

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: Goal Ventures Inc. & Goal Ventures Southwest Inc. (c/o KWA Site Development Consulting Inc.)
3055 Dingman Drive/Roxburgh Road & 4313 Wellington Road South
File Number: OZ-9665, Ward 12
Public Participation Meeting

Date: January 9, 2024

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of Goal Ventures Inc. and Goal Ventures Southwest Inc., c/o KWA Site Development Consulting Inc. relating to the property located at 3055 Dingman Drive/Roxburgh Road & 4313 Wellington Road South:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on January 9, 2024, to amend the Official Plan by **ADDING** a new policy to the Specific Policies for the Shopping Area Place Type **AND AMENDING** Map 7 – Special Policy Areas – of The London Plan by adding the subject site to the list of Specific Policy Areas;
- (b) the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on January 9, 2024 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, The London Plan, as amended in part (a) above, to change the zoning of the subject property **FROM** an Associated Shopping Area Commercial Special Provision (ASA3/ASA5/ASA6(3)/ASA7(1)/ASA8(11)) Zone, **TO** an Associated Shopping Area Commercial Special Provision/ holding Light Industrial Special Provision (ASA3/ASA5/ASA6(3)/ASA7(1)/ASA8(11)/h-55*h-212*LI1(_)) Zone;
- (c) The Site Plan Approval Authority **BE REQUESTED** to consider the following design issue(s) through the site plan process:
 - i) Offer safe pedestrian connections within the public realm, and
 - ii) Provide a high-quality gateway image along Highway 401 East and Wellington Road South and enhanced landscaping along the gateway corridor shall be required in conformity with the policy framework of The London Plan and Southwest Area Secondary Plan.

Executive Summary

Summary of Request

The applicant has requested an amendment to The London Plan, the Official Plan for the City of London, to add a site-specific amendment to the Shopping Area Place Type to permit a range of light industrial uses while maintaining the Shopping Area Place Type on the subject site.

The applicant has requested an amendment to Zoning By-law Z.-1 to rezone the property from an Associated Shopping Area Commercial Special Provision (ASA3/ASA5/ASA6(3)/ASA7(1)/ASA8(11)) Zone to an Associated Shopping Area Commercial Special Provision/ holding Light Industrial Special Provision

(ASA3/ASA5/ASA6(3)/ASA7(1)/ASA8(11))/(h-55*h-212*LI1(_)) Zone.

An h-55 holding provision shall be applied to the Light Industrial zone to ensure that a traffic impact study is to be completed as requested by the Ministry of Transportation (MTO). Further, an h-212 holding provision shall be applied to the Light Industrial zone to ensure an analysis of compatibility between industrial facilities (D6 Guidelines) shall be carried out.

Purpose and the Effect of Recommended Action

The purpose and effect of the requested amendments are to broaden the range of permitted uses on the subject site to include light industrial uses such as warehousing/distribution, self-storage and craft brewery along with other lower impact light industrial uses.

Staff are recommending approval of the Official Plan & Zoning By-law amendment, with special provisions to permit light industrial uses that are compatible with the Shopping Area Place Type.

Rationale of Recommended Action

1. The recommended amendment is consistent with the *PPS 2020*;
2. The recommended amendment conforms to *The London Plan*, including, but not limited to the Shopping Area Place Type, Criteria for Special Area Policies, and Key Directions;
3. The recommended amendment facilitates the development of a site within the Wellington Road/ Highway 401 Neighbourhood of the *Southwest Area Secondary Plan*; and,
4. The recommended amendment facilitates a broader mix of uses on a serviced site within the urban growth boundary along the 401 Highway corridor.

Linkage to the Corporate Strategic Plan

This recommendation supports the following Strategic Areas of Focus:

- **Economic Growth, Culture, and Prosperity** by supporting London to be a regional centre that proactively attracts and retains talent, business, and investment.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

June 18, 2013 – Planning Environment Committee – OZ-8120, 3130 & 3260 Dingman Drive and the rear portion of 4397/4407 Wellington Road South

October 9, 2018 – Planning Environment Committee – SPA17-109, SPA17-111, SPA17-117 – 3130, 3260 Dingman Drive & 4313 Wellington Road South

February 12, 2020 – Committee of Adjustment – B.051/19 & B.052/19 - 3130 & 3260 Dingman Drive

1.2 Planning History

On November 6, 2012, the City of London accepted an application for an Official Plan and Zoning By-law Amendment for the properties at 3130 & 3260 Dingman Drive from the PenEquity Realty Corporation. The requested amendment sought an Associated Shopping Area Commercial Special Provision (ASA3/ASA5/ASA6 (_)/ASA7(_)/ASA8) Zone and an Open Space (OS1) Zone to allow for 50,183m² of commercial retail use, 13,564m² of commercial recreational use, 3,921m² cinema use, a gas bar use and a passive recreational use. The subject lands were previously zoned Restricted Service

Commercial (RSC) as well as Light Industrial and Community Shopping Area but used as a woodlot and for agricultural purposes at the time. The application was addressed at the June 18, 2013, meeting of the Planning and Environment Committee. Council resolved on June 26, 2013, that the requested application be referred back to staff to modify the zoning by-law. The stated purpose of the referral was to examine the potential for a solution that would include holding provisions to the Zoning By-law which would ensure: *“the provision of municipal servicing, archaeological evaluation be completed, a transportation study be completed, Ministry of Transportation permits be obtained, urban design matters be addressed, and a natural heritage compensation agreement between the City and the applicant be entered into to address the natural heritage compensation measures to be implemented resulting from the removal of the Unevaluated Vegetation Patch”*.

The decision of Council was subsequently appealed to the Ontario Municipal Board. On June 30, 2015, the Board issued its decision, following the withdrawal of the appeal by Greenhills SC Ltd.

Subsequently, a Site Plan Application (SPA17-111) was approved in 2018 to develop a development concept with a mix of commercial, retail and service uses. The new South London Costco development was approved through SPA17-117, and subsequently amended through SPA22-060. The initial phase of development on the subject lands implemented the east and west stormwater (SWM) ponds, as well as the private Roxburgh Road extension and Phase 1 Dingman Drive off-site road improvements.

In May 2023, Costco vacated the building at 4313 Wellington Road South, which is now vacant. Costco recently opened their new warehouse and gas bar on a 6.9 hectares parcel, municipally known as 3140 Dingman Drive, which is outside the subject lands. On-site civil works including a new municipal sewer, site servicing, SWM ponds, grading, the Roxburgh Road extension, and offsite road improvements in Dingman and Wellington Road South were completed on the subject lands in order to permit the opening of the new Costco and associated gas bar at 3140 Dingman Drive.

1.3 Property Description and Location

The subject property is located on the north side of Dingman Drive, west of Wellington Road South and south of Highway 401. Several addresses are associated with the Roxburgh lands; however, 3055 Dingman Drive was the municipal address assigned to the overall parcel. As such, the subject property will be addressed as 3055 Dingman Drive/Roxburgh Road in this staff report.

The site, municipally known as 3055 Dingman Drive/Roxburgh Road has a frontage of 377 metres along Dingman Drive and a lot area of approximately 22.5 hectares. The subject site, municipally known as 4313 Wellington Road South, has a frontage of 153 metres along Wellington Road South and lot area of approximately 4.5 hectares. Both sites will be accessed by way of a private spine road which connects Dingman Drive and Roxburgh Road, with access points from both roads. The lands are generally graded to allow for future development phases. The subject site is serviced by public transit LTC route 30.

Site Statistics:

3055 Dingman Drive/Roxburgh Road

- Current Land Use: Vacant apart from Roxburgh Road extension and SWM ponds
- Frontage: 377 metres (1,237 feet)
- Depth: 583 metres (1,913 feet)
- Area: 22.4 hectares (55.35 acres)
- Shape: irregular
- Located within the Built Area Boundary: No
- Located within the Primary Transit Area: No

4313 Wellington Road South

- Current Land Use: Vacant with former Costco building vacated in May 2023

- Frontage: 153 metres (502 feet)
- Depth: 259 metres (850 feet)
- Area: 4.5 hectares (11.12 acres)
- Shape: irregular
- Located within the Built Area Boundary: Yes
- Located within the Primary Transit Area: No

Surrounding Land Uses:

- North: Provincial Highway 401, open space, commercial uses
- East: Urban Thoroughfare and interchange to Highway 401, commercial uses and light industrial uses
- South: open space, agricultural and industrial uses
- West: Provincial Highway 401, open space, commercial, industrial and agricultural uses.

Existing Planning Information:

- Existing The London Plan Place Type: Shopping Area Place Type and Green Space Place Type
- Existing Special Policies: Southwest Area Secondary Plan (SWAP) – Commercial Land Use
- Existing Zoning:
 - 3055 Dingman Drive/Roxburgh Road: Associated Shopping Area Commercial (ASA3/ASA5/ASA6(3)/ASA7(1)/ASA8(11)) Zone
 - 4313 Wellington Road South: Associated Shopping Area Commercial (ASA8) Zone

Additional site information and context is provided in Appendix “C and D”.

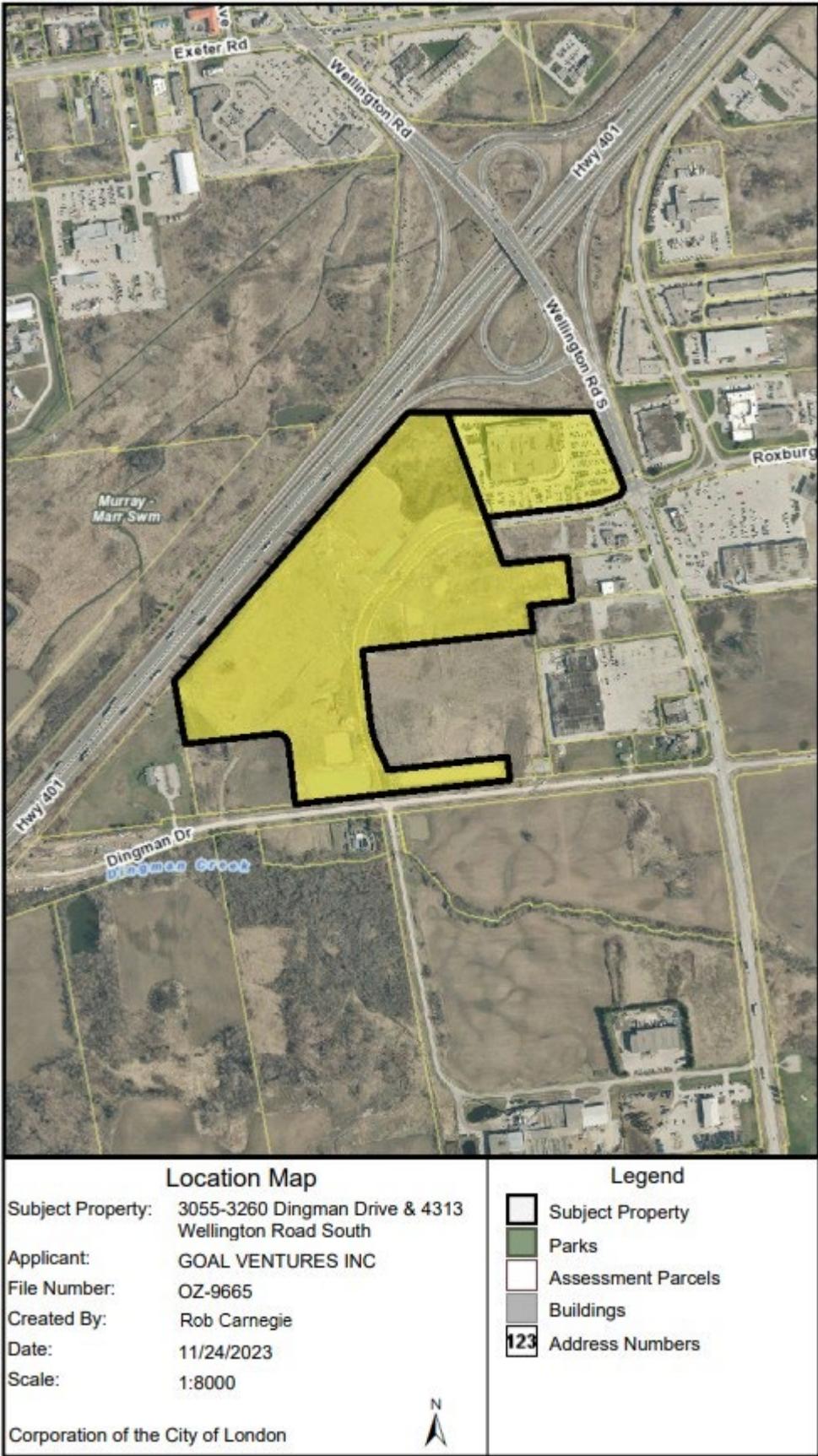


Figure 1- Aerial Location Map of 3055 Dingman Drive/Roxburg Road on the left & 4313 Wellington Road South on the right.



Figure 2: Streetview of the subject lands looking north from Roxburgh Road



Figure 3: Streetview of the subject lands looking north from Dingman Road



Figure 4: Streetview of the subject lands looking southeast from Highway 401

2.0 Discussion and Considerations

2.1 Proposal

The applicant is proposing a site-specific Official Plan amendment to the Shopping Area Place Type of The London Plan, and Zoning By-law amendment to broaden the permitted uses to include light industrial uses such as warehousing/distribution, self-storage and craft brewery. The proposal would permit a mix of warehouse/distribution uses along with commercial retail developments on the proposed subject lands. The proposed zoning would allow for the vacant building (former Costco building) at 4313 Wellington Road South to remain in the interim and be available for re-tenanting to either a commercial or light industrial use as the subject lands develop.

A concept plan for future development on the site is shown as Figure 5. This plan is conceptual and combines a 'Phase 1' component on lands G1-B (most westerly parcel

fronting Highway 401 East) for warehouse type uses with the former Costco Building in the interim. The remaining concept plan is as per the Master Site Plan approved in 2019 (SPA17-109, SPA17-111, SPA17-117).

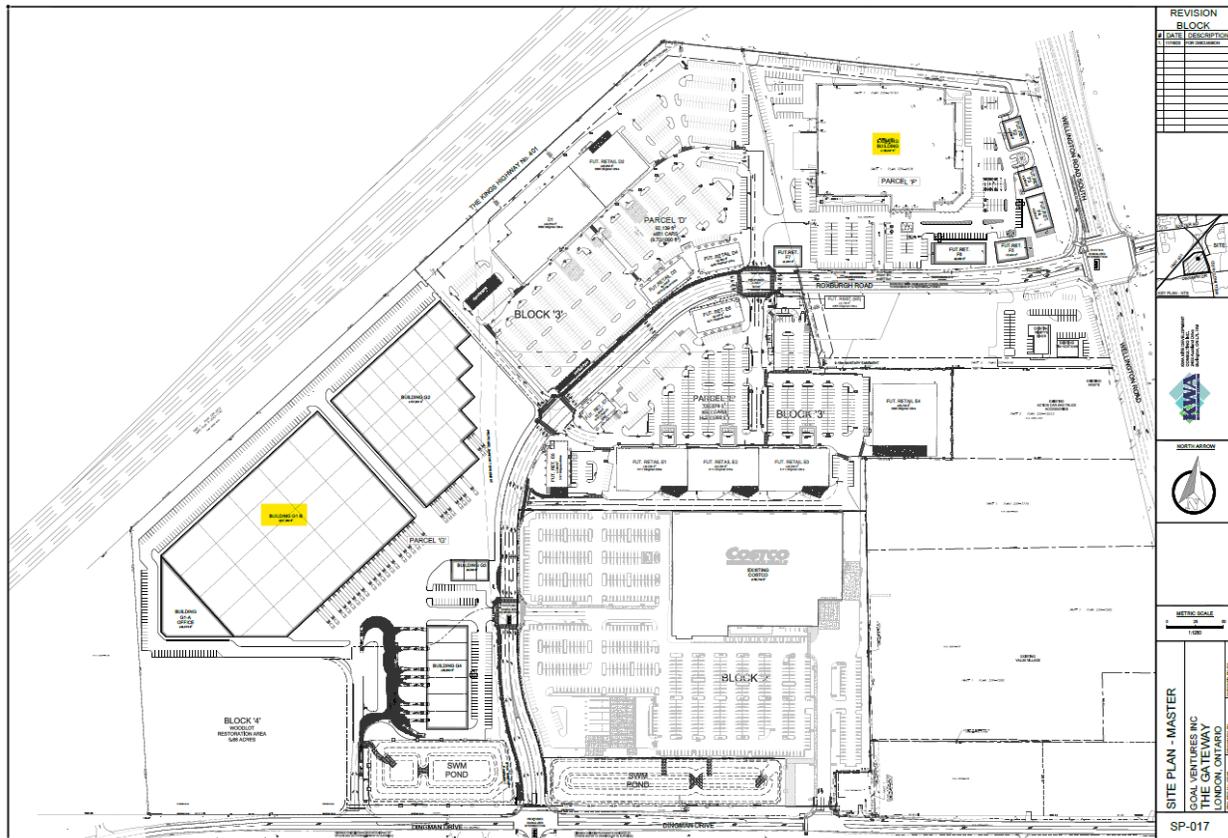


Figure 5: Conceptual Site Plan with Phase 1 component (G1-B) and former Costco lands highlighted (Received November 2023)

Additional information on the development proposal is provided in Appendix “C”.

2.2 Requested Amendment(s)

The applicant has requested to add a Site-Specific Policy to include a range of light industrial uses to the Shopping Area Place Type in The London Plan, and to Map 7: Specific Policy Areas to help facilitate the future development of the subject lands. The applicant has also requested an amendment to the Zoning Bylaw Z.-1 to rezone the property from an Associated Shopping Area Commercial Special Provision (ASA3/ASA5/ASA6(3)/ASA7(1)/ASA8(11)) Zone, to an Associated Shopping Area Commercial Special Provision/ holding Light Industrial Special Provision (ASA3/ASA5/ASA6(3)/ASA7(1)/ASA8(11)/(h-55*h-212*LI1(_)) Zone. The rezoning request is that all Zoning By-law Z.-1 use permissions under the Light Industrial (L16) and LI10) Zone variations be applied in addition to the existing uses:

- Light Industrial (LI6):
 - a) Any use permitted in the LI1 Zone variation;
 - b) Any use permitted in the LI2 Zone variation;
 - c) Building or contracting establishment
 - d) Storage depots;
 - e) Terminal centres;
 - f) Transport terminals.
- Light Industrial (LI10):
 - a) Self-storage establishments
- Light Industrial (LI1):
 - a) Bakeries;
 - b) Business service establishments;
 - c) *Laboratories*;
 - d) Manufacturing and assembly industries;

- e) Offices support;
 - f) Paper and allied products industries excluding pulp and paper and asphalt roofing industries;
 - g) Pharmaceutical and medical product industries;
 - h) Printing, reproduction and data processing industries;
 - i) Research and development establishments;
 - j) Warehouse establishments;
 - k) Wholesale establishments;
 - l) Custom workshop – Z-1-051390;
 - m) *Brewing on premises establishment* – Z-1-051390;
 - n) Service Trade – Z-1-071679;
 - o) Existing Self-Storage Establishments – Z-1-132230;
 - p) Artisan Workshop – Z-1-172561;
 - q) Craft Brewery – Z-1-172561;
 - r) Tow Truck Business – Z-1-223025.
- Light Industrial (LI2):
 - a) Any use permitted in the LI1 Zone variation;
 - b) *Dry cleaning and laundry plants*;
 - c) Food, tobacco and beverage processing industries excluding meat packaging;
 - d) Leather and fur processing excluding tanning;
 - e) *Repair and rental establishments*;
 - f) *Service and repair establishments*;
 - g) Service trades;
 - h) Textile processing industries

Uses identified in *italics* are currently permitted under the Associated Shopping Area (ASA) Zone variations on the subject lands.

2.3 Internal and Agency Comments

The application and associated materials were circulated for internal comments and public agencies to review. Comments received were considered in the review of this application and are addressed in Section 4.0 of this report.

Key issues identified by staff and agencies included:

- MTO requires submission of Traffic Impact Study. A holding provision is required.
- A remnant Green Space Place Type was identified on the subject lands. This has been updated as part of the Official Plan Amendment (Appendix A).
- An amending Development Agreement will be required for each phase. Site Plan Consultation will be required prior to the amending Development Agreement application for each phase.
- Provide a safe and comfortable public realm and support high-quality gateway image along Highway 401 East and Wellington Road South.

Detailed internal and agency comments are included in Appendix “D/E” of this report.

2.4 Public Engagement

On October 19, 2023, Notice of Application was sent to 19 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on November 2nd, 2023. Two “Planning Application” signs were also placed on the site.

There were no responses received during the public consultation period.

2.5 Policy Context

The Planning Act and the Provincial Policy Statement, 2020

The mechanism for implementing Provincial policies is through the Official Plan, The London Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal (OLT) approval of The London Plan, the City of London has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest are reviewed and discussed in The London Plan analysis below.

As the application for a Zoning By-law amendment complies with The London Plan, it is staff's opinion that the application is consistent with the *Planning Act* and the *PPS*.

The London Plan, 2016

The London Plan includes conditions for evaluating the appropriateness of Specific Area Policies where the applicable place type policies would not accurately reflect the intent of City Council with respect to a specific site or area (TLP 1729-1734).

The following conditions apply when considering a new Specific Area Policy:

1. The proposal meets all other policies of the Plan beyond those that the specific policy identifies.
2. The proposed policy does not have an adverse impact on the integrity of the place type policies or other relevant parts of this Plan.
3. The proposed use is sufficiently unique and distinctive such that it does not establish an argument for a similar exception on other properties in the area.
4. The proposed use cannot be reasonably altered to conform to the policies of the place type.
5. The proposed policy is in the public interest and represents good planning.

Staff are of the opinion that all the above conditions have been met.

The London Plan (TLP) includes evaluation criteria for all planning and development applications with respect to use, intensity and form, as well as with consideration of the following (TLP 1577-1579):

1. Consistency with the Provincial Policy Statement and all applicable legislation.
2. Conformity with the Our City, Our Strategy, City Building, and Environmental policies.
3. Conformity with the Place Type policies.
4. Consideration of applicable guideline documents.
5. The availability of municipal services.
6. Potential impacts on adjacent and nearby properties in the area and the degree to which such impacts can be managed and mitigated.
7. The degree to which the proposal fits within its existing and planned context.

Staff are of the opinion that all the above criteria have been satisfied.

Southwest Area Secondary Plan, 2014

The subject site is within the boundary of the *Southwest Area Secondary Plan* (SWAP), which came into effect in 2014. The secondary plan provides vision, principles and policies to develop the Southwest Planning Area as a vibrant community and recognize it as a significant gateway into the City. The subject site is located within the Wellington Road/Highway 401 Neighbourhood. It is intended that the lands adjacent to Wellington Road South and the Highway 401 interchange will continue to provide a range and mix of commercial and office uses and continue to support and promote employment lands (20.5.15.i).

3.0 Financial Impact/Considerations

There are no direct municipal financial expenditures associated with this application.

4.0 Key Issues and Considerations

4.1 Issue and Consideration #1: Provincial Policy Statement, 2020

The PPS promotes the integration of land use planning, growth management, transit-supportive development, intensification, and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing cost (1.1.1e)).

Settlement areas are directed to be the focus of growth and development. Land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources and are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available (1.1.3.2). Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment.

Employment Areas are intended to be planned for, protected, and preserved for current and future uses. These areas shall ensure that the necessary infrastructure is provided to support current and projected needs. Specifically, planning authorities shall protect employment areas in proximity to major goods movement facilities and corridors for employment uses that require those locations (1.3.2.6).

Planning authorities shall also promote economic development and competitiveness by providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs (1.3.1). Lastly, the PPS encourages long-term economic prosperity to be supported by promoting opportunities for economic development and community investment-readiness (1.7.1 a))

The recommended amendment is in keeping with the PPS 2020 as it facilitates the introduction of new industrial uses that are suitable within the existing site context. The proposed amendment will facilitate development on a large vacant lot by making efficient use of the land while also contributing to the supply of employment lands within the city. The proposed use also intends to benefit and capitalize on the site's close proximity to the 401 Highway and is intended to support the movement of goods in a way that would minimize the length of vehicle trips.

4.2 Issue and Consideration #2: Amendment to The London Plan

At the core of The London Plan is the goal of planning for a prosperous London. Key Direction #1 sets out to plan for and promote strong and consistent growth and a vibrant business environment that offers a wide range of uses. It recognizes the strategic connection between building an exceptional city to live in, and our ability to compete with other cities for talent, business attraction and investment. Further, supports existing and emerging industrial sectors, ensures an adequate supply of employment lands, plan for cost-efficient growth patterns and plan to capitalize on London's position along the NAFTA superhighway (TLP 55_1, 2, 9, 10, 11, 12).

The City Structure Plan gives a framework for London's growth and change over the next 20 years. As part of the Economic Framework, employment lands are identified in *Figure 17* of The London Plan. These lands are primarily clustered around the Veterans Memorial Parkway and Highway 401 corridors, which are important connections to the London International Airport and the North American free trade routes. These corridors support the majority of London's employment areas as defined by the *Provincial Policy Statement* (TLP_136). The subject lands are not part of the employment lands, but are generally bounded by employment lands as identified in *Figure 17* of The London Plan.

The Shopping Area Place Type constitute an important part of London's complete communities, providing commercial centres with a wide range of retail, service, business, recreational, social, educational and government uses (TLP 871_). The London Plan discourages the addition of new Shopping Area Place Types, recognizing the significant supply of sites that can accommodate commercial uses throughout the city (TLP 876_2). Further, flexibility in the use and the intensification of existing centres

is allowed and repurposing, reformatting, infill and intensification of existing centres to take advantage of existing services and to use land more efficiently is encouraged (TLP 876_1, 2).

The London Plan provides that a big part of London's prosperity in 2035 will rely on the growth of our industrial sector (TLP 1104_). In 2035 our industrial sector will be burgeoning. Capitalizing on the quality of life in our city as one of our strongest marketing tools, we will be highly attractive to a youthful labour force and the best and the brightest that many companies are looking for. We will be strongly connected to the region and the world with our valuable Highway 401 and 402 corridors which we will use to brand and market to millions of potential investors that pass along our part of the NAFTA Superhighway each day. We will blend the industrial sectors that have been pillars of growth in London for decades with new sectors that will provide abundant opportunities for economic activities (TLP 1106_). Industrial lands have been strategically located where there is a strong demand for them, and where they are well connected to the region and the world – locations that have easy access to rail, the airport, major highways, and the existing industrial sectors that have evolved over time (TLP 1107_).

Southwest Area Secondary Plan

The principles of the SWAP include providing for a range of land uses (SWAP 20.5.1.4 a)). A key goal of the SWAP is to provide for a competitive place to work and invest through encouraging the growth of employment land opportunities, while protecting ample, high accessible land that will provide a long-term supply of strategically positioned employment lands (SWAP 20.5.1.4 ii).

The subject site is located within the Commercial designation. The primary permitted uses revert to the underlying Shopping Area Place Type in The London Plan, which support a wide range of retail, commercial and office uses.

Analysis

As discussed in Section 2.5 of this Report, The London sets out policies for Specific Areas that may be considered in limited circumstances where the following conditions apply (TLP 1729-1734):

- 1. The proposal meets all other policies of the Plan beyond those that the specific policy identifies.*

The recommended site-specific amendment is in keeping with The London Plan Shopping Area Place Type policies and Key Directions by promoting strong and consistent growth and a vibrant business environment that offers a wide range of uses. The recommended amendment provides for flexibility in the use and intensification of an existing shopping centre by allowing for repurposing, reformatting, infill or intensification of existing centres to take advantage of existing services and to use land more efficiently (TLP 876_1).

- 2. The proposed policy does not have an adverse impact on the integrity of the place type policies or other relevant parts of this Plan.*

The site-specific amendment to the Shopping Area Place Type to permit a range of light industrial uses while maintaining the Shopping Area Place Type on the subject site does not have an adverse impact on the integrity of the Shopping Area Place Type or other relevant parts of this Plan. Commercial or light industrial uses at this location will avail of easy access to significant transportation corridors and will be located near similar uses. As detailed in Section 4.3 of this Staff Report, the recommended uses are not considered noxious or requiring significant mitigation or setbacks and will not impact adjacent lands and are compatible with the existing commercial uses in the area. Further, no Neighbourhoods Place Type is abutting the lands, and the recommended site-specific amendment would restrict residential uses on the subject lands.

- 3. The proposed use is sufficiently unique and distinctive such that it does not establish an argument for a similar exception on other properties in the area.*

The site-specific amendment would permit a range of light industrial uses on a vacant lot in the proximity to Highway 401, allowing for easy access and safe and efficient movement of goods. The site is located near a broad range of retail, commercial and light industrial uses and is bounded by employment lands. The site is of a unique, large size of 26.9 ha that is mostly vacant, with the exception of the former Costco building. Further, the subject site is located within the urban growth boundary and would utilize existing services and infrastructure and contribute to the supply of commercial and light industrial lands near Highway 401.

- 4. The proposed use cannot be reasonably altered to conform to the policies of the place type.*

A site-specific amendment to the Shopping Area Place Type is required to permit a range of light industrial uses such as warehousing/distribution, self-storage and craft brewery. These requested light industrial uses are not listed under the permitted use policies of the Shopping Area Place Type, but are compatible with the existing commercial in the surrounding area and light industrial in the vicinity further to the east and south.

- 5. The proposed policy is in the public interest and represents good planning.*

The site-specific amendment is in the public interest and represents good planning as it facilitates the introduction of new industrial uses that are suitable within the existing site context near employment lands. The amendment supports long-term economic prosperity by promoting opportunities for economic development and community investment-readiness, and is located near Highway 401 to allow for easy access.

Staff are of the opinion that all the above conditions regarding the appropriateness of Specific Area Policies have been met.

4.3 Issue and Consideration #3: Use

The London Plan provides that Shopping Areas in London will differ in size and function, ranging from neighbourhood-oriented centres of a small to medium scale, to very large centres that attract residents from several neighbourhoods or even the city as a whole (TLP 871_). These centres will be designed and developed to create a sense of place and identify and to establish an identifiable hub for commerce and neighbourhood services (TLP 872_). A broad range of retail, service, office, entertainment, recreational, educational, institutional, and residential uses may be permitted within the Shopping Area Place Type. The Shopping Area Place Type allows for flexibility in use and the intensification of existing centres, and encourages the repurposing, reformatting, infill and intensification of existing centres (TLP876_4). Uses with large amounts of outdoor storage, large warehouse components, storage of heavy vehicles, and/or emitting noise, vibration, or dust will not be permitted within the Shopping Area Place Type as well as uses that are not compatible with residential and retail uses (TLP 877_3). The applicant has requested that the Official Plan Amendment would restrict residential uses as they are not compatible with the proposed light industrial uses.

Southwest Area Secondary Plan

The primary permitted uses for the Commercial designation in the Wellington Road/Highway 401 Neighbourhood are uses permitted within the New Format Regional Commercial Node, Auto-oriented Commercial Corridor, Office Area, Regional Facility and Light Industrial designations of the previous Official Plan for the City of London; the *1989 Official Plan*. With the London Plan in full force and effect, the former light industrial use permissions under *SWAP* have been removed and reverts back to the underlying Place Type of The London Plan, which in this case is the Shopping Area Place Type.

Analysis

As previously noted, the subject lands are at a unique location in the City, with close proximity to highway 401 and surrounded by several light industrial areas. As such, Staff are of the opinion that a wider range of uses which are light industrial in nature are considered appropriate. However, based on the application proposed, a number of the requested light industrial uses are anticipated to have an adverse effect on the surrounding commercial uses in terms of noise, smoke, odour or visual appearance and are not compatible with retail uses. Based on the above, requested light industrial uses with large outdoor or heavy vehicle storage components or uses that emit noise, vibration or dust are not being recommended by Staff as part of the proposed amendment. The following list summarizes requested light industrial uses that are not recommend to be included to the permitted uses as part of this Official Plan and Zoning By-law Amendment.

- Light Industrial (LI6):
 - g) Terminal centres;
 - h) Transport terminals.

- Light Industrial (LI1):
 - d) Manufacturing and assembly industries
 - f) Paper and allied products industries excluding pulp and paper and asphalt roofing industries;
 - g) Pharmaceutical and medical product industries;
 - h) Printing, reproduction and data processing industries;
 - i) Research and development establishments;
 - r) Tow truck Business

- Light Industrial (LI1):
 - e) Manufacturing and assembly industries
 - f) Paper and allied products industries excluding pulp and paper and asphalt roofing industries;
 - g) Pharmaceutical and medical product industries;
 - h) Printing, reproduction and data processing industries;
 - i) Research and development establishments;
 - r) Tow truck Business

- Light Industrial (LI2):
 - c) Food, tobacco and beverage processing industries excluding meat packaging;
 - d) Leather and fur processing excluding tanning;
 - h) Textile processing industries

These uses are not compatible with the broad range of retail, service, office, entertainment, recreational, educational, institutional and residential uses permitted in the Shopping Area Place Type and would undermine the long-term vision for the Shopping Area Place Type.

4.4 Issue and Consideration #4: Intensity & Form

The London Plan allows for more intense and efficient use of Shopping Area sites through redevelopment, expansion, and the introduction of residential development. Buildings within the Shopping Area Place Type will not exceed four storeys in height, buildings up to six storeys may be permitted in conformity with Our Tools policies of The London Plan (TLP 878_2). Development within the Shopping Area Place Type will be sensitive to adjacent land uses and employ such methods as transitioning building heights and provide sufficient buffers to ensure compatibility (TLP 878_4).

Policies for the Wellington Road/Highway 401 Neighbourhood in SWAP, speak to providing a range and mix of commercial and office uses, and continue to support and promote employment lands. The Wellington Road South and Highway 401 area will be

characterized by an integrated streetscape having quality and varied built forms. Parking facilities will be screened by small floorplate buildings adjacent to Wellington Road South and Highway 401. Other hard surface and loading areas along these road frontages are discouraged. The overall site design and built form of commercial and industrial buildings along the road edge of Wellington Road South and Highway 401 will support a high-quality gateway image (TLP 1125_2 and 1125_3), which is highlighted in the staff recommendation as a consideration for the Site Plan Approval Authority. Enhanced landscaping along the gateway corridors shall be required as new development or redevelopment occurs in this area (SWAP 20.5.15.ii).

No development is being proposed as part of this Official Plan & Zoning By-law Amendment, and Site Plan approval will be required for any buildings or structures that deviate from the existing Development Agreement (SPA17-111) registered on title. Issues such as access, vehicle turning movements, location of parking, building placement, landscaping, pedestrian connections and other compatibility matters will be addressed at Site Plan.

4.5 Issue and Consideration #5: Green Space Place Type

The subject site contains a remnant Green Space Place Type, based on Map 1 – Place Types of The London Plan. Based on the approved Site Plan Application (SPA17-109) from 2018, this remnant Green Space Place Type appears to be a mapping error, as the vegetation patches were previously removed in 2017 when the lands were rough graded to allow for future development. Ecology staff agrees that no natural heritage features remain on the subject lands. The remnant Green Space Place Type is proposed to be removed as part of a future City-initiated House-Keeping Amendment to The London Plan.

Conclusion

The applicant has requested an amendment to the Official Plan by adding a new policy to the Specific Policies for the Shopping Area Place Type and amending Map 7 – Special Policy Areas – of The London Plan by adding the subject site to the list of Specific Policy Areas. This site-specific amendment to the Shopping Area Place Type would permit a range of light industrial uses on the subject lands. Further, the applicant has requested an amendment to the Zoning By-law Z.-1 to rezone the property from an Associated Shopping Area Commercial Zone to an Associated Shopping Area Commercial Special Provision/holding Light Industrial Zone. Staff are recommending approval of the requested Zoning Bylaw amendment with the holding provisions and special provisions.

The recommended action is consistent with the PPS 2020, conforms to The London Plan, including the Conditions for Special Area Policies, and will permit light industrial uses that are compatible with the Shopping Area Place Type, in addition to the existing commercial use permissions.

Prepared by: Isaac de Ceuster, Planner
Planning Implementation

Reviewed by: Mike Corby, MCIP, RPP
Manager, Planning Implementation

Recommended by: Heather McNeely, MCIP, RPP
Director, Planning and Development

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

Copy:
Britt O'Hagan, Manager, Current Development
Michael Pease, Manager, Site Plans
Brent Lambert, Manager, Development Engineering

Appendix A – Official Plan Amendment

Bill No. (number to be inserted by Clerk's Office)
2023

By-law No. C.P.-XXXX-

A by-law to amend the Official Plan, The London Plan for the City of London, 2016 relating to 3055 Dingman Drive/Roxburgh Road and 4313 Wellington Road South.

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

1. Amendment No. (to be inserted by Clerk's Office) to the Official Plan, The London Plan for the City of London Planning Area – 2016, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. This Amendment shall come into effect in accordance with subsection 17(27) of the *Planning Act, R.S.O. 1990, c.P.13*.

PASSED in Open Council on January 23, 2024.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – January 23, 2024
Second Reading – January 23, 2024
Third Reading – January 23, 2024

AMENDMENT NO.
to the
OFFICIAL PLAN, THE LONDON PLAN, FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to add a policy to the Specific Policies for the Shopping Area Place Type and add the subject lands to Map 7 – Specific Policy Areas - of the City of London to permit a limited range of light industrial uses and would restrict residential uses subject to the policies for the Shopping Area Place Type contained in the Urban Place Types part of this Plan.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands located at 3055 Dingman Drive/Roxburgh Road and 4313 Wellington Road South in the City of London.

C. BASIS OF THE AMENDMENT

The site-specific amendment is consistent with the PPS and policies of The London Plan and the Southwest Area Secondary Plan. The recommended amendment facilitates a broader range of uses of a site within the Wellington Road/Highway 401 Neighbourhood. The recommendation provides for a limited range of light industrial uses that are compatible with the Shopping Area Place Type and address the demand for serviced, light industrial lands along the Highway 401 corridor, allowing easy access for the proposed uses.

D. THE AMENDMENT

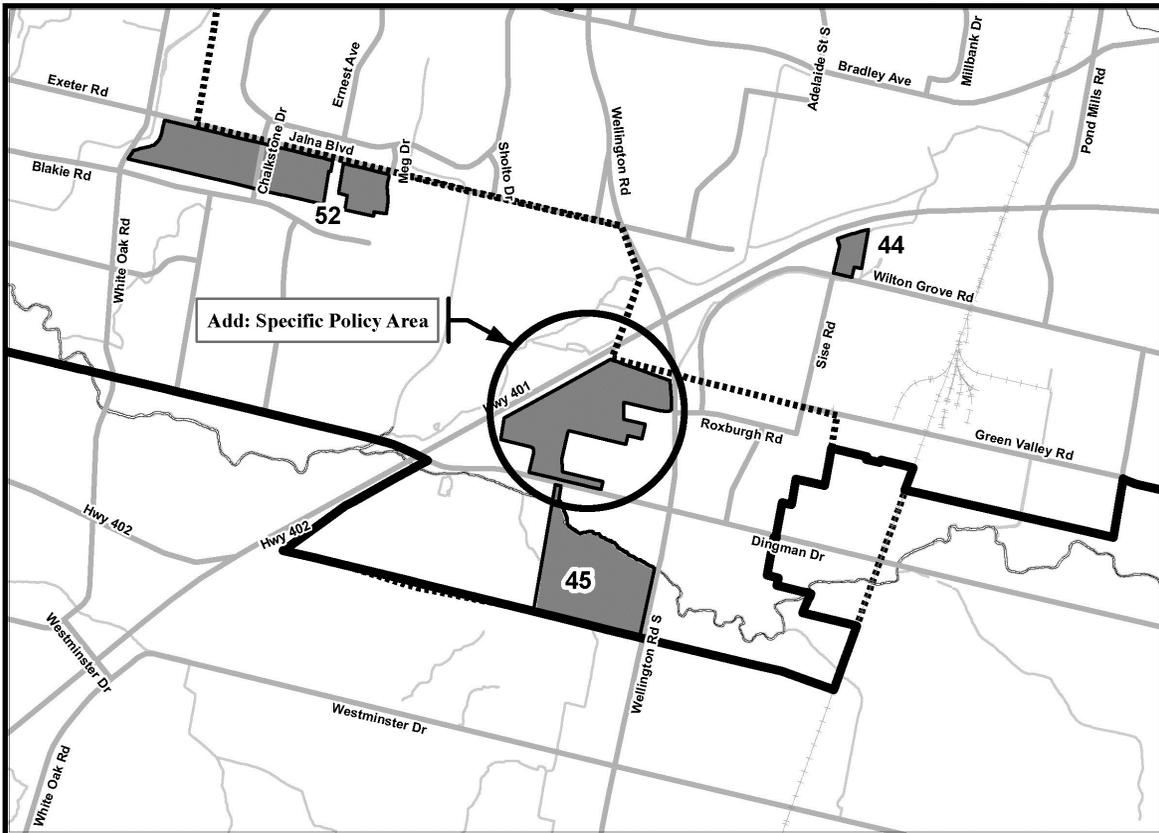
The London Plan for the City of London is hereby amended as follows:

1. Specific Policies for the Shopping Area Place Type of Official Plan, The London Plan, for the City of London is amended by adding the following:

(__) In the Shopping Area Place Type at 3055 Dingman Drive/ Roxburgh Road & 4313 Wellington Road South, a limited range of light industrial uses including warehousing/distribution, self-storage and craft brewing may be permitted.
2. Map 7 - Specific Policy Areas, to the Official Plan, The London Plan, for the City of London Planning Area is amended by adding a Specific Policy Area for the lands located at 3055 Dingman Drive/ Roxburgh Road & 4313 Wellington Road South in the City of London, as indicated on “Schedule 1” attached hereto.

“Schedule 1”

AMENDMENT NO:



LEGEND

-  Specific Policies
-  Rapid Transit and Urban Corridor Specific-Segment Policies
-  Near Campus Neighbourhood
-  Secondary Plans

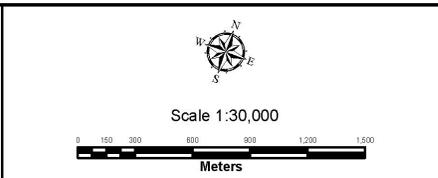
BASE MAP FEATURES

-  Streets (See Map 3)
-  Railways
-  Urban Growth Boundary
-  Water Courses/Ponds

This is an excerpt from the Planning Division's working consolidation of Map 7 - Special Policy Areas of the London Plan, with added notations.

**SCHEDULE 1
TO**
OFFICIAL AMENDMENT NO. _____

PREPARED BY: Planning & Development



FILE NUMBER: OZ-9665
PLANNER: ID
TECHNICIAN: RC
DATE: 11/27/2023

Appendix B – Zoning Bylaw Amendment

Bill No. (number to be inserted by Clerk's Office)
2023

By-law No. Z.-1-

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 3055 Dingman Drive/Roxburgh Road & 4313 Wellington Road South

WHEREAS KWA Site Development Consulting Inc. on behalf of PenEquity Realty Corporation applied to rezone an area of land located at 3055 Dingman Drive/Roxburgh Road and 4313 Wellington Road South, as shown on the map attached to this by-law, as set out below;

AND WHEREAS upon approval of Official Plan Amendment Number (number to be inserted by Clerk's Office) this rezoning will conform to The London 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 3055 Dingman Drive/Roxburgh Road and 4313 Wellington Road South, as shown on the attached map comprising part of Key Map No. A111, **FROM** an Associated Shopping Area Commercial Special Provision (ASA3/ASA5/ASA6(3)/ASA7(1)/ASA8(11)) Zone **TO** an Associated Shopping Area Commercial Special Provision/ holding Light Industrial Special Provision (ASA3/ASA5/ASA6(3)/ASA7(1)/ASA8(11)/h-55*h-212*LI1(_)) Zone.
2. Section Number 40.4 of the Light Industrial Zone is amended by adding the following Special Provisions:

LI1(_) 3055 Dingman Drive/Roxburgh Road and 4313 Wellington Road South

a. Additional Permitted Uses:

- i) Building or contracting establishment;
- ii) Storage depot;
- iii) Self-storage establishments;
- iv) Bakeries;
- v) Business service establishments;
- vi) Manufacturing and assembly industries (does not include household waste recycling depots);
- vii) Offices support;
- viii) Warehouse establishments;
- ix) Wholesale establishments;
- x) Custom workshop;
- xi) Service trade;
- xii) Existing Self-Storage Establishments;
- xiii) Artisan Workshop;
- xiv) Craft Brewery;

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.

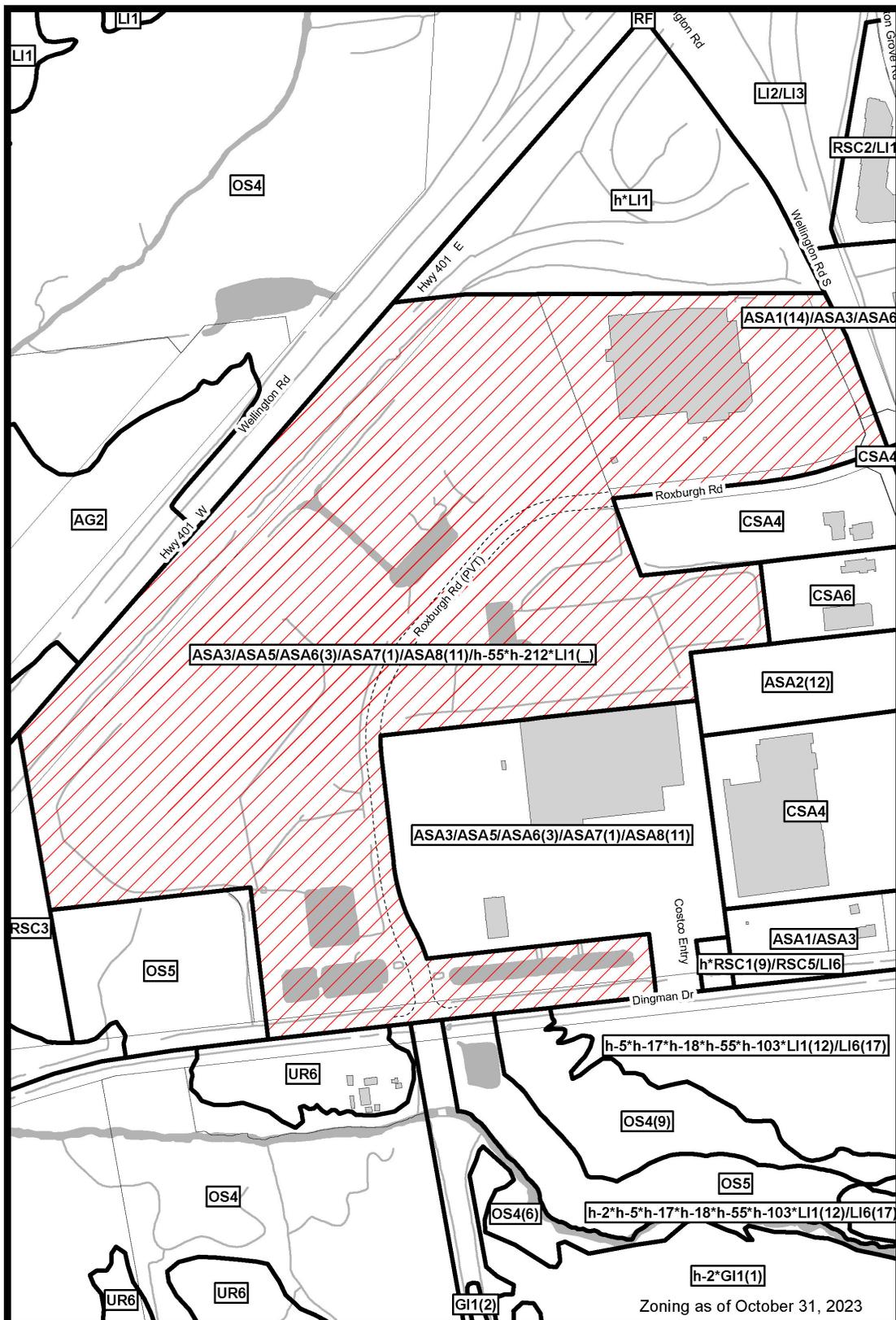
PASSED in Open Council on January 23, 2024

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – January 23, 2024
Second Reading – January 23, 2024
Third Reading – January 23, 2024

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



Zoning as of October 31, 2023

File Number: OZ-9665
 Planner: ID
 Date Prepared: 2023/11/27
 Technician: RC
 By-Law No: Z.-1-

SUBJECT SITE 

1:4,500

0 20 40 80 120 160 Meters



Appendix C - Site and Development Summary

A. Site Information and Context

Site Statistics 3055 Dingman Drive/Roxburgh Road

Current Land Use	Vacant
Frontage	377 metres (1,237 feet)
Depth	583 metres (1,913 feet)
Area	22.4 hectares (55.35 acres)
Shape	irregular
Within Built Area Boundary	No
Within Primary Transit Area	No

Site Statistics 4313 Wellington Road South

Current Land Use	Vacant commercial building
Frontage	153 metres (502 feet)
Depth	259 metres (850 feet)
Area	4.5 hectares (11.12 acres)
Shape	Irregular
Within Built Area Boundary	Yes
Within Primary Transit Area	No

Surrounding Land Uses

North	Highway 401, open space, commercial uses
East	Urban Thoroughfare and interchange to Highway 401, commercial and light industrial uses
South	Open space, agricultural and industrial uses
West	Highway 401, open space, agricultural, commercial, and industrial uses

Proximity to Nearest Amenities

Major Intersection	Wellington Road South & Dingman Drive, 500 metres
Dedicated cycling infrastructure	Wellington Road South, 1,040 metres
London Transit stop	Roxburgh Road, 220 metres
Public open space	White Oaks Park, 2,300 metres

B. Planning Information and Request

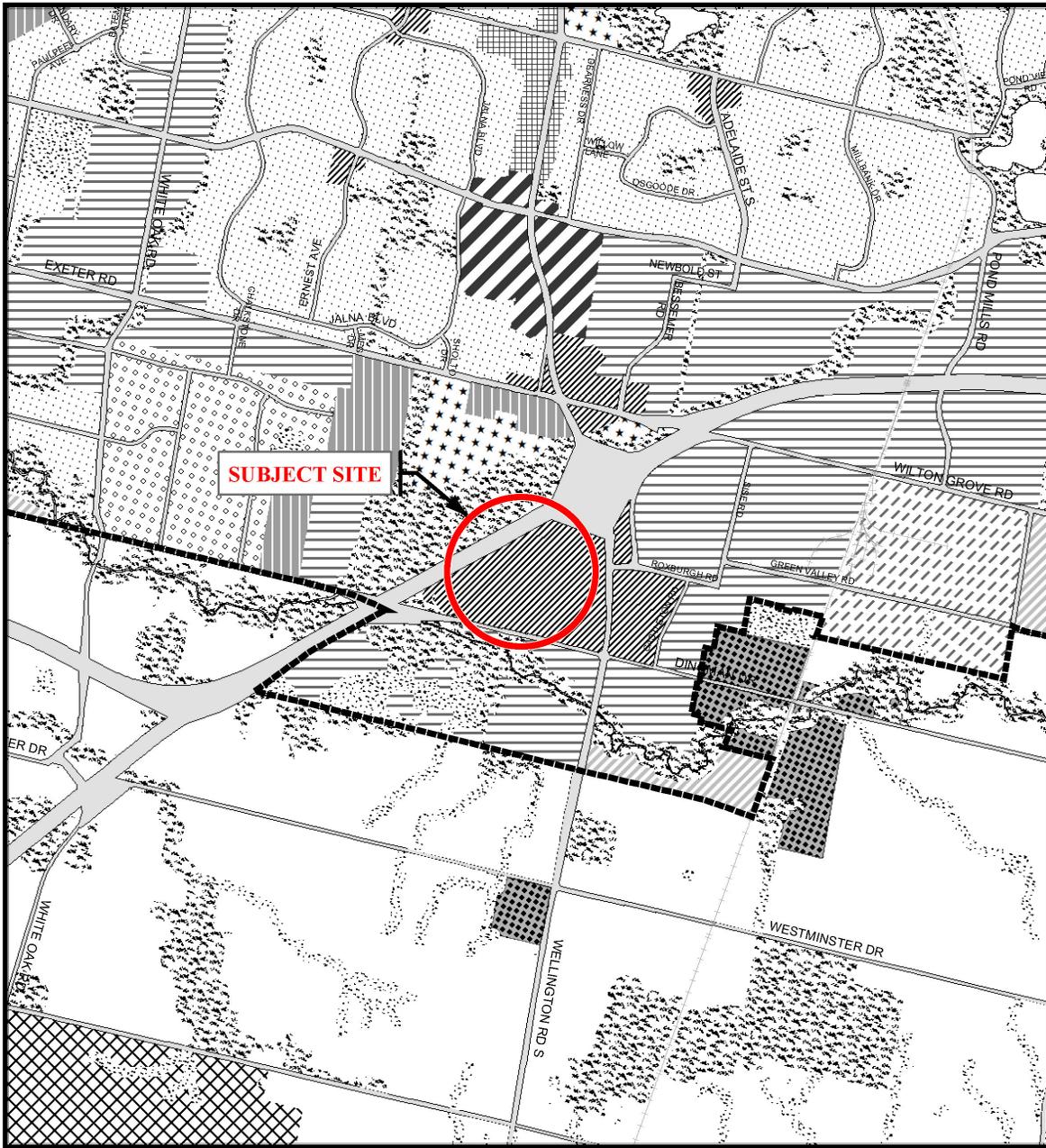
Current Planning Information

Current Place Type	Shopping Area Place Type, Urban Thoroughfare (Wellington Road South) & Civic Boulevard (Dingman Drive)
Current Special Policies	Wellington Road/Highway 401 Neighbourhood of Southwest Area Secondary Plan
Current Zoning	Associated Shopping Area Commercial (ASA3/ASA5/ASA6(3)/ASA7(1)/ASA8(11)) Zone

Requested Designation and Zone

Requested Place Type	Shopping Area Place Type with Special Policy
Requested Special Policies	To permit light industrial uses including warehousing/distribution, self-storage and craft brewing

Requested Zoning	Associated Shopping Area Commercial (h-55()*ASA3/ASA5/ASA6(3)/ASA7(1)/ASA8(11)) Zone
------------------	--



Legend

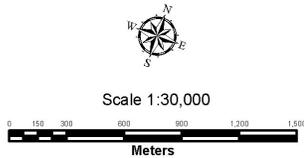
- | | | |
|------------------------|--------------------------|---|
| Downtown | Future Community Growth | Environmental Review |
| Transit Village | Heavy Industrial | Farmland |
| Shopping Area | Light Industrial | Rural Neighbourhood |
| Rapid Transit Corridor | Future Industrial Growth | Waste Management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

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

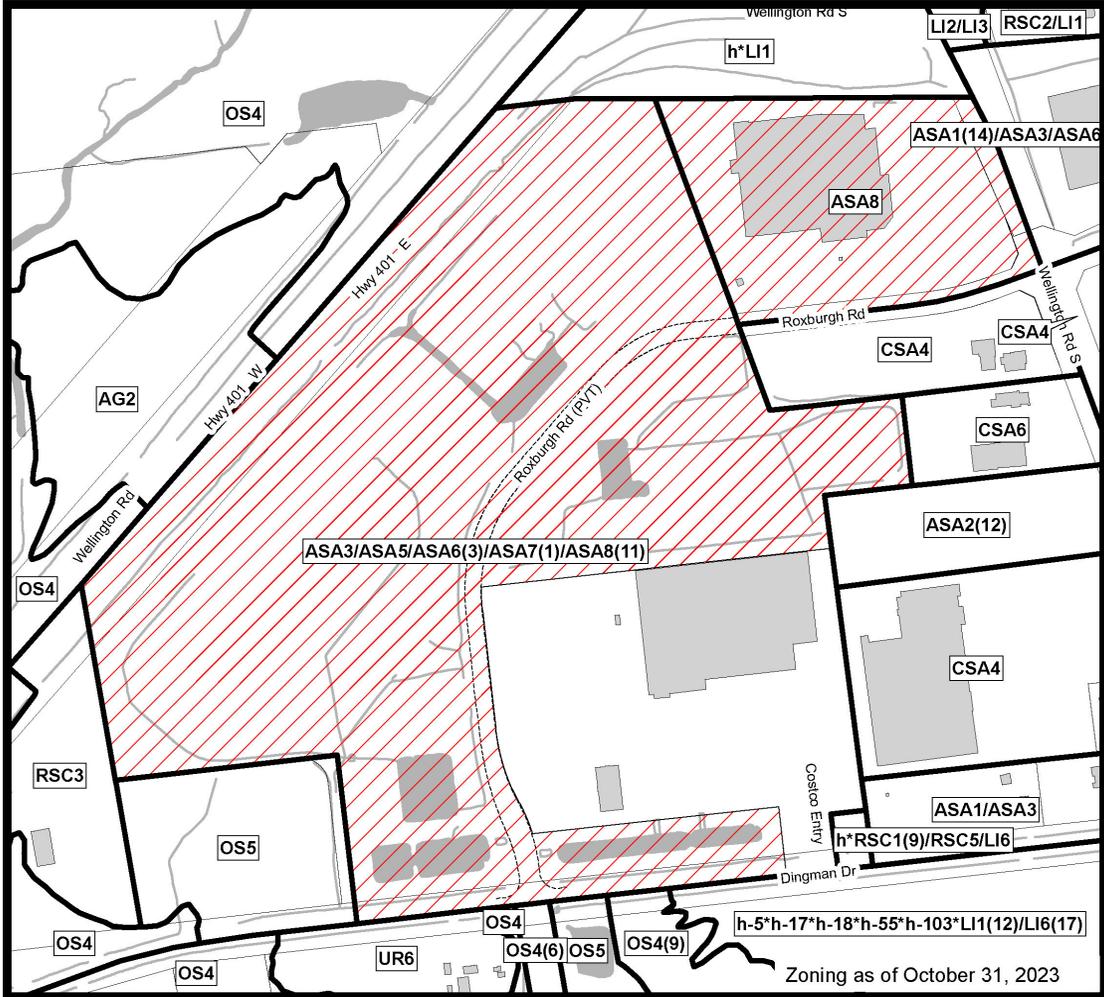
**CITY OF LONDON
Official Plan**

**LONDON PLAN MAP 1
- PLACE TYPES -**

PREPARED BY: Planning & Development



File Number: OZ-9665
Planner: ID
Technician: RC
Date: 2023/11/27



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 | |
| R7 - SENIOR'S HOUSING | OS - OPEN SPACE |
| R8 - MEDIUM DENSITY/LOW RISE APTS. | CR - COMMERCIAL RECREATION |
| R9 - MEDIUM TO HIGH DENSITY APTS. | ER - ENVIRONMENTAL REVIEW |
| R10 - HIGH DENSITY APARTMENTS | |
| R11 - LODGING HOUSE | OB - OFFICE BUSINESS PARK |
| DA - DOWNTOWN AREA | LI - LIGHT INDUSTRIAL |
| RSA - REGIONAL SHOPPING AREA | GI - GENERAL INDUSTRIAL |
| CSA - COMMUNITY SHOPPING AREA | HI - HEAVY INDUSTRIAL |
| NSA - NEIGHBOURHOOD SHOPPING AREA | EX - RESOURCE EXTRACTIVE |
| BDC - BUSINESS DISTRICT COMMERCIAL | UR - URBAN RESERVE |
| AC - ARTERIAL COMMERCIAL | |
| HS - HIGHWAY SERVICE COMMERCIAL | AG - AGRICULTURAL |
| RSC - RESTRICTED SERVICE COMMERCIAL | AGC - AGRICULTURAL COMMERCIAL |
| CC - CONVENIENCE COMMERCIAL | RRC - RURAL SETTLEMENT COMMERCIAL |
| SS - AUTOMOBILE SERVICE STATION | TGS - TEMPORARY GARDEN SUITE |
| ASA - ASSOCIATED SHOPPING AREA COMMERCIAL | RT - RAIL TRANSPORTATION |
| OR - OFFICE/RESIDENTIAL | "h" - HOLDING SYMBOL |
| OC - OFFICE CONVERSION | "D" - DENSITY SYMBOL |
| RO - RESTRICTED OFFICE | "H" - HEIGHT SYMBOL |
| OF - OFFICE | "B" - BONUS SYMBOL |
| | "T" - TEMPORARY USE SYMBOL |

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:

OZ-9665

ID

MAP PREPARED:

2023/11/27

RC

1:5,000

0 25 50 100 150 200

Meters

Appendix E – Internal and Agency Comments

Parks Planning – Received November 17, 2023

Major Issues

- None.
-
- Matters for OPA/ZBA
 - None.
- Matters for Site Plan
 - Parkland dedication will be required in the form of cash in lieu, for all uses except industrial uses that are exempt pursuant to By-law CP-25 and will be finalized at the time of site plan approval.

Urban Design – Received October 25, 2023

Please find below the Urban Design comments for the OZ at 3033 Dingman Drive & 4313 Wellington Road South (OZ-9665):

- As per The London Plan [TLP], the subject site has frontage to a Provincial Highway, an Urban Thoroughfare and a Civic Boulevard and is located within the Shopping Area Place Type, which does not contemplate the proposed use. [TLP 877_3]. However, the site is designated as a “New Format Regional Commercial Node” as part of the Wellington Road/Highway 401 Neighbourhood in the Southwest Area Secondary Plan (SWASP), which contemplates Light Industrial uses (SWASP, 20.5.15.iii).
- **Urban Design is generally supportive of the proposal, provided the wide range of proposed uses (e.g., commercial, office and light industrial) offers a safe and comfortable public realm and supports a high-quality gateway image along Highway 401 East and Wellington Road South. [SWASP 20.5.15.ii]**

Matters for Site Plan

Provide a detailed site plan and a full set of dimensioned elevations for all sides of the proposed built forms. Further urban design comments may follow upon receipt of the drawings.

London Hydro – Received November 15, 2023

- London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. However, London Hydro will require a blanket easement.

Landscape Architecture – Received October 20, 2023

- I do not have any comments to provide on the OPA OZ-9655.

Heritage – Received November 21, 2023

Portions of the property are still identified as having archaeological potential, however, given that no development/soil disturbance is proposed at this time, an Archaeological Assessment is not required.

Site Plan – Received November 20, 2023

An Amending Development Agreement will be required for each phase. A Site Plan Consultation will be required prior to the Amending Development Agreement application for each phase where detailed comments will be provided at that time.

Ministry of Transportation (MTO) – Received November 21, 2023

The Ministry of Transportation (MTO) has completed a review of application OZ-9665. The application has been considered in accordance with the requirements of the *Public Transportation and Highway Improvement Act*, MTO's Highway Access Management Manual and all other related MTO policies. The following outlines MTO comments:

The subject properties are located adjacent to Highway 401, and fall within MTO's Permit Control Area (PCA). As such, MTO permits are required before any demolition, grading, construction or alteration to the site(s) commence.

Highway 401 at this location is classified as a **1A Freeway** in MTO's Access Management Classification System. All requirements, guidelines and best practices in accordance with this classification shall apply.

These comments are based on information received to date and are subject to change upon new or updated documents being provided.

Traffic Impact Study

For MTO to consider support the proposed development / amendments, MTO will require the applicant to submit a Traffic Impact Study (TIS) to MTO for review and acceptance, indicating the anticipated volumes of traffic and its impact upon the provincial highway network.

- The TIS will be prepared by a Registry, Appraisal and Qualification System (RAQS) qualified transportation consultant in accordance with MTO TIS Guidelines attached.
- The MTO list of Prequalified Engineering Service Providers (ESPs), completing Traffic Impact Analysis is publicly available on [MTO Technical Documents website](#), under Qualifications.
- MTO requires the traffic consultant to submit a TIS scope of work for MTO to review, to ensure MTO concerns are addressed.
- Should improvements be identified as warranted and as a condition of MTO permits, the improvements will be designed and constructed to the standards and approval of MTO at the cost of the applicant.
- MTO suggests the owner engage in pre-consultation with MTO to discuss the existing and proposed trip distribution in tabular and a diagram with the volumes distributed in the network. MTO staff would be available to attend a pre-study meeting.

This TIS must be developed in conjunction with the ongoing Comprehensive TIS, which the City of London is currently undertaking.

Official Plan Amendment & Zoning Bylaw Amendment

Within the Official Plan Amendment and Zoning By-Law Amendment, MTO recommends that a holding provision be placed on the subject lands;

Provide a Traffic Impact Study, to the satisfaction of the Ministry of Transportation of Ontario.

MTO will require that a draft of any proposed amendments to the Official Plan or Zoning be provided to MTO for review, prior to approval.

MTO Comments - Permits

In addition to the above TIS comments, MTO provides the following comments which MTO will require to issue permits;

1. MTO Building and Land Use Permits are required prior to any modification of the site(s). As a condition of MTO permits, the following will be required:
 - The Proponent shall submit an acceptable Site Plan, Grading Plans, Drainage Plans, Erosion Control Plans and Site Servicing Plans for MTO review and approval. These plans shall clearly identify all structures/works and parking (existing and proposed).
 - MTO requires all buildings, structures and features integral to the site to be located a minimum of 14m, inclusive of landscaping features, fire-lanes, parking and storm water management facilities.
 -
 - To ensure that stormwater runoff from this property does not adversely affect the Highway drainage system or the highway corridor, MTO will require the owner to submit a Storm Water Management Report along with the above-noted grading/drainage plans for the proposed development for our review and approval.
 - For a comprehensive set of MTO drainage related documentation requirements, please refer to the following link:
<http://www.mto.gov.on.ca/english/publications/drainage-management.shtml>
 -
2. Grading and earth works shall not extend onto MTO owned lands without the approval of MTO.
3. The property owners are required to erect a security fence along MTO's property limits, extending along the entire east and south boundaries of the subject lands. The security fence shall be a minimum of 1.8 metres in height, shall be offset a minimum 0.3 metres away from the existing designated highway property limit, and shall be clearly identified on all plans.
4. Any signage visible from Highway 401, including temporary development signs, must be identified on the plans, must conform to MTO policies and guidelines, and will require a valid MTO Sign Permit before installation.

Upper Thames River Conservation Authority (UTRCA) – Received November 24, 2023

The Upper Thames River Conservation Authority (UTRCA) has reviewed this application with regard for the policies within the Environmental Planning Policy Manual for the Upper Thames River Conservation Authority (June 2006), Section 28 of the *Conservation Authorities Act*, the *Planning Act*, the Provincial Policy Statement (PPS, 2020), and the Upper Thames River Source Protection Area Assessment Report.

BACKGROUND AND PROPOSAL

The subject lands are located in south London and currently are mostly vacant (3055 Dingman Drive) with a portion containing the former Costco building (4313 Wellington Road South). The subject lands are located within the *Shopping Area* Place Type of the London Plan, and are zoned for an extensive range of uses within the *Associated Shopping Area* ASA3, ASA5, ASA6(3), ASA7(1), and ASA8(11).

The application is seeking to broaden the existing permitted uses on the lands to include light industrial uses such as warehouse/distribution, self-storage and craft brewery. Specifically, the applicant seeks to amend the Official Plan to include *Light Industrial* uses to the current *Shopping Area* designation in addition to the current permissions. The applicant further seeks to modify the existing *Associated Shopping Area* zone on a site-specific basis to permit light industrial uses. In addition, the amendment would modify the existing zoning on the former Costco lands to have the same zoning, as amended, as the rest of the lands subject to this application. The UTRCA has been involved in numerous previous discussions with the applicant related

to development requirements on these lands through various *Planning Act* application processes. Comments have been provided to both the applicant and the municipality through these processes.

DELEGATED RESPONSIBILITY AND STATUTORY ROLE

Provincial Policy Statement 2020

The UTRCA has the provincially delegated responsibility for the natural hazard policies of the PPS, as established under the “Provincial One Window Planning System for Natural Hazards” Memorandum of Understanding between Conservation Ontario, the Ministry of Natural Resources and Forestry (MNR) and the Ministry of Municipal Affairs and Housing. Accordingly, the Conservation Authority represents the provincial interest in commenting on development applications with respect to natural hazards and ensures that applications are consistent with the PPS. The UTRCA’s role in the development process is comprehensive and coordinates our planning and permitting interests. Through the plan review process, we ensure that development applications meet the tests of the *Planning Act*, are consistent with the PPS, conform to municipal planning documents, and with the policies in the UTRCA’s Environmental Planning Policy Manual (2006). Permit applications must meet the requirements of Section 28 of the *Conservation Authorities Act* and the policies of the UTRCA’s Environmental Planning Policy Manual (2006). This approach ensures that the principle of development is established through the *Planning Act* approval process and that a permit application can be issued under Section 28 of the *Conservation Authorities Act* once all of the planning matters have been addressed.

CONSERVATION AUTHORITIES ACT - Section 28 Regulations, Ontario Regulation 157/06

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 Dingman Creek and its tributaries.

Please refer to the attached mapping for the location of the regulated features. In cases where a discrepancy in the mapping occurs, the text of the regulation prevails and a feature determined to be present on the landscape may be regulated by the UTRCA.

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.

UTRCA ENVIRONMENTAL PLANNING POLICY MANUAL (2006)

The UTRCA’s Environmental Planning Policy Manual is available online at:

<http://thamesriver.on.ca/planning-permits-maps/utrca-environmental-policy-manual/>

NATURAL HAZARDS

As indicated, the UTRCA represents the provincial interest in commenting on *Planning Act* applications with respect to natural hazards. The PPS directs new development to locate and avoid natural hazards. In Ontario, prevention is the preferred approach for managing hazards in order to reduce or minimize the risk to life and property. This is achieved through land use planning and the Conservation Authority’s regulations with respect to site alteration and development activities.

The UTRCA’s natural hazard policies are consistent with the PPS and those which are applicable to the subject lands include:

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. The Authority also does not support the fragmentation of hazard lands through lot creation which is consistent with the PPS.

3.2.3 Riverine Flooding Hazard Policies

These policies address matters such as the provision of detailed flood plain mapping, flood plain planning approach and uses that may be allowed in the flood plain subject to satisfying the UTRCA's Section 28 permit requirements.

DRINKING WATER SOURCE PROTECTION: Clean Water Act

For policies, mapping and further information pertaining to drinking water source protection; please refer to the approved Source Protection Plan at:

<https://www.sourcewaterprotection.on.ca/approved-source-protection-plan/>

MUNICIPAL PLAN REVIEW FEES

Consistent with UTRCA Board of Directors approved policy, Authority Staff are authorized to collect fees for the review of Planning Act applications and the peer review of technical studies. The applicant will be invoiced, under separate cover, as follows:

Official Plan Amendment (minor)	\$580
Zoning By-law Amendment (minor)	\$580
TOTAL:	\$1,160

The aforementioned fees are based on our 2023 fee schedule. Additional Planning Act application submissions will be subject to additional review fees.

We remind the applicant that an additional Section 28 permit application will be required for any development within the regulation limit. The fee associated with the required Section 28 Permit application will be determined upon review of the submissions.

SUMMARY AND RECOMMENDATIONS

As indicated, the subject lands are regulated by the UTRCA due to the presence of a riverine flooding hazard associated with Dingman Creek and its tributaries. UTRCA staff has had numerous previous discussions with the applicant to review the requirements for development on these lands.

As there is no development being proposed, the UTRCA has no objections to the applications. The UTRCA will continue working with the applicant through the Site Plan process to implement specific development requirements when a development concept comes forward for future uses of the lands.

We would like to remind the applicant that written approval from the UTRCA is required prior to undertaking any works within the regulated area, including but not limited to site alteration, grading or development.

Thank you for the opportunity to comment.

Yours truly,

UPPER THAMES RIVER CONSERVATION AUTHORITY

Aisling Lavery

Land Use Planner I

Enclosure: UTRCA Regulation Limit mapping (please print on legal paper for accurate scales)

c.c.: Mike Corby, City of London

Appendix F – Public Engagement

On October 19, 2023, Notice of Application was sent to 19 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on November 2nd, 2023. Two “Planning Application” signs were also placed on the site.

There were no responses received during the public consultation period.