthermore, the existing uses surrounding the site are agricultural crop fields to the north and west, and commercial/industrial uses to the south. There are no sensitive land uses, such as residential, that would potentially be impacted by the existing industrial uses.

To assist in evaluating the appropriateness of policies for specific areas relative to surrounding land uses, a Planning Impact Analysis will be undertaken (Policy 10.1.2.):

- a) *Compatibility* - Compatibility is measured by the impact on human health and safety, nuisance of noise, odours, unsightliness, and invasion of privacy. There are no sensitive land uses existing in the immediate area that would be impacted by the existing industrial uses. As new residential development is contemplated on adjacent lands, impacts from the existing uses will need to be considered. It should be noted that adjacent properties are also owned by the Applicant, so future residential uses may be limited until such time as this industrial uses cease to exist;
- b) *Ability of site to accommodate use* - The size and shape of the parcel is adequate to accommodate the uses and outdoor storage, with the ability to provide setbacks from adjacent properties;
- c) *Supply of vacant land in the area* - There is little industrially designated and zoned land in the specific area as the intention is to accommodate these uses in industrial parks or industrial malls along Exeter Road;
- d) *Proximity to facilities* - At this time, the lands are adjacent to an Open Space area, however, are not near other facilities and services that support residential development, such as transit, community facilities or schools;
- e) *Affordable housing* - Not applicable at this time;
- f) *Height and setbacks* - Buildings are well set back from edge of property and are generally one storey in height;
- g) *Retention of vegetation/natural features* - Existing vegetation is proposed to be retained since no further site development is proposed as part of these amendments;
- h) *Vehicular access points* - Adverse impacts on traffic have been improved with a recently improved access to Wharnccliffe Road. No further traffic impacts are anticipated. It should be noted that the future Kilbourne Road is to be located along the northern boundary of the subject site, as identified in the (1989) OP and London Plan. It is expected this corridor will be developed in the future as lands develop for residential purposes;
- i) *Exterior design* - The existing uses operate out of three older purpose-designed

industrial buildings. They are equal in design to existing surrounding buildings. The recommended amendments are intended to limit uses to existing building. No new buildings are proposed;

j) *Impact on surrounding natural heritage* - As no expansion is recommended as part of the policies and zone, there will be no impact on surrounding natural features. A full impact assessment will be required for any future development;

k) Environmental constraints - Not applicable;

l) Compliance with by-laws - The site is considered legal non-conforming, but is still subject to any applicable by-laws, including the Sign by-law. Implementation of the Site Plan Control By-law is not applicable to this application;

m) Mitigation - No impacts are anticipated at this time so no mitigation is proposed;

n) *Impacts on transportation and transit* - No changes are proposed so no impacts are anticipated.

#### SWAP

The SWAP does not contain criteria for evaluation of specific policies, such as those of the (1989) Official Plan. As per the SWAP Implementation policies, the fundamental principles of the Plan will not change with the proposed addition of a special policy with the Bostwick Residential Neighbourhood. The addition of a special policy will allow industrial uses to continue, while preserving the ultimate intent of the lands to develop for residential uses in the future.

#### 4.2 Zoning

The previous zoning from the Township of Westminster (M1-H) permitted a wide range of industrial uses, such as automobile body shop, warehouse, laboratory, workshop and some commercial type uses. Other uses, such as commercial garden centre, industrial uses related to the food industry, manufacturing, and truck terminal were also permitted as part of the A2-2 Township Zone.

The Applicant's original request was to amend the UR4 Zone to allow for defined industrial uses that are existing on the site, including truck sales and service establishment, warehouse establishment, building or contracting establishment, service and repair establishment, repair and rental establishment, automobile repair garage, open storage, and storage depot. Staff are not recommending the UR4 ( ) Zone, as adding defined uses in the by-law may allow for the perpetuation of similar, new industrial uses to locate on the site. This is contrary to the intent of the special policies, which is to permit the existing industrial uses to run their course, while preserving future residential opportunities for the lands.

Staff have considered the request to allow for specific defined uses in the by-law and recommend instead the application of the Light Industrial (LI8) Zone instead. The LI8 Zone permits "existing industrial uses" on the date of passing of the by-law. This allows for the continuation of the existing industrial uses, with existing site area, open storage, parking, etc. as catalogued through this planning report.

Given the low number of community responses received through the circulation process, it would appear the existing industrial uses on the subject lands have achieved an acceptable level of compatibility with the surrounding area.

A special provision has been added to the LI8 Zone to recognize existing uses and regulations on the date of passing of this by-law.

A holding provision (h-17) is also recommended for the site. There are currently no sanitary services for the site, and the h-17 will remain until such as time as full municipal services area available.

The current Temporary (T-52) Zone no longer applies to a portion of the lands as it expired in 2015. As part of the recommendation clause and in the proposed by-law, the T-52 will be removed from the subject site.

## 5.0 Conclusion

The recommended amendments to permit the continued use of the existing industrial uses is consistent with the PPS which directs municipalities to maintain suitable sites for employment uses and consider the needs of existing businesses. The continued use of the existing industrial uses within a designated residential area necessitates the need for amendments to the (1989) Official Plan and the SWAP Secondary Plan to add site specific area policies. The recommended amendments meet the conditions in the (1989) Official Plan and the SWAP Secondary Plan for specific area policies. The proposed policies will recognize existing industrial uses on the site, and discourage expanding or intensifying further on the subject lands. It is not expected that the specific area policies will affect the ability of the subject lands to redevelop for residential uses in the future.

The recommended amendment to the Zoning By-law will permit the existing industrial uses, as per the date of passing of the by-law, and will not permit new industrial uses to locate on site. The existing range of business activities on site have achieved an acceptable level of compatibility with the surrounding area, and will therefore be permitted to continue short term, until such time as residential uses are viable in the area.

<b>Prepared by:</b>	<b>Nancy Pasato, MCIP, RPP Senior Planner, Development Services</b>
<b>Recommended by:</b>	<b>Paul Yeoman, RPP, PLE Director, Development Services</b>
<b>Submitted by:</b>	<b>George Kotsifas, P.ENG Managing Director, Development and Compliance Services and Chief Building Official</b>
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services.	

October 28, 2019  
NP/np

## Appendix A - (1989) Official Plan Amendment

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

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

A by-law to amend the Official Plan for the City of London, 1989 relating to 1875 Wharncliffe 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. The Amendment shall come into effect in accordance with subsection 17(27) of the *Planning Act, R.S.O. 1990, c. P.13*.

PASSED in Open Council on November 12, 2019.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – November 12, 2019  
Second Reading – November 12, 2019  
Third Reading – November 12, 2019

**AMENDMENT NO.**  
**to the**  
**OFFICIAL PLAN FOR THE CITY OF LONDON**

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is:

1. Add a policy in Section 10.1.3 – “Policies for Specific Areas” to the Official Plan for the City of London to permit existing industrial uses in existing buildings at 1875 Wharncliffe Road South.
2. Add a policy in Section 20.5.9 - “Bostwick Residential Neighbourhood” to the Southwest Area Secondary Plan to permit existing industrial uses in existing buildings at 1875 Wharncliffe Road South.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands located at 1875 Wharncliffe Road South in the City of London.

C. BASIS OF THE AMENDMENT

Chapter 10 – “Policies for Specific Areas” of the Official Plan allows Council to consider policies for specific areas where one of four criteria apply. One of these criteria is “the change in land use is site-specific and is located in an area where Council wishes to maintain the existing land use designation, while allowing for a site specific use” (Section 10.1.1 II).

The recommended amendment will recognize and permit the existing industrial land uses in the existing buildings until such time as the subject lands can be redeveloped for residential land uses as intended in the Multi-Family, Medium Density Residential designation.

D. THE AMENDMENT

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

1. Section 10.1.3 – “Policies for Specific Areas” of the Official Plan for the City of London is amended by adding the following:

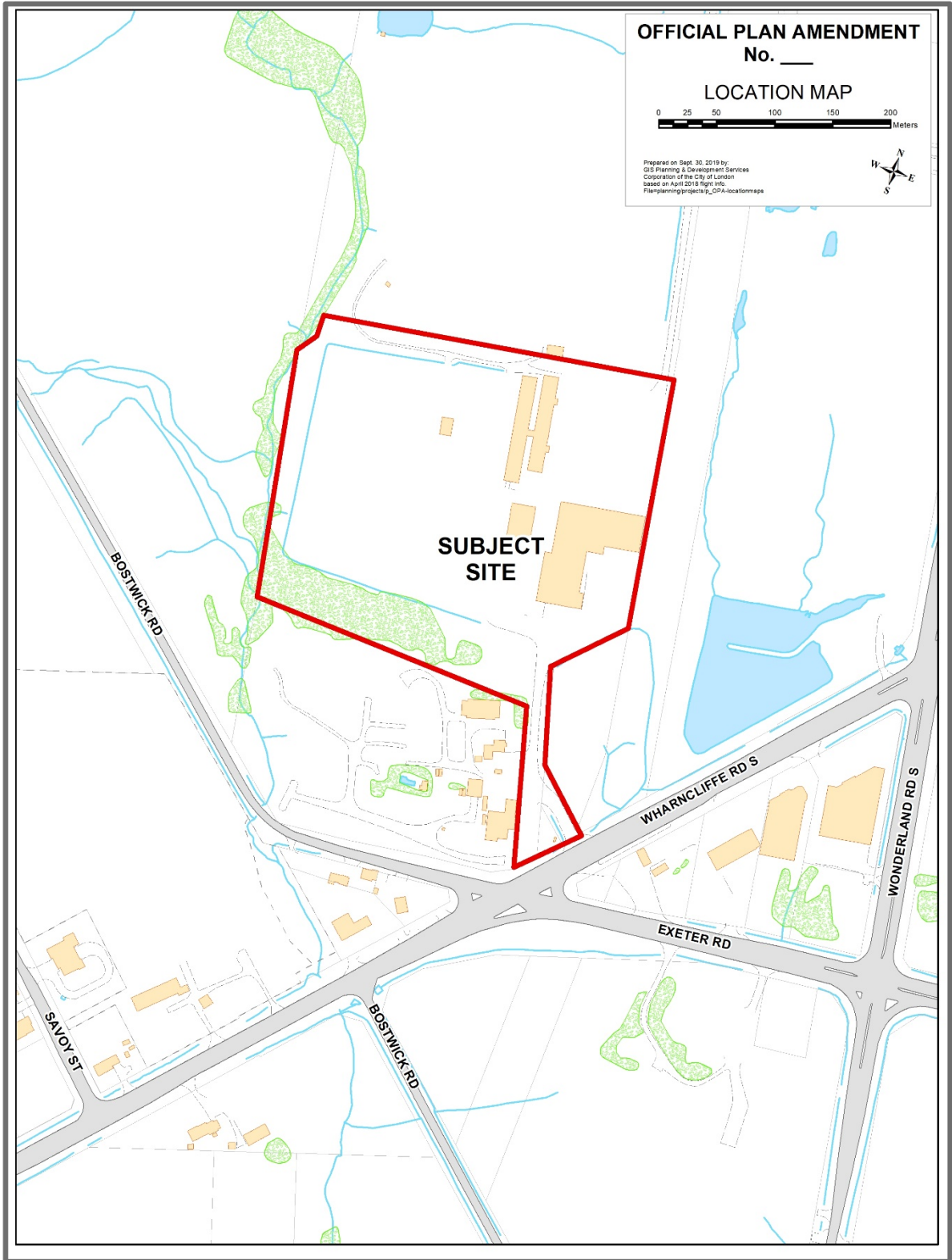
1875 Wharncliffe Road South

In addition to the uses permitted in the Multi-Family, Medium Density Residential Designation, existing industrial uses may be permitted.

2. Section 20.5.9 – “Bostwick Residential Neighbourhood” to the Southwest Area Secondary Plan of the Official Plan for the City of London is amended by adding the following:

20.5.9.3 1875 Wharncliffe Road South

In addition to the uses permitted in the Medium Density Residential Designation, existing industrial uses may be permitted.



**Appendix “B” – London Plan Amendment**

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

By-law No. C.P.-1512()\_\_\_\_

A by-law to amend The London Plan for  
the City of London, 2016 relating to 1875  
Wharnccliffe 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 London Plan for the City of London Planning Area – 2016, 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(27) of the *Planning Act, R.S.O. 1990, c.P.13*.

PASSED in Open Council on November 12, 2019

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – November 12, 2019  
Second Reading – November 12, 2019  
Third Reading – November 12, 2019



**AMENDMENT NO.  
to the  
THE LONDON PLAN FOR THE CITY OF LONDON**

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to add a policy in Section 20.5.9 - "Bostwick Residential Neighbourhood" to the Southwest Area Secondary Plan to permit existing industrial uses in existing buildings at 1875 Wharnccliffe Road South.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands located at 1875 Wharnccliffe Road South in the City of London.

C. BASIS OF THE AMENDMENT

The recommended amendment will recognize and permit the existing industrial land uses in the existing buildings until such time as the subject lands can be redeveloped for residential land uses as intended in the Medium Density Residential designation of the Southwest Area Secondary Plan.

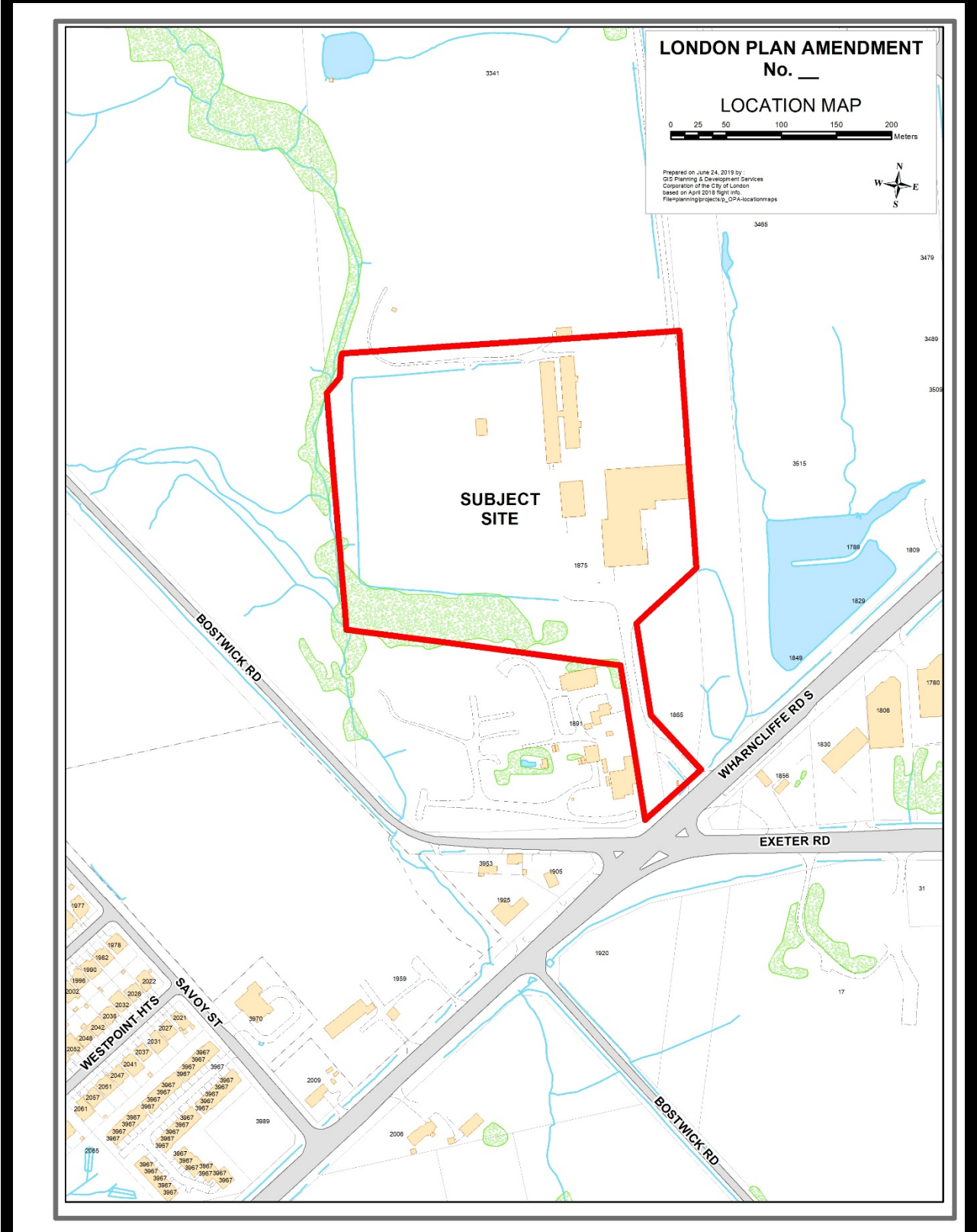
D. THE AMENDMENT

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

1. Section 20.5.9 – "Bostwick Residential Neighbourhood" to the Southwest Area Secondary Plan to the London Plan for the City of London Planning Area is amended by adding the following:

20.5.9.3      1875 Wharnccliffe Road South

In addition to the uses permitted in the Medium Density Residential Designation, existing industrial uses may be permitted.



**Appendix "C" – Zoning By-law Amendment**

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 1875 Wharnccliffe Road South.

WHEREAS Wharnccliffe Enterprise Centre Inc. has applied to rezone an area of land located at 1875 Wharnccliffe 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. Z.-1 is amended by changing the zoning applicable to lands located at 1875 Wharnccliffe Road South, as shown on the attached map comprising part of Key Map No.A111, from an Urban Reserve (UR4) Zone and Temporary (T-52) Zone to a Holding Light Industrial Special Provision (h-17\*LI8( )) Zone.

2) Section Number 40.4 of the Light Industrial (LI8) Zone is amended by adding the following Special Provision:

LI8( ) 1875 Wharnccliffe Road South

a) Permitted Uses

i) As existing on the date of the passing of the By-law.

b) Regulations

i) Notwithstanding the provisions of Table 40.3, all other zoning provisions are as existing on the date of the passing of the By-law.

3) 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.

4) 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. P.13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

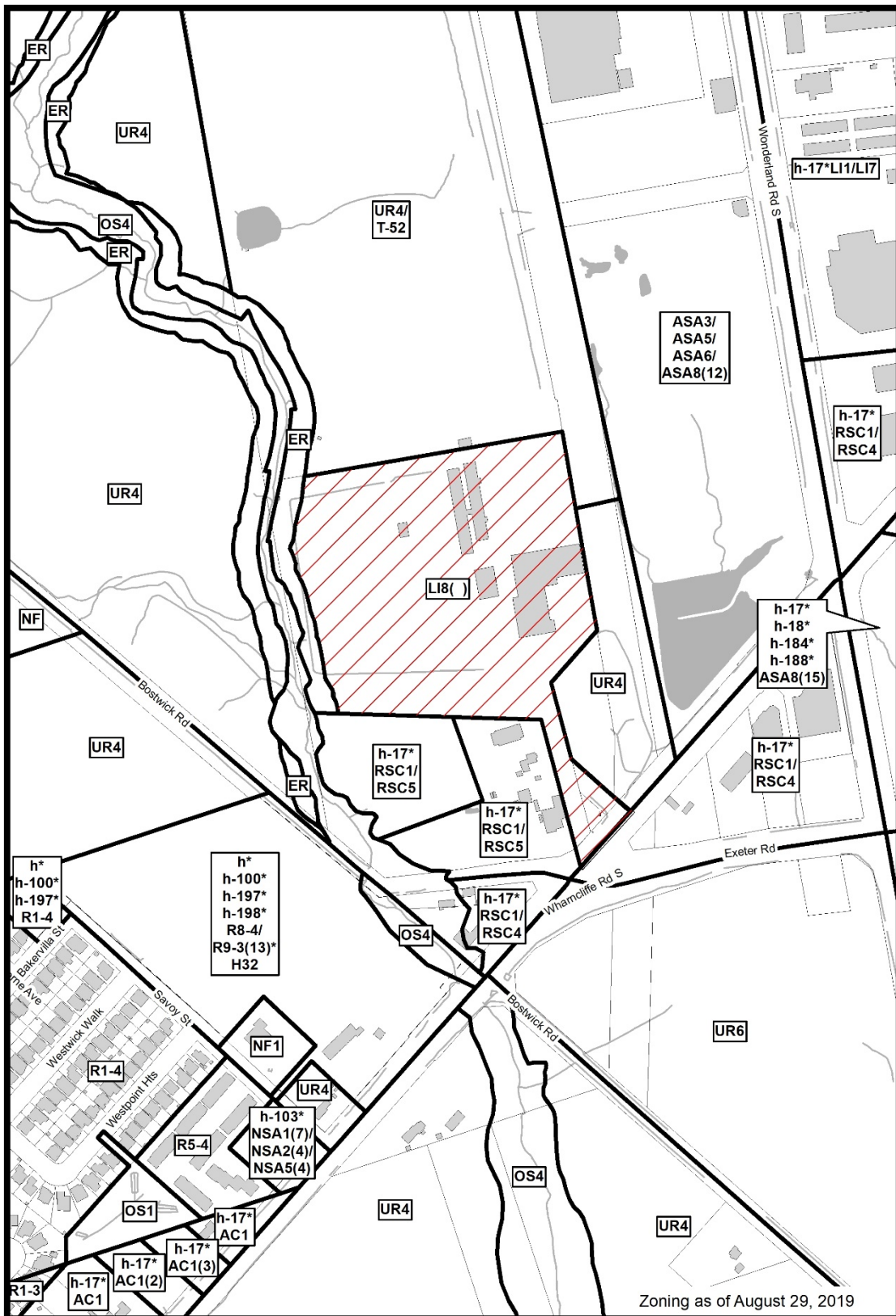
PASSED in Open Council on November 12, 2019.


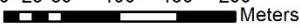

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – November 12, 2019  
Second Reading – November 12, 2019  
Third Reading – November 12, 2019

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



<p>File Number: OZ-9073                  Planner: NP                  Date Prepared: 2019/10/17                  Technician: DM                  By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:5,000</p> <p>0 25 50 100 150 200 Meters </p> <p></p>
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## Appendix D – Public Engagement

### Community Engagement

**Public liaison:** On June 11, 2019, Notice of Application was sent to 15 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on June 13, 2019. A “Planning Application” sign was also posted on the site.

0 replies were received

**Nature of Liaison:** The purpose and effect of this Official Plan, London Plan and zoning change is to permit existing industrial and commercial uses in the existing building and permit existing open storage and site conditions on a permanent basis. Possible amendment to the 1989 Official Plan to add a Specific Area Policy to Chapter 10 to permit the existing industrial uses at a total gross floor area of 8400 m<sup>2</sup>, and to amend Section 20.5 of the Official Plan (Southwest Area Secondary Plan), to add a special policy to permit existing industrial uses at a total gross floor area of 8400 m<sup>2</sup>. Possible amendment to The London Plan (New Official Plan) to amend specific policy 987-993 (Bostwick East) to add a new subsection to permit the existing industrial uses at a total gross floor area of 8400 m<sup>2</sup>, and to amend to amend the Southwest Area Secondary Plan, to add a special policy to permit existing industrial uses at a total gross floor area of 8400 m<sup>2</sup>. Possible change to Zoning By-law Z.-1 FROM an Urban Reserve (UR4) Zone TO an Urban Reserve Special Provision (UR4( )) Zone to permit existing uses such as truck sales and serve establishment, warehouse establishment, building or contracting establishment, serve and repair establishment, repair and rental establishment, automobile repair garage, open storage, and storage depot, at a total gross floor area of 8,4000 m<sup>2</sup>.

**Responses:** No responses received from the public.

### Agency/Departmental Comments

#### Development Engineering - email July 26, 2019

- Road widening dedication of 24.0m from centre line required along Wharncliffe Road South
- Transportation will be seeking a holding provision for the dedication and construction of the future Kilbourne Road
- There is currently no sanitary sewer fronting the subject lands. The sanitary outlet for subject site is potentially the future extension of a 450mm dia sanitary west on Exeter Road tributary to the 675mm dia trunk on Wonderland to the Wonderland PS.
- City has no concern with what is being proposed to carry on with existing dry use zone as existing industrial and commercial uses in the existing building and permit existing open storage and site conditions on a permanent basis.

#### London Hydro - email July 26, 2019

Servicing the above proposal should present no foreseeable problems. Above-grade transformation is required.

## Appendix E – 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, by-laws, and legislation are identified as follows:

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, by-laws, and legislation are identified as follows:

### **Provincial Policy Statement**

1.1.3.4 – *Settlement Areas*

1.3.1 b) and c) – *Employment*

### **1989 Official Plan**

3.1.1. vii) – *General Objectives for all Residential Designations*

3.3. – *Multi-Family Medium Density Residential*

3.3.1. – *Multi-Family Medium Density Residential, Permitted Uses*

3.6.11. - *Residential Uses Adjacent to Industrial Areas*

3.7. - *Planning Impact Analysis*

10.1.1 ii) – *Policies for Specific Areas, Criteria*

10.1.2. – *Policies for Specific Areas, Planning Impact Analysis*

18.2.12 – *Transportation Planning, Parking Policies*

19.9.5. - *Noise, Vibration and Safety*

### **The London Plan**

193\_ – *City Building Policies, City Design, What are we trying to achieve*

271\_ – *City Building Policies, City Design,*

463\_ – *City Building Policies, Civic Infrastructure, Policies for all Infrastructure*

Table 10 – *Range of Permitted Uses in Neighbourhoods Place Type*

Table 11 – *Range of Permitted Heights in Neighbourhoods Place Type*

936\_4. – *Place Type Policies, Urban Place Types, Neighbourhoods, Form*

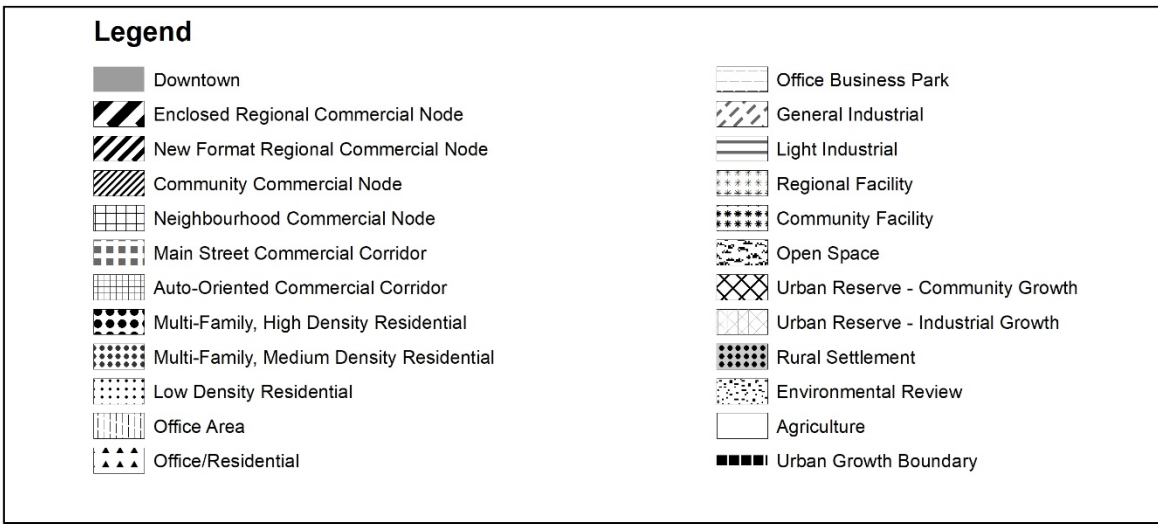
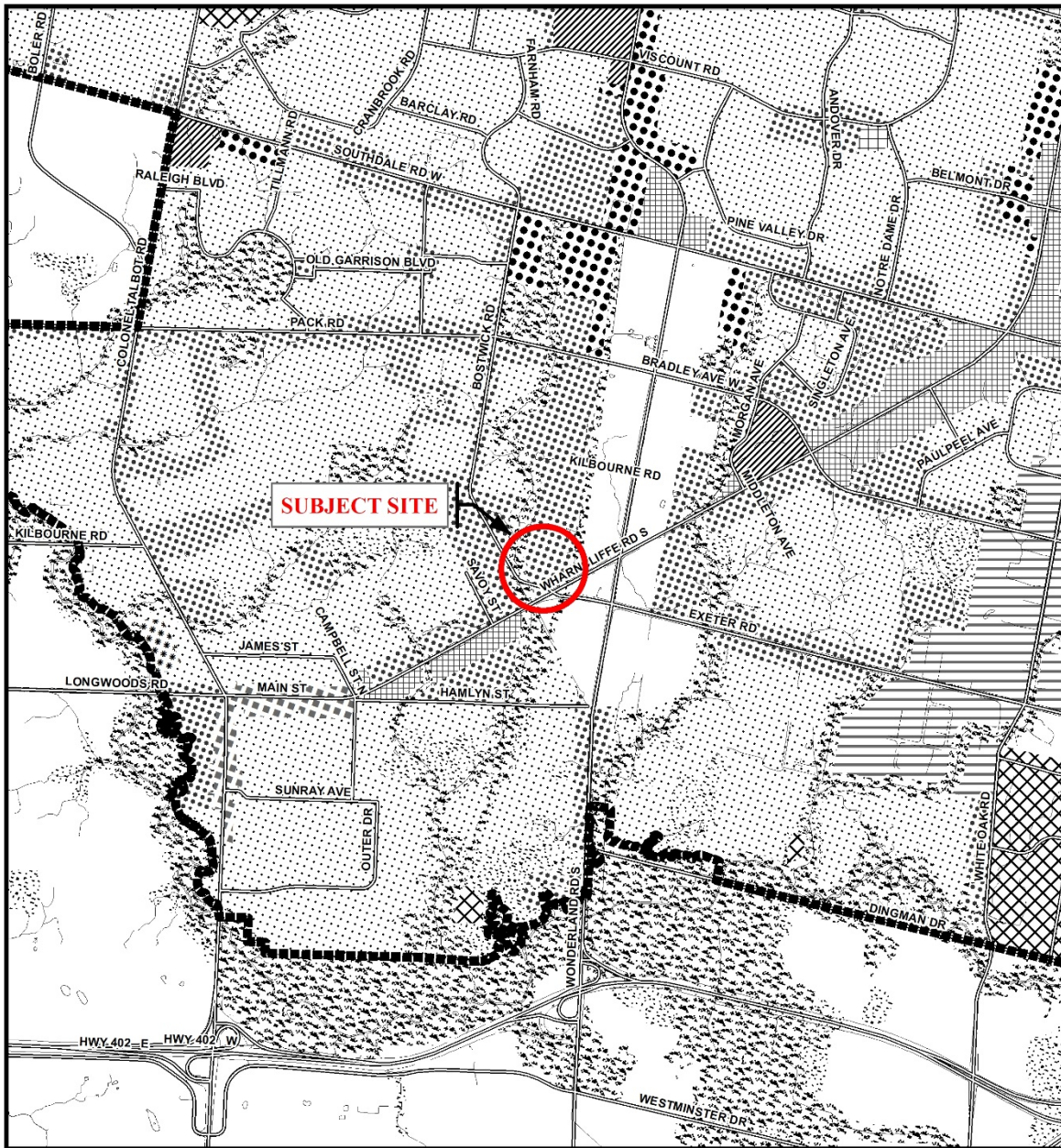
1578\_ – *Our Tools, Evaluation Criteria for Planning and Development Applications*

1729\_ – *Our Tools, Specific Area Policies*

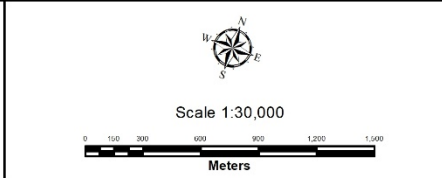
1730\_ 1.-5. – *Our Tools, Specific Area Policies*

**Appendix F – Relevant Background**

**Additional Maps**

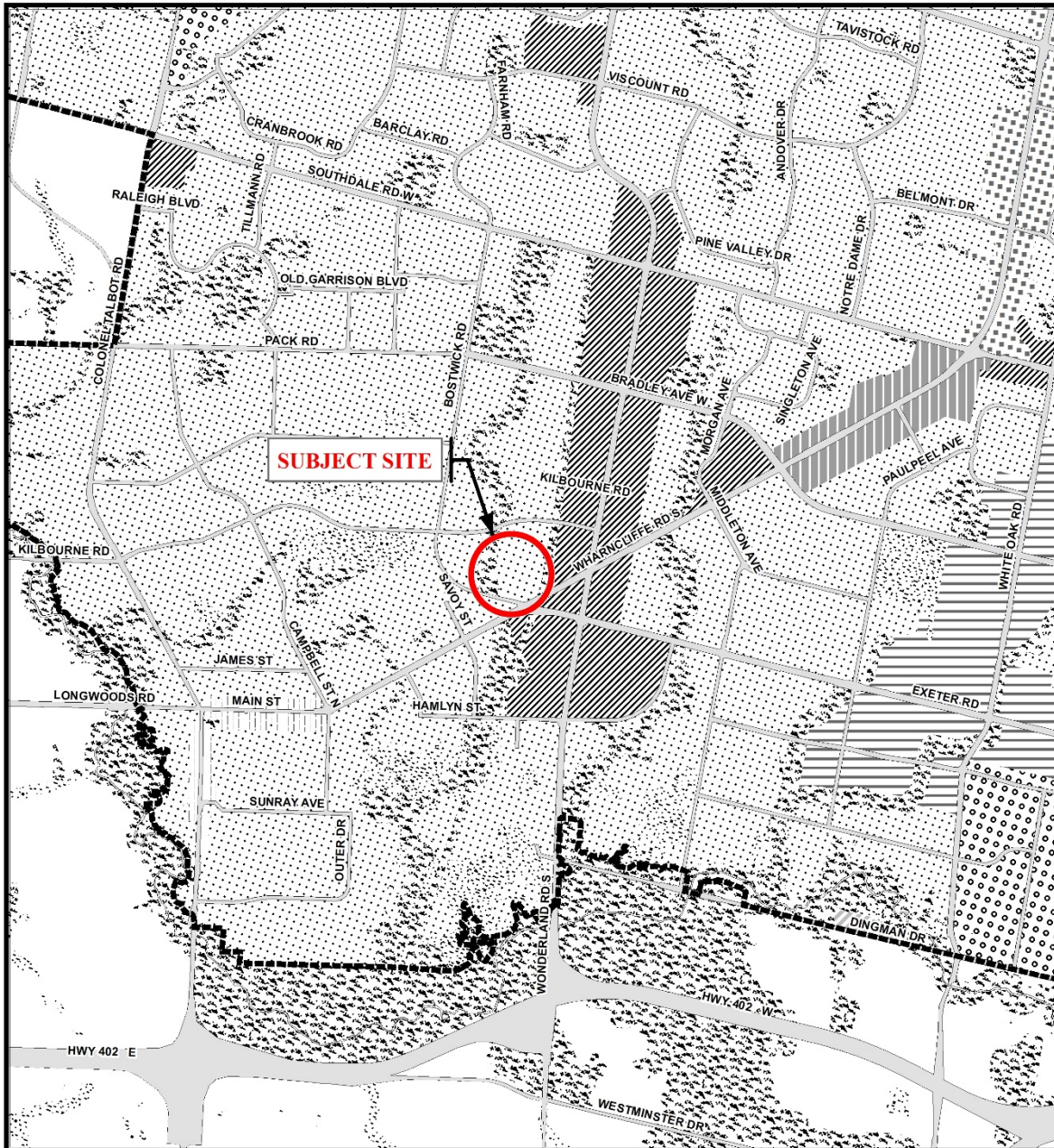


**CITY OF LONDON**  
 Department of  
 Planning and Development  
 OFFICIAL PLAN SCHEDULE A  
 - LANDUSE -  
 PREPARED BY: Graphics and Information Services



FILE NUMBER: Z-9073  
 PLANNER: NP  
 TECHNICIAN: DM  
 DATE: 2019/09/30





**Legend**

- |                        |                          |   |
|------------------------|--------------------------|---|
| Downtown               | Future Community Growth  | Environmental Review                    |
| Transit Village        | Heavy Industrial         | Farmland                                |
| Shopping Area          | Light Industrial         | Rural Neighbourhood                     |
| Rapid Transit Corridor | Future Industrial Growth | Waste Management Resource Recovery Area |
| Urban Corridor         | Commercial Industrial    | Urban Growth Boundary                   |
| Main Street            | Institutional            |   |
| Neighbourhood          | Green Space              |   |

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

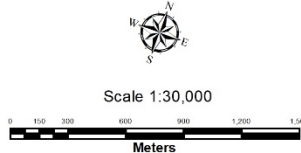
*At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.*

**CITY OF LONDON**

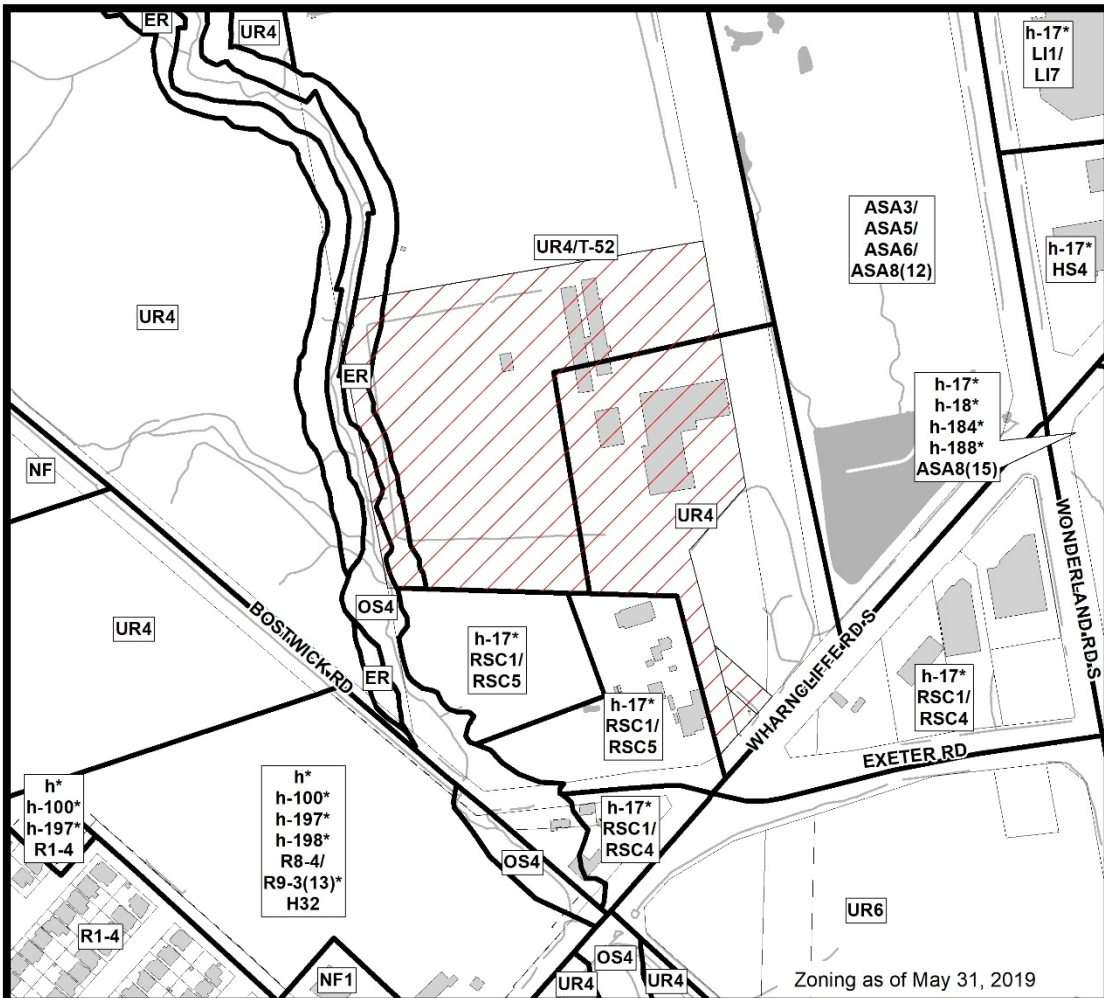
Planning Services /  
 Development Services

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

PREPARED BY: Planning Services



**File Number:** Z-9073  
**Planner:** NP  
**Technician:** DM  
**Date:** September 30, 2019



**COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:**

1) **LEGEND FOR ZONING BY-LAW Z-1**

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>R1 - SINGLE DETACHED DWELLINGS</li> <li>R2 - SINGLE AND TWO UNIT DWELLINGS</li> <li>R3 - SINGLE TO FOUR UNIT DWELLINGS</li> <li>R4 - STREET TOWNHOUSE</li> <li>R5 - CLUSTER TOWNHOUSE</li> <li>R6 - CLUSTER HOUSING ALL FORMS</li> <li>R7 - SENIOR'S HOUSING</li> <li>R8 - MEDIUM DENSITY/LOW RISE APTS.</li> <li>R9 - MEDIUM TO HIGH DENSITY APTS.</li> <li>R10 - HIGH DENSITY APARTMENTS</li> <li>R11 - LODGING HOUSE</li> <br/> <li>DA - DOWNTOWN AREA</li> <li>RSA - REGIONAL SHOPPING AREA</li> <li>CSA - COMMUNITY SHOPPING AREA</li> <li>NSA - NEIGHBOURHOOD SHOPPING AREA</li> <li>BDC - BUSINESS DISTRICT COMMERCIAL</li> <li>AC - ARTERIAL COMMERCIAL</li> <li>HS - HIGHWAY SERVICE COMMERCIAL</li> <li>RSC - RESTRICTED SERVICE COMMERCIAL</li> <li>CC - CONVENIENCE COMMERCIAL</li> <li>SS - AUTOMOBILE SERVICE STATION</li> <li>ASA - ASSOCIATED SHOPPING AREA COMMERCIAL</li> <br/> <li>OR - OFFICE/RESIDENTIAL</li> <li>OC - OFFICE CONVERSION</li> <li>RO - RESTRICTED OFFICE</li> <li>OF - OFFICE</li> </ul> | <ul style="list-style-type: none"> <li>RF - REGIONAL FACILITY</li> <li>CF - COMMUNITY FACILITY</li> <li>NF - NEIGHBOURHOOD FACILITY</li> <li>HER - HERITAGE</li> <li>DC - DAY CARE</li> <br/> <li>OS - OPEN SPACE</li> <li>CR - COMMERCIAL RECREATION</li> <li>ER - ENVIRONMENTAL REVIEW</li> <br/> <li>OB - OFFICE BUSINESS PARK</li> <li>LI - LIGHT INDUSTRIAL</li> <li>GI - GENERAL INDUSTRIAL</li> <li>HI - HEAVY INDUSTRIAL</li> <li>EX - RESOURCE EXTRACTIVE</li> <li>UR - URBAN RESERVE</li> <br/> <li>AG - AGRICULTURAL</li> <li>AGC - AGRICULTURAL COMMERCIAL</li> <li>RRC - RURAL SETTLEMENT COMMERCIAL</li> <li>TGS - TEMPORARY GARDEN SUITE</li> <li>RT - RAIL TRANSPORTATION</li> <br/> <li>"h" - HOLDING SYMBOL</li> <li>"d" - DENSITY SYMBOL</li> <li>"H" - HEIGHT SYMBOL</li> <li>"B" - BONUS SYMBOL</li> <li>"T" - TEMPORARY USE SYMBOL</li> </ul> |
|--|---|

**CITY OF LONDON**

PLANNING SERVICES / DEVELOPMENT SERVICES

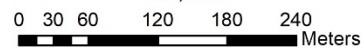
**ZONING  
 BY-LAW NO. Z.-1  
 SCHEDULE A**



FILE NO:  
 OZ-9073 NP

MAP PREPARED:  
 2019/10/17 DM

1:5,000



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

### **Additional Reports**

January, 2004 (TZ-6585) - Municipal Council approved a Zoning By-law amendment for the northern portion of the site to permit a temporary golf driving range and accessory uses to the driving range.

June, 2006 (TZ-7114) - Municipal Council approved an extension of the temporary use zone to include 140 m<sup>2</sup> golf pro shop and a 93 m<sup>2</sup> golf training facility within an existing building.

June, 2009 (TZ-7658) - Municipal Council approved an extension of the temporary use zone.

November 20, 2012- Municipal Council approved the Southwest Area Secondary Plan (SWAP).

June, 2012 (TZ-8045) - Municipal Council approved an extension of the temporary use zone.