

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

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

Subject: Application by: Orange Rock Developments
3900 Scotland Drive, 3777 Westminster Drive, and 5110 White
Oak Road

Meeting on: January 20, 2020

Recommendation

That, on the recommendation of the Director, Development Services, the following action be taken with respect to the application of Orange Rock Developments relating to the property located at 3900 Scotland Drive, 3777 Westminster Drive, and 5110 White Oak Road, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on January 28, 2020 to amend Zoning By-law Z.-1, in conformity with the Official Plan, to change the zoning of the lands **FROM** a holding Resource Extraction (h-226*EX1) Zone **TO** a Resource Extraction (EX1) Zone.

Executive Summary

Summary of Request

The applicant has requested the removal of the "h-226" holding provision from 3900 Scotland Drive, 3777 Westminster Drive, and 5110 White Oak Road, which is in place to ensure there are no negative impacts to the road structure and surrounding road network.

Purpose and the Effect of Recommended Action

The purpose and effect is to remove the "h-226" holding symbol to facilitate the development of an asphalt and concrete batching plant.

Rationale of Recommended Action

The requirements for removing the holding provision have been met, and the City Engineer has confirmed that no further work is required. It is appropriate to remove the holding provision as it is no longer required.

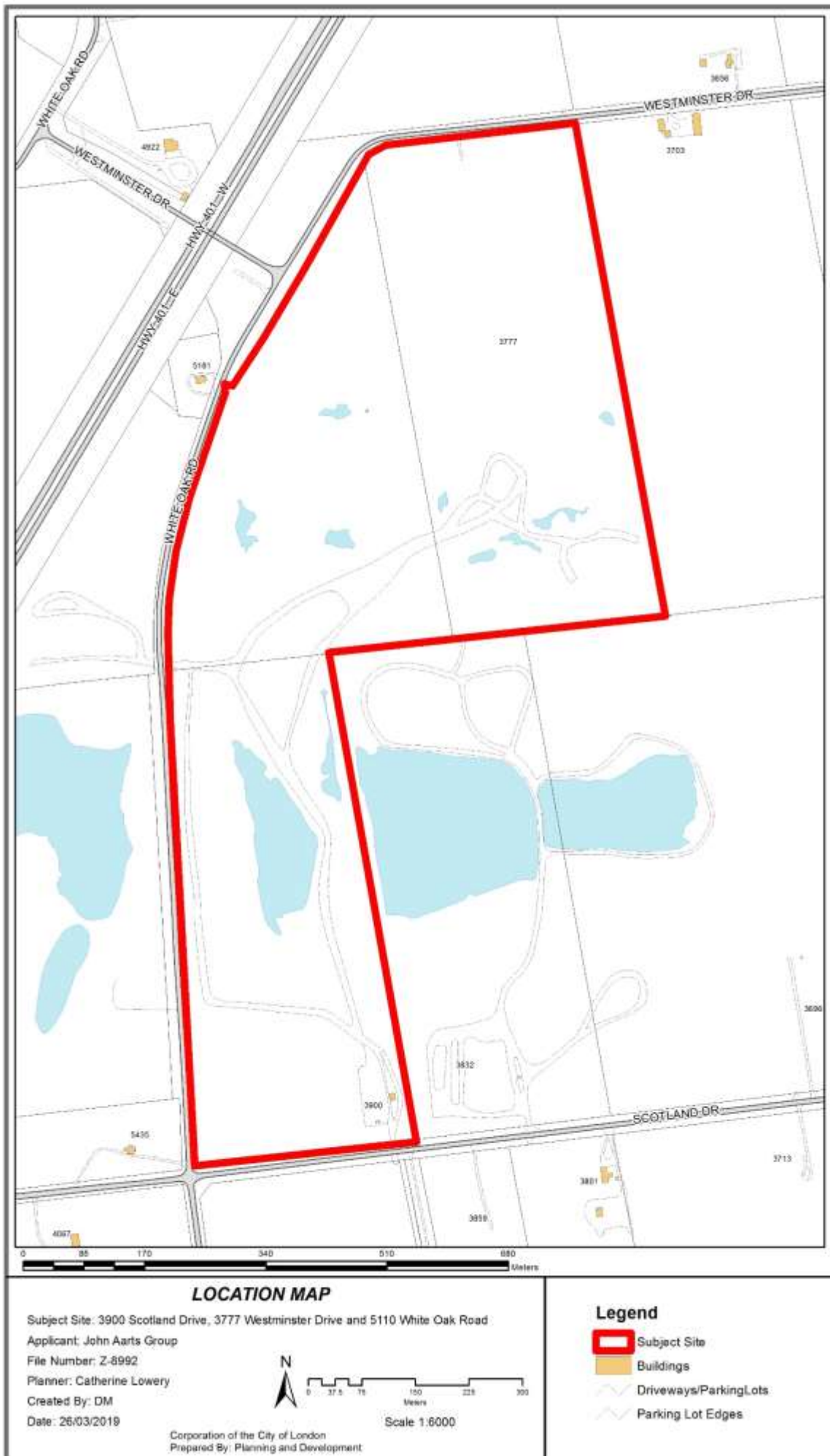
Analysis

1.0 Site at a Glance

1.1 Property Description

The subject site is comprised of three parcels with frontages on Scotland Drive, White Oak Road, and Westminster Drive and a total area of approximately 56.13 hectares (138.71 acres). The site is operated as an active aggregate resource extraction pit licensed by the Ministry of Natural Resources and Forestry (MNR). Agricultural uses, including accessory farm dwellings, exist to the north, east, south, and west of the site. Additional surrounding land uses include aggregate resource extraction to the east and west, as well as White Oak Cemetery to the west. The site is also in proximity to the City of London W12A landfill site, located at Manning Drive and White Oak Road.

1.2 Location Map



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

- Official Plan Designation – Agricultural, Open Space, and Environmental Review
- The London Plan Place Type – Farmland and Green Space
- Existing Zoning –holding Resource Extraction (h-226*EX1) Zone

1.4 Site Characteristics

- Current Land Use – Aggregate resource extraction
- Frontage – 3900 Scotland Drive: 310 metres (1,017 feet); 3777 Westminster Drive: 290 metres (951 feet), 5110 White Oak Road: 800 metres (2,624 feet)
- Depth – 3900 Scotland Drive: 720 metres (2,362 feet); 3777 Westminster Drive: 700 metres (2,296 feet), 5110 White Oak Road: 400 metres (1,312 feet)
- Area – 56.13 hectares (138.71 acres) total
- Shape – Irregular

1.5 Surrounding Land Uses

- North – Agricultural
- East – Aggregate resource extraction and agricultural (including an accessory farm dwelling)
- South – Agricultural (including an accessory farm dwelling)
- West – Agricultural (including an accessory farm dwelling), aggregate resource extraction, and White Oak Cemetery

2.0 Description of Proposal

The site is currently used for aggregate extraction and proposed to include an asphalt and concrete batching plant as well. The majority of the subject site is currently within the holding Resource Extraction (h-226*EX1) Zone, which permits resource extraction operations, including accessory aggregate reprocessing, asphalt batching plants, and concrete batching plants. Other portions of the site containing natural features are currently zoned Environmental Review (ER) and Open Space (OS4). The subject lands are currently licensed by the Ministry of Natural Resources and Forestry (MNR) under the Aggregates Resources Act for two (2) Class A Licences (No. 2341 and No. 31135). The proposed asphalt and concrete batching plant would be located within the existing licensed area.



Figure 1: Main site entrance off Scotland Drive

3.0 Relevant Background

3.1 Planning History

An application for Zoning By-law Amendment Z-8992 was made in December of 2018 to permit the use of an asphalt and concrete batching plant through the Extractive Resource (EX1) Zone. During the application review, Transportation staff requested an “h-226” holding provision be applied to the subject site to require a geotechnical report that would evaluate any impacts on the road structure of the surrounding road network, as there are existing load limits in effect on Westminster Drive, White Oak Road, and Scotland Drive, as per schedule 15 of the Traffic and Parking By-law.

On April 29, 2019, a Public Participation Meeting for Zoning By-law Amendment (Z-8992) was held before the Planning and Environment Committee to consider the request for the additional use of an asphalt and concrete batching plant. The Planning and Environment Committee recommended approval of the requested amendment with the holding provision, which was subsequently approved by Municipal Council on May 7, 2019 and is now in force and effect.

3.2 Previous Reports and Applications Relevant to this Application

April 29, 2019, Planning and Environment Committee; Public Participation Meeting, John Aarts Group, 3900 Scotland Drive, 3777 Westminster Drive, and 5110 White Oak Road, Z-8992

3.3 Requested Amendment

The applicant is requesting the removal of the “h-226” holding provision from the site to allow for the development of the asphalt and concrete batching plant.

3.4 Community Engagement

Community comments were received in response to the Notice of Application for Holding Provision Removal requesting more information and expressing general concerns for the overall proposed operation.

3.5 Policy Context

The Planning Act permits the use of holding provisions to restrict future uses until conditions for removing the holding provision are met. To use this tool, a municipality must have approved Official Plan policies related to its use, a municipal council must pass a zoning by-law with holding provisions, an application must be made to council for an amendment to the by-law to remove the holding symbol, and council must make a decision on the application within 150 days to remove the holding provision(s). The London Plan and the 1989 Official Plan contain policies with respect to holding provisions including the process, and notification and removal procedures.

4.0 Key Issues and Considerations

4.1 What is the purpose of the holding provision and is it appropriate to consider their removal?

h-226: Purpose: The removal of the “h-226” shall not occur until such time as the Owner has entered into an agreement with the City of London to ensure that, if determined necessary through the completion of a geotechnical subsurface analysis, appropriate municipal roadway upgrades are completed to accommodate truck traffic from the proposed asphalt and concrete batching plant(s) to the satisfaction of the City Engineer.

A Geotechnical Investigation and Road Assessment Report was prepared by LDS on September 4, 2019 to support the removal of the holding provision. The report concluded with recommending operational measures to manage load restriction periods, rather than upgrades to adjacent roads. The applicant has advised that trucks associated with the batching plant will generally follow the same traffic patterns as the gravel haulers. The batching plant is anticipated to result in fewer than 12,000 annual loads, which combined with existing gravel sales of approximately 15,900 annual loads, is under the 36,000 annual loads permitted by the Ministry of Natural Resources and Forestry (MNR) license. Raw materials required to produce the concrete will be available on-site and it is anticipated that a portion of the annual sand and gravel sales will be diverted to the on-site batching plant, which will ultimately result in fewer aggregate trucks leaving the site.

On January 10, 2020, the City Engineer accepted the study along with mitigation measures for the use of municipal roadways which ensures that there are no roadway upgrades needed to accommodate the additional truck traffic. Loaded trucks will be required to traverse internal roads and exit the site from the south access along Scotland Drive which is the only full-load road in the vicinity during half-load season. Such measures will be captured and implemented through conditions of the provincial site plan approval process:

During the period when municipal half load restrictions are in place, all loaded truck traffic will utilize the entrance onto Scotland Road and will travel East. All other vehicular access other than Scotland Drive will be temporarily modified to prevent traffic that does not meet the road axle weight restrictions during half load season. An internal road will be provided at all times the batch plant is operational to accommodate all vehicular traffic including delivery vehicles. Signs shall also be posted at the White Oaks/Westminster entrances reminding all traffic of the load restrictions. Trucks may utilize the entrance onto White Oak Road when half load restrictions are not in place.

The provincial site plan approval process will be reviewed, implemented and enforced by the Ministry of Natural Resources and Forestry (MNRF), which has jurisdiction for aggregates and associated operations. In addition to the access, movement and impact of vehicles on the municipal roadways, all other site plan matters will be addressed by the MNRF including such aspects as: permit approvals from the Conservation Authority and Ministry of Transportation, screening, buffering and landscaping, building siting, lighting, and noise mitigation. The responsibilities associated with the enforcement and compliance of the provincial site plan, as well as the collection of, and response to, any complaints that may arise will be those of the MNRF. The City will be providing a submission to the MNRF on matters that are requested to be addressed through the provincial site plan approval.

5.0 Conclusion

The Applicant has undertaken the required analysis for the removal of the holding provision. Road upgrades and an associated agreement are not required. The mitigative approach will result in an asphalt and concrete batching plant that has demonstrated no negative impacts on the road structure and surrounding road network. It is appropriate to remove the holding provision to allow the zoning to come into full force and effect.

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	

January 13, 2020

cc: Heather McNeely, Manager, Development Services (Site Plans)
cc: Matt Feldberg, Manager, Development Services (Subdivisions)
cc: Michael Pease, Manager, Development Planning
cc: Lou Pompilii, Manager, Development Planning

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Appendix A

Bill No. (number to be inserted by Clerk's Office)
2020

By-law No. Z.-1-20_____

A by-law to amend By-law No. Z.-1 to remove the holding provision from the zoning for lands located at 3900 Scotland Drive, 3777 Westminster Drive, and 5110 White Oak Road.

WHEREAS Orange Rock Developments has applied to remove the holding provision from the zoning for the lands located at 3900 Scotland Drive, 3777 Westminster Drive, and 5110 White Oak Road, as shown on the map attached to this by-law, as set out below;

AND WHEREAS it is deemed appropriate to remove the holding provision from the zoning of the said lands;

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

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 3900 Scotland Drive, 3777 Westminster Drive, and 5110 White Oak Road, as shown on the attached map, to remove the holding provisions so that the zoning of the lands as a Resource Extraction (EX1) Zone comes into effect.
2. This by-law shall come into force and effect on the day it is passed.

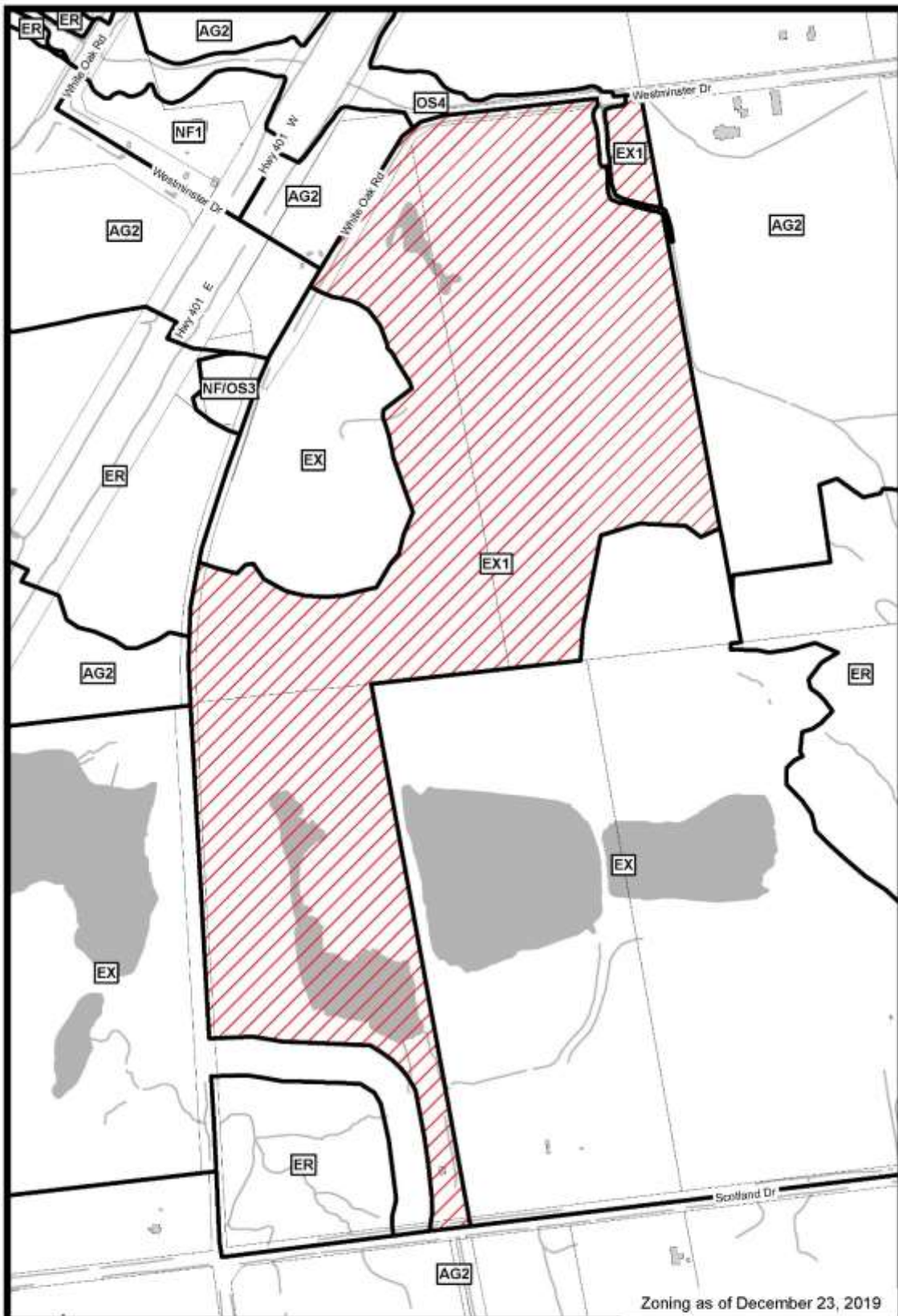
PASSED in Open Council on January 28, 2020.

Ed Holder
Mayor


Catharine Saunders
City Clerk

First Reading – January 28, 2020
Second Reading – January 28, 2020
Third Reading – January 28, 2020

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



File Number: H-9113
Planner: SW
Date Prepared: 2020/01/08
Technician: RC
By-Law No: Z.-1-

SUBJECT SITE 

1:6,000

0 30 60 120 180 240 Meters

