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**Z-8104  
S. Meksula**

<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING &amp; ENVIRONMENT COMMITTEE</b>
<b>FROM:</b>	<b>JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER</b>
<b>SUBJECT:</b>	<b>APPLICATION BY: CITY OF LONDON 600, 650 AND 670 INDUSTRIAL ROAD PUBLIC PARTICIPATION MEETING ON MEETING ON JUNE 18, 2013</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of City of London relating to the property located at 600, 650 and 670 Industrial Road:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on June 25, 2013 to amend Zoning By-law No. Z.-1 in conformity with the Official Plan to change the zoning of the subject lands **FROM** a Light Industrial (LI2), Holding Light Industrial (h\*LI6), Holding Light Industrial (h\*h-118\*h-119\*LI2(18)/LI5(3)), and Holding Light Industrial (h\*h-118\*h-119\*LI2(18)/LI4(6)/LI5(3)), Zone which permits a broad range of industrial, commercial and offices uses, **TO** a Open Space (OS4) Zone to match the realignment of the Pottersburg Creek regulatory flood lines.

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
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OZ-6882, PC Report on September 13, 2010 - Report to Planning Committee

<b>PURPOSE AND EFFECT OF RECOMMENDED ACTION</b>
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The purpose and effect of the amendment is to change the location of the flood lines so that they are consistent with the regulatory flood lines which have been changed in a very minor variation through the Pottersburg Creek Subwatershed remediation work.

Note: This is a "housekeeping" technical amendment. No change in land use is proposed. All four lots will continue to permit industrial uses. Through this amendment, it is proposed that the existing zone boundary be modified to reflect the changes to the Pottersburg Creek Subwatershed, as per the intent of Council's previous resolutions on these lands and corresponding zoning amendments.

<b>RATIONALE</b>
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1. The proposed amendments will open up new table lands, previously within the flood plain of Pottersburg Creek, to permit Light Industrial development consistent with the proposed zoning.
2. The proposed zoning amendment reflects the intent of Council's decision on November 1<sup>st</sup>, 2010.

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3. The Upper Thames River Conservation Authority accepts the proposed flood plain revisions and associated Official Plan and Zoning-By-law amendments, subject to a fill permit, once development is proposed.
4. The proposed zoning aids in fulfilling the City of London's Industrial Land Development Strategy (Council approved - 2001) to maintain a suitable inventory of City-owned Industrial Land.

<b>BACKGROUND</b>
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<b>Date Application Accepted:</b> September 20,2012	<b>Agent:</b> City of London
<b>REQUESTED ACTION:</b> The amendment is to change the location of the flood lines so that they are consistent with the regulatory flood lines which have been changed through the Pottersburg Creek Subwatershed remediation work.	

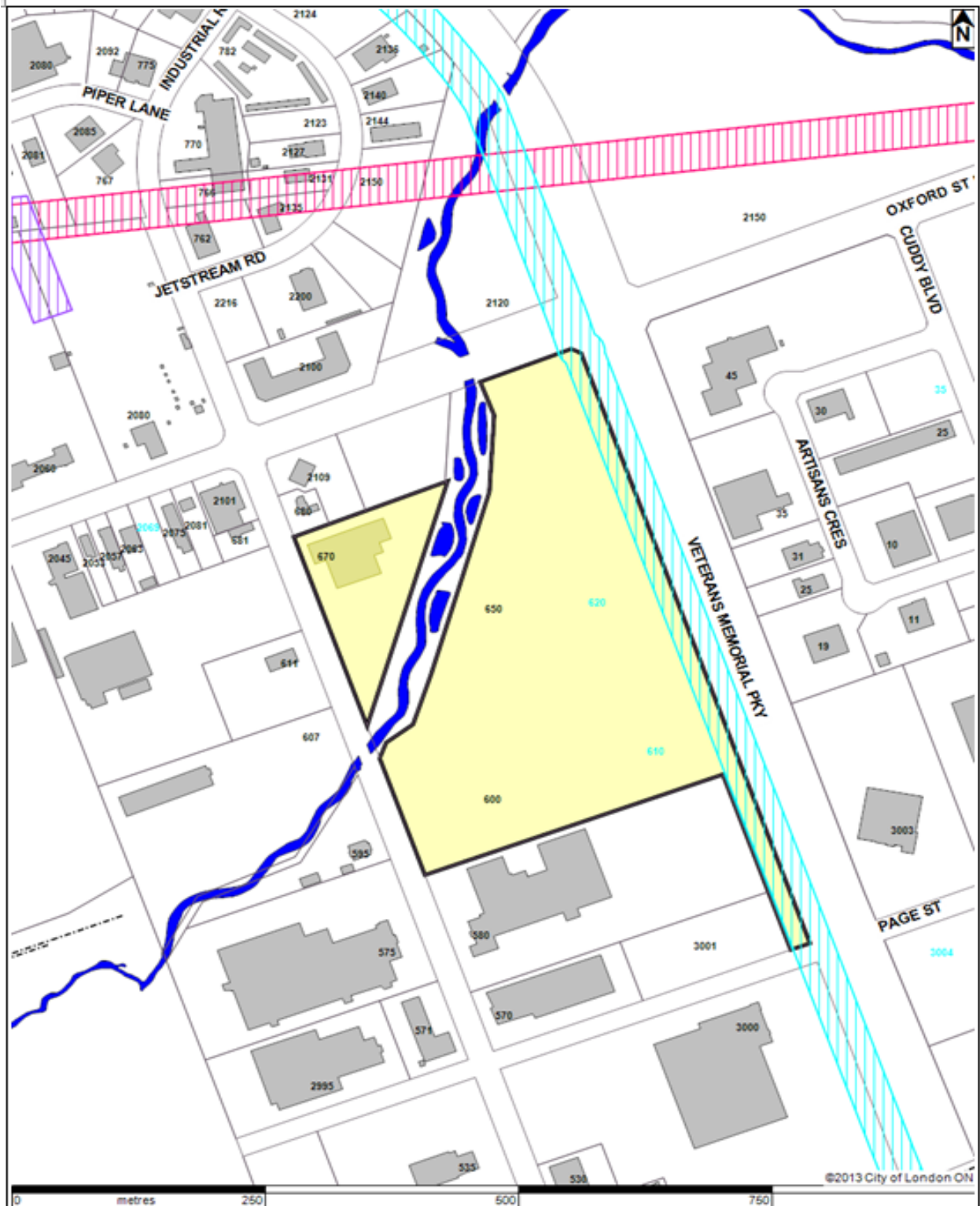
<b>SITE CHARACTERISTICS:</b>
<ul style="list-style-type: none"> <li>• <b>Current Land Use</b> - Vacant</li> <li>• <b>Frontage</b> - Various</li> <li>• <b>Depth</b> - Various</li> <li>• <b>Area</b> – Various</li> <li>• <b>Shape</b> - Various</li> </ul>

<b>SURROUNDING LAND USES:</b>
<ul style="list-style-type: none"> <li>• <b>North</b> - Industrial/Office</li> <li>• <b>South</b> - Industrial</li> <li>• <b>East</b> - Industrial</li> <li>• <b>West</b> - Industrial</li> </ul>

<b>OFFICIAL PLAN DESIGNATION:</b> (refer to Official Plan Map)
<ul style="list-style-type: none"> <li>• Light Industrial</li> </ul>
<b>EXISTING ZONING:</b> (refer to Zoning Map)
<ul style="list-style-type: none"> <li>• Light Industrial (LI2), Holding Light Industrial (h*LI6), Holding Light Industrial (h*h-118*h-119*LI2(18)/LI5(3)), and Holding Light Industrial (h*h-118*h-119*LI2(18)/LI4(6)/LI5(3)), Zone.</li> </ul>

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**LOCATION MAP**

Subject Site: 600, 650 and 670 Industrial Rd  
 Applicant: The Corporation of the City of London  
 File Number: Z-8104  
 Planner: Sean Meksula  
 Created By: Sean Meksula  
 Date: 2013-05-16  
 Scale: 1:4700

**LEGEND**

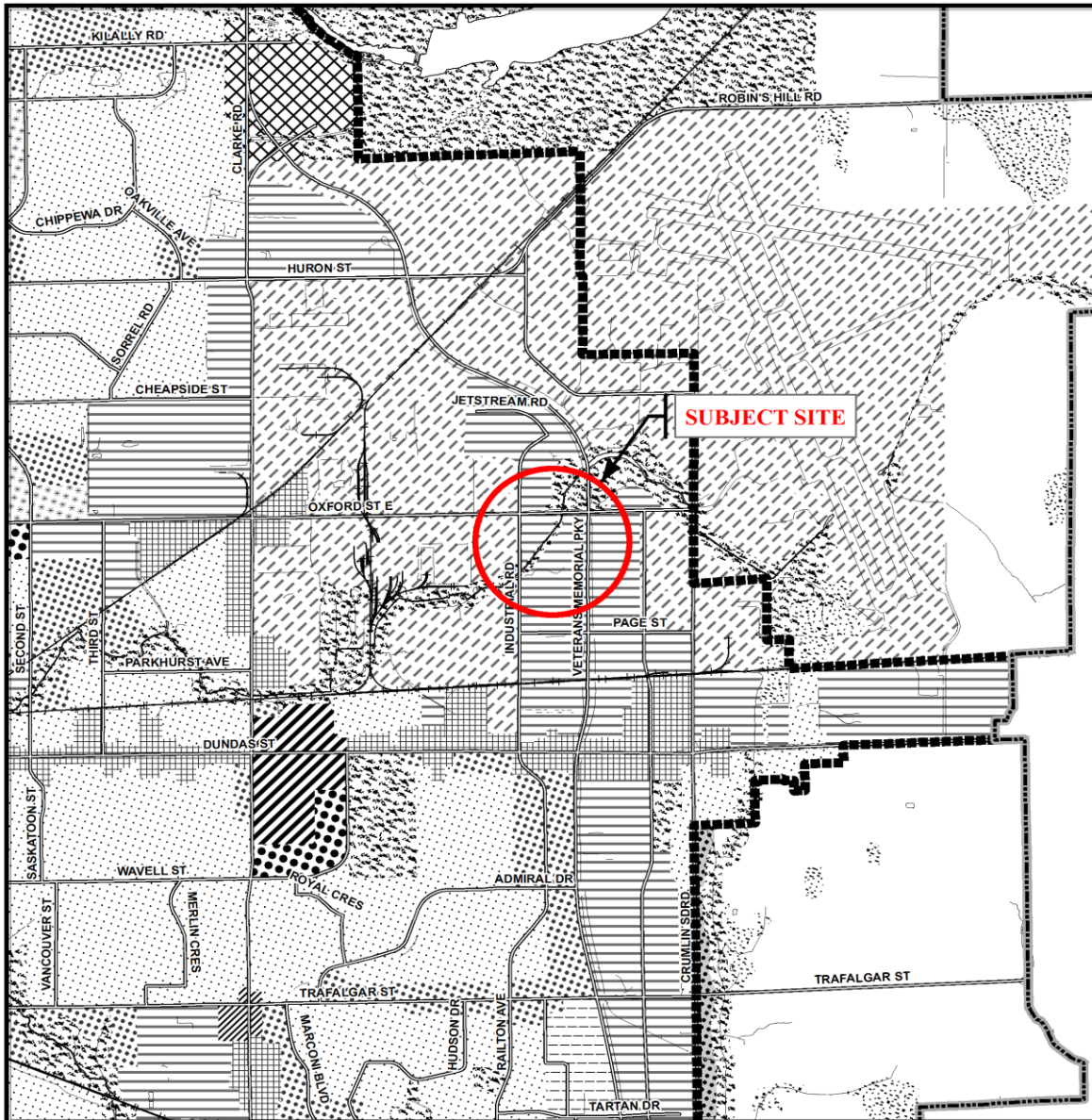
- Subject Site
- Parks
- Assessment Parcels
- Buildings
- Address Numbers

Corporation of the City of London  
 Prepared By: Planning and Development



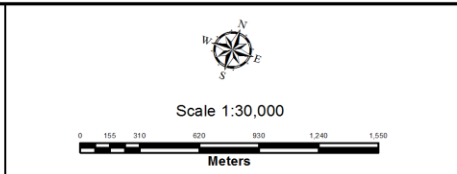
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Legend	
	Downtown
	Enclosed Regional Commercial Node
	New Format Regional Commercial Node
	Community Commercial Node
	Neighbourhood Commercial Node
	Main Street Commercial Corridor
	Auto-Oriented Commercial Corridor
	Multi-Family, High Density Residential
	Multi-Family, Medium Density Residential
	Low Density Residential
	Office Area
	Office/Residential
	Office Business Park
	General Industrial
	Light Industrial
	Regional Facility
	Community Facility
	Open Space
	Urban Reserve - Community Growth
	Urban Reserve - Industrial Growth
	Rural Settlement
	Environmental Review
	Agriculture
	Urban Growth Boundary

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

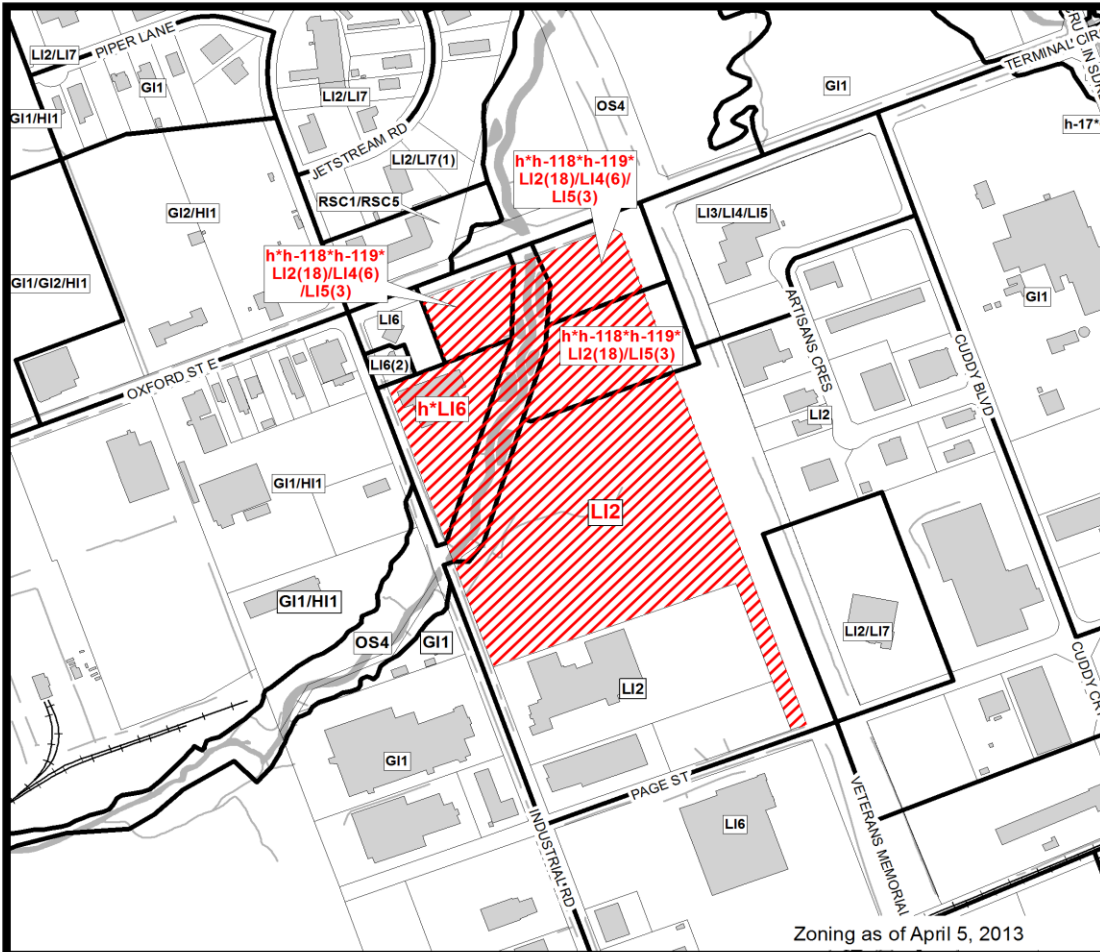


**FILE NUMBER:** Z-8104  
**PLANNER:** SM  
**TECHNICIAN:** MB  
**DATE:** 2013/05/15



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Zoning as of April 5, 2013

**COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: LI2, h\*LI6, OS4, h\*h-118\*h-119\*LI2(18)/LI4(6)/LI5(3) & h\*h-118\*h-119\*LI2(18)/LI5(3)**

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

- R1 - SINGLE DETACHED DWELLINGS
- R2 - SINGLE AND TWO UNIT DWELLINGS
- R3 - SINGLE TO FOUR UNIT DWELLINGS
- R4 - STREET TOWNHOUSE
- R5 - CLUSTER TOWNHOUSE
- R6 - CLUSTER HOUSING ALL FORMS
- R7 - SENIOR'S HOUSING
- R8 - MEDIUM DENSITY/LOW RISE APTS.
- R9 - MEDIUM TO HIGH DENSITY APTS.
- R10 - HIGH DENSITY APARTMENTS
- R11 - LODGING HOUSE
  
- DA - DOWNTOWN AREA
- RSA - REGIONAL SHOPPING AREA
- CSA - COMMUNITY SHOPPING AREA
- NSA - NEIGHBOURHOOD SHOPPING AREA
- BDC - BUSINESS DISTRICT COMMERCIAL
- AC - ARTERIAL COMMERCIAL
- HS - HIGHWAY SERVICE COMMERCIAL
- RSC - RESTRICTED SERVICE COMMERCIAL
- CC - CONVENIENCE COMMERCIAL
- SS - AUTOMOBILE SERVICE STATION
- ASA - ASSOCIATED SHOPPING AREA COMMERCIAL

- OR - OFFICE/RESIDENTIAL
- OC - OFFICE CONVERSION
- RO - RESTRICTED OFFICE
- OF - OFFICE
  
- RF - REGIONAL FACILITY
- CF - COMMUNITY FACILITY
- NF - NEIGHBOURHOOD FACILITY
- HER - HERITAGE
- DC - DAY CARE
  
- OS - OPEN SPACE
- CR - COMMERCIAL RECREATION
- ER - ENVIRONMENTAL REVIEW
  
- OB - OFFICE BUSINESS PARK
- LI - LIGHT INDUSTRIAL
- GI - GENERAL INDUSTRIAL
- HI - HEAVY INDUSTRIAL
- EX - RESOURCE EXTRACTIVE
- UR - URBAN RESERVE
  
- AG - AGRICULTURAL
- AGC - AGRICULTURAL COMMERCIAL
- RRC - RURAL SETTLEMENT COMMERCIAL
- TGS - TEMPORARY GARDEN SUITE
- RT - RAIL TRANSPORTATION
  
- "h" - HOLDING SYMBOL
- "D" - DENSITY SYMBOL
- "H" - HEIGHT SYMBOL
- "B" - BONUS SYMBOL
- "T" - TEMPORARY USE SYMBOL

2) **ANNEXED AREA APEALED AREAS**

**CITY OF LONDON**  
PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES

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



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

FILE NO:  
Z-8104 SM

MAP PREPARED:  
2013/04/18 CK

1:7,000  
0 35 70 140 210 280  
Meters

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**PLANNING HISTORY**

The site was zoned Industrial and Open Space under zoning by-law CP 952-41 prior to July 1, 1993. This zone permitted residential uses lawfully used for such purpose on the day of the passing of the by-law.

On November 19, 2004, the public was notified and circulated regarding the subject lands, to amend "Schedule 'B' Environmental Features" of the Official Plan, to change the location of the flood lines to reduce the area of the floodplain consistent with the Pottersburg Creek Subwatershed Study, to change the Official Plan land use designation on the area proposed to be outside of the flood plain from Open Space to Light Industrial and to change the Zoning Bylaw on the area proposed to be outside of the flood plain from an Open Space/Light Industrial (OS4/LI6) Zone to a Light Industrial (LI6) Zone.

This application was put on hold on February 28th, 2005 to determine if an Environmental Assessment would be undertaken to identify any future interchange alignment and property requirements for lands at the intersection of Oxford Street and Veterans Memorial Parkway (then Airport Road). Also the Upper Thames River Conservation Authority was not in support of the amendments at the time.

In 2010 these lands were rezoned to bring the zoning of the subject lands (600, 650 and 670 Industrial Road) into conformity with the adjacent lands to allow development of the undeveloped lands that were previously below the regulatory flood line. The ability to make this change was the result of the Pottersburg Creek Storm Drainage, Flood Control and Remediation Works Project by the City of London which transformed the Pottersburg Creek channel and storage capacity both on-site and upstream.

**SIGNIFICANT DEPARTMENT/AGENCY COMMENTS**

**Upper Thames Conservation Authority (UTRCA)**

The Upper Thames River Conservation Authority (UTRCA) has reviewed this proposed amendment with regard for the policies in the *Environmental Planning Policy Manual for the Upper Thames River Conservation Authority (June 2006)*. These policies include regulations made pursuant to Section 28 of the *Conservation Authorities Act*, and are consistent with the *natural hazard and natural heritage policies contained in the Provincial Policy Statement (2005)*. The *Upper Thames River Source Protection Area Assessment Report* has also been reviewed in order to confirm whether the subject lands are located in a vulnerable area. The Drinking Water Source Protection information is being disclosed to the Municipality to assist them in fulfilling their decision making responsibilities under the Planning Act.

**PROPOSAL**

The purpose of this application is to adjust the flood lines to reflect the City of London's remediation works to the Pottersburg Creek channel.

**CONSERVATION AUTHORITY ACT**

As shown on the enclosed mapping, the subject lands are regulated by the UTRCA in accordance with Ontario Regulation 157/06, made pursuant to Section 28 of the Conservation Authorities Act. The regulation limit is comprised of a riverine flooding hazard associated with Pottersburg Creek. The UTRCA has jurisdiction over lands within the regulated area and requires that landowners obtain written approval from the Authority prior to undertaking any site alteration or development within this area including filling, grading, construction, alteration to a watercourse and/or interference with a wetland.

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The Authority has reviewed the as-built drawings for the Pottersburg channel and is now in a position to confirm that the Phase 2 channel works have been completed in accordance with the plans that were approved by the City of London and the UTRCA. Please note, however that the same requirement for Section 28 Conservation Authorities Act approvals remains in effect for the lands located adjacent to the new Pottersburg Creek channel/flood plain. This is to ensure that proper filling and grading is completed to meet "target fill elevations". This approach is consistent with the December 12, 2006 approval for 2150 Oxford Street East.

**UTRCA ENVIRONMENTAL PLANNING POLICY MANUAL**

Policy which is applicable to the subject lands includes:

**3.2.2 General Natural Hazard Policies**

*These policies direct new development and site alteration away from hazard lands. No new hazards are to be created and existing hazards should not be aggravated.*

**3.2.3 Riverine Flooding Hazard Policies**

*These policies address matters such as the provision of detailed flood plain mapping, floodplain planning approach (one zone vs. two zones), and uses that may be allowed in the flood plain subject to satisfying UTRCA permit requirements.*

**DRINKING WATER SOURCE PROTECTION**

The Clean Water Act (CWA), 2006 is intended to protect existing and future sources of drinking water. The Act is part of the Ontario government's commitment to implement the recommendations of the Walkerton Inquiry and protecting and enhancing human health and the environment. The CWA sets out a framework for source protection planning on a watershed basis with Source Protection Areas established based on the watershed boundaries of Ontario's 36 Conservation Authorities. The Upper Thames River, Lower Thames Valley and St. Clair Region Conservation Authorities have entered into a partnership for The Thames-Sydenham Source Protection Region. Drinking Water Source Protection represents the first barrier for protecting drinking water including surface and ground water from becoming contaminated or overused thereby ensuring a sufficient, clean, safe supply now and for the future.

**Assessment Reports:**

The Thames-Sydenham Source Protection Region has prepared Assessment Reports which contain detailed scientific information that identify vulnerable areas associated with drinking water systems; assess the level of vulnerability in these areas; and identify activities within those vulnerable areas which pose threats to the drinking water systems, and assess the risk due to those threats. We wish to advise that there are no vulnerable areas associated with the subject property.

**RECOMMENDATION**

As indicated, the UTRCA is satisfied that the Phase 2 Pottersburg channel works have been completed in accordance with the approved plans and we therefore have no objections to this Zoning By-Law Amendment. The same requirement for Section 28 CA Act approvals remains in effect for those lands located adjacent to the new channel/flood plain in order to ensure that proper filling and grading is completed to meet "target fill elevations". Once these elevations have been achieved and confirmed through our permit process, the UTRCA will be in a position to revise the Regulation Limit to reflect the new floodplain.

**Environmental and Ecological Planning Advisory Committee (EEPAC)**

EEPAC has reviewed this application and have expressed its support for this application.

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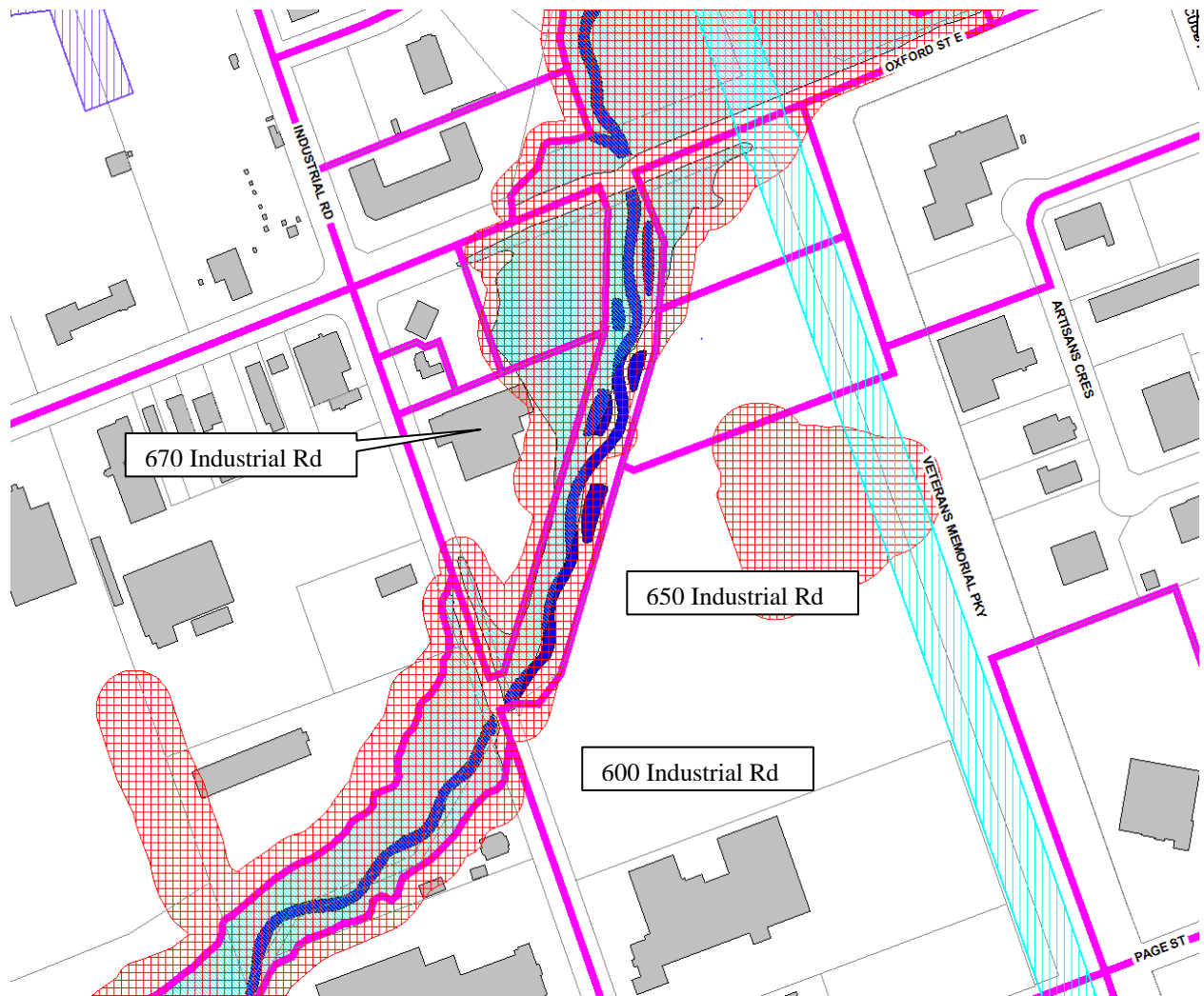
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<b>PUBLIC LIAISON:</b>	On September 25, 2012, Notice of Application was sent to 31 property owners in the surrounding area. Notice of Application was also published in the <i>Public Notices and Bidding Opportunities</i> section of <i>The Londoner</i> on October 4, 2012.	No replies were received
<b>Nature of Liaison:</b> Same as requested actions.		
<b>Responses:</b> None		

**ANALYSIS**

**Subject Sites**

The subject properties are located on the east side of Industrial Road, south of Oxford Street East and extend through to Veterans Memorial Parkway. Pottersburg Creek runs through 600 and 650 Industrial Road and runs adjacent to 670 Industrial Road. The surrounding uses consist of a mix of industrial and office uses.



The subject properties, according to current mapping, are affected by the Upper Thames River Conservation Authority's Regulation Limit and the riverine hazard allowance associated with the



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Pottersburg Creek. The above map outlines the existing regulatory flood lines.

**Purpose of Application**

The purpose of the City of London application is to adjust the existing zone boundary to reflect the changes to the Pottersburg Creek channel, as per the intent of Council’s previous resolutions on these lands, corresponding zoning amendments, and with receipt of as-built drawings which have been approved by the Upper Thames River Conservation Authority.

**Existing Official Plan Designation**

The Official Plan designates the subject lots Light Industrial and Open Space. The proposed zoning by-law amendment conforms to the Official Plan.

**Upper Thames River Conservation Authority**

Based on the information provided, the UTRCA has no objection to the amendments. They are satisfied that the Phase 2 Pottersburg channel works have been completed in accordance with as-built drawings and the land currently designated as flood plain can be amended as proposed. In addition, they support future development of the site provided the target fill elevations are achieved.

**Existing Zoning**

The existing zoning on the subject lots was adopted on September 20, 2010. The figures below depict the zoning boundaries that were created through Council approval of OZ-6882 Pottersburg Creek Storm Drainage, Flood Control and Remediation Works Project by the City of London

The City of London application is only proposing to make minor adjustments of the existing zoning boundaries for 600, 650 and 670 Industrial Road. The existing zoning boundaries on the subject properties are delineated such that they divide each of the subject lots into two areas. One area is zoned Light Industrial (LI2), Holding Light Industrial (h\*LI6), Holding Light Industrial (h\*h-118\*h-119\*LI2(18)/LI5(3)), and Holding Light Industrial (h\*h-118\*h-119\*LI2(18)/LI4(6)/LI5(3)), Zone. The second area is zoned as Open Space (OS4) Zone. The Phase 2 Pottersburg channel works match the realignment of the Pottersburg Creek regulatory flood lines as per the as-built drawings. The minor adjustment to the zoning meets the land use character of the industrial area and will not have any significant impacts on adjacent properties.

The Open Space (OS4) Zone will remain on the balance of the lands within the Regulatory Flood Line, including Pottersburg Creek. The Open Space OS4 Zone variation is intended to be applied to hazard lands; specifically the floodway, steep slopes and open space lands. All development within the OS4 Zone variation is regulated by the UTRCA.

While it is believed that the as-built drawings meet the intent of Council’s decisions with respect to the zoning for the Pottersburg Creek remediation work, the zoning boundary should be amended for house-keeping purposes, in anticipation of the submission of building permit applications on the abutting lots. Any proposed development will require Site Plan Approval. Through the site plan approval process, issues such as site servicing, stormwater management, outdoor storage, and buffering, landscaped open space, parking and fencing will be addressed.

**CONCLUSION**

The proposed zoning by-law amendment is consistent with the existing Provincial and Official Plan policies. The amendment reflects the intent of Council’s decisions on September 20, 2010

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**S. Meksula**

to change the location of the flood lines so that they are consistent with the regulatory flood lines which have been changed through the Pottersburg Creek Subwatershed remediation work and in conformity with the as-built drawings.

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

SM/SM

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**Z-8104**  
**S. Meksula**

**Bibliography of Information and Materials**  
**Z-8104**

**Request for Approval:**

City of London zoning Application Form, completed by City of London, September 20, 2012.

**Reference Documents:**

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

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

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

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

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

**City of London -**

Warner B., City of London Realty Services Finance Department, E-mail to S. Meksula. September 13, 2012.

Titus P., City of London Environmental & Engineering Services Department – Stormwater Management Unit, E-mail to S. Meksula. September 24, 2012.

**Departments and Agencies -**

Galloway A., City of London Planning, Stormwater Management Unit - Environmental & Engineering Services Department, E-mail to S. Meksula. September 24, 2012.

Doyle, R.O., London Hydro. Memo to S. Meksula. October 3, 2012.

Crieghton C., UTRCA. Various E-mails to S. Meksula. October 10 and October 26, 2012.

Mercier, B., EEPAC. Letter to S. Meksula. December 12, 2012.

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**Z-8104  
S. Meksula**

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

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

A by-law to amend By-law No. Z.-1 to  
rezone an area of land located at 600, 650  
and 670 Industrial Road.

WHEREAS City of London have applied to rezone an area of land located at 600, 650 and 670 Industrial 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 600, 650 and 670 Industrial Road, as shown on the attached map comprising part of Key Map No. A104, from a Light Industrial (LI2), Holding Light Industrial (h\*LI6), Holding Light Industrial (h\*h-118\*h-119\*LI2(18)/LI5(3)), and Holding Light Industrial (h\*h-118\*h-119\*LI2(18)/LI4(6)/LI5(3)), Zone to a Open Space (OS4) 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 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 June 25, 2013.

Joe Fontana  
Mayor

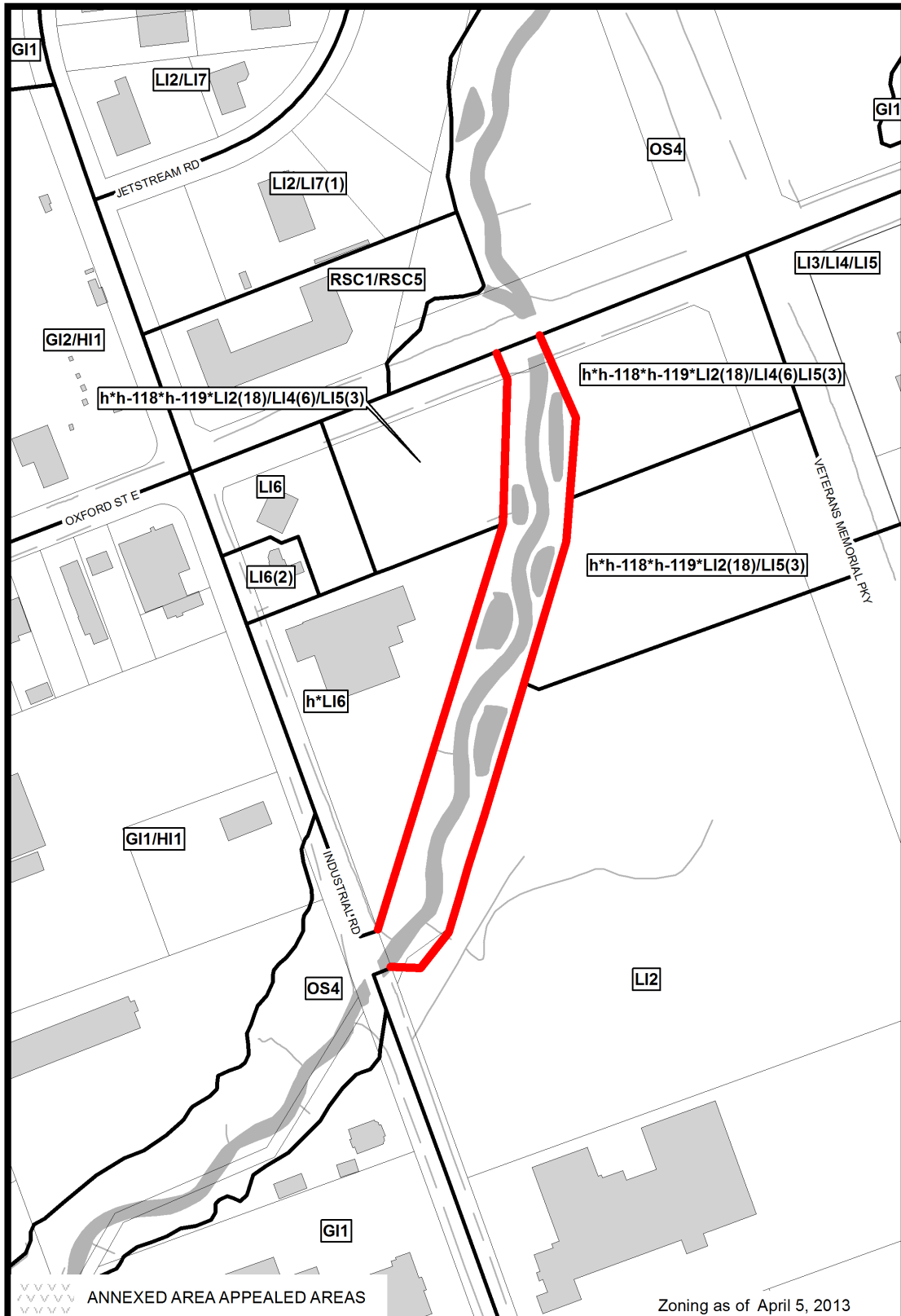
Catharine Saunders  
City Clerk

First Reading - June 25, 2013  
Second Reading - June 25, 2013  
Third Reading - June 25, 2013

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Z-8104  
S. Meksula

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



File Number: Z-8104  
 Planner: SM  
 Date Prepared: 2013/05/15  
 Technician: MB  
 By-Law No: Z.-1-

SUBJECT SITE —

1:3,000

0 15 30 60 90 120 Meters

Geodatabase