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**File No: Z-8164  
Planner: L. Mottram**

<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE</b>
<b>FROM:</b>	<b>GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT &amp; COMPLIANCE SERVICES and CHIEF BUILDING OFFICIAL</b>
<b>SUBJECT:</b>	<b>APPLICATION BY: MILLER THOMSON LLP 2800 ROXBURGH ROAD AND PORTION OF 635 WILTON GROVE ROAD PUBLIC PARTICIPATION MEETING ON MAY 7, 2013 @ 4:00 P.M.</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the application of **Miller Thomson LLP** relating to the property located at 2800 Roxburgh Road, and the easterly portion of the property located 635 Wilton Grove Road:

- (a) the proposed by-law attached hereto as **Appendix "A" BE INTRODUCED** at the Municipal Council meeting on May 14, 2013 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the property located at 2800 Roxburgh Road **FROM** a Light Industrial (LI1) Zone which permits such uses as bakeries; business service establishments; manufacturing and assembly industries; pharmaceutical and medical products industries; printing, reproduction and data processing industries; research and development establishments; warehouse and wholesale establishments **TO** a Light Industrial (LI2) Zone to permit any use permitted in the Light Industrial (LI1) Zone as well as such uses as 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; and textile processing industries.
  
- (b) the proposed by-law attached hereto as **Appendix "B" BE INTRODUCED** at the Municipal Council meeting on May 14, 2013 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the easterly portion of the property located at 635 Wilton Grove Road **FROM** a Light Industrial (LI1) Zone which permits such uses as bakeries; business service establishments; manufacturing and assembly industries; pharmaceutical and medical products industries; printing, reproduction and data processing industries; research and development establishments; warehouse and wholesale establishments **TO** a Light Industrial (LI2) Zone to permit any use permitted in the Light Industrial (LI1) Zone as well as such uses as 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; and textile processing industries.

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
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None

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**PURPOSE AND EFFECT OF RECOMMENDED ACTION**

The purpose and effect is to change the zoning on lands located at 2800 Roxburgh Road and the easterly vacant portion of lands located at 635 Wilton Grove Road to permit a range of Light Industrial uses including food processing industries.

**RATIONALE**

1. The recommended zoning change from LI1 to LI2 to expand the range of permitted uses, including “food, tobacco and beverage processing industries excluding meat packaging”, is appropriate at this location and compatible with the surrounding industrial area.
2. The recommended zoning is consistent with the Provincial Policy Statement, and conforms with the City of London Official Plan which designates these lands for “Light Industrial” purposes.

**BACKGROUND**

<b>Date Application Accepted:</b> March 14, 2013	<b>Agent:</b> Miller Thomson LLP
<b>REQUESTED ACTION:</b> Amend Zoning By-law Z.-1 to change the zoning of the property located at 2800 Roxburgh Road and approximately 3.3 acres of the property at 635 Wilton Grove Road from Light Industrial (LI1) to Light Industrial (LI2) in order to permit “food processing industries” on site.	

<b>SITE CHARACTERISTICS:</b>
<p><b>2800 Roxburgh Rd</b></p> <ul style="list-style-type: none"> <li>• <b>Current Land Use</b> – industrial/warehouse</li> <li>• <b>Frontage</b> – 116 m (379 ft.) on Sise Road</li> <li>• <b>Depth</b> – 163.7 m (537 ft.)</li> <li>• <b>Area</b> – 2 ha (4.98 ac.)</li> <li>• <b>Shape</b> – regular</li> </ul> <p><b>635 Wilton Grove Road</b></p> <ul style="list-style-type: none"> <li>• <b>Current Land Use</b> – vacant industrial</li> <li>• <b>Frontage</b> – 101.7 m (334 ft.)</li> <li>• <b>Depth</b> – 129.56 m (425 ft.)</li> <li>• <b>Area</b> – 1.32 ha (3.25 ac.)</li> <li>• <b>Shape</b> – regular</li> </ul>

<b>SURROUNDING LAND USES:</b>
<ul style="list-style-type: none"> <li>• <b>North</b> – industrial</li> <li>• <b>South</b> – industrial/warehouse and commercial plaza</li> <li>• <b>East</b> – industrial/warehouse and transport truck parking</li> <li>• <b>West</b> – industrial</li> </ul>

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<b>OFFICIAL PLAN DESIGNATION:</b> (refer to map on page 4)
<ul style="list-style-type: none"> <li>Light Industrial</li> </ul>
<b>EXISTING ZONING:</b> (refer to map on page 5)
<ul style="list-style-type: none"> <li>Light Industrial (LI1)</li> </ul>

**PLANNING HISTORY**

The property at 2800 Roxburgh Road consists of a one-storey industrial building constructed in 2007-08. It contains 9290 square metres (99,997 sq. ft.) total gross floor area, with 812 square metres (8,740 sq. ft.) of office space and 8478 square metres (91,257 sq. ft.) warehouse space. The building was originally designed to accommodate four industrial leasehold tenants.

The property at 635 Wilton Grove Road is owned by 1225717 Ontario Limited who are preparing to sell the eastern portion of their lands to provide development opportunity with 2800 Roxburgh Road.

The Consent Authority recently received an application from Miller Thomson LLP on behalf of 1225717 Ontario Limited (Application No. B.013/13) to sever off 1.32 hectares (3.27 acres) which are currently vacant from the rear of 635 Wilton Grove Road for future light industrial uses. The proposed severed portion of the property at 635 Wilton Grove Road, and the entire property at 2800 Roxburgh Road, represent the lands which are the subject of the current rezoning request.

**SIGNIFICANT DEPARTMENT/AGENCY COMMENTS**

The City of London's Environmental and Engineering Services Department has not identified any concerns with respect to the aforementioned zoning by-law amendment application. All necessary servicing and storm drainage requirements/controls, SWM, etc. will be addressed at the site plan approval stage.

<b>PUBLIC LIAISON:</b>	On March 19, 2013, a Notice of Application to Amend the Zoning By-law was sent to 14 surrounding property owners. Notice was published in the "Londoner" on March 28, 2013.	No replies received.
<b>Nature of Liaison:</b> see "Requested Action" section.		
<b>Responses:</b> None		

**ANALYSIS**

**Existing Conditions**

A leading European-based food products company is proposing to establish in London. Their products are marketed and distributed mainly in Europe, with Germany, France, Belgium, Holland, Spain and United Kingdom being their main markets. They have chosen London for a new production facility as part of their strategic expansion efforts into the North American market.

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The purpose of this application is to amend the zoning for an existing industrial building located at 2800 Roxburgh Road, and vacant industrial lands located at 635 Wilton Grove Road. The applicant is seeking the zoning amendment specifically to permit “food processing industry”. This use is permitted under the Light Industrial (LI2) zone category, and is defined in the City’s Z.-1 Zoning By-law as follows:

"FOOD, TOBACCO AND BEVERAGE PROCESSING INDUSTRY" means a building or part thereof used for the processing of meat and poultry products; fish products; fruit and vegetable products; dairy products; flour, prepared cereal food and feed products; vegetable oil mills; bakery products; sugar products; soft drink products; tobacco products; and distillery, brewery and winery products.

This application is being processed concurrently with an application for a consent made by Miller Thomson LLP on behalf of 1225717 Ontario Limited (Application No. B.013/13) to sever off 1.32 hectares (3.27 acres) of the vacant rear portion of 635 Wilton Grove Road for future light industrial uses.

**Does the recommended zoning conform with the Official Plan?**

These lands are designated as “Light Industrial” in the Official Plan. The primary permitted uses include industrial uses that involve assembling, fabricating, manufacturing, processing and/or repair activities; are located within enclosed buildings; require only a limited amount of outdoor storage; and are unlikely to cause adverse effects with respect to air, odour or water pollution, or excessive noise levels. Ancillary office and retail uses may also be permitted subject to the policies of Section 7.5.3 of the Official Plan. Staff have reviewed the policies, operational criteria, area and site design criteria with respect to this rezoning application and are satisfied the recommended LI2 zone and range of permitted uses are in conformity with the Official Plan.

**Is the recommended zoning appropriate?**

The lands at 2800 Roxburgh Road and 635 Wilton Grove Road are currently zoned Light Industrial (LI1). The LI1 Zone permits a range of uses such as bakeries; business service establishments; manufacturing and assembly industries; pharmaceutical and medical products industries; printing, reproduction and data processing industries; research and development establishments; warehouse and wholesale establishments

The recommended Light Industrial (LI2) Zone would permit an expanded range of industrial uses, in addition to the uses of the Light Industrial (LI1) Zone. The LI2 Zone permits such uses as 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; and textile processing industries.

The regulations of the LI1 and LI2 zone variations do not change significantly. The minimum lot area requirement under the LI2 zone is 2000 square metres, which is slightly less than the current requirement of 2500 square metres under the LI1 Zone. However, the proposed severed and retained lands are well above meeting the minimum requirements for lot frontage and area, as well as the other standard zone regulations of the by-law. The permitted uses are compatible with existing industrial and commercial land uses in the surrounding area, and the recommended zoning is considered appropriate. As noted above the LI2 Zone increases the range of uses on the property and also permits uses in the LI1 Zone.

**Is the recommended amendment consistent with the Provincial Policy Statement?**

The recommended zoning is consistent with the PPS, as summarized as follows:

1. Building Strong Communities

The subject lands are located within the Urban Growth Boundary. They have access

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to existing municipal services and are located in close proximity to major transportation corridors. The recommended zoning amendments meet objectives of promoting and managing efficient land use and development patterns, protecting and preserving employment areas, and promoting economic development by providing for an appropriate mix and range of employment (including industrial, commercial and institutional uses) to meet long-term needs.

2. Wise Use and Management of Resources

There are no identified Natural Heritage, Water, Agriculture, Minerals and Petroleum, or Mineral Aggregate Resource issues.

3. Protecting Public Health and Safety

There are no Natural Hazards or Human-Made Hazard issues associated with this development.

<b>CONCLUSION</b>
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Based on our review, the recommended amendments to change the zoning from LI1 to LI2 in order to expand the range of permitted uses, and specifically to allow “food, tobacco and beverage processing industries”, is appropriate at this location and compatible with development in the surrounding industrial area. The recommended zoning is also consistent with the PPS, and conforms with the Official Plan.

<b>PREPARED and RECOMMENDED BY:</b>	<b>REVIEWED BY:</b>
<b>LARRY MOTTRAM, MCIP, RPP SENIOR PLANNER – DEVELOPMENT SERVICES</b>	<b>BRUCE HENRY MANAGER, DEVELOPMENT PLANNING</b>
<b>REVIEWED BY:</b>	<b>SUBMITTED BY:</b>
<b>TERRY GRAWAY, MCIP, RPP MANAGER, DEVELOPMENT SERVICES AND PLANNING LIAISON</b>	<b>GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT &amp; COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL</b>

May 1, 2013  
 GK/TG/JR/LM/lm  
 "Attach."

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### **Bibliography**

#### **Request for Approval:**

City of London Zoning By-law Amendment Application Form, completed by Eric Davis of Miller Thomson LLP, dated March 7, 2013

#### **Reference Documents:**

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

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

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 Development Services - Consent Application File No. B.013/13 - Application for Consent to sever lands located at 635 Wilton Grove Road

#### **Correspondence: (located in City of London File No. Z-8164 unless otherwise stated)**

Various e-mail correspondences

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**Appendix "A"**

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

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

A by-law to amend By-law No. Z.-1 to  
rezone lands located at 2800 Roxburgh  
Road.

WHEREAS Miller Thomson LLP has applied to rezone the lands located at 2800  
Roxburgh Road, 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:

Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located  
at 2800 Roxburgh Road, as shown on the attached map, from a Light Industrial (LI1) Zone to a  
Light Industrial (LI2) Zone.

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  
subsection 34(21) 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 subsection.

PASSED in Open Council on May 14, 2013.

Joe Fontana  
Mayor

Catharine Saunders  
City Clerk

First Reading - May 14, 2013  
Second Reading – May 14, 2013  
Third Reading - May 14, 2013

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**Appendix "B"**

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

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

A by-law to amend By-law No. Z.-1 to rezone the easterly portion of the property located at 635 Wilton Grove Road.

WHEREAS Miller Thomson LLP has applied to rezone the easterly portion of the property located 635 Wilton Grove Road, 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:

Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to the easterly portion of the property located at 635 Wilton Grove Road, as shown on the attached map, from a Light Industrial (LI1) Zone to a Light Industrial (LI2) Zone.

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 subsection 34(21) 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 subsection.

PASSED in Open Council on May 14, 2013.

Joe Fontana  
Mayor

Catharine Saunders  
City Clerk

First Reading - May 14, 2013  
Second Reading - May 14, 2013  
Third Reading - May 14, 2013