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**File:OZ-8188**  
**Planner: Mike Corby**

<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING &amp; ENVIRONMENT COMMITTEE</b>
<b>FROM:</b>	<b>JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER</b>
<b>SUBJECT:</b>	<b>APPLICATION BY: CHRIS HAVARIS 360 CRUMLIN SIDEROAD AND 3301 AND 3345 GORE ROAD PUBLIC PARTICIPATION MEETING ON MAY 27, 2014</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of the Managing Director, Planning and City Planner and further to the direction of the Ontario Municipal Board with respect to the lands at 360 Crumlin Road, the following action be taken with respect to the application of Chris Havaris relating to the property located at 360 Crumlin Sideroad and 3301 and 3345 Gore Road:

- (a) The proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on June 10, 2014 to amend the Official Plan **TO** add a Specific Area Policy under Chapter 10.1.3 of the Official Plan;
- (b) The proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on June 10, 2014 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan as amended in part (a) above, to change the zoning of the subject property **FROM** an Agricultural (AG1) Zone **TO** Holding Agricultural Special Provision (h-AG1(\_)) Zone (3345 Gore Road) and **FROM** a Residential R1 (R1-17) Zone **TO** a Residential R1 Special Provision (R1-16(\_)) Zone (360 Crumlin Sideroad) and **FROM** an Agricultural/Holding Open Space/Residential R1 (AG1/h-2•OS4/R1-17) Zone **TO** an Open Space (OS4) Zone (3301 Gore Road);
- (c) Consistent with Policy 19.1.1. of the Official Plan, the subject lands, representing a portion of 3301 Gore Road, **BE INTERPRETED** to be located within the Open Space Designation;
- (d) Pursuant to Section 34(17) of the *Planning Act*, as determined by the Municipal Council, no further notice **BE GIVEN** in respect of the proposed by-law as:
  - The change in zone boundaries for the lands being dedicated to the City at 3301 Gore Road is minor in nature and mirrors the new lot boundaries which were created through a consent application for the purposes of parkland dedication; and,
  - Public uses, such as parks, are permitted in all zones therefore no new uses are being introduced.

<b>PURPOSE AND EFFECT OF RECOMMENDED ACTION</b>
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The purpose and effect of this Official Plan amendment and zoning change is to facilitate the severance of the subject property into four large residential lots and one remnant agricultural parcel which will be able to accommodate a single detached dwelling. The Open Space zone will be dedicated to the City of London for parkland dedication.

<b>RATIONALE</b>
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- i) The recommendation is consistent with the rural area and agricultural lands policies of the Provincial Policy Statement, 2014;

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- ii) The recommendation is consistent with the policies of the City of London Official Plan relating to Rural Settlement Areas.
- iii) The recommendation is consistent with Chapter 10 of the Official Plan which permits policies for Specific Areas where the application of existing policies would not accurately reflect the intent of Council with respect to the future use of the land.
- iv) The recommendation is consistent with the decision of the OMB (Case # PL051297) which designated the lands west of the Natural Heritage feature Rural Settlement Area and that lot creation on the property should be contemplated.

<b>BACKGROUND</b>
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<b>Date Application Accepted:</b> May 9, 2013	<b>Agent:</b> Zelinka Priamo Ltd. (Matt Campbell)
<b>REQUESTED ACTION:</b> Possible amendment to the Official Plan to add a Specific Area policy to permit an undersized agricultural lot through a site specific policy under the Agricultural designation. The site specific policy will only be placed on the most westerly property created through a severance. Possible change to the Zoning By-law Z.-1 <b>FROM</b> an Agricultural (AG1) Zone <b>TO</b> an Agricultural Special Provision (AG1(_)) Zone to recognize the undersized agricultural lot. The remainder of the lands are subject to a possible change in Zoning By-law Z.-1 <b>FROM</b> a Residential R1 (R1-17) Zone <b>TO</b> a Residential R1 (R1-15) Zone which permits single detached dwellings.	

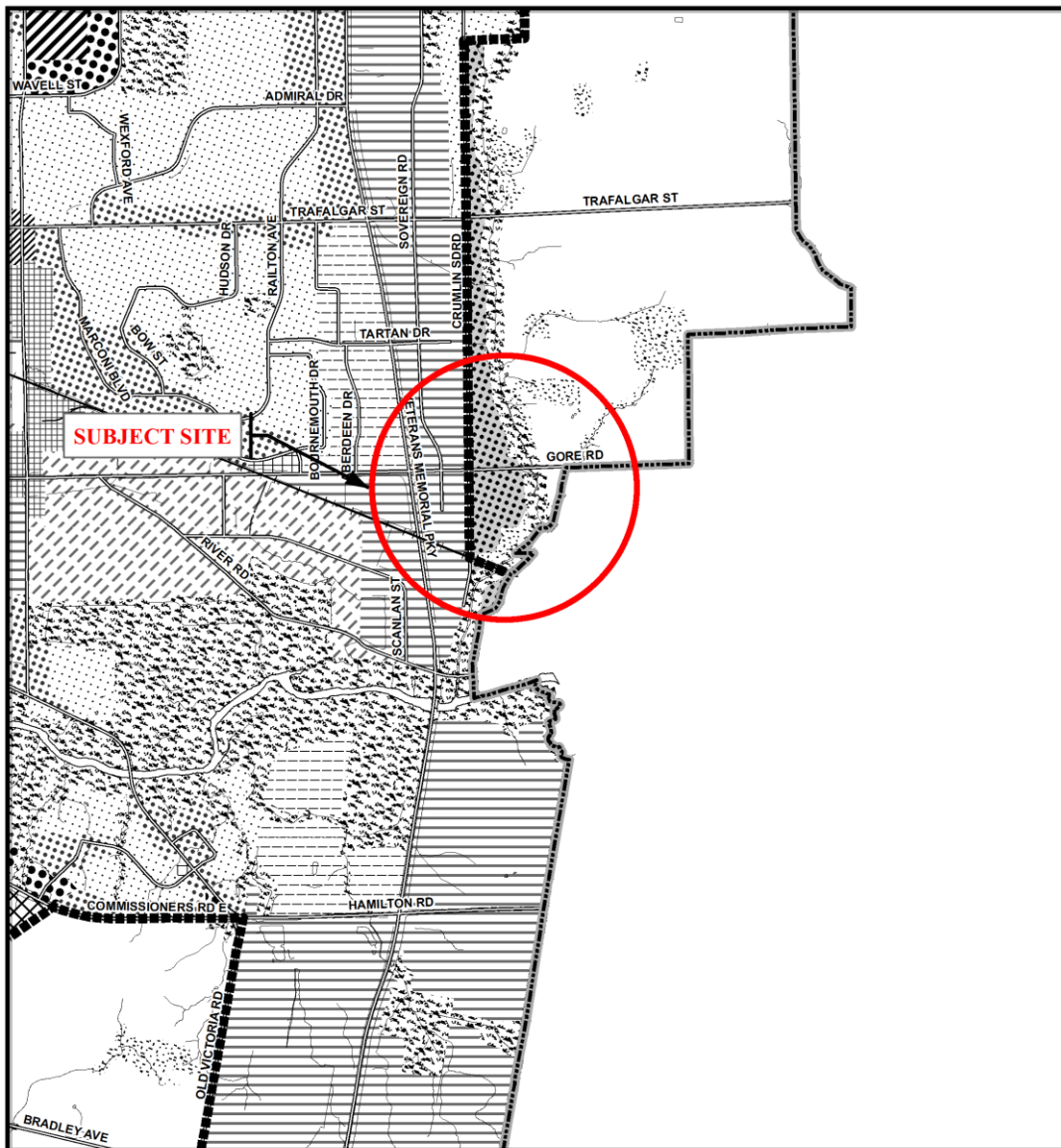
<b>SITE CHARACTERISTICS:</b>
<ul style="list-style-type: none"> <li>• <b>Current Land Use</b> – Agricultural</li> <li>• <b>Frontage</b> – 148m</li> <li>• <b>Depth</b> – 457m</li> <li>• <b>Area</b> – 6.68 ha (16.5 acres)</li> <li>• <b>Shape</b> – Rectangle</li> </ul>

<b>SURROUNDING LAND USES:</b>
<ul style="list-style-type: none"> <li>• <b>North</b> - Agricultural/Rural Settlement</li> <li>• <b>South</b> - Agricultural/Rural Settlement</li> <li>• <b>East</b> - Industrial</li> <li>• <b>West</b> - Ukrainian Club/Agricultural</li> </ul>

<b>OFFICIAL PLAN DESIGNATION:</b> (refer to Official Plan Map)
<ul style="list-style-type: none"> <li>• Rural Settlement (RS)/Open Space (OS)/Environmental Review (ER)/Agricultural (AG)</li> </ul>
<b>EXISTING ZONING:</b> (refer to Zoning Map)
<ul style="list-style-type: none"> <li>• Residential R1 (R1-17)/AG1/ h-2•OS4</li> </ul>

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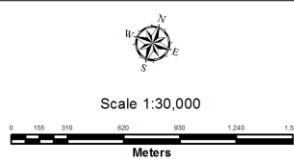


**Legend**

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

**CITY OF LONDON**  
 Department of  
 Planning and Development  
 OFFICIAL PLAN SCHEDULE A  
 - LANDUSE -

PREPARED BY: Graphics and Information Services



FILE NUMBER: OZ-8188

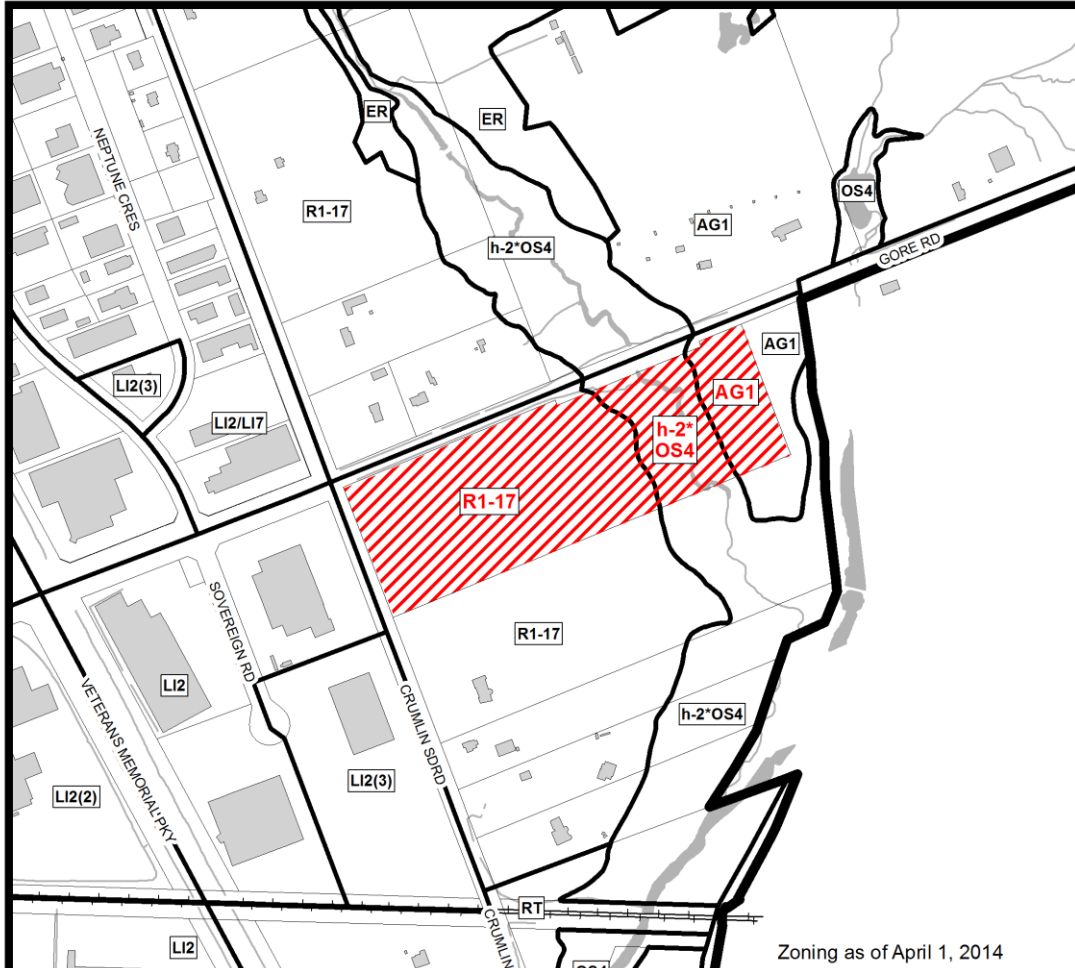
PLANNER: MC

TECHNICIAN: CK

DATE: 2014/04/24

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**COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: R1-17, h-2\*OS4 & AG1**

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

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>R1 - SINGLE DETACHED DWELLINGS</li> <li>R2 - SINGLE AND TWO UNIT DWELLINGS</li> <li>R3 - SINGLE TO FOUR UNIT DWELLINGS</li> <li>R4 - STREET TOWNHOUSE</li> <li>R5 - CLUSTER TOWNHOUSE</li> <li>R6 - CLUSTER HOUSING ALL FORMS</li> <li>R7 - SENIOR'S HOUSING</li> <li>R8 - MEDIUM DENSITY/LOW RISE APTS.</li> <li>R9 - MEDIUM TO HIGH DENSITY APTS.</li> <li>R10 - HIGH DENSITY APARTMENTS</li> <li>R11 - LODGING HOUSE</li> <br/> <li>DA - DOWNTOWN AREA</li> <li>RSA - REGIONAL SHOPPING AREA</li> <li>CSA - COMMUNITY SHOPPING AREA</li> <li>NSA - NEIGHBOURHOOD SHOPPING AREA</li> <li>BDC - BUSINESS DISTRICT COMMERCIAL</li> <li>AC - ARTERIAL COMMERCIAL</li> <li>HS - HIGHWAY SERVICE COMMERCIAL</li> <li>RSC - RESTRICTED SERVICE COMMERCIAL</li> <li>CC - CONVENIENCE COMMERCIAL</li> <li>SS - AUTOMOBILE SERVICE STATION</li> <li>ASA - ASSOCIATED SHOPPING AREA COMMERCIAL</li> <br/> <li>OR - OFFICE/RESIDENTIAL</li> <li>OC - OFFICE CONVERSION</li> <li>RO - RESTRICTED OFFICE</li> <li>OF - OFFICE</li> </ul> | <ul style="list-style-type: none"> <li>RF - REGIONAL FACILITY</li> <li>CF - COMMUNITY FACILITY</li> <li>NF - NEIGHBOURHOOD FACILITY</li> <li>HER - HERITAGE</li> <li>DC - DAY CARE</li> <br/> <li>OS - OPEN SPACE</li> <li>CR - COMMERCIAL RECREATION</li> <li>ER - ENVIRONMENTAL REVIEW</li> <br/> <li>OB - OFFICE BUSINESS PARK</li> <li>LI - LIGHT INDUSTRIAL</li> <li>GI - GENERAL INDUSTRIAL</li> <li>HI - HEAVY INDUSTRIAL</li> <li>EX - RESOURCE EXTRACTIVE</li> <li>UR - URBAN RESERVE</li> <br/> <li>AG - AGRICULTURAL</li> <li>AGC - AGRICULTURAL COMMERCIAL</li> <li>RRC - RURAL SETTLEMENT COMMERCIAL</li> <li>TGS - TEMPORARY GARDEN SUITE</li> <li>RT - RAIL TRANSPORTATION</li> <br/> <li>"h" - HOLDING SYMBOL</li> <li>"D" - DENSITY SYMBOL</li> <li>"H" - HEIGHT SYMBOL</li> <li>"B" - BONUS SYMBOL</li> <li>"T" - TEMPORARY USE SYMBOL</li> </ul> |
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**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:  
 OZ-8188 MC

MAP PREPARED:  
 2014/04/25 CK

1:6,000  
 0 30 60 120 180 240 Meters

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**PLANNING HISTORY**

In 2005 the Planning Division initiated an Official Plan and Zoning By-law amendment to designate the subject lands and surrounding area as Rural Settlement and rezone the lands as Urban Reserve to prevent premature lot creation without municipal services being available. This application resulted in an appeal to the Ontario Municipal Board where it was determined that the R1-17 zone is the most appropriate Zone as it would not sterilize the lands from new development. In granting the R1-17 zone the OMB also regulated the lot size to ensure the lots were large enough to function on private servicing by limiting the minimum lot area to one hectare in size.

**SIGNIFICANT DEPARTMENT/AGENCY COMMENTS**

The City of London's Transportation Department:

- *Transportation has reviewed the application and has no comments regarding the land use change. We have concern with access to Lots 3, 4 and 6 shown in Figure 2 of the Planning Justification Report. Due to the vertical profile of Gore Rd sight lines may not be sufficient to provide safe access to the lots. Through the consent to sever process we requested a plan/profile of Gore Rd be produced to determine existing sight lines. If safe sight lines are not possible then an internal laneway between lots will need to be provided to a location where sufficient sight lines exist. This requirement may also impact development on Lot 1 because the shared laneway may need to be constructed on part of Lot 1.*

*Therefore we request for a holding provision for access on Lots 1, 3, 4 and 6.*

Note: The applicant produced a plan/profile of Gore Rd and safe access locations were determined with the City's Transportation Division so the holding provision is not required.

The City of London's Water Engineering Division

- *There is no municipal water at Crumlin Side Road and Gore Road (360 Crumlin Side Road) for the subject lands.*

The City of London's Wastewater and Drainage Engineering Division:

- *Wade has no objection to this rezoning a private sewage system per Part 8 of the building code is to be provided for each lot subject to Building Division review.*

City of London Stormwater Management Unit:

*The SWM Unit has no objections to the proposed 360 Crumlin Sideroad Zoning By-Law Amendment. All necessary servicing and drainage requirements/ controls, SWM, etc. will be addressed at Site Plan approval.*

*In addition to the Zoning By-Law Amendment, the SWM Unit provides the following comments to be addressed at the site plan approval stage:*

- *The subject lands are located in the Crumlin Drain Subwatershed. The Owner shall be required to comply with the SWM criteria and environmental targets identified in the Crumlin Drain Subwatershed Study, which may include but not be limited to quantity, quality and erosion control.*
- *The owner's Professional Engineer shall prepare a servicing report to address minor,*

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major flows, SWM measures (quantity, quality and erosion control), and identify outlet systems (major and minor) in accordance with City of London Design Permanent Private Stormwater Systems and MOE's requirements, all to the satisfaction of the City Engineer.

- As there is no accessible or available storm sewer the owner's Consulting Professional Engineer will be required to provide an alternative method of storm/drainage (Stormwater Management (SWM)) disposal, all to the satisfaction of the City Engineer. An Environmental Compliance Approval, design drawings, and a geotechnical report may be required to support the proposed alternative system.
- The Owner agrees to promote the implementation of SWM soft measure Best Management Practices (BMP's) within the plan, where possible, to the satisfaction of the City Engineer. The acceptance of these measures by the City will be subject to the presence of adequate geotechnical conditions within this plan and the approval of the City Engineer.
- Prior to the final approval, the owner agrees to have its geotechnical engineer identify all required erosion set back maintenance, erosion, structural, geotechnical and lot line setbacks, and ensure that all matters of slope stability are adequately identified for the subject site, all to the satisfaction of the City Engineer and the Upper Thames River Conservation Authority.
- There is no municipal storm outlet in close proximity to the subject lands. Therefore if a storm outlet is required for the proposed usage on this site, the storm outlet must be identified, subject to UTRCA and City approval.
- The Owner agrees that in accordance with the MOE and City's requirements, adequate setbacks will be maintained and allocated in accordance with the City Council approved Official Plan Policies relating to open watercourse setbacks.
- The Owner's professional geotechnical engineer shall ensure that all geotechnical issues including erosion, maintenance and structural setbacks related to slope stability associated with the Crumlin Drain located on a proposed severed portion are adequately addressed for the subject lands, all to the satisfaction of the City Engineer and the Upper Thames Conservation Authority
- Due to the amount of paved surface area (parking spots) the owner is required to have a consulting Professional Engineer design and install an Oil/Grit Separator to the standards of the Ministry of the Environment and to the satisfaction of the City Engineer.
- The Owner is required to provide a lot grading and drainage plan that includes, but it is not limited to, minor, major storm/drainage flows that are generally contained within the subject site boundaries and safely conveys all minor and major flows up to the 250 year storm event that is stamped by a Professional Engineer, all to the satisfaction of the City Engineer.
- The Owner and their Consulting Professional Engineer shall ensure the storm/drainage conveyance from the existing external drainage through the subject lands are preserved, all to the satisfaction of the City Engineer.
- The owner shall be required to comply with the City's Drainage By-Laws (WM- 4) and acts, to ensure that the post-development storm/drainage discharges from the subject lands will not cause any adverse effects to adjacent lands, , all to the satisfaction of the City Engineer.

Environmental and Ecological Planning Advisory Committee

A its meeting held on June 20, 2013 the Environmental and Ecological Planning Advisory Committee (EEPAC) reviewed and received a Notice dated May 20, 2013, from M. Corby, Planner II, with respect to the application submitted by Chris Havaris relating to the property located at 360 Crumlin Sideroad, and received a communication dated June 4 2013 from C. Creighton, Land Use Planner, Upper Thames River Conservation Authority, with respect to this matter. The EEPAC applauded the efficient and protective approach setting buffers and boundaries and avoiding an Environmental Impact Study (EIS)

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Upper Thames River Conservation Authority

June 4, 2013

*The proposed lot configuration is not consistent with UTRCA policy which does not permit the fragmentation of hazard lands through lot creation. As indicated, the UTRCA requires a geotechnical study to confirm the extent of the natural hazard lands on the subject property. Once this is determined, the hazard lands must be incorporated into one of the new lots. We therefore recommend that this application be deferred to provide the applicant with the opportunity to complete the required geotechnical study. Our staff would be please to meet to discuss our submission requirements for the study.*

March 14, 2014

*The UTRCA has no objections to this application. Lot 4 and Lot 6 will continue to be regulated (the 15 metre allowance will apply) and the Authority should be consulted regarding potential permit requirements for any future development proposed for these lands to confirm whether Section 28 approvals are required.*

<b>PUBLIC LIAISON:</b>	On January 20, 2014, Notice of Application was sent to 10 property owners in the surrounding area. Notice of Application was also published in the <i>Public Notices and Bidding Opportunities</i> section of <i>The Londoner</i> on January 30, 2014. A "Possible Land Use Change" sign was also posted on the site.	4 replies were received
<b>Nature of Liaison:</b> The purpose and effect of the requested Zoning By-law amendment is to facilitate the severance of the subject property into four large residential lots.		
<b>Responses:</b>		
<ul style="list-style-type: none"> <li>- Concerned they will start receiving noise complaints from a new Single Detached Dwelling (Gun Club)</li> <li>- Potential loss in land value.</li> </ul>		

<b>ANALYSIS</b>
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**Provincial Policy Statement 2014**

The PPS 2014 considers settlement areas as urban areas and rural settlement areas, and includes cities, towns, villages and hamlets. Settlement areas are to be *"the focus of growth and development their vitality and regeneration shall be promoted."* The subject site is within an existing rural settlement area which has been identified by Council as being an appropriate location to promote intensification. The proposed single detached dwellings are in keeping with the existing building stock in surrounding settlement area contributing to the development and vitality of the area. Through the planning process, appropriate development standards are being promoted through the conditions of consent which ensure that any risks to the public health and safety are avoided or mitigated. The proposal contributes to the range and mix of housing and keeps the focus of growth and development within an identified Rural Settlement Area. The development of four single detached lots at one hectare in size ensures the lots can support the onsite servicing requirements and avoid the need for the unjustified and/or uneconomical expansion of municipal infrastructure. City staff have reviewed the submitted

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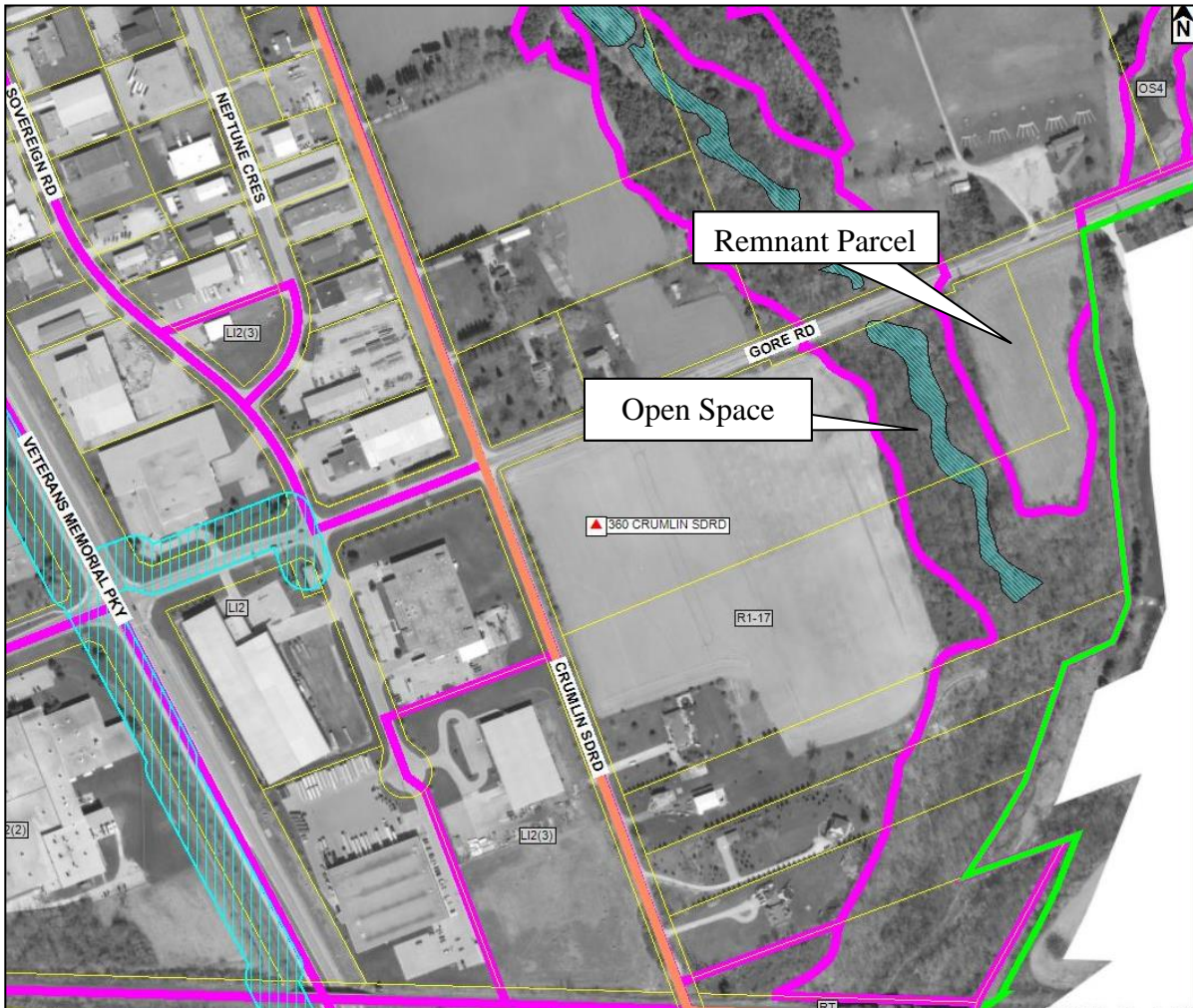
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Minimum Distance Separation report and determined the proposed lots which accompany this application conform to the required setbacks.

*(PPS 2014 sec.1.1.3.1, 1.1.3.3, 1.1.3.4 1.1.4.1c, 1.1.4.2, 1.1.5.2, 1.1.5.4, 1.1.5.5 1.1.5.9)*

Currently a portion of the subject site exists in the Agricultural designation east of the Open Space designation (see below). The existing zone lines result in this portion of land becoming its own parcel which is developable. Through the proposed severance process this portion will legally become its own parcel of land which can be sold and developed independently. The PPS recognizes that lot creation in Agricultural areas may be necessary due to legal or technical reasons. Therefore, it is appropriate to permit the severance of the residential lots on the westerly portion of the subject site, which are designated Rural Settlement, and recognize the existence of the remnant parcel on the eastern portion of the subject site which is designated Agricultural and is created as a lot of record by virtue of being the remainder of the severed lands.

*(PPS 2014 sec 2.3.4.2)*



**Official Plan**

The planning objectives for Rural Settlement land use designations have certain criteria which should be maintained when proposing new development. The recommended amendments are in keeping with the objectives for the Rural Settlement designation as they are providing an opportunity for new non-farm residential uses to locate in a rural area where no loss of prime agricultural lands is occurring. *(City of London Official Plan, Section 9.1.2 "Objectives for the Rural Settlement Designation)*

Single detached dwellings are considered primary permitted uses in Rural Settlement Areas and the policies require that the lots must be suitably sized to ensure that individual on-site water



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supply and wastewater treatment systems can be accommodated and not affect surrounding properties. There is also a specific area policy under section 10.1.3 cxxxi) of the Official Plan that apply to these lands which states that all future residential lots must be one hectare in size in this particular Rural Settlement Area. The proposed lots conform to this policy and no concerns were raised from the City's Engineering Services about the size of the lots and their ability to accommodate the appropriate services.

*(City of London Official Plan, Section 9.3.1. Primary Permitted Uses)*

The Official Plan speaks to the Rural Settlement designation specifically to residential infill and when it is permitted. The rezoning application to allow for the creation of 4 residential lots is in keeping with this policy as no undue extension of, or requirement for, any major service is necessary. As a condition of consent, the proponent must demonstrate that the proposed parcels can provide a natural supply of water which meets or exceeds the Ontario Drinking Water Objectives to the satisfaction of the Middlesex-London Medical Officer of Health, and has provided an adequate potable water supply to the satisfaction of the City's Building Division without affecting the quality and quantity of water in active wells operating in the area. The proposed infill development is located in the middle of a long Rural Settlement designation therefore does not represent any extension of the existing strip or node of non-farm development into the agricultural area. The Ontario Building Code and related consent application will ensure that all the servicing requirements are met.

*(City of London Official Plan, Section 9.3.4 Residential Infill)*

As part of a complete application, a Minimum Distance Separation report has been submitted to ensure that the proposed rezoning and consent will not result in a development that imposes operating constraints on any surrounding livestock operations. City Staff have reviewed the submitted report and believe that no negative impact will occur through the creation of the residential lots. The development of this area is appropriate as it is within a designated Rural Settlement area in accordance with the policies of 9.3 and will not result in the expansion of the designation.

*(City of London Official Plan, Section 9.3.6. Minimum Distance Separation Requirements, Section 9.3.7 Rural Settlement Areas)*

The subject site has three separate Zones and Official Plan designations (Fig 1). These zone boundaries and Official Plan designations, along with the natural feature that runs through the site, divide the property into three distinct areas. The small portion of the property that exists in the Agricultural zone and designation exists separate from the lands to the east as a remnant agricultural parcel. The severance of the land to the east and the dedication of the intervening Open Space lands to the City create this remnant Agricultural parcel. The consent application requires that this portion of land to conform to the Official Plan and Zoning By-law however this lot, as proposed, does not meet the requirements of the applicable Official Plan policies and Zoning By-law regulations. To avoid the unnecessary extension of the Rural Settlement designation or implementation of a residential zone in an agricultural area which does not conform to the Agricultural policies, Planning Staff are recommending the use of a Specific Area policy through Chapter 10 "Policies for Specific Areas" of the Official Plan to recognize the remnant parcel that is created and permit it to function as a stand-alone, undersized Agricultural parcel.

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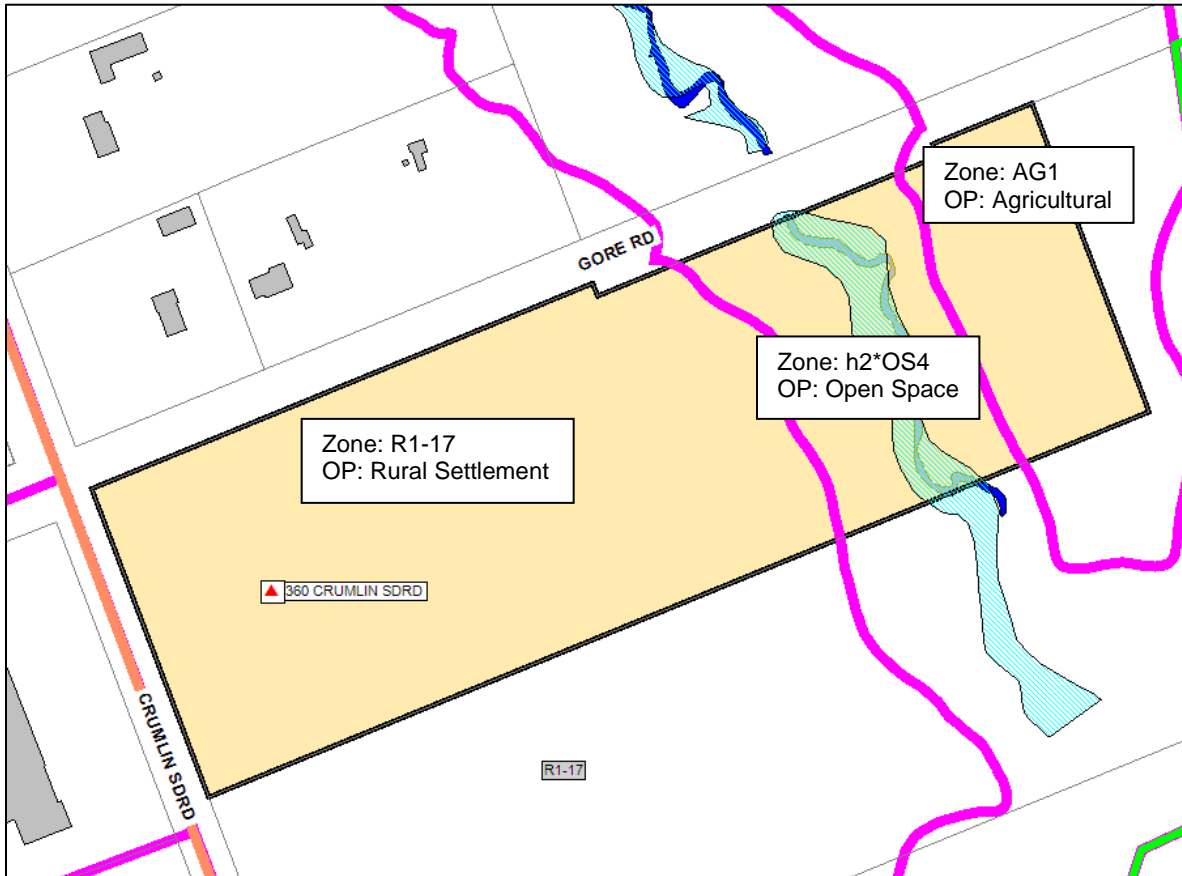


Figure 1

Specific Area policies may be considered where one or more of the specified criteria apply. In the case of this application, it is appropriate to use a Specific Area policy to recognize this portion of land as an Agricultural parcel while applying a special policy because it is a site specific amendment and cannot be accommodated without the inappropriate extension of another land use designation. The use of another designation and zoning could create negative impacts on the surrounding area as it could introduce potential land use conflicts and could set a precedent, leading to the unwarranted expansion into agricultural lands. For those reasons it is appropriate to maintain the existing land use designation while applying a site specific policy.  
*(City of London Official Plan, Section 10.1.1 Criteria)*

When adding a policy for a Specific Area a Planning Impact Analysis is required and the appropriate criteria to be applied are determined by potential impacts on surrounding land use designations. The identified impacts of noise, access and the notion of negatively impacting prime agricultural lands have been addressed throughout the report.  
*(City of London Official Plan, Section 10.1.2. Planning Impact Analysis)*

Through the consent process, parkland is being dedicated to the City comprising a large portion of land that covers the existing Natural Heritage Feature. The lands being dedicated to the City extend slightly into the neighbouring designations of Agriculture and Rural Settlement. The Official Plan allows Council to “*permit minor departures from such boundaries if it is of the opinion that the general intent of the Plan is maintained and that the departure is advisable and reasonable*”. Since the lands are being dedicated to the City to protect the Natural Heritage feature and any discrepancies between the lot lines and Official Plan designations are negligible, it is appropriate to interpret the whole of the lands with the existing Open Space and Environmental Review designations.  
*(City of London Official Plan, Section 19.1 Interpretation)*

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**Zoning**

The application to amend the Zoning By-law is requesting that the current Residential R1 (R1-17) zone be change to a Residential R1 (R1-16) zone. The requested zone allows for the concurrent consent application to proceed in creating 4 residential estate lots on the westerly portion of the subject site (Fig 2, Lots 1-4) which are currently designated Rural Settlement. The Residential R1 (R1-16) zone is intended to apply to large lots for single detached dwellings and is generally applied to lots on individual services in rural areas. In this Rural Settlement area, there are specific Official Plan policies requiring a minimum lot area of 1.0 hectares. To ensure that this lot size is maintained, the use of a special provision is being recommended identifying that a minimum lot area shall be 1.0 ha where the proposed Residential R1 (R1-16) zone permits lots at a minimum size of 0.4ha.

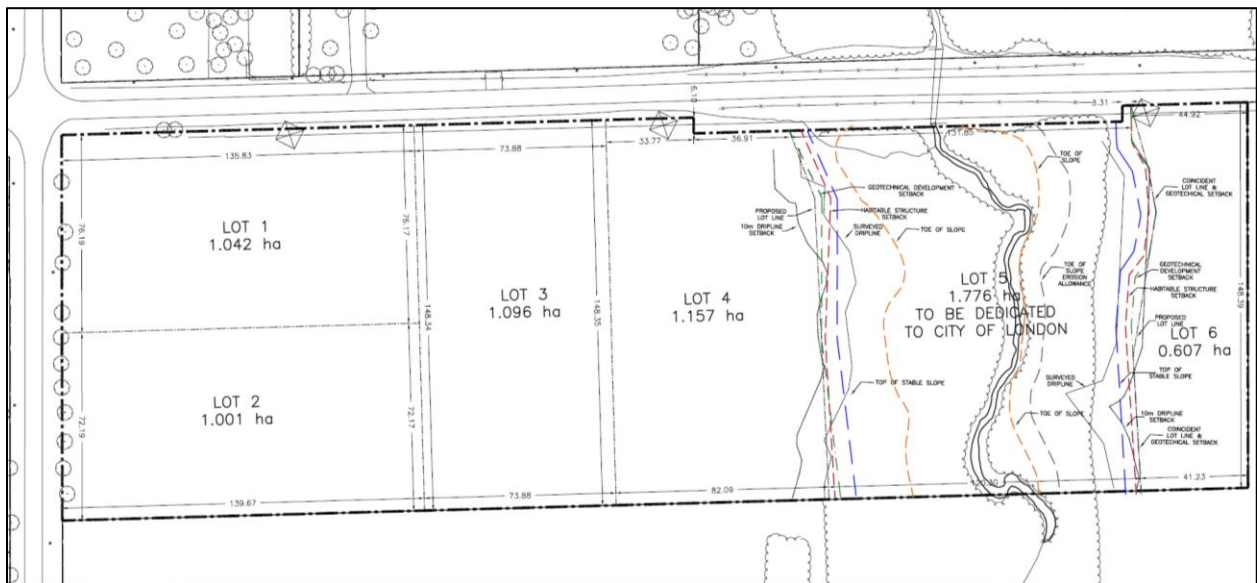


Figure 2

The applicant was required to submit a report evaluating the requirements of the Ministry of Environment Guideline D-6 Compatibility Between Industrial Facilities and Sensitive Land Uses. The report identified that the industrial uses directly west of the subject site would be considered Class II Industrial Facilities in relation to the MOE guidelines. These facilities require a minimum setback between 70 and 300 metres for sensitive land uses (such as residential) depending on impacts produced by the industrial uses. Staff agree with the recommendation provided from the D-6 Guideline report for a setback of 70 metres from the adjacent industrial property lines. The report identified that the rear of the industrial properties are used as storage areas which have limited activity and produce minimal noise. Access to the industrial uses is internal and not off of Crumlin Sideroad. The majority of truck traffic created will come from Veterans Memorial Parkway to Gore Road (see below). The existing industrial buildings help mediate any noise created from delivery trucks as the loading bays are both located on the westerly sides of the building away from the proposed sensitive land uses. Limited odour and dust were observed from the abutting industrial uses. The majority of noise generated in the area came from Veterans Memorial Parkway. This type of noise can be mitigated through the use of berms, building design or other noise attenuation measures. The report also outlines that the current residential units, located to the north and south of the subject site, across from the industrial lands are situated just outside of the proposed 70 metre setback and staff feel it is appropriate to maintain this existing setback distance. Since the road allowance along Crumlin Sideroad is 21.5 metres, any road widening dedication should require a further increase to the 70 metre setback recommendation. In order to ensure that this setback is maintained the proposed special provision will include a minimum front yard setback of 50 metres for all properties fronting Crumlin Sideroad.

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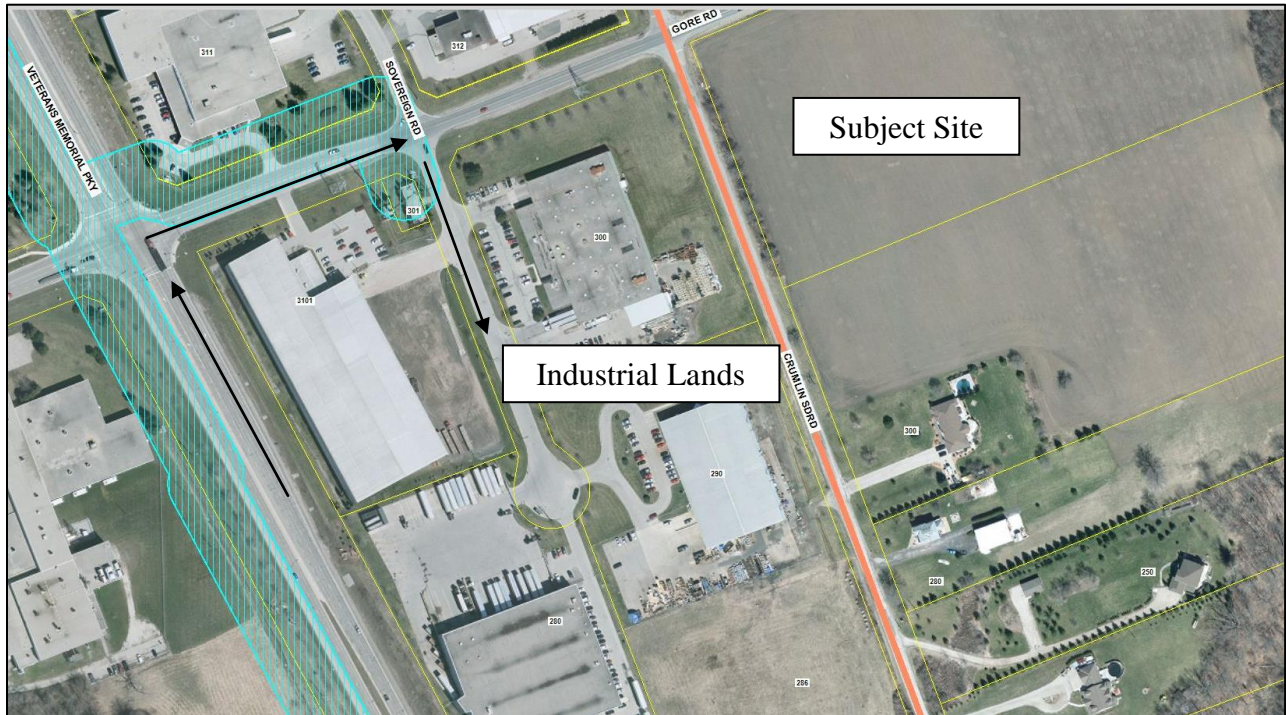


Figure 3

The remnant lot which is created through the severance process (Lot 6, illustrated on Figure 2), also requires a Zoning By-law amendment to implement the proposed Chapter 10 Specific Area policy. The existing Agricultural (AG1) zone will be maintained but the use of a special provision recognizing a lot size of 0.6 hectares and a frontage of 44.5 metres is required and the use of a single detached dwelling will be permitted.

Through the planning process, concerns have been raised about the noise impacts in relation to traffic from Gore Road and Crumlin Sideroad and their effects on future dwellings as well as concerns from the Gun Club, located north of the subject site, that new single detached dwellings will begin to complain about regular activities that occur at the club. Currently, through the consent process, a condition has been put in place requiring the submission of a Noise Study to address these issues. Staff are satisfied that any noise concerns on Lots 1-4 can be mitigated however there are still concerns about the noise impacts on a residential dwelling on Lot 6. Due to the nature of consent applications and their ability to lapse, Planning Staff are recommending that a holding provision be placed on Lot 6 to ensure that if the current consent application is not completed and no properties are created that the noise issues will be addressed before any future development can occur on this portion of land. In an effort to ensure that the land remains viable in the interim, Staff are recommending that any uses permitted under the AG1 zone may still be permitted however, no single detached dwellings can be constructed until the holding provision is removed.

The portion of land being dedicated to the City comprises three different zone variations (see below) and it is recommended that the lands being dedicated to the City as parkland dedication all comprise one Open Space zone. In order to achieve this, it is recommended that the zoning on a portion of the west side of Lot 5 (see below) be changed from a Residential R1 (R1-17) Zone to an Open Space (OS4) Zone and the zoning on the east side of Lot 5 be changed from an Agricultural (AG1) Zone to an Open Space (OS4) Zone.

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**File: OZ-8188**  
**Planner: Mike Corby**

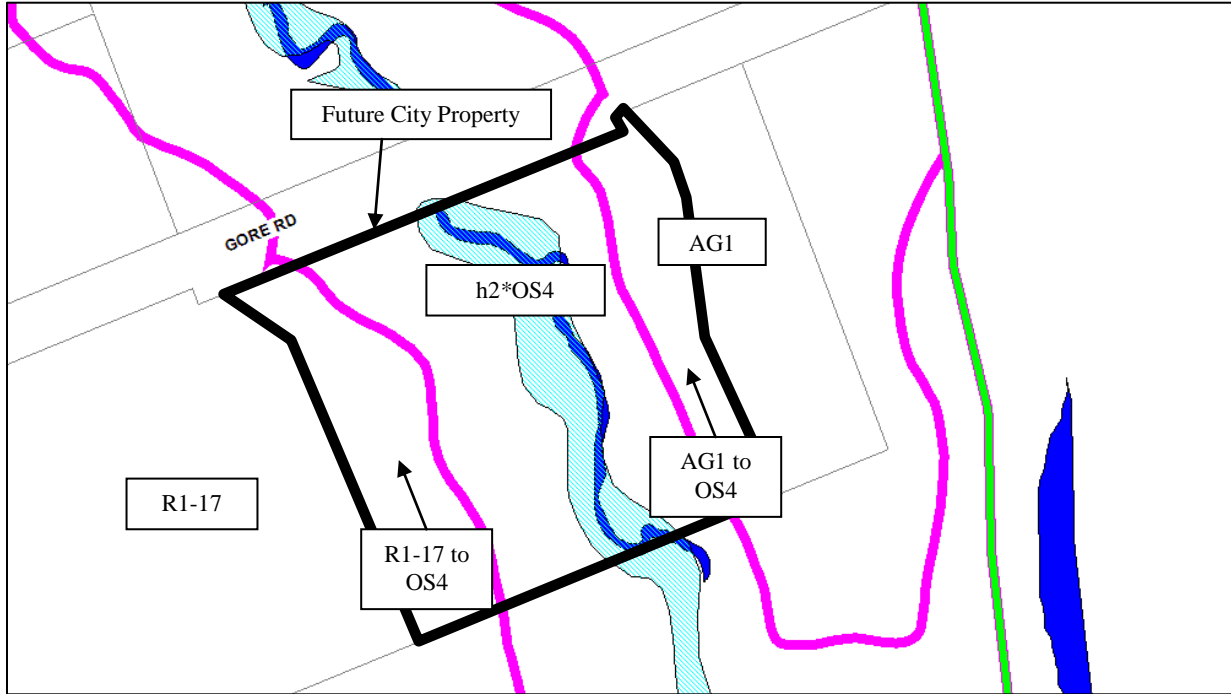


Figure 4 (Illustration of Zoning Change (not to scale))

<b>CONCLUSION</b>
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Staff's recommendation is appropriate as the proposed rezoning is consistent with the Rural Area and Settlement Area policies of the Provincial Policy Statement, 2014, the policies of the City of London Official Plan relating to Rural Settlement Areas, and the direction provided from OMB (Case # PL051297) which designated the lands west of the Natural Heritage feature as Rural Settlement. The creation of a new lot on the eastern portion of the property is the direct result of the OMB approved Zoning and dedication of a natural feature to the City thereby creating a remnant parcel and should be contemplated as a Chapter 10 special provision which recognizes the existing portion of land which exists independently from the rest of the property in an agricultural designation and zone.

<b>PREPARED BY:</b>	<b>SUBMITTED BY:</b>
<b>MIKE CORBY PLANNER II, CURRENT PLANNING</b>	<b>MICHAEL TOMAZINCIC, MCIP, RPP MANAGER, CURRENT PLANNING</b>
<b>RECOMMENDED BY:</b>	
<b>JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER</b>	

April 22, 2014

MC /mc

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**File:OZ-8188**  
**Planner: Mike Corby**

**Responses to Public Liaison Letter and Publication in “Living in the City”**

<b><u>Written</u></b>
Crumlin Sportsman Association, P.O. Box 33007, London ON, N5Y 5L4
Peter Havaris, 300 Crumlin Sideroad, London ON, N6M 1H5
Loretta Marienfeldt, 400 Crumlin Sideroad, London ON, N6M 1H5
Larry Wolynetz, 280 Victoria St. N, Unit 5, Kitchener ON, N2H 5E2

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**File:OZ-8188  
Planner: Mike Corby**

**Bibliography of Information and Materials  
Z-8188**

**Request for Approval:**

City of London Zoning By-Law Amendment Application Form, completed by Chris Havaris,  
On May 2, 2013, Revised Jan 2, 2014

**Reference Documents:**

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

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

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

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

Zelinka Priamo, *Planning Justification Report*, April 29, 2013.

Bio Logic, *Subject Land Status Report*, February 5, 2013

Zelinka Priamo Ltd, *Ministry of Environment Guideline D-6 Compatibility between Industrial Facilities and Sensitive Land Uses*, November 2012

Golders Associate, *Geotechnical Slope Assessment*, November/ Revised December 2013

**Correspondence: (all located in City of London File No. OZ-8188 unless otherwise stated)**

**City of London -**

Clavet Y., City of London Storm Water Management Unit. E-mail to M. Corby. June 17, 2013.

Couvillon A., City of London Transportation Planning and Design Division. Comments from AMANDA, June 3, 2013 and email to M. Corby. April 25, 2014.

Moore R., City of London Water Engineering Division . Comments from AMANDA, June 11, 2013.

Masschelein B., City of London Wastewater and Drainage Engineering Division. Email to M. Corby, June 18, 2013

**Departments and Agencies -**

Creighton C., UTRCA. Letters to M. Corby. June 4, 2014, June 17, 2013, March 14, 2014.

Mercier B., EEPAC. Letter to M. Corby. July 31, 2013.

Irving D., Ministry of Natural Resources (MNR). Various e-mail with M. Enright of Dillon Consulting. September 12, 2007 to September 18, 2007.

Dalrymple D., London Hydro. Memo to M. Corby. May 22, 2013, January 31, 2014.

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**File:OZ-8188**  
**Planner: Mike Corby**

**Appendix "A"**

Bill No. (number to be inserted by Clerk's Office)  
2014

By-law No. C.P.-1284-\_\_\_\_\_

A by-law to amend the Official Plan for the  
City of London, 1989 relating to 3345 Gore  
Road

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 for the City of London Planning Area – 1989, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. This by-law shall come into effect in accordance with subsection 17(38) of the *Planning Act, R.S.O. 1990, c.P.13.*

PASSED in Open Council on June 10, 2014.

Joe Fontana  
Mayor

Catharine Saunders  
City Clerk

First Reading – June 10, 2014  
Second Reading – June 10, 2014  
Third Reading – June 10, 2014



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**File:OZ-8188**  
**Planner: Mike Corby**

**AMENDMENT NO.**

**to the**

**OFFICIAL PLAN FOR THE CITY OF LONDON**

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to amend Section 10.1.3 of the Official Plan for the City of London by adding a new Specific Area policy to permit an undersized lot within the Agricultural Designation.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands located at 3345 Gore Road in the City of London.

C. BASIS OF THE AMENDMENT

The special area policy recognizes the existing portion of land which exists independently from the remainder of the property in an Agricultural designation and zone. It is a site specific amendment and cannot be accommodated without the inappropriate extension of another land use designation.

D. THE AMENDMENT

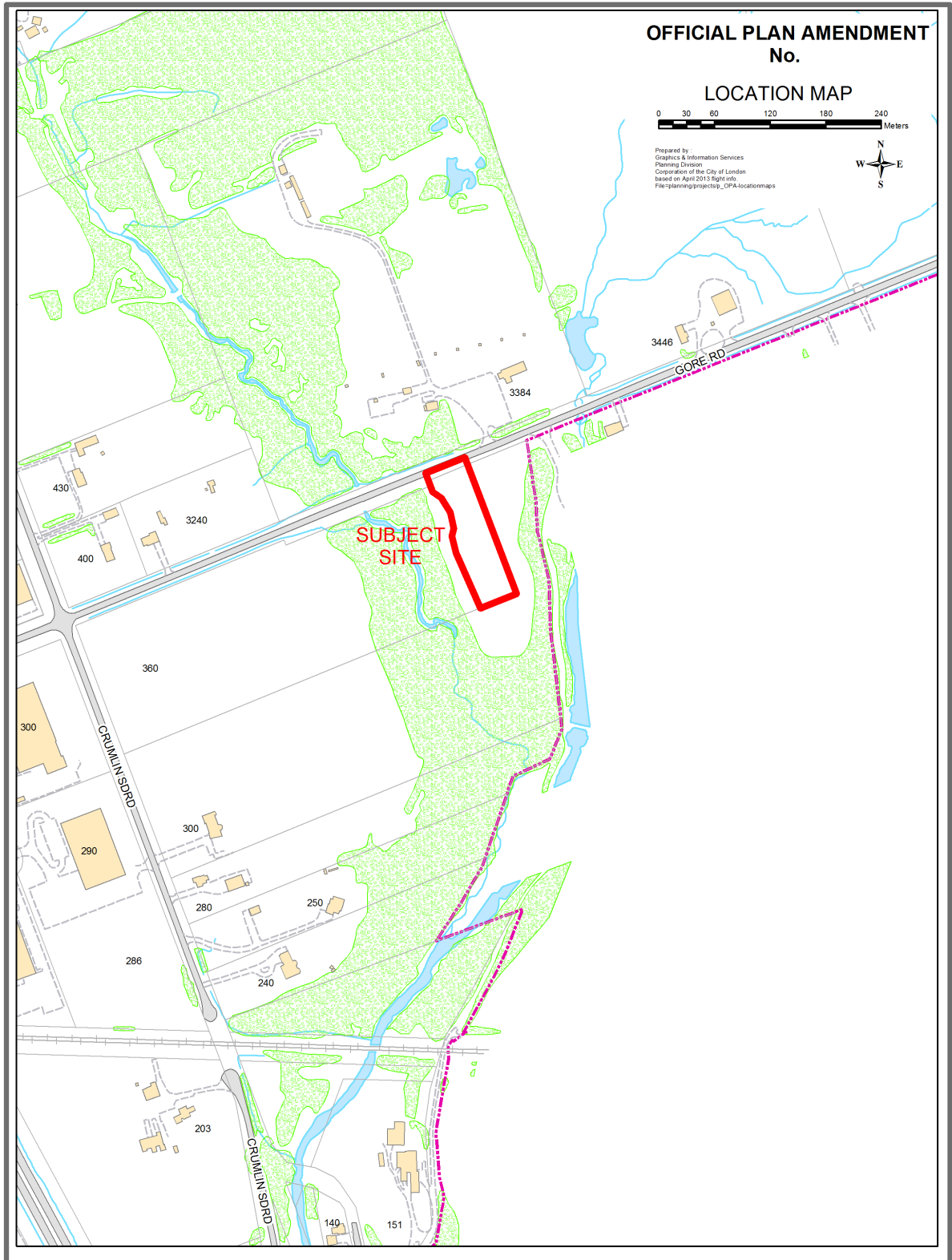
The Official Plan for the City of London is hereby amended as follows:

1. Section 10.1.3 – Specific Areas of the Official Plan for the City of London is amended by adding the following:

In the Agricultural designation located at 3345 Gore Road, east of the existing Open Space designation, a single detached dwelling is permitted on an agricultural lot with a minimum area of 0.6 hectares (1.5 acres) and minimum frontage of 44.5 metres (146 feet).

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File: OZ-8188  
Planner: Mike Corby



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**File:OZ-8188  
Planner: Mike Corby**

**Appendix "B"**

Bill No. (number to be inserted by Clerk's Office)  
2014

By-law No. Z.-1-14\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 360 Crumlin Sideroad, 3301 and 3345 Gore Road.

WHEREAS Chris Havaris has applied to rezone an area of land located at 360 Crumlin Sideroad, 3301 and 3345 Gore Road, 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 Official 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 3345 Gore Road, as shown on the attached map comprising part of Key Map No. A.109, from an Agricultural (AG1) Zone to a Holding Agricultural Special Provision (h-(\_)•AG1(\_)) Zone.
- 2) Section Number 45.4 of the Agricultural (AG) Zone is amended by adding the following Special Provision:

- ) AG1(\_) 3345 Gore Road
  - a) Additional Permitted Use
    - i) Single Detached Dwelling
  - b) Regulation
    - i) Lot Area 0.6 ha (1.5 acres)  
(Minimum)
    - ii) Lot Frontage 44.5 metres (146 feet)  
(Minimum)

- 3) Section 3.8(2) of the Holding Zone Provisions Section to By-law Z.-1 is amended by adding the following holding provisions:

\_) h-\_ Purpose:

*A qualified acoustical consultant prepare; and have accepted by the City of London, a noise study concerning the impact of traffic noise from Gore Road and the Crumlin Sportsmen's Association upon the proposed development lots. The noise study shall include projected noise levels and recommendations for noise abatement in accordance with Ministry of Environment standards. The plans for all dwelling units shall be reviewed and certified by a qualified acoustical engineer before building permits are issued, to ensure that they incorporate the recommended indoor and outdoor noise control measures outlined in the accepted noise study; and the Owner's qualified acoustical*

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**File:OZ-8188  
Planner: Mike Corby**

*consultant and architect shall, upon completion of construction of the accepted noise abatement measures and prior to issuance of occupancy permits, certify the work has been carried out in accordance with the accepted noise study.*

*Permitted Interim Uses: All uses permitted in the AG1 Zone except for "Farm Dwellings".*

- 4) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 360 Crumlin Sideroad, as shown on the attached map comprising part of Key Map No. A.109, from a Residential R1 (R1-17) Zone to a Residential R1 Special Provision (R1-16(\_)) Zone.
- 5) Section Number 5.4 of the Residential (R1-16) Zone is amended by adding the following Special Provision:
  - ) R1-16(\_)
  - a) Regulations
    - iii) Lot Area 1.0 hectare (2.47 acres)  
(Minimum)
    - iv) Front Yard Setback 50 metres (164 feet)  
along Crumlin Sideroad  
(Minimum)
- 6) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 3301 Gore Road, as shown on the attached map comprising part of Key Map No. A.109, from an Agricultural/Holding Open Space/Residential R1 (AG1/h-2•OS4/R1-17) Zone to an Open Space (OS4) Zone.

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on June 10, 2014.

Joe Fontana  
Mayor

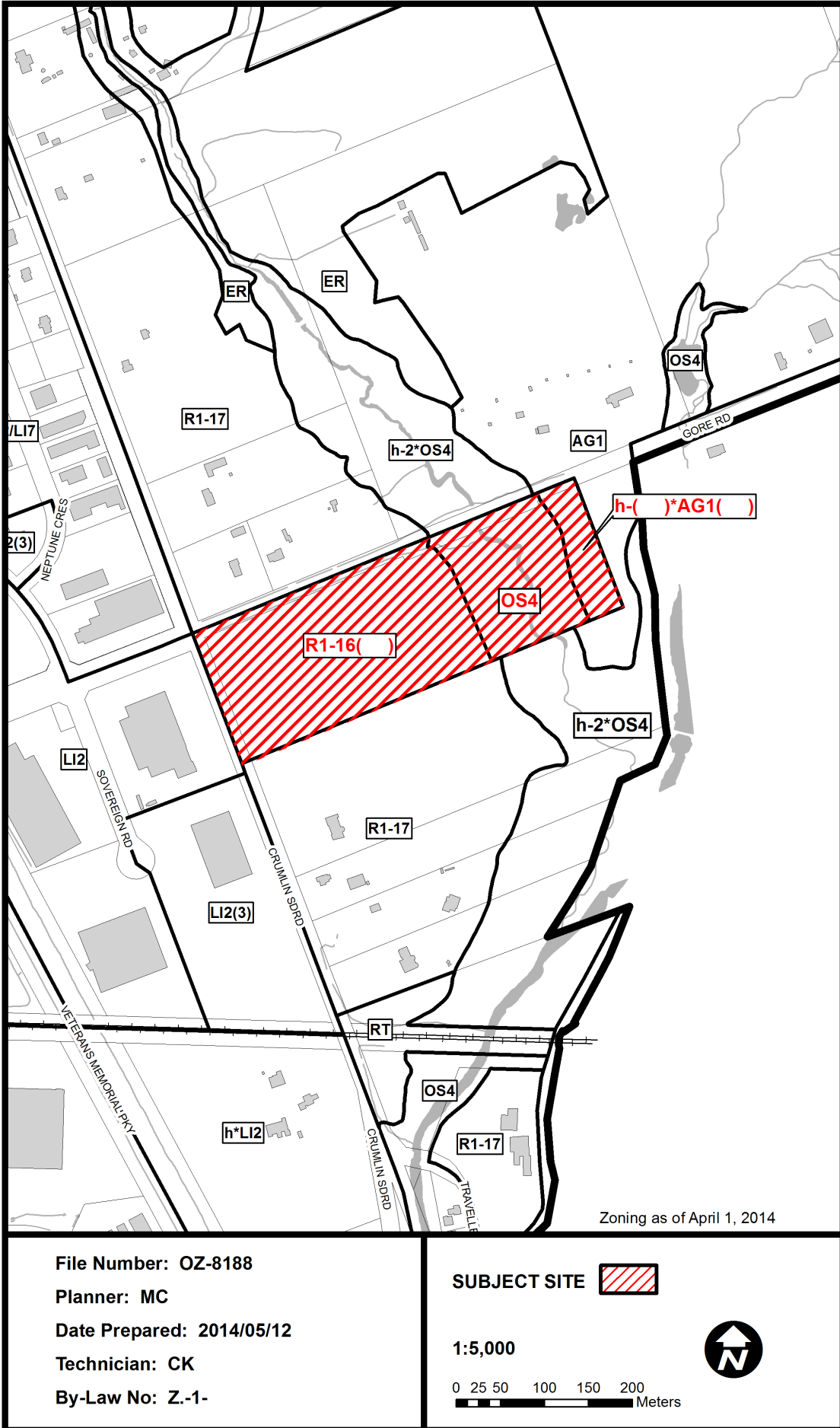
Catharine Saunders  
City Clerk

First Reading – June 10, 2014  
Second Reading – June 10, 2014  
Third Reading – June 10, 2014

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File:OZ-8188  
Planner: Mike Corby

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



Geodatabase