

Report to Planning and Environment Committee

To: Chair and Members
Planning and Environment Committee

From: Scott Mathers, MPA, P. Eng.
Deputy City Manager, Planning and Economic Development

Subject: Application by Southwest Sun Property Corporation
695 and 585 Sovereign Road
Deeming By-law

Date: February 28, 2022

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of Southwest Sun Property Corporation relating to the property located at 695 and 585 Sovereign Road:

- (a) the proposed by-law attached as Appendix “A”, **BE INTRODUCED** at the Municipal Council meeting on March 22, 2022, to deem Lot 19-1 and Lot 28-1, Registered Plan No. M21, City of London, County of Middlesex, not to be a registered plan of subdivision for the purposes of subsection 50(3) of the Planning Act;
- (b) the City Clerk **BE DIRECTED** to provide notice of the by-law passing and undertake registration of the Deeming By-law, in accordance with the provisions in subsections 50(28) and 50(29) of the Planning Act; and,
- (c) the applicant **BE REQUIRED** to pay for any costs incurred to register the deeming by-law at the Land Registry Office.

Executive Summary

Purpose and Effect of the Recommended Action

The purpose and effect of this recommended action is to consolidate two contiguous properties, known municipally as 695 and 585 Sovereign Road, into one parcel by deeming the subject lands not to be within a registered plan of subdivision. This action will effectively remove the lot line between the two parcels and allow for a proposed expansion of the existing industrial building to accommodate an office, a craft brewery and a warehouse.

Rationale of Recommended Action

The application for approval of a by-law to deem the subject lands at 585 and 695 Sovereign Road not to be part of a registered plan of subdivision under the *Planning Act* is appropriate and will allow site development plans to proceed for a proposed expansion to an existing industrial building in conformity with the Zoning By-law.

Linkage to the Corporate Strategic Plan

This application supports the Building a Sustainable City area of focus in the Corporate *Strategic Plan* by ensuring that the City of London’s growth and development are well planned and sustainable over the long term.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

June 18, 2012 – Report to Planning and Environment Committee – 585, 613, 687 & 604-650 Sovereign Road - Application for Approval of Official Plan and Zoning By-law Amendments – City of London (File No. OZ-8034).

1.2 Planning History

An application for combined Official Plan and Zoning By-law Amendments for 585, 613, 687, and 604 to 650 Sovereign Road was accepted on March 27, 2012. The intent of the proposed amendments was to allow for the expansion of the existing industrial uses on the west side of Sovereign Road, which were designated as woodlands and zoned Light Industrial. These amendments were recommended for approval, and were passed in Open Council on June 26, 2012.

This application for a Deeming By-law was accepted as complete on January 10, 2022, and is being processed concurrently with applications for Site Plan Approval (SPA21-094) and Removal of Holding Provisions (P-9461).

1.3 Current Planning Information

- The *London Plan* Place Type – Light Industrial
- (1989) *Official Plan* Designation – Light Industrial
- Existing Zoning – Holding Light Industrial (h*h-148*LI2/LI7)

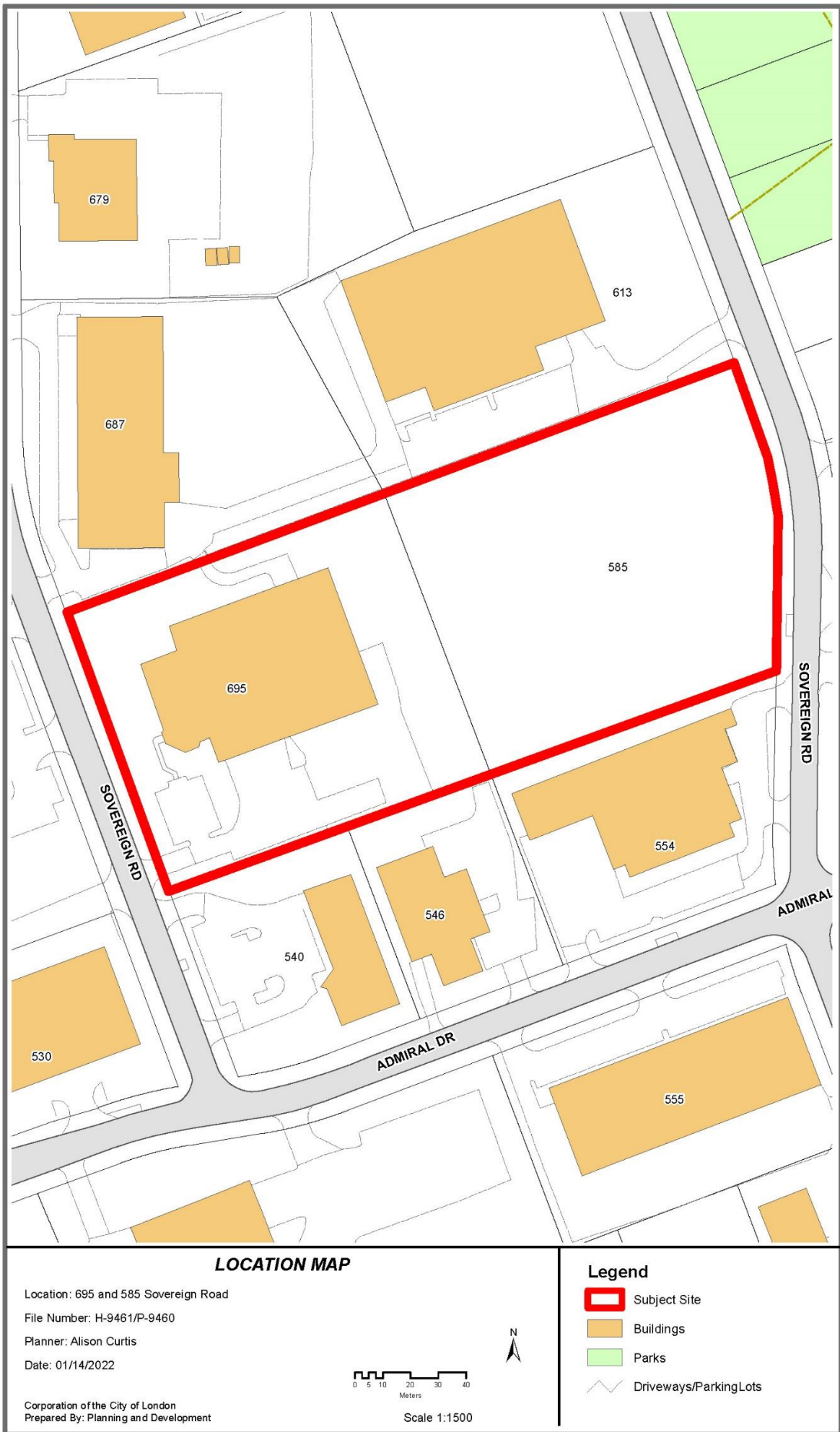
1.4 Site Characteristics

- Current Land Use – Industrial office, warehouse and brewery
- Frontage – 132 meters
- Depth – Various
- Area – 2.7 hectares
- Shape – Square

1.5 Surrounding Land Uses

- North – Light Industrial
- East – Vacant/Light Industrial
- South – Light Industrial
- West – Light Industrial

1.6 Location Map

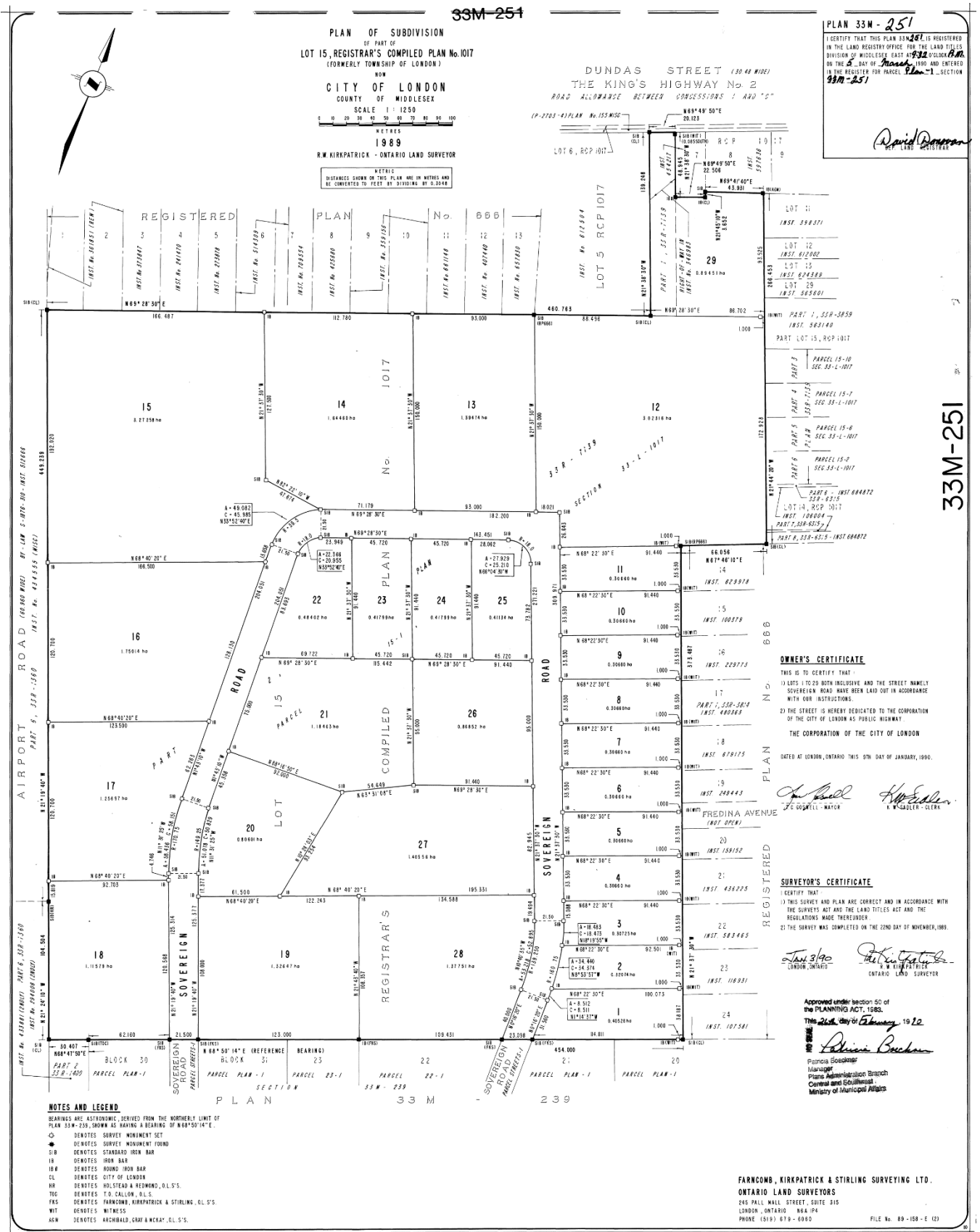


2.0 Discussion and Considerations

2.1 Deeming By-law Request

The subject lands are within the Trafalgar Industrial Park Subdivision, which is located in the northeast quadrant of the City, and situated on Sovereign Road, north of Admiral Drive and east of Veterans Memorial Parkway. The Plan of Subdivision was registered on March 5, 1990, as Registered Plan No. 33M-251. 695 Sovereign Road (described as Part 19 on Registered Plan 33M-251) is approximately 1.52 hectares in area and is occupied by a building approximately 3290 square meters, which houses the Equals Brewing Company. 585 Sovereign Road is approximately 1.37 hectares in area and is currently vacant.

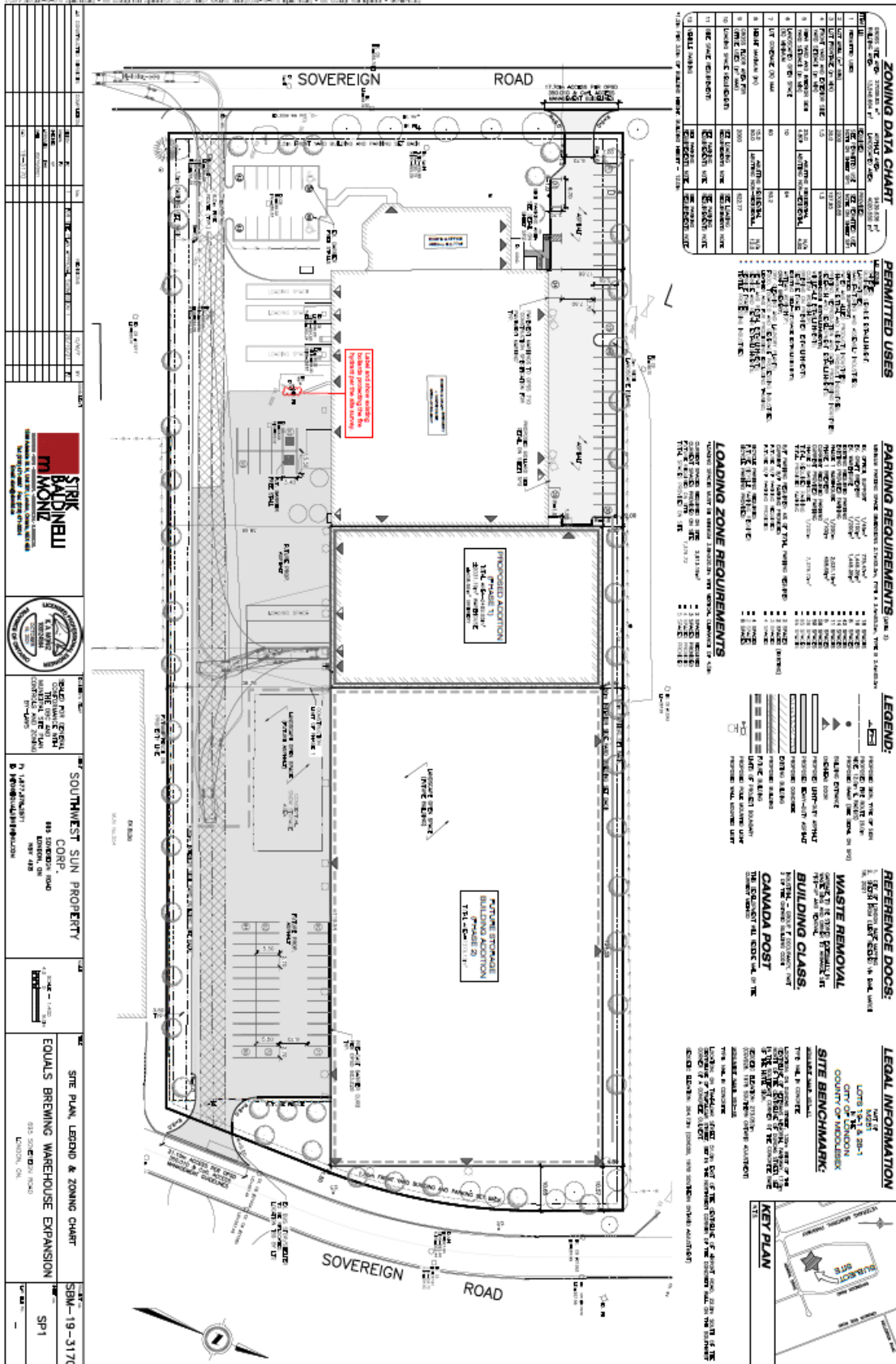
2.2 Registered Plan 33M-251



4.0 Key Issues and Considerations

4.1 Proposed Development

An application for Site Plan Approval (SPA21-094) was received by the City to expand the existing Equals Brewing facility, located at 695 Sovereign Road, eastward onto the vacant lands at 585 Sovereign Road. The existing facility is approximately 3676 square meters and contains an office, craft brewery and warehouse. The proposed addition is in two phases, the first being an addition to the existing building. Approximately 2031.19 square meters of this addition would be used for a warehouse, and 458.66 square meters would be used for the brewery. The second phase is future storage and a building addition that is approximately 7379.12 square meters.



Under Section 50(4) of the *Ontario Planning Act*, municipalities may by by-law deem any plan of subdivision, or part thereof, that has been registered for eight (8) or more years to not be registered as a measure of subdivision control. The *1989 Official Plan* and *The London Plan* contain similar provisions under Sections 19.6.5 and 1695_, respectively. The effect of this deeming by-law application would be to merge the two parcels, that are within a registered plan of subdivision, into one legally conveyable lot.

Deeming By-laws are often used to merge lots from old plans of subdivisions, which no longer meet current development or zoning standard. The current zoning standards under the Light Industrial LI2/LI7 Zone require a minimum lot area of 2000 square meters and a minimum lot frontage of 30 meters. Merging these two parcels and approval of the deeming by-law will provide for development that conforms with the current zone standards.

Section 50(4) of the *Planning Act* does not require notice or hearing prior to the passing of the deeming by-law. Notice of the passing of the by-law must be given within 30 days to the assessed owner of the land to which the by-law applies, and the owner can make representations to Council concerning the by-law within 20 days of the notice being issued.

4.2 Holding Provisions

There are currently two holding provisions applied to the subject lands, the general “h” provision and “h-148”. The purpose of the “h” provision is to ensure the orderly development of lands and adequate provision of municipal services. The “h” symbol shall not be deleted until the required security has been provided and/or a development agreement has been entered into for the subject lands. Holding provision “h-148” requires that a tree management plan prepared by a Registered Professional Forester (R.P.F.) that includes the supervision of the removal of trees on the subject lands and that the removal and movement of topsoil and other materials are in accordance with the City-led Forest Management plan, which includes revegetation for the area on the east side of Sovereign Road.

Conclusion

The application for approval of a by-law to deem the subject lands at 585 and 695 Sovereign Road not to be part of a registered plan of subdivision under the *Planning Act* is appropriate and will allow site development plans to proceed for a proposed expansion to an existing industrial building in conformity with the Zoning By-law.

Prepared by: Alison Curtis, MA
Planner 1, Planning and Development

Reviewed by: Bruce Page, MCIP, RPP
Manager, Planning and Development

Recommended by: Gregg Barrett, ACIP
Director, Planning and Development

Submitted by: Scott Mathers, MPA
Deputy City Manager,
Planning and Economic Development

cc: Matt Feldberg, Manager, Subdivisions and Development Inspections
cc: Michael Pease, Manager, Development Planning (Site Plan)

BP/ac

Y:\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2022\P-9460 - 695 and 585 Sovereign Road (A. Curtis)

Appendix A

Bill No. (Number to be inserted by
Clerk's Office)
2022

By-law No. _____

A by-law to deem a portion of
Registered Plan No. 33M-251 not to be
a registered plan of subdivision for the
purposes of subsection 50(3) of the
Planning Act, R.S.O. 1990, c. P13.

WHEREAS subsection 50(4) of the *Planning Act* provides that the Council of a local municipality may by by-law designate any plan of subdivision or part thereof that has been registered for eight years or more, and deem it not to be a registered plan of subdivision for the purposes of subsection 50(3) of the *Planning Act*;

AND WHEREAS Lot 19 and Lot 28, Registered Plan No. 33M-251, City of London, County of Middlesex, are currently separate lots within a registered plan of subdivision;

AND WHEREAS Registered Plan No. 33M-251 has been registered for more than eight years;

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

1. That Lot 19 and Lot 28, Registered Plan No. 33M-251, City of London, County of Middlesex, shall be deemed not to be a registered plan of subdivision for the purposes of Section 50(3) of the *Planning Act*.

2. This By-law shall come into force on the day it is enacted by the Council of the Corporation of the City of London, subject to the provisions of subsection 50(27) of the *Planning Act*.

PASSED in Open Council on March 22, 2022.

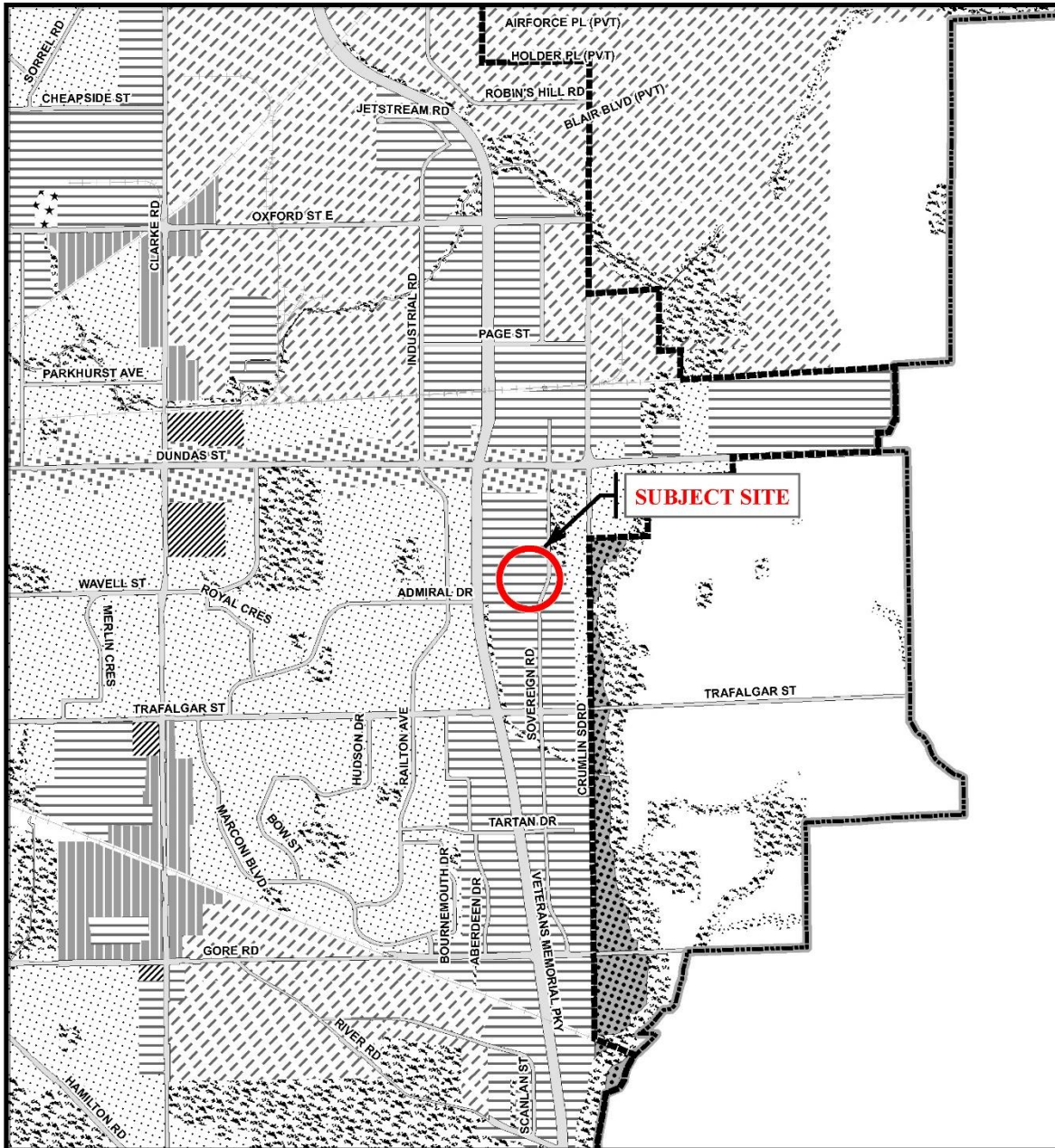
Ed Holder
Mayor

Michael Schulthess
City Clerk

First Reading – March 22, 2022
Second Reading – March 22, 2022
Third Reading – March 22, 2022

Appendix B: Policy Context

London Plan Excerpt



Legend

Downtown	Future Community Growth	Environmental Review
Transit Village	Heavy Industrial	Farmland
Shopping Area	Light Industrial	Rural Neighbourhood
Rapid Transit Corridor	Future Industrial Growth	Waste Management Resource Recovery Area
Urban Corridor	Commercial Industrial	Urban Growth Boundary
Main Street	Institutional	
Neighbourhood	Green Space	

This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.

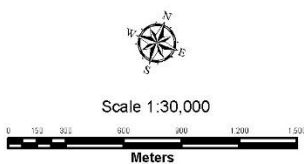
At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.

CITY OF LONDON

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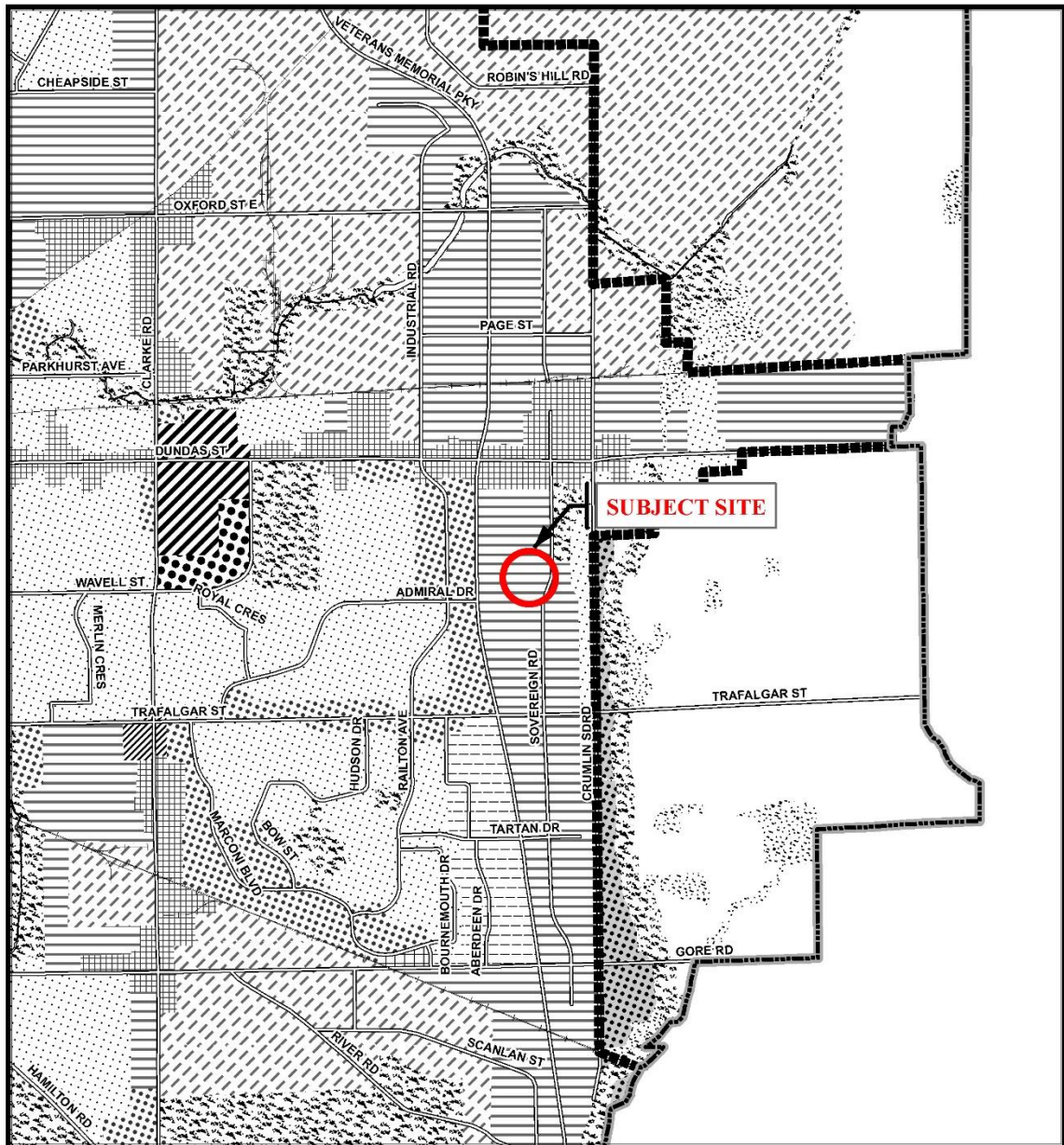
LONDON PLAN MAP 1 - PLACE TYPES -

PREPARED BY: Planning Services



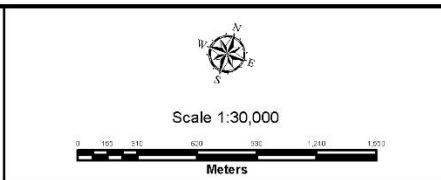
File Number: H-9461
Planner: AC
Technician: RC
Date: January 21, 2022

1989 Official Plan Excerpt



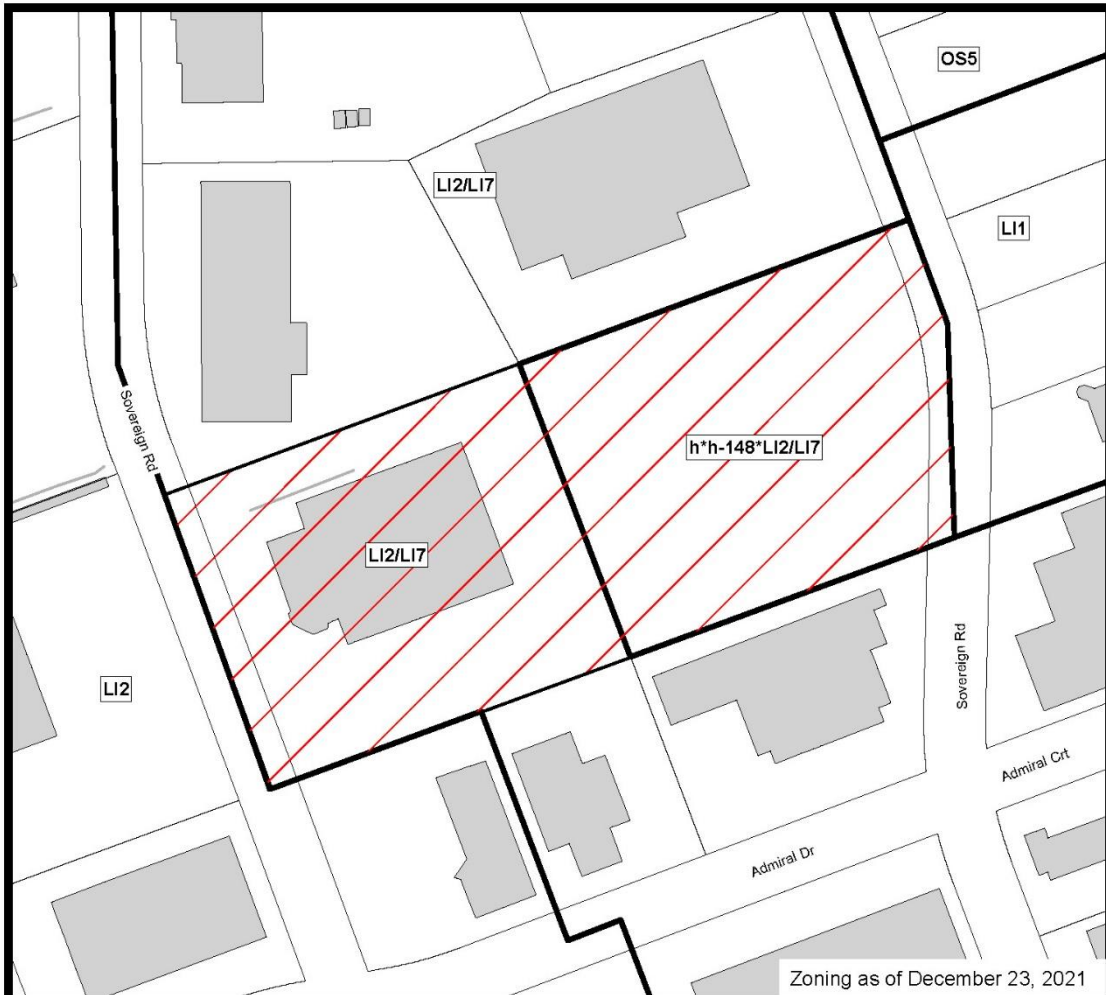
Legend		
Downtown	Multi-Family, Medium Density Residential	Office Business Park
Wonderland Road Community Enterprise Corridor	Low Density Residential	General Industrial
Enclosed Regional Commercial Node	Office Area	Light Industrial
New Format Regional Commercial Node	Office/Residential	Commercial Industrial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

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Development Services
OFFICIAL PLAN SCHEDULE A
- LAND USE -
 PREPARED BY: Graphics and Information Services



FILE NUMBER: H-9461
PLANNER: AC
TECHNICIAN: RC
DATE: 2022/01/21

Zoning Excerpt



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

- | | |
|---|-----------------------------------|
| R1 - SINGLE DETACHED DWELLINGS | RF - REGIONAL FACILITY |
| R2 - SINGLE AND TWO UNIT DWELLINGS | CF - COMMUNITY FACILITY |
| R3 - SINGLE TO FOUR UNIT DWELLINGS | NF - NEIGHBOURHOOD FACILITY |
| R4 - STREET TOWNHOUSE | HER - HERITAGE |
| R5 - CLUSTER TOWNHOUSE | DC - DAY CARE |
| R6 - CLUSTER HOUSING ALL FORMS | OS - OPEN SPACE |
| R7 - SENIOR'S HOUSING | CR - COMMERCIAL RECREATION |
| R8 - MEDIUM DENSITY/LOW RISE APTS. | ER - ENVIRONMENTAL REVIEW |
| R9 - MEDIUM TO HIGH DENSITY APTS. | OB - OFFICE BUSINESS PARK |
| R10 - HIGH DENSITY APARTMENTS | LI - LIGHT INDUSTRIAL |
| R11 - LODGING HOUSE | GI - GENERAL INDUSTRIAL |
| DA - DOWNTOWN AREA | HI - HEAVY INDUSTRIAL |
| RSA - REGIONAL SHOPPING AREA | EX - RESOURCE EXTRACTIVE |
| CSA - COMMUNITY SHOPPING AREA | UR - URBAN RESERVE |
| NSA - NEIGHBOURHOOD SHOPPING AREA | AG - AGRICULTURAL |
| BDC - BUSINESS DISTRICT COMMERCIAL | AGC - AGRICULTURAL COMMERCIAL |
| AC - ARTERIAL COMMERCIAL | RRC - RURAL SETTLEMENT COMMERCIAL |
| HS - HIGHWAY SERVICE COMMERCIAL | TGS - TEMPORARY GARDEN SUITE |
| RSC - RESTRICTED SERVICE COMMERCIAL | RT - RAIL TRANSPORTATION |
| CC - CONVENIENCE COMMERCIAL | "h" - HOLDING SYMBOL |
| SS - AUTOMOBILE SERVICE STATION | "D" - DENSITY SYMBOL |
| ASA - ASSOCIATED SHOPPING AREA COMMERCIAL | "H" - HEIGHT SYMBOL |
| OR - OFFICE/RESIDENTIAL | "B" - BONUS SYMBOL |
| OC - OFFICE CONVERSION | "T" - TEMPORARY USE SYMBOL |
| RO - RESTRICTED OFFICE | |
| OF - OFFICE | |

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT 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:

H-9461 AC

MAP PREPARED:

2022/1/21 RC

1:2,000

