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**H-8103
S. Meksula**

TO:	CHAIR AND MEMBERS – PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING DIRECTOR, LAND USE PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: CITY OF LONDON 600, 650 AND 670 INDUSTRIAL ROAD MEETING ON JUNE 18, 2013

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, based on the application of City of London relating to the property located at 600, 650 and 670 Industrial Road, the attached proposed by-law **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 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 Holding Light Industrial (h*h-119*LI2(18)/LI5(3)) and Holding Light Industrial (h*h-119*LI2(18)/LI4(6)/LI5(3)) Zone to remove the holding provision which was put in place to ensure the successful completion of the channel project with as-built drawings and a letter from the Upper Thames River Conservation Authority has been submitted to the satisfaction of the City of London for these lands.

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

PURPOSE AND EFFECT OF RECOMMENDED ACTION

To remove the holding "h-118" symbol which was put in place to ensure the successful completion of the channel project with as-built drawings and a letter from the Upper Thames River Conservation Authority has been submitted to the satisfaction of the City of London for these lands.

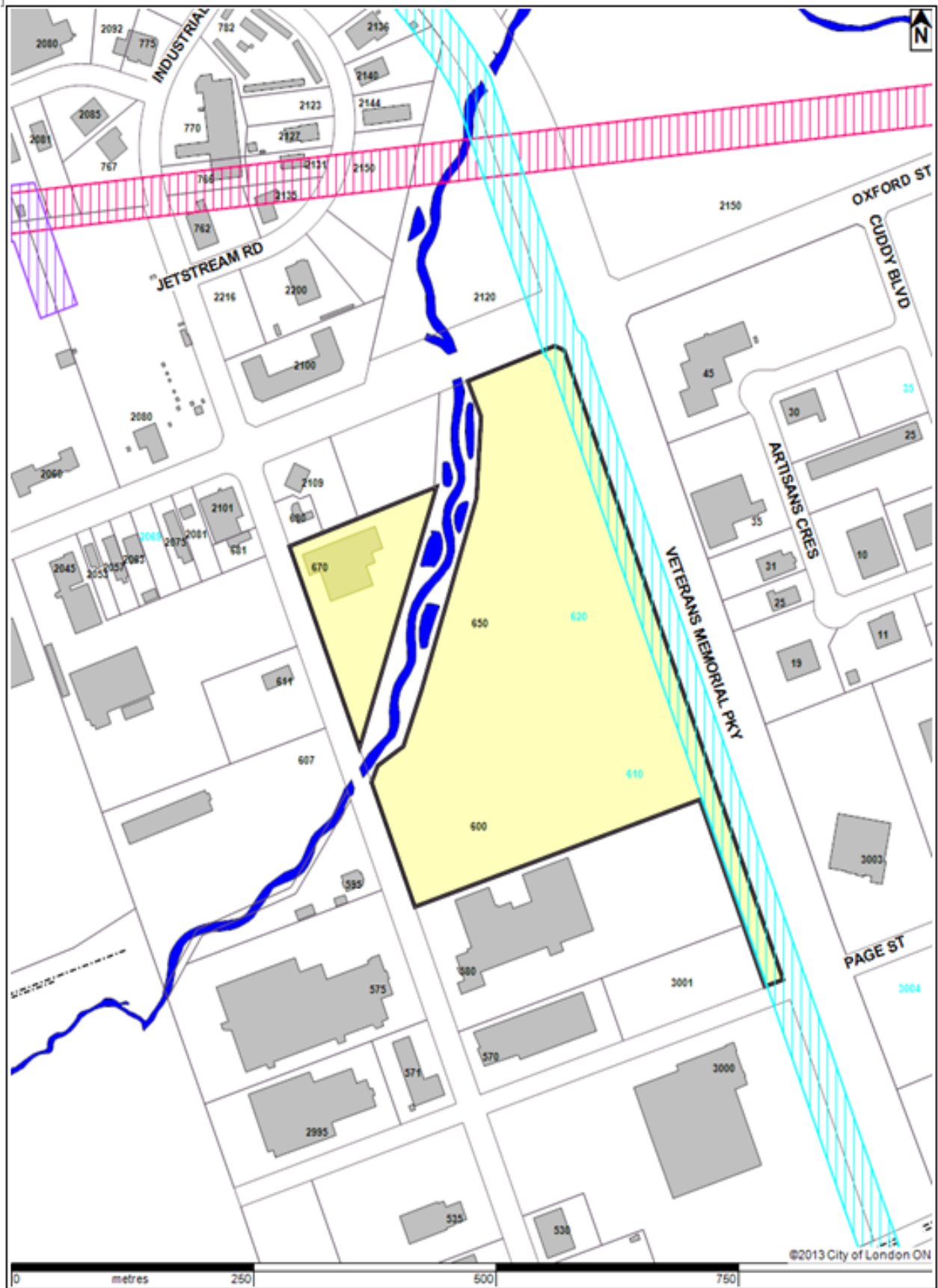
RATIONALE

1. The removal of the holding provision will allow for development in conformity with the City of London Official Plan and with the urban design recommendations adopted by Council through zoning amendment OZ-6882 for this site.
2. The submitted as-built drawings are consistent with the design concept proposed by the City of London as part of the rezoning application.
3. This issue has been resolved and this holding provision is no longer required for the existing site, allowing the holding provision to be removed from the zoning on the subject site.

BACKGROUND	
Date Application Accepted: September 20, 2012	Agent: City of London
REQUESTED ACTION: Removal of the holding provision "h-118". Holding Provision h-118 was applied to ensure the successful completion of the channel project with as-built drawings and a letter from the Upper Thames River Conservation Authority has been submitted to the satisfaction of the City of London.	

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LOCATION MAP
 Subject Site: 600, 650 and 670 Industrial Road
 File Number: H-8103
 Created By: Sean Meksula
 Date: 2013-05-16
 Scale: 1:4700

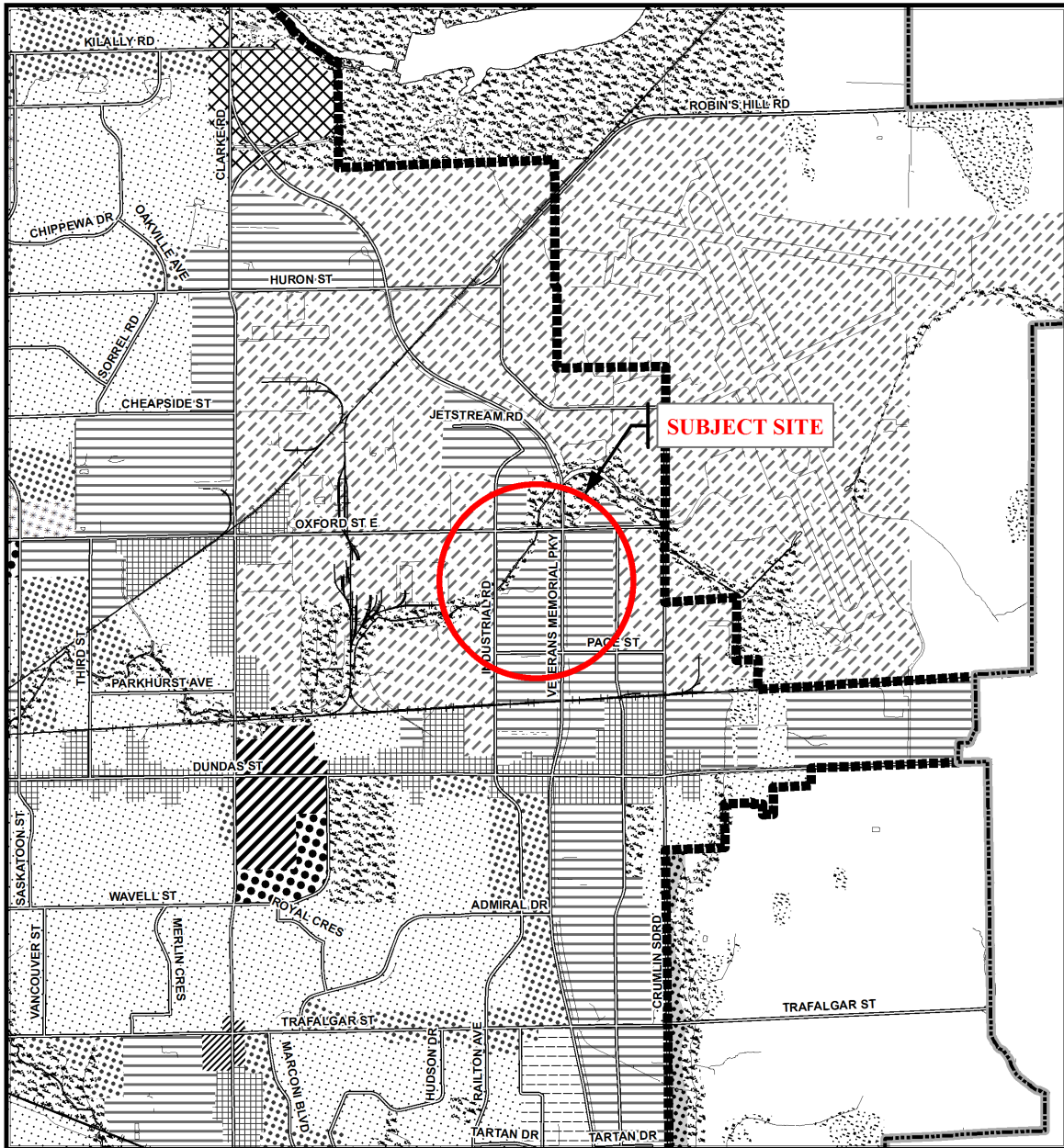
Corporation of the City of London
 Prepared By: Planning and Development

LEGEND

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

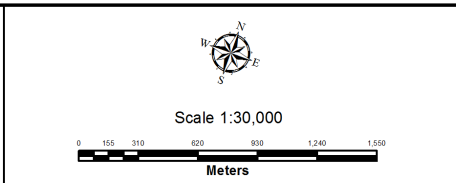
©2013 City of London ON

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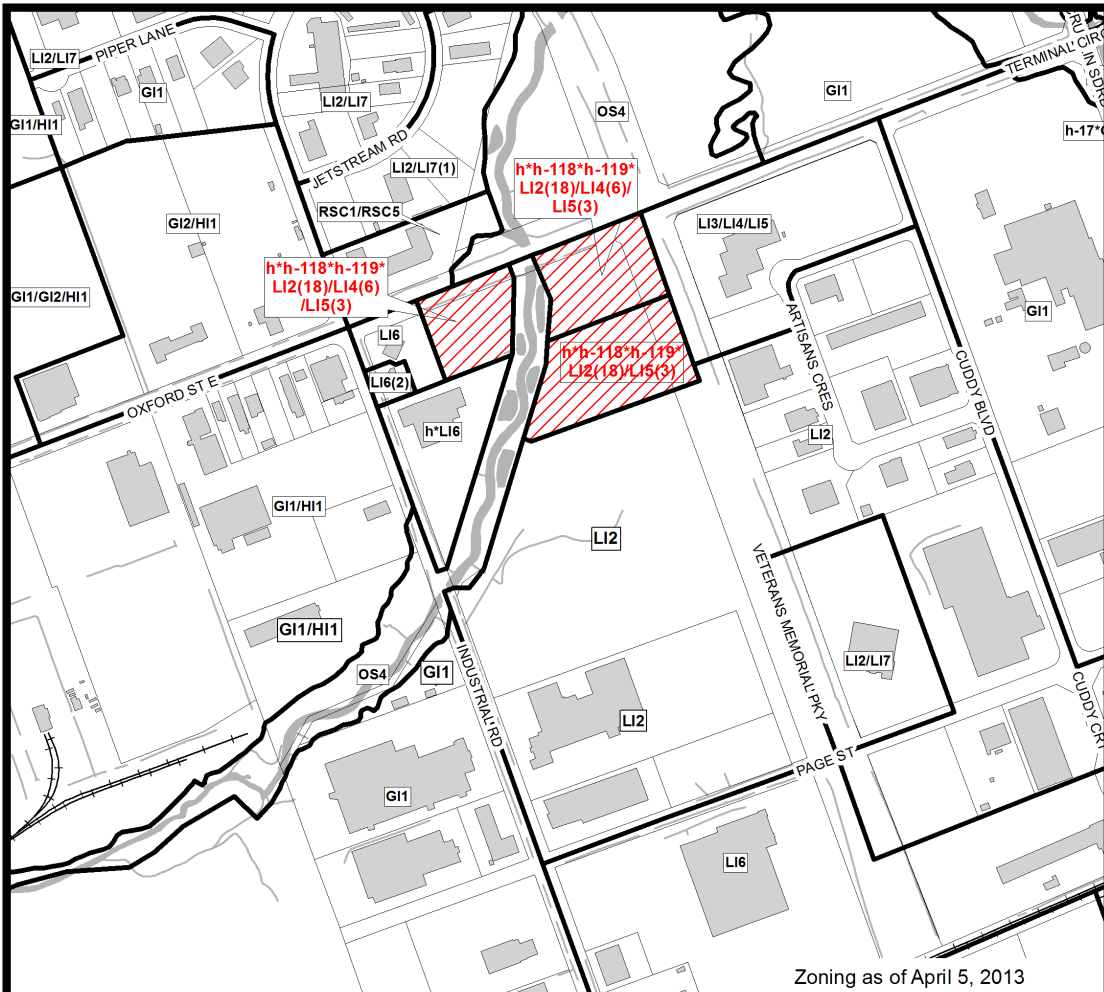
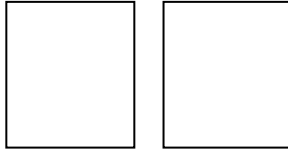
Legend	
	Downtown
	Enclosed Regional Commercial Node
	New Format Regional Commercial Node
	Community Commercial Node
	Neighbourhood Commercial Node
	Main Street Commercial Corridor
	Auto-Oriented Commercial Corridor
	Multi-Family, High Density Residential
	Multi-Family, Medium Density Residential
	Low 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-8103
 PLANNER: SM
 TECHNICIAN: CK
 DATE: 2013/04/18

PROJECT LOCATION: e:\planning\projects\p_officialplan\work\consol00\lexcerpts\mxd_templates\scheduleA_NEW_b&w_8x14.mxd



Zoning as of April 5, 2013

 **COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: h*h-118*h-119*LI2(18)/LI4(6)/LI5(3) and h*h-118*h-119*LI2(18)/LI4(6)/LI5(3) and h*h-118*h-119*LI2(18)/LI4(6)/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 APPEALED 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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SITE CHARACTERISTICS:
<ul style="list-style-type: none"> • Current Land Use - Vacant • Frontage - Various • Depth - Various • Area - Various • Shape - Various

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

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

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.

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.

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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.

PUBLIC LIAISON:	On April 5, 2013, Notice of Application was sent to 19 property owners in the surrounding area. Notice of Application was published in the <i>Public Notices and Bidding Opportunities</i> section of <i>The Londoner</i> on April 18, 2013.	No replies were received
Nature of Liaison: Same as requested actions.		
Responses: None		

ANALYSIS

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.

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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/L16) Zone to a Light Industrial (L16) 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 for development on 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.

The URTCA had no objection to the amendments. They were satisfied that the land designated as flood plain could be re-designated as proposed. With the final grading complete, the regulator flood plain can spill beyond the limits of the proposed flood plain area. Consequently, any constriction within the exiting areas that is designated flood plain will require a permit from the UTRCA. Once a final grade elevation is confirmed, the UTRCA will revise the mapping to remove the filled area from their regulation limits.

A holding provision was attached to the properties during the zoning amendment to ensure the successful completion of the channel project (and with receipt of as-built drawings) which was requested by the Upper Thames River Conservation Authority and as such, was recommended by staff.

The removal of this holding provision provides confirmation that the UTRCA has reviewed the as-built drawings for the Pottersburg channel, and is now in a position to confirm that the Phase 2 Pottersburg channel works have been completed in accordance with the plans that were approved by the City of London and the UTRCA. However 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". The approach is consistent with the December 12, 2006 approval for 2150 Oxford Street East.

The holding provision (h-119) will continue to apply to the site, *"to ensure that the urban design objectives established through the Official Plan and Zoning amendment review process are implemented, a site plan will be approved and a development agreement will be entered into which, to the satisfaction of the General Manager of Planning and Development, incorporates these objectives and addresses identified urban design issues"*. The owners will be required to meet the requirements of, and apply for the removal of this holding provision prior to the issuance of building permits for any future development on the subject property.

CONCLUSION

At this time the holding (h-118) provision can be removed from the zoning for the subject lands. Consideration of removal of this holding provision is appropriate at this time as it will advance the approvals process for development on these lands.

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PREPARED BY:	SUBMITTED BY:
SEAN MEKSULA PLANNER II COMMUNITY PLANNING AND DESIGN	JIM YANCHULA, MCIP, RPP MANAGER OF COMMUNITY PLANNING AND DESIGN
RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP DIRECTOR, LAND USE PLANNING AND CITY PLANNER	

SM/SM

Y:\Shared\implemen\DEVELOPMENT APPS\2012 Applications 8003 to 8103 H - City of London 650-670 Industrial Road (SM)\H8103_PEC_Report.docx

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**H-8103
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 remove the h-118 holding provision from the zoning for an area of land located at 600, 650 and 670 Industrial Road.

WHEREAS the City of London has applied to remove the h-118 holding provision from the zoning for 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 it is deemed appropriate to remove the h-118 holding provision from the zoning of the said land;

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 600, 650 and 670 Industrial Road, as shown on the attached map comprising part of Key Map No. A104 to remove the h-118 holding provision so that the zoning of the lands as a Holding Light Industrial (h*h-119*LI2(18)/LI5(3)) and Holding Light Industrial (h*h-119*LI2(18)/LI4(6)/LI5(3)) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on June 25, 2013.

Joe Fontana
Mayor

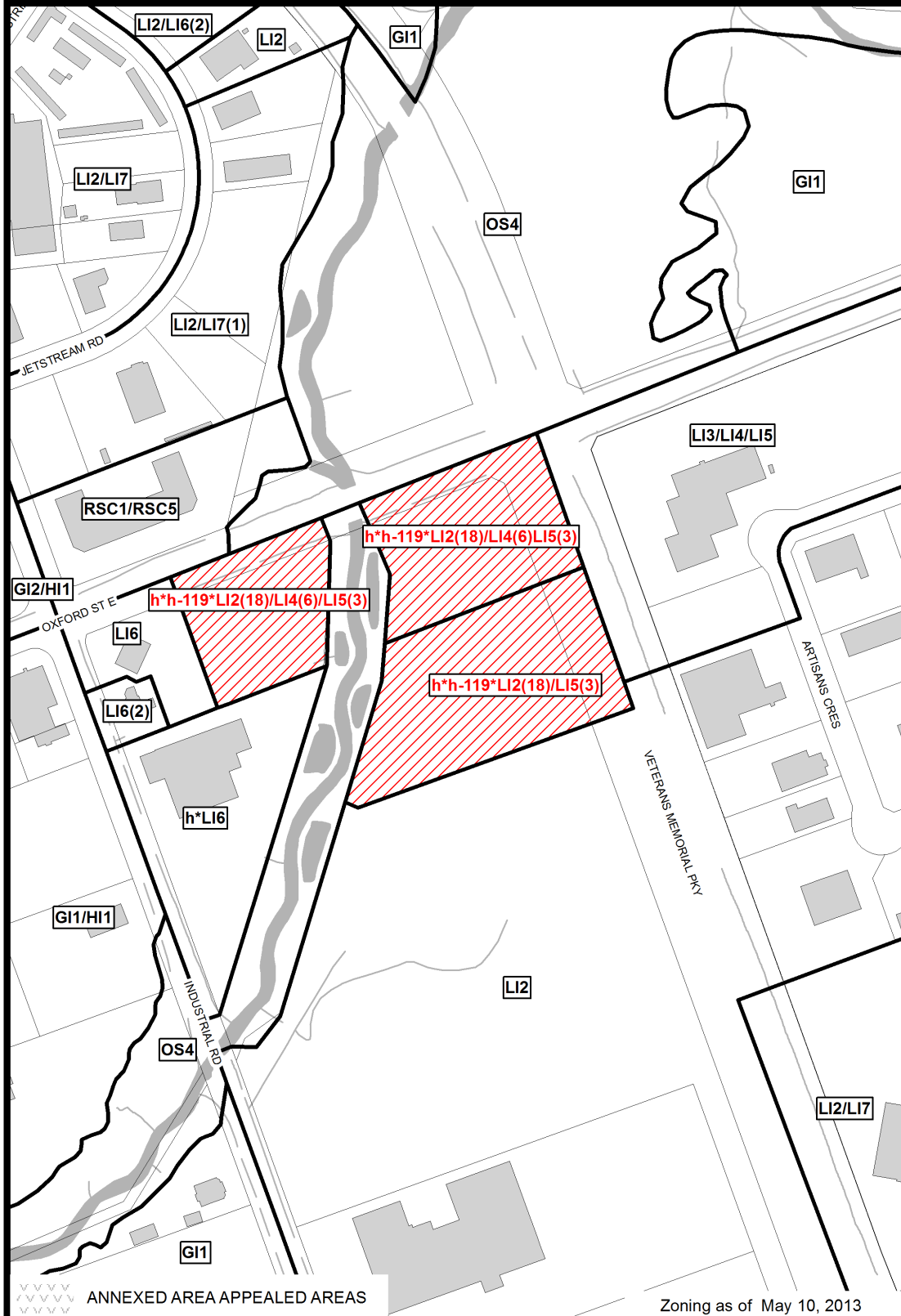
Catharine Saunders
City Clerk

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

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S. Meksula

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



Zoning as of May 10, 2013

File Number: H-8103
 Planner: SM
 Date Prepared: 2013/05/15
 Technician: MB
 By-Law No: Z.-1-

SUBJECT SITE 

1:3,500

