

## Report to Planning and Environment Committee

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

**From:** Gregg Barrett, AICP  
Director, City Planning & City Planner

**Subject:** Bruce Sworik (1625993 Ontario Limited)  
820 Cabell Street

**Public Participation Meeting on: November 30, 2020**

## Recommendation

That, on the recommendation of the Director, City Planning & City Planner, with respect to the application of Bruce Sworik (1625993 Ontario Limited) relating to the property located at 820 Cabell Street, the by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on December 8, 2020 to amend Zoning By-law No. Z.-1, to change the zoning of the subject property **FROM** a Light Industrial (LI1) Zone **TO** a Light Industrial Special Provision (LI2( )) Zone to permit the existing marijuana growing and processing facility and allow up a maximum of 400 square metres of ancillary retail uses within the existing building;

## Executive Summary

### Summary of Request

The requested zoning by-law amendment includes two elements: 1) to expand the range of permitted uses so that the existing marijuana growing and processing facility will be permitted, and 2) to allow more of the building to include ancillary retail uses. No exterior changes are proposed at this time, any changes will be within the existing building.

### Purpose and the Effect of Zoning By-law Amendment

The purpose and effect of this zoning change is first, to change the zoning from a Light Industrial (LI1) Zone to a Light Industrial (LI2) Zone to permit the existing marijuana growing and processing facility. Second, the purpose and effect of the zoning by-law amendment is to allow a maximum of 400m<sup>2</sup> of ancillary retail space for goods manufactured on the premises.

### Rationale for Recommendation

The requested change from an LI1 to an LI2 Zone is consistent with the Provincial Policy Statement which encourages retention and re-use of older industrial uses by providing for a broader range of low impact industrial uses in close proximity to an existing residential area. The recommended zone also conforms with the Light Industrial Place Type of the London Plan and the Light Industrial designation in the 1989 Official Plan.

The increase in the permitted floor area for ancillary retail uses is also consistent with the PPS, and conforms with the London Plan and the 1989 Official Plan. Policies in each of these documents prioritize the protection of industrial areas, and the recommended zoning will support industrial uses by permitting retail sales related to those permitted uses.

## Analysis

### Background information

An application for the subject site was presented to the Planning and Environment Committee on September 21, 2020 that included a recommendation for approval of part of the application, and a recommendation to refuse a different part of the application. The application being considered at that time included the change from a Light Industrial (LI1) Zone to a Light Industrial (LI2) Zone, and a request to permit non-ancillary retail sales. Staff supported the request for the Light Industrial (LI2) Zone, but did not support the request for non-ancillary retail uses these uses are not consistent with the PPS, and do not conform with the London Plan or the 1989 Official Plan.

At the meeting, the Planning and Environment Committee (PEC) resolved:

*That the following actions be taken with respect to the application by Bruce Sworik, relating to the property located at 820 Cabell Street:*

*a) the application BE REFERRED to a future Planning and Environment Committee meeting; and,*

*b) the Civic Administration BE REQUESTED to work with the applicant and to report back with a draft by-law to permit ancillary commercial space permitted on the property to a maximum gross floor area of 400 m<sup>2</sup>.*

The discussion at committee focused on allowing more ancillary retail space on the property so the owner could attract new tenants which wanted to sell manufactured goods from the property and possibly resolve leasing difficulties with the building.

There was also some discussion about whether to allow 400m<sup>2</sup> of ancillary retail space for the entire building or allow 100m<sup>2</sup> per tenant for up to a maximum of 4 tenants. Planning staff were asked to provide a recommendation on which option would be best.

The definitions in Section 2 (Definitions) of Zoning By-law Z-1 for "ANCILLARY" and "RETAIL STORE" are;

"ACCESSORY or ANCILLARY" means a use, building or structure customarily incidental, subordinate and exclusively devoted to the main use and carried on with such main use, building or structure on the same lot.

"RETAIL STORE" means a building or structure, or part thereof, in which goods, wares, merchandise, substances, foodstuffs, farm produce, articles or things are stored, offered or kept for retail sale to the public, and includes the business premises of an auctioneer, where such premises are used for the sale of merchandise by auction, but does not include supermarkets, or automobile or vehicle sales.

Section 40.3 2) (Retail Sales as an Ancillary Use) of Zoning By-law Z-1 allows retail sales in the Light Industrial zone as an ancillary use for manufacturing and assembly; food, tobacco and beverage processing; printing, reproduction and data processing and processed goods industries. Ancillary retail sales are subject to the following restrictions:

The ancillary use must

- be in the main building or unit;
- be a maximum of 25% of total building gross floor area (GFA) or 100 m<sup>2</sup> (1100 ft<sup>2</sup>); whichever is lesser, and with no more than 30 m<sup>2</sup> (323 ft<sup>2</sup>) devoted to sale of goods not manufactured on site;
- provide parking at the retail rate (1 space per 25m<sup>2</sup> or 15m<sup>2</sup>, depending on location); and,
- be located at the front of the building.

## Site at a Glance

Detailed information about the site was included in the report to the Planning Committee on September 21, 2020. This section provides a summary of that information.

820 Cabell Street includes a historic industrial building that was constructed circa 1880 and is listed on the Register of Cultural Heritage Resources. The building has a floor area of 3065 m<sup>2</sup> (33,000 ft) and currently includes 4 separate units. It is possible that these units could be reconfigured in the future to accommodate different tenants, which could result in fewer units but maintaining the same floor area.



Photo 1 – Existing Building at 820 Cabell Street (Source: Google Streetview)

### Current Planning Information

- The London Plan Place Type – Light Industrial
- 1989 Official Plan designation – Light Industrial
- Existing Zoning – Light Industrial (LI1) Zone

### Site Characteristics




- Current Land Use – Cannabis growing facility licensed through Health Canada, approximately 929 m<sup>2</sup> (10,000 ft<sup>2</sup>) in size. Other uses in the building including storage, a repair business, and a slot car racing club.
- Frontage – 91.44 metres
- Depth – 40.84 metres
- Area – 3734 m<sup>2</sup> or .37 hectares (.91 acres)
- Shape – Rectangular

### Surrounding Land Uses

- North – Vacant industrial land and Canadian National (CN) railway yard
- East – Recycling business, heating and cooling company and auto repair
- South – Storage business and London Hydro utility building, small scale industrial uses-mostly auto repair
- West – Various auto body and auto repair businesses.

Location Map



<b>LOCATION MAP</b>	
Subject Site: 820 Cabell St	  Scale 1:2500
Planner: CP	
Created By: MB	
Date: 06/02/2020	
Corporation of the City of London Prepared By: Planning and Development	
<b>Legend</b>  Subject Site	



## Department & Agency Circulation and Public Notice

The application was circulated to internal departments and agencies and to the public when the application was received, prior to the September 21, 2020 Public Participation Meeting, and again prior to this Public Participation Meeting. No comments or objections have been received that provide information regarding any specific concerns.

## Key Issues and Considerations

### 1. Change to the Light Industrial (LI2) Zone

The requested change from a Light Industrial (LI1) Zone to a Light Industrial (LI2) Zone is appropriate because it provides for a broader range of low impact light industrial uses in close proximity to an existing residential area and recognizes an existing use, permitted by LI2, which has been at this location for over two years. The current zoning allows a number of uses but this amendment adds additional, similar uses. The additional permitted uses in the LI2 variation include:

- Dry cleaning and laundry plants;
- Food, tobacco and beverage processing industries excluding meat packaging;
- Leather and fur processing excluding tanning;
- Repair and rental establishments;
- Service and repair establishments;
- Service trades;
- Textile processing industries.

The change is supported by policies in the 2020 Policy Statement related to efficient land use and development patterns (Section 1.1.1), conserving industrial land (Section 1.1.2), land use compatibility (Section 1.2.6), preservation of employment lands (Section 1.3) and reuse of existing land for long term economic prosperity (Section 1.7). The addition of uses supports all of these policies by providing more options for the use of the property.

In addition, the applicant has indicated that he intends to retain the existing structure, at the present time, which meets Section 2.6 relating to wise use and management of cultural heritage resources. The building is on the City's list of heritage buildings of interest.

The zoning by-law amendment also meets relevant London Plan policies relating to planning for a prosperous City (Policy 55), building a mixed use compact city (Policy 59), encouraging intensification and urban regeneration (Policies 85 and 153), protection of employment lands (Policy 137), providing for community improvement plans (Policies 164, 165 and 1723), conservation of heritage resources (Policies 557 and 568) and the Light Industrial policies (Policies 1110, 115, 1116, 1124 and 1125). The 1989 Official Plan policies address similar rationale.

In conclusion, both the existing Provincial and City policies support the zoning amendment from a Light Industrial (LI1) Zone to a Light Industrial (LI2) Zone.

### 2. Increase the Permitted Ancillary Retail Area to 400m<sup>2</sup>

The original application included, in addition to the change to a Light Industrial (LI2) Zone, that a retail store should also be added to the permitted uses on the site. City staff recommended refusal of this request at the September 21, 2020 meeting of the Planning and Environment Committee as it does not conform with the PPS, the London Plan place type, or the 1989 Official Plan designation that all direct the protection and preservation of industrial lands. At the meeting PEC referred the application back to staff, to consider a revised amendment that would expand the permitted floor area for

ancillary retail uses. Since then, staff have been in contact with the applicant who concurs with the change and is satisfied with a special provision in the Light Industrial (LI2) Zone that would increase the maximum floor area for ancillary retail uses to 400m<sup>2</sup>.

At its September 21, 2020 meeting the Planning and Environment Committee (PEC) asked Planning staff to consider whether the maximum ancillary retail floor area should be applied to the entire building or if 100m<sup>2</sup> should be permitted for each of the four existing units. The recommended zoning by-law does not identify the maximum floor area per unit, which will allow for flexibility both for the amount of ancillary retail to vary by unit, and also to recognize that based on leasing opportunities the interior layout of the building may change by combining units within the building.

The existing industrial building on the subject site has a gross floor area of 3,065m<sup>2</sup>, meaning that the total permitted ancillary retail space could only occupy a maximum of 13% of the total floor area.

The London Plan policy for accessory retail uses in the Light Industrial Place Type includes the following:

*An accessory retail use may be allowed in connection with a permitted industrial use provided the retail component is clearly ancillary to the industrial use of the property, is directly related with the products being made or assembled on site, is smaller in floor area than the industrial uses to which it is ancillary, is carried on within the main building of the industrial use, and does not generate traffic or parking that may have an adverse impact on adjacent properties. (Policy 1115\_11)*

The restrictions described in this policy, including that the retail use be clearly ancillary and that it occupy a small floor area will be achieved at a floor area up to 400m<sup>2</sup>. There are similar policy directions in the 1989 Official Plan for the Light Industrial land use designation. This increase in ancillary retail area may help to attract industrial tenants which supports industrial uses on this identified industrial site. This is consistent with the PPS, the London Plan, and the 1989 Official Plan.

## **Conclusion**

It is recommended that City Council approve the requested Zoning By-law amendment, as revised following the September 21, 2020 meeting of the Planning and Environment Committee, to change the zoning of the subject site from a Light Industrial (LI1) Zone to a Light Industrial Special Provision (LI2(\_)) Zone, which permits up to 400m<sup>2</sup> of ancillary retail floor area. This recommended zone is consistent with the Provincial Policy Statement, The London Plan, and the 1989 Official Plan. This amendment will encourage retention and re-use of an existing industrial building and provides for a broader range of low impact uses in close proximity to an existing residential area.

<b>Prepared and Recommended by:</b>	<b>Justin Adema, MCIP, RPP Manager, Planning Policy</b>
<b>Submitted by:</b>	<b>Gregg Barrett, AICP Director, City Planning and City Planner</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.

November 23, 2020

cc: Michael Tomazincic, MCIP, RPP, Manager, Current Planning

**Appendix A**

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

By-law No. Z.-1-18\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to  
rezone an area of land located at 820  
Cabell Street.

WHEREAS Bruce Sworik (1625993 Ont. Ltd.) has applied to rezone an area of land located at 820 Cabell Street, as shown on the map attached to this by-law, 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 820 Cabell Street, as shown on the attached map comprising part of Key Map No. A108, from a Light Industrial (LI1) Zone to a Light Industrial Special Provision (LI2(\_)) Zone.
- 2) Section 40.4 b) of the Light Industrial (LI) Zone is amended by adding the following Special Provision:
  - ) LI2(\_) 820 Cabell Street
  - a) Regulation
    - i) Total Gross Floor Area For Ancillary Retail Uses (Maximum) 400m<sup>2</sup> (4306 ft<sup>2</sup>)

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 December 8, 2020.

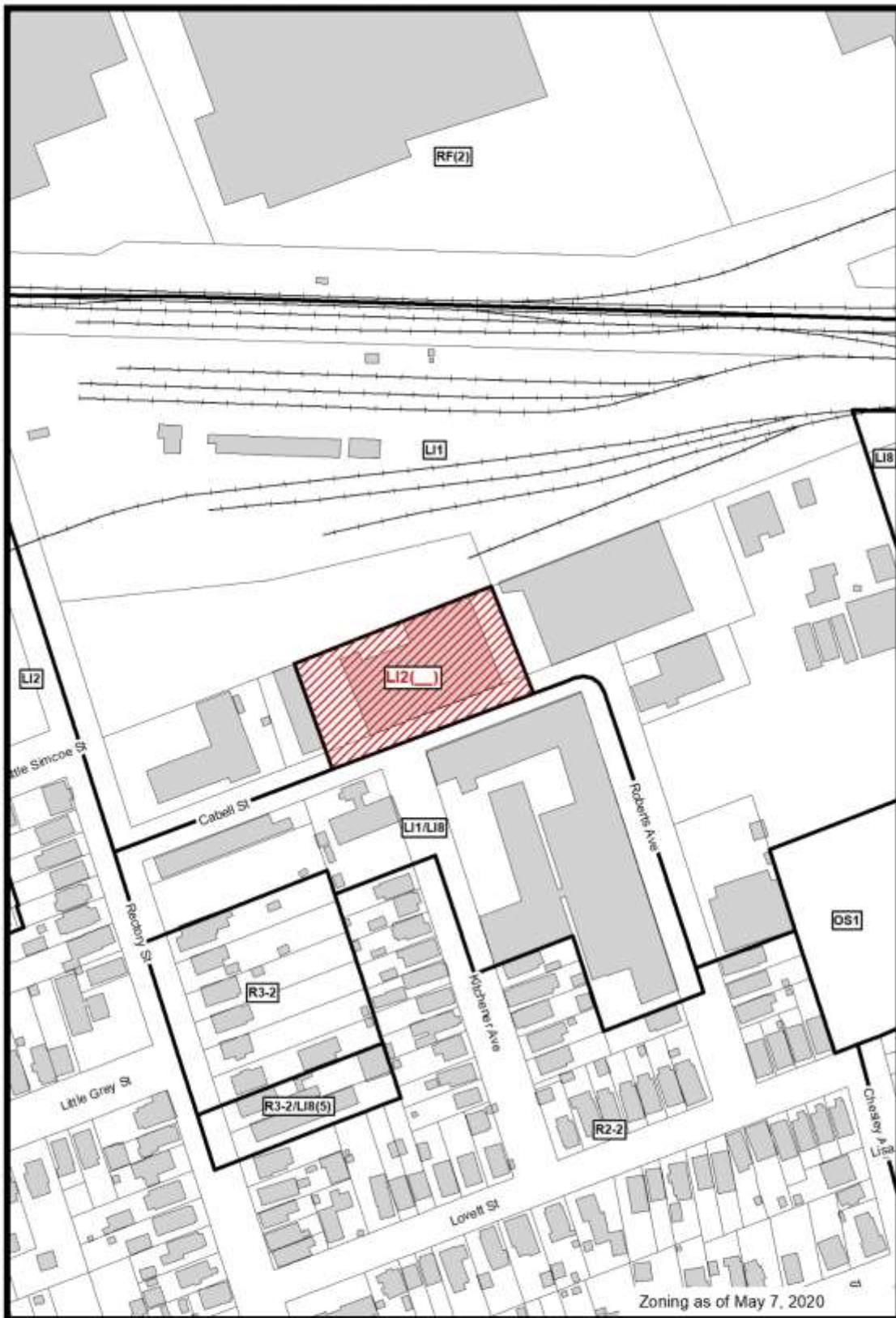
Ed Holder  
Mayor





Catharine Saunders  
City Clerk

First Reading – December 8, 2020  
Second Reading – December 8, 2020  
Third Reading – December 8, 2020

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



<p>File Number: Z-9196 Planner: CP Date Prepared: 2020/09/28 Technician: MB By-Law No: Z-1-</p>	<p>SUBJECT SITE </p> <p>1:2,000</p> <p>0 10 20 40 60 80 Meters</p> 
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