

--	--

File: Z-8342
Planner: Nicole Musicco

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: BRUCE DAVIES 5279 COLONEL TALBOT ROAD PUBLIC PARTICIPATION MEETING ON JULY 22, 2014

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, with respect to the application of Bruce Davies relating to the property located at 5279 Colonel Talbot Road, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on July 29, 2014 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** a Residential R1 (R1-14) Zone **TO** a Residential R1 Special Provision (R1-14()) Zone.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of the requested Zoning By-law amendment is to allow for the continued use of the existing building and contracting establishment and the existing single detached dwelling.

RATIONALE

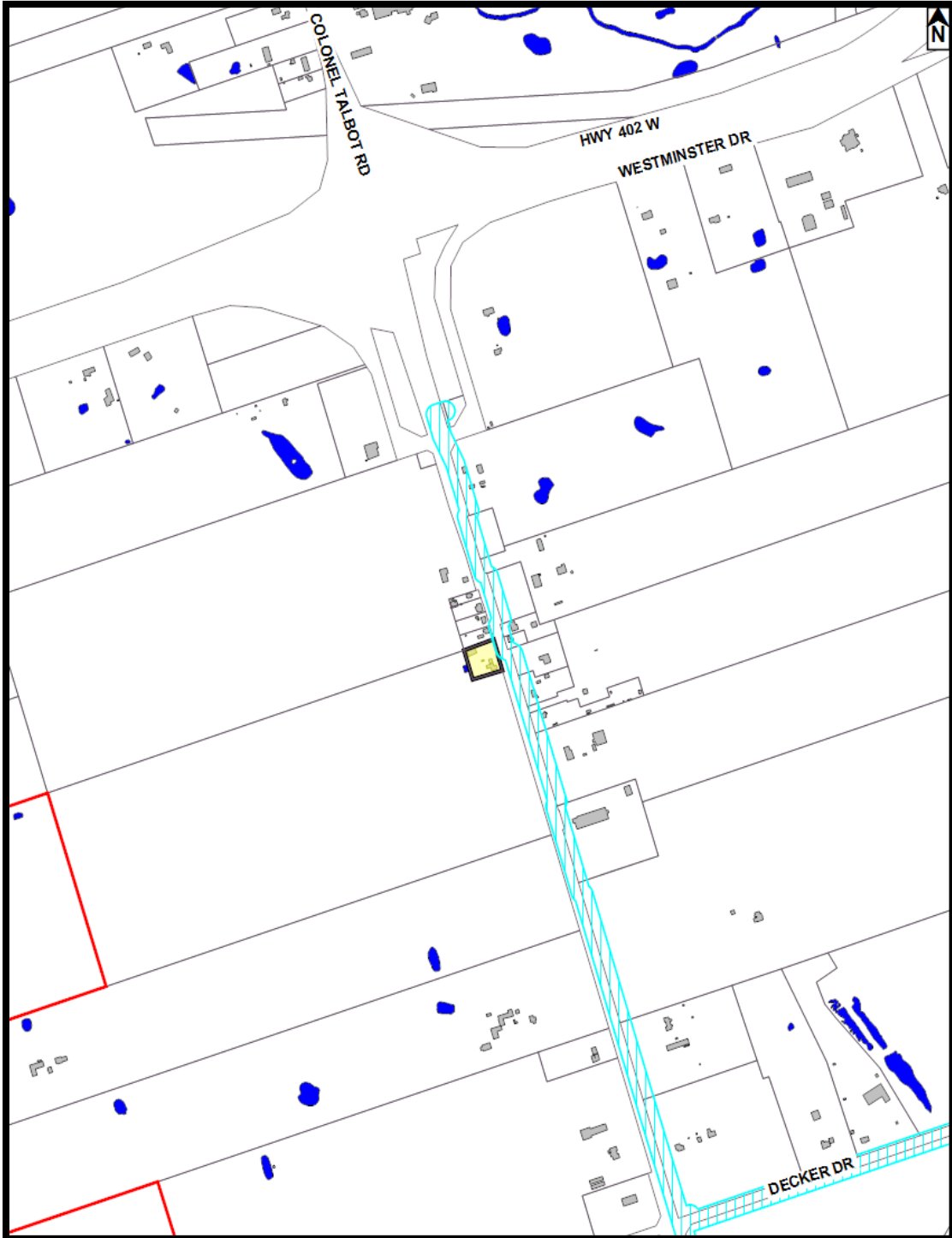
- The recommended amendments are consistent with the polices of the Provincial Policy Statement (2014);
- The proposal is consistent with the policies of the City of London Official Plan relating to Rural Settlement secondary uses and objectives;
- The recommended Zoning By-law amendment provides appropriate regulations to control the use and intensity of the building and limits the development to the existing building or contracting establishment and single-detached residential uses;
- The use has achieved an acceptable measure of compatibility with adjacent uses, is not associated with any building deterioration and does not interfere with the development of conforming uses in the surrounding area

Agenda Item # Page #

--	--

File: Z-8342
Planner: Nicole Musicco

LOCATION MAP



Agenda Item # Page #

--	--

File: Z-8342
Planner: Nicole Musicco



Aerial Photo Location Map

File No.: Z-8342

NM

Date Prepared: 2014/06/03

CK

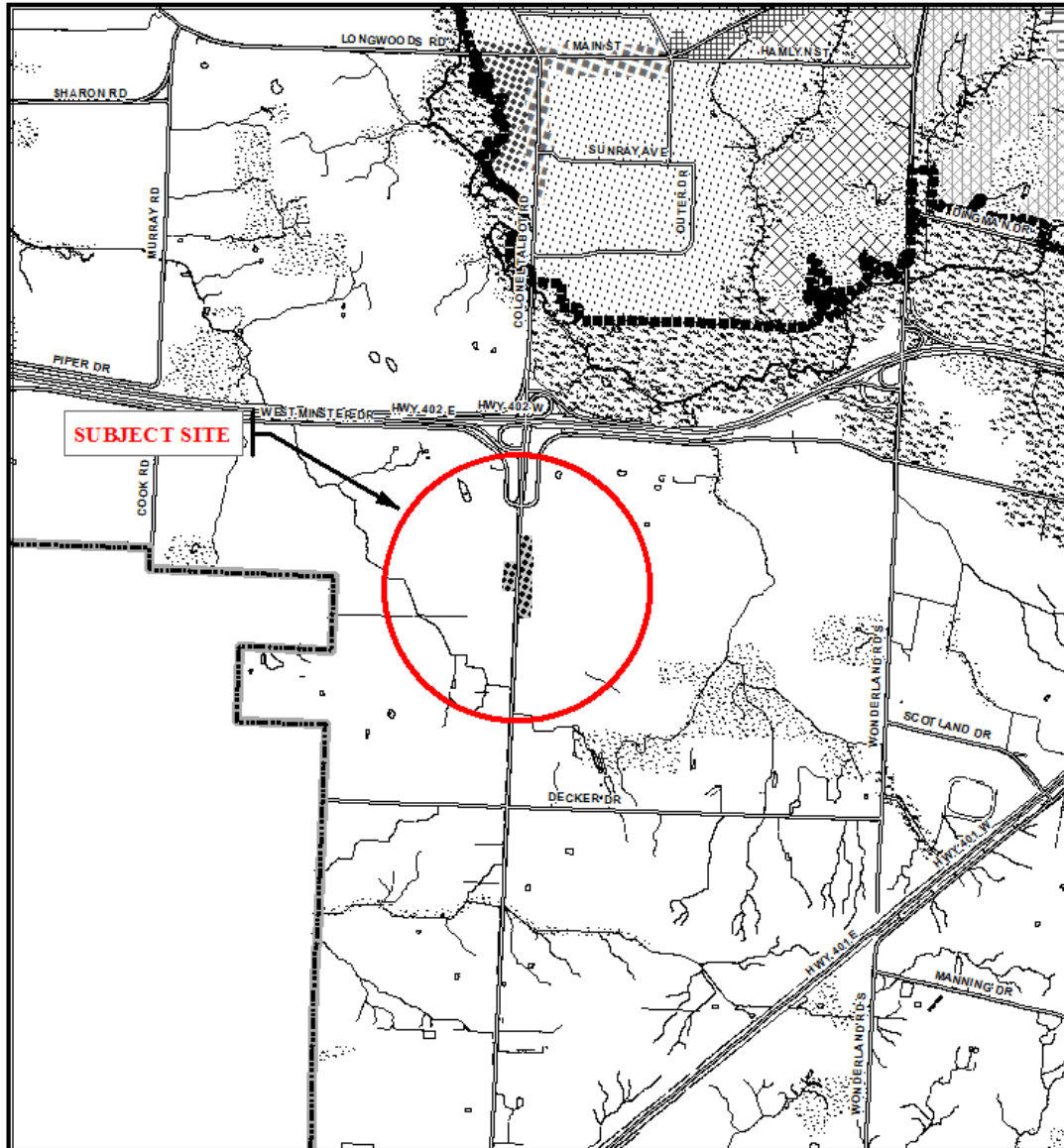
SCALE: 1:5,500



Prepared by : Graphics & Information Services, Planning Division, Corporation of the City of London
Photography based on April 2010 flight info.

Note: Parcel linework, when shown, is not for official or legal use.

--	--

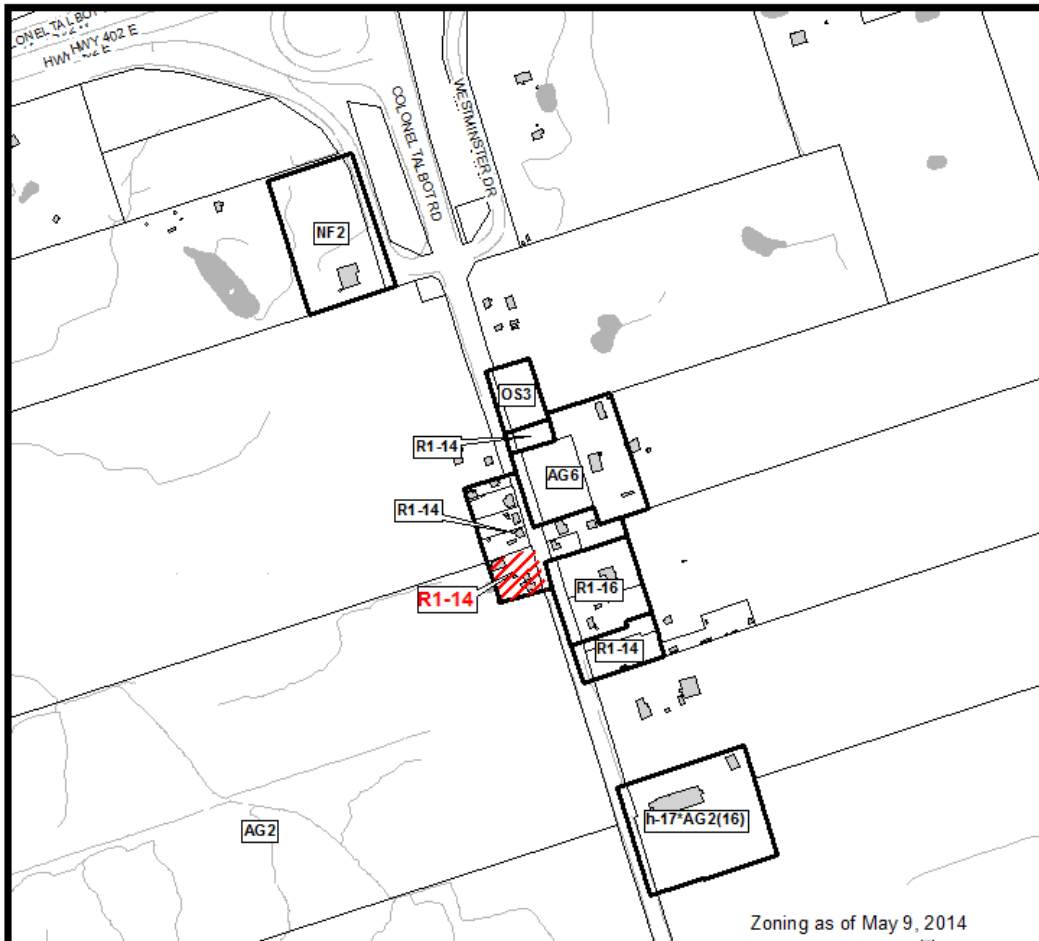


Legend			
	Downtown		Office Business Park
	Enclosed Regional Commercial Node		General Industrial
	New Format Regional Commercial Node		Light Industrial
	Community Commercial Node		Regional Facility
	Neighbourhood Commercial Node		Community Facility
	Main Street Commercial Corridor		Open Space
	Auto-Oriented 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

<p>CITY OF LONDON Department of Planning and Development</p> <p>OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p><small>PREPARED BY: Graphics and Information Services</small></p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: Z-8342</p> <p>PLANNER: NM</p> <p>TECHNICIAN: CK</p> <p>DATE: 2014/08/03</p>
--	-------------------------------------	---

--	--

File: Z-8342
Planner: Nicole Musicco



Zoning as of May 9, 2014

COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

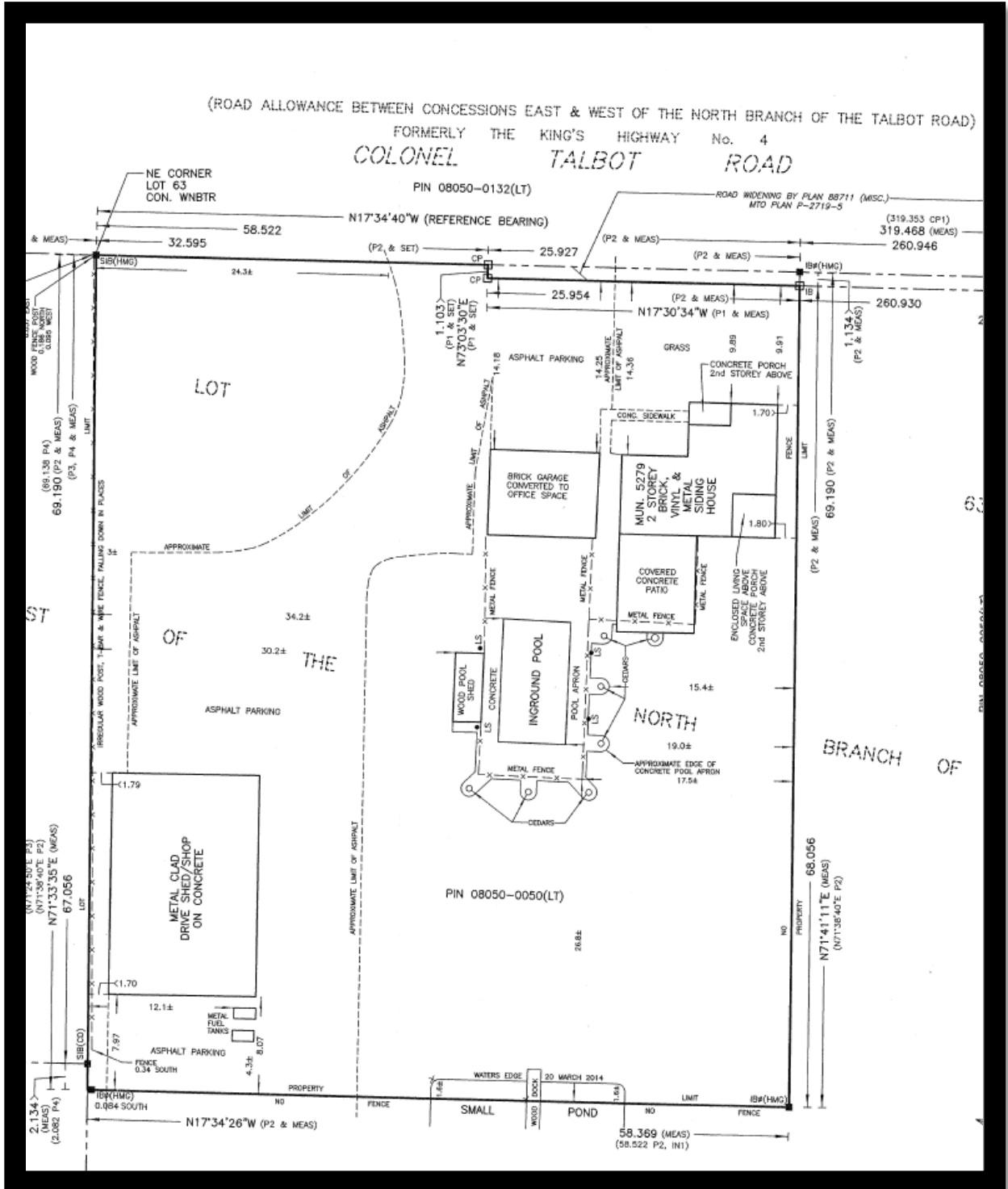
- | | |
|--|---|
| <ul style="list-style-type: none"> R1 - SINGLE DETACHED DWELLINGS R2 - SINGLE AND TWO UNIT DWELLINGS R3 - SINGLE TO FOUR UNIT DWELLINGS R4 - STREET TOWNHOUSE R5 - CLUSTER TOWNHOUSE R6 - CLUSTER HOUSING ALL FORMS R7 - SENIOR'S HOUSING R8 - MEDIUM DENSITY/LOW RISE APTS. R9 - MEDIUM TO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

<p>CITY OF LONDON PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES</p> <p>ZONING BY-LAW NO. Z-1</p> <p>SCHEDULE A</p> <p style="font-size: small;">THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS</p>		<p>FILE NO: Z-8342 NM</p> <hr/> <p>MAP PREPARED: 2014/06/03 CK</p> <hr/> <p style="text-align: center;">1:7,750</p> <p style="text-align: center;">0 37.575 150 225 300 Meters</p>
---	--	--

--	--

File: Z-8342
 Planner: Nicole Musicco

Site Plan



--	--

BACKGROUND

Date Application Accepted: April 8, 2014	Agent: Zelinka Priamo Limited
REQUESTED ACTION:	
<p>The purpose and effect of the requested Zoning By-law amendment is to permit the existing building and contracting establishment and the existing single detached dwelling. Possible amendment to Zoning By-law Z-1 to change the current Z.1 Zoning By-law FROM a Residential R1 (R1-14) Zone which permits a single detached dwelling TO a Rural Settlement Commercial Special Provision (RRC2()) Zone to permit the existing building and contracting establishment and the existing single detached dwelling, including special provisions for a minimum lot area of 4000m², a minimum interior side yard (north and south) of 1.7m, a maximum gross floor area of 500m² for non-residential uses and a landscape open space of 50%.</p>	

SITE CHARACTERISTICS:
<ul style="list-style-type: none"> • Current Land Use – Building or contracting establishment (not permitted by the current zoning) and a single detached dwelling. • Frontage – 58.5 meters • Depth – 69.2 meters • Area – 4014 m² • Shape - Square

SURROUNDING LAND USES:
<ul style="list-style-type: none"> • North - Single detached dwellings • South - Agriculture • East - Single detached dwellings • West - Agriculture

OFFICIAL PLAN DESIGNATION: (refer to Official Plan Map)
Rural Settlement
EXISTING ZONING: (refer to Zoning Map)
Residential R1 (R1-14) Zone

PLANNING HISTORY

A tools distributor operated on the subject lands from 1993 to 2012, after which the current use on the subject lands began. Currently, a paving business operates on the subject lands and utilizes the site as a base of operations and for storage of equipment. The business includes services for Residential driveways, Commercial parking lots, Pathways, Road cuts, Pot Holes, Repairs and patching. On August 28, 2013 the City of London By-law Enforcement Services received a neighbourhood complaint indicating that there was a commercial paving and construction company operating within a residential zone. The applicant has indicated that although the subject lands and the abutting agricultural lands to the west have been used for

--	--

File: Z-8342
Planner: Nicole Musicco

vehicle equipment and storage for the paving business, the storage will be relocated to an industrial site within the City.

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

PUBLIC LIAISON:	On April 10, 2014 Notice of Application was sent to 19 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 April 10, 2014. A "Possible Land Use Change" sign was also posted on the site.	6 replies were received
Nature of Liaison:		
The purpose and effect of the requested Zoning By-law amendment is to permit the existing building and contracting establishment and the existing single detached dwelling. Possible amendment to Zoning By-law Z-1 to change the current Z.1 Zoning By-law FROM a Residential R1 (R1-14) Zone which permits a single detached dwelling TO a Rural Settlement Commercial Special Provision (RRC2())Zone to permit the existing building and contracting establishment and the existing single detached dwelling, including special provisions for a minimum lot area of 4000m ² , a minimum interior side yard (north and south) of 1.7m, a maximum gross floor area of 500m ² for nonresidential uses and a landscape open space of 50%.		
Responses: 3 emails and 2 phone calls were received in support of the application. 1 letter in opposition of the application.		

Public Comments:

- *We are residents of the community of Scottsville (Colonel Talbot Rd) emailing to inform you that we (our family) support the possible change in zoning on Colonel Talbot Rd. We have lived across the street from the applicant for some time and the applicant has yet to disturb or over-step the boundaries. We wish the applicant the best and hoping he is able to resume his business to provide for his family.*
- *Do not have any objections to the proposed rezoning and support the application of Bruce Davies and his agent to this amendment.*
- *Mr. Davies is our next door neighbour. My family and I have lived at 5257 Colonel Talbot Rd for over 64 years and have been very fortunate to have had wonderful neighbours. By far Mr. Davies has been the most upstanding neighbour in the whole community, he has always offered a helping hand and has become a great friend over the years. During the winters he has always helped myself and others in the community clear our driveways (without anyone asking) with his equipment and keeps our centralized mailbox clear (even though it is Canada Posts responsibility). He will not take any payment of any kind and believes in a strong community relationship which completely surprises me that someone would raise a complaint. Again he and his family are dear friends and great neighbours. My family and I strongly support this rezoning amendment. It would be an unnecessary hardship on the community and Mr. Davies if this amendment is not allowed.*

--	--

File: Z-8342
Planner: Nicole Musicco

- *The Scottsville neighbourhood has now a large number of children under the age of 13, A commercial zoning, immediately across the street, which may involve an increase in truck traffic will be detrimental to the health and safety of our children.*
- *Concerns about the water usage of a commercial facility, and its impacts on both a) well water quality and b) well water levels.*
- *Concerned about the effects of light pollution from the facility on the premises. Due to the current location of residential homes, shielding of this light during the nighttime would be nearly impossible. As it currently stands, the facility emits undirected light that has been noted by our neighbours to be a source of annoyance to their quality of sleep and evening enjoyment of their property. Permitting commercial zoning in a residential area will have a detrimental impact on noise levels and the ability of the residents of Scottville to enjoy the use of our property for residential purposes.*
- *The lot in question is very close to a heritage-zoned graveyard. What impact would a commercial zoning have on the welfare of this property?*
- *If the property was zoned R1-14, then why were the buildings in question permitted to be built by the City?*

Response to Public Concerns:

- All Planning application are circulated to our Transportation and Design Division at the City. As part of this application, the Transportation and Design Division did not raise concerns regarding an increase in traffic.
- The subject site is serviced by private water (well) and wastewater (septic) systems. No municipal services exist in proximity to the subject lands.
- The existing Rural Settlement designation permits residential uses in the form of single detached dwellings on suitable sized lots, small scale institutional uses, and small-scale commercial and industrial uses.
- These uses have to be dry in nature and cannot require significant amounts of water in their operation.
- The agent of behalf of the applicant has ensured that the vehicular storage on the agricultural lands to the west of the property will be relocated in an industrial site within the City.
- Since the larger commercial vehicles will be removed from the Site there will be a reduction in the amount of noise generated from the vehicles.
- Within the immediate area there is the Scottsville Cemetery and the North Street United Church is also located within the area. The City of London Heritage Planner is of the opinion is that there will be minimal impacts.
- The construction of the buildings on the subject lands pre-date annexation to the City of London. Notwithstanding this, the existing drive shed was constructed because accessory buildings are permitted in the Residential R1 (R1-14) Zone with a maximum coverage of up to 10% of the lot. It should be noted that the request for an amendment to the Zoning By-law relates to the use that is occurring within the building, and not with the building itself.

--	--

File: Z-8342
Planner: Nicole Musicco

- The agent on behalf of the applicant has indicated that there is a security light on the building and that the light is directed downwards.

Agency Comments:

Environmental and Engineering Services Department

No concerns.

Wastewater and Drainage Engineering - City of London

There is no municipal sanitary outlet for the subject lands.

Water Engineering – City of London

No concerns.

Transportation – City of London

Division provides no comment.

ANALYSIS

Subject Site

The subject lands are located on the west side of Colonel Talbot Road, to the south of the community of Lambeth, in the small rural hamlet of Scottsville. The lands have an area of approximately 0.402 hectares (1.0 acre) with a frontage of approximately 58.5m on Colonel Talbot Road and a depth of 69m. Currently, the site is occupied by a single detached dwelling, swimming pool, and a large drive shed. The surrounding land uses include agricultural (west, south) and low density rural residential (north, east). The site is accessed from Colonel Talbot Road, which is classified as an arterial road on Schedule C -Transportation Corridors in the City of London Official Plan.

Nature of Application

The requested Zoning By-Law amendment is to change the use of the subject lands to a site-specific 'Rural Settlement Commercial Special Provision RRC2() Zone' to permit the existing joint-use of the lands for the purposes of a single detached dwelling and a building or contracting establishment to continue. The current 'Residential R1 Zone (R1-14)' permits only single detached dwellings and accessory uses. The current use of a building or contracting establishment is not permitted under the R1-14 zone. The requested amendment also includes reductions to the zone regulations related to: minimum side yard setbacks; minimum lot area; and, maximum gross floor area for the building or contracting use. These changes are all designed to recognize the conditions existing prior to the current request for rezoning.

The current use on the site has existed for several years; and the applicant has also indicated that the site has also supported various commercial and light industrial uses in the past. The present application is to permit the current building or contracting establishment to continue to operate acknowledging the presence of residential uses in the area.

Provincial Policy Statement (2014)

The Provincial Policy Statement, 2014 (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS promotes healthy, liveable and safe communities by: encouraging efficient development and land use patterns which sustain the financial well-being of the municipality; accommodate an appropriate range and mix of residential, employment and other land uses; and, promoting cost effective standards to minimize land consumption and servicing costs.

Section 1.1.1

Healthy, liveable and safe communities are sustained by:

--	--

File: Z-8342
Planner: Nicole Musicco

Accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;

- The recommended Zoning By-law amendment supports building strong communities by accommodating an appropriate range and mix of uses and expanding the range of employment opportunities.

Section 1.3.1

Planning authorities shall promote economic development and competitiveness by:

Providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;

- The requested Zoning By-Law amendment provides an opportunity to recognize the current use of the subject lands for ancillary light industrial uses within the Scottsville community. Utilization of the lands for commercial and light industrial uses complies with the policies of the PPS.

City of London Official Plan

The Official Plan contains Council's objectives and policies to guide the short-term and long-term physical development of the municipality. The policies promote orderly urban growth and compatibility among land uses. While the objectives and policies in the Official Plan primarily relate to the physical development of the municipality, they also have regard for relevant social, economic and environmental matters.

The current Official Plan designation is Rural Settlement.

*Existing clusters or strips of non-farm settlements outside of the urban community and outside areas designated for urban growth shall be designated Rural Settlement. The areas designated Rural Settlement on Schedule 'A' include the hamlets of Glanworth and **Scottsville**, which have historically developed as farm service centres and currently exist as small residential communities with a mix of small-scale commercial uses. The hamlets are not regarded as centres for growth, and development will be limited to uses that can be accommodated on an infill basis and adequately served by individual waste disposal systems and water supply.*

9.2.1 Objectives for the Rural Settlement Designation

The use of areas designated "Rural Settlement" shall be directed towards the following objectives:

- i) Provide opportunities for the location of new non-farm residential uses in the rural areas on an infill basis, thereby avoiding the loss of productive agricultural lands.*
- ii) Allow for the **infill development of small-scale commercial, industrial** and institutional uses that serve the rural settlement and surrounding rural community, can be accommodated on individual on-site services and are compatible with existing uses.*
- iii) Recognize that the primary intent of the Official Plan is to direct urban development to the urban community and designated growth areas, and to discourage the creation of new rural settlement areas*

- The commercial /industrial use has reached a level of compatibility within the Scottville area. The amendment will allow for the continued use of the Building / Contracting Establishment and the existing single detached dwelling. On-site serving is available and the Building / Contracting Establishment use is considered a "dry" use which can be accommodated on individual on-site services.

--	--

9.3.1 - Primary Permitted Uses

Within areas designated Rural Settlement on Schedule "A" the primary use of land shall be single detached dwellings on lots suitably sized to allow for the proper siting and functioning of individual on-site water supply and wastewater treatment systems..

- The amendment will allow for the continued use of the Single Detached Dwelling as the primary use which is a permitted use in the Rural Settlement designation.

9.3.2 - Secondary Uses

*In addition to the primary residential use, small-scale institutional uses such as parks, community centres, day care centres, group homes, schools and churches will be permitted in areas designated as "Rural Settlement" on Schedule "A". **Small-scale commercial and industrial uses may also be permitted subject to policy 9.3.3.***

- The Rural Settlement designation allows for small-scale commercial and industrial uses.

9.3.3 - Commercial and Industrial Uses

The establishment of new small-scale commercial or industrial uses or the conversion of an existing building to a small-scale commercial or industrial use may be permitted through a site-specific amendment to the Zoning By-law subject to compliance with the following criteria:

- i) *the use does not require municipal water or sewer and any industrial operation shall be of a "dry" nature in that the use will not involve a significant number of employees, use significant amounts of water in its operations, or produce significant amounts of effluent;*
- ii) *the facility has direct access to a provincial highway or municipal road;*
- iii) *the adequacy and potability of water supply and the method of sewage disposal are satisfactory to the authority having approval jurisdiction;*
- iv) *adequate buffering in the form of screening, landscaping, setbacks, outdoor storage restrictions and similar measures to mitigate the potential adverse impacts of the proposed use on nearby residences can be provided;*
- v) *adequate off-street parking is provided;*
- vi) *adequate storm water retention and drainage is available; and*
- vii) *the policies of Chapter 17.*

- The use does not require municipal water or sewer and the industrial component of this application is “dry” in nature and does not involve a significant number of employees, does not use significant amounts of water in its operations, or produce significant amounts of effluent. The subject site has access to a provincial highway. There are sufficient resources for potable water supply and the method of sewage disposal. The reductions to the requested side yard setback requirements to intended to recognize existing conditions and do not introduce new impact. And regulations are proposed to limit the size of the building or contracting establishment to the existing building. Adequate off-street parking is provided and adequate storm water retention and drainage is available.

Chapter 17 Policies

The services dealt with in Chapter 17 include the sanitary sewerage system, both open and closed sanitary landfill sites and other solid waste treatment facilities, stormwater management, water distribution and treatment, electrical services, and other utilities. The planning and provision of these services and utilities is shared among several agencies. The City of London has responsibility for the provision of water distribution, the sewerage system, stormwater

--	--

File: Z-8342
Planner: Nicole Musicco

management, waste management and electrical services (London Hydro). Provision of these services is also subject to appropriate consultation, regulation and approvals from, or through, agencies such as the Conservation Authorities and the Ministry of the Environment, according to requirements of the Environmental Protection Act, the Environmental Assessment Act, the Conservation Authorities Act, the Ontario Water Resources Act and other provincial regulations.

- The proposed amendment is consistent with the policies of Chapter 17 of the Official Plan (Services and Utilities).

The "Rural Settlement" designation permits residential uses in the form of single detached dwellings on suitable sized lots, small scale institutional uses, **and small-scale commercial and industrial uses** subject to Section 9.3.3. The provisions of Section 9.3.3 are related to ensuring proposed uses are "dry" in nature and do not require significant amounts of water in their operation and do not produce significant amounts of effluent, ensuring proper access to municipal roads, and adequate buffering in the form of screening, landscaping, and setbacks to mitigate potential adverse impacts. Small-scale commercial and industrial uses shall also comply with Chapter 17 - Services and Utilities of the Official Plan.

As the requested use falls under the category of small-scale commercial and industrial, the requested Zoning By-Law Amendment is consistent with the general intent, objectives, and policies of the Official Plan. The proposed use conforms to the policies set out in Section 9.3.3 as the use is "dry" in nature, has existing access to a provincial highway, and has adequate potable water service.

Zoning By-law

The Zoning By-law is a comprehensive document used to implement the policies of the Official Plan by regulating the use of land, the intensity of the permitted use, and the built form. This is achieved by applying various zones to all lands within the City of London which identify a list of permitted uses and regulations that frame the context within which development can occur. The permitted uses and regulations assess the ability of a site to accommodate a development proposal. It is important to note that all three criteria of use, intensity, and form must be considered and deemed to be appropriate prior to the approval of any development proposal.

The current zoning is a Residential R1 (R1-14) Zone.

The R1 Zone is the most restrictive residential zone, and provides for and regulates single detached dwellings. The zone variations are symbolized by R1 followed by a dash and a number. There is no main Residential R1 Zone variation as the zone is restricted to only single detached dwelling units. The seventeen variations which comprise the zone are differentiated on the basis of site requirements in order to provide for a range of lot sizes and dwelling styles. The Residential (R1) R1-14 Zone is intended to apply to large lots with single detached dwellings.

- Initially, the requested zoning was for a Rural Settlement Commercial Special Provision (RRC2()) Zone. This zone provides for a limited range of commercial uses within Rural Settlement designations in conformity with Official Plan policies in Section 9.3.2 and 9.3.3. Typically, the Rural Settlement designations are intended to accommodate residential uses, specifically single detached dwellings, while permitting some small-scale commercial and industrial uses which serve the Rural Settlement community and surrounding rural area.
- The RRC2() zone is typically intended to implement a limited range of commercial uses within Rural Settlement designations in conformity with Official Plan policies in Section 9.3.2 and 9.3.3.

--	--

File: Z-8342
Planner: Nicole Musicco

- The three uses requested by the applicant include: the existing single detached dwelling; the existing Building and Contracting Establishment; and, a Service and Repair Establishment.
- The designation contemplates small-scale commercial and industrial uses, and the existing Building or Contracting Establishment has reached a level of compatibility with the surrounding lands uses. However, the request to permit a Service and Repair Establishment represents the introduction of a new use to the subject lands and is effectively an expansion to the range of permitted uses that currently exist, and is better suited within an area that is designated and zoned to permit the use. The applicant and agent are both agreeable to remove the request to permit a Service and Repair Establishment as part of the application.
- Rather than recommending the requested RRC2() Zone, Staff are recommending a Residential R1 Special Provision (R1-14()) Zone consisting of the existing Building or Contracting Establishment, the existing single detached dwelling, a shed and a pool. This will ensure that the Building or Contracting Establishment will act as an ancillary use to the single detached dwelling. Special provisions will also be required to recognize the existing lot conditions including: a minimum lot Area of 4000m²; a minimum Interior Side Yard (North) of 1.7 m (5.7ft); a minimum Interior Side Yard (South) of 1.7 m (5.7 ft); and, a requirement which restricts the building or contracting establishment to the existing building with a maximum Gross Floor Area of 500m².
- *"BUILDING OR CONTRACTING ESTABLISHMENT" means a premises used for the purposes of undertaking or managing activities engaged in maintaining and building new structures, or works, additions or renovations and typically includes the offices of general building contractors, general contractors, specialized trades and building maintenance services such as window cleaning and extermination services and may include a showroom and/or display area open to the general public. Also included is the prefabrication of building equipment and materials and wrecking and demolition contractors' offices, but does not include salvage yards.*
- Staff are also recommending a special provision to include a maximum of 5% open storage measures to mitigate the potential adverse impacts of the proposed use on nearby residences, which the applicant and agent are agreeable to. The applicant will also be removing the large industrial vehicles that are currently located on the adjacent lands to the west of the subject lands.
- *"OPEN STORAGE" means the storage of raw materials, equipment, vehicles or other materials in an area not enclosed within a building or structure but this shall not include an automobile parking lot, the outside display for sale or lease of goods and materials in conjunction with a permitted commercial or industrial use, resource extraction operations, a transport terminal, a salvage yard, or a storage depot.*

CONCLUSION

The special provisions in the Zoning By-law will limit the uses to the existing Building and Contracting Establishment and Single detached dwelling. Any further expansion of the Building and Contracting Establishment use would require a submission of a new Planning Act application. Rural areas have traditionally accommodated both non-farm residences and non-farm commercial and industrial uses. The proposed Zoning By-Law Amendment for the subject lands is intended to recognize and permit a use which has operated for some time. By recommending a Residential R1 (R1-14()) Zone, it maintains the residential intent while recognizing and permitting the existing Building or Contracting Establishment as an ancillary use to the single detached dwelling. The subject lands have been used for various commercial and light industrial uses since prior to both the Town of Westminster and City of London Zoning

Agenda Item # Page #

--	--

File: Z-8342
Planner: Nicole Musicco

By-Laws, without land use conflicts. The uses permitted by the proposed Zoning By-Law Amendment will not create any adverse impacts on surrounding land uses. The applicant is not proposing any external changes to the buildings. The use has achieved an acceptable measure of compatibility with adjacent uses, is not associated with any building deterioration and does not interfere with the development of conforming uses in the surrounding area.

PREPARED BY:	SUBMITTED BY:
NICOLE MUSICCO – PLANNER II CURRENT PLANNING	MICHAEL TOMAZINCIC, MCIP, RPP MANAGER, CURRENT PLANNING
RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER	

May 27, 2014/ nm
Y:\Shared\implemen\DEVELOPMENT APPS\2014 Applications 8309 to\8342Z - 5279 Colonel Talbot Rd (NM)\Z-8342_PEC REPORT.docx

--	--

File: Z-8342
Planner: Nicole Musicco

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

<u>Telephone</u>	<u>Written</u>
Robert Horne	Nikki Moyer – 5256 Colonel Talbot Road
Lorne White	Alan + Donna Arroyas – 5258 Colonel Talbot Road
	Tim Bayless – 5257 Colonel Talbot Road
	Ryan Fraser and Bridget Plumb – 5286 Colonel Talbot Road.

--	--

File: Z-8342
Planner: Nicole Musicco

Bibliography of Information and Materials
Z-8342

Request for Approval:

City of London Zoning By-law Application Form, completed by Zelinka Priamo Limited , April 8, 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*, 2014.

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

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

Planning Justification Report - Zelinka Priamo Limited – March 26, 2014

Correspondence: (all located in City of London File No. Z-8342 unless otherwise stated)

City of London

Memo from I. Abushehada (Development Services) to N. Musicco – May 29, 2014.

Email from R. Moore (Sanitary) to N. Musicco – April 11, 2014.

AMANDA – Transportation Division and Water Engineering – April 11, 2014.

Two empty rectangular boxes for agenda item and page numbers.

File: Z-8342
Planner: Nicole Musicco

Appendix "A"

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 5279
Colonel Talbot Road.

WHEREAS Bruce Davies has applied to rezone an area of land located at 5279
Colonel Talbot Road, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands
located at 5279 Colonel Talbot Road, as shown on the attached map comprising part of Key
Map No. A114, from a Residential R1 (R1-14) Zone to a Residential R1 Special Provision R1-
14() Zone.

2) Section Number 5.4 of the Residential R1 (R1-14()) Zone is amended by adding the
following Special Provisions:

R1-14() 5279 Colonel Talbot Road

a) Additional Permitted Use

i) Building or Contracting Establishment ancillary to the
single detached dwelling

b) Regulation[s]

i) Lot Area 4000m2
(Minimum)

ii) Interior Side Yard (North) 1.7m (5.7ft)
(Minimum)

iii) Interior Side Yard (South) 1.7m (5.7ft)
(Minimum)

iv) Gross Floor Area of non-residential use 500m2
(Maximum)

v) Building or Contracting Establishment uses limited to
existing accessory building.

vi) Open Storage 5%
(Maximum)

Agenda Item # Page #

--	--

File: Z-8342
Planner: Nicole Musicco

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 July 29, 2014.

J. Baechler
Mayor

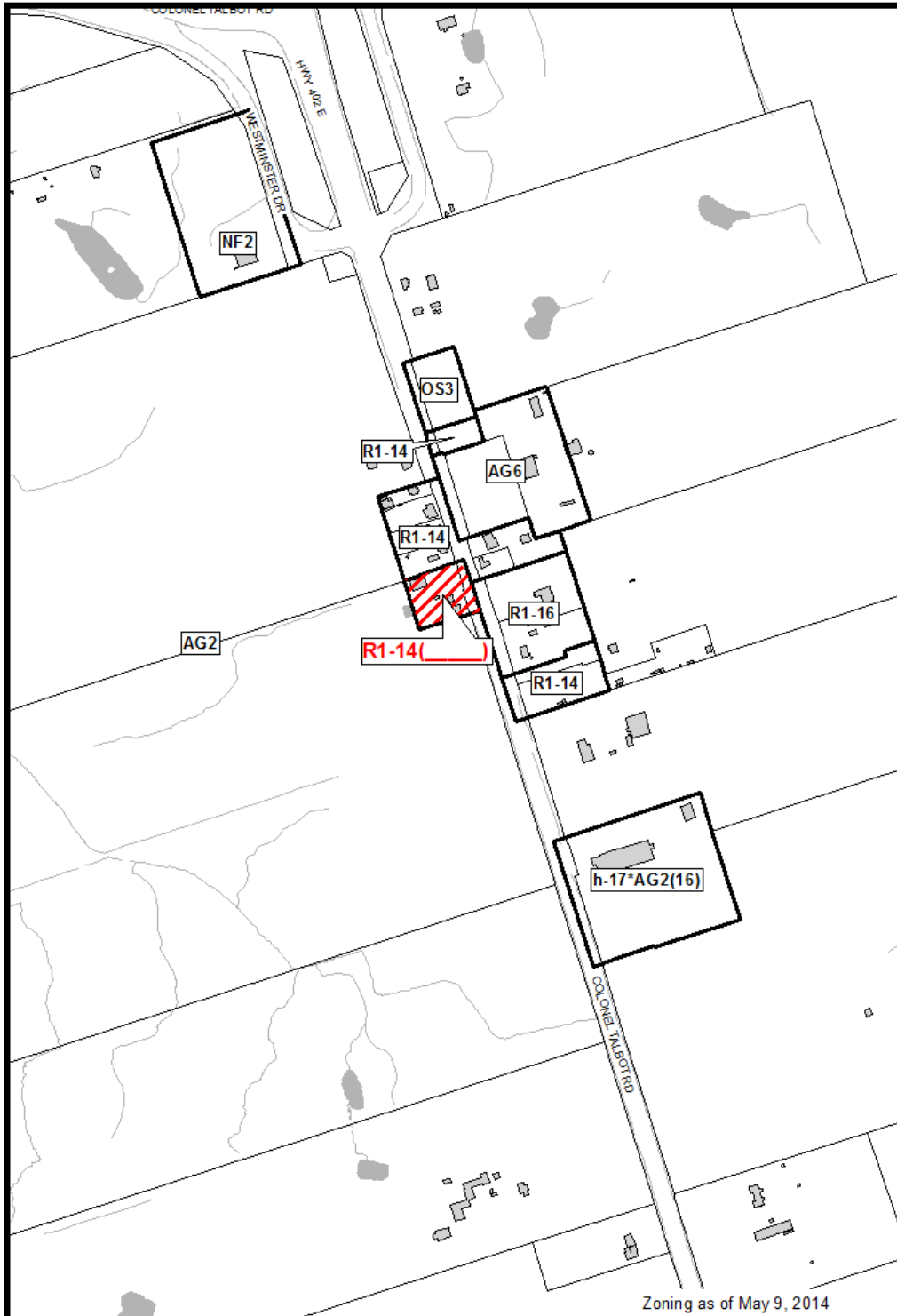
Catharine Saunders
City Clerk

First Reading - July 29, 2014.
Second Reading - July 29, 2014.
Third Reading - July 29, 2014.

--	--

File: Z-8342
Planner: Nicole Musicco

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



<p>File Number: Z-8342 Planner: NM Date Prepared: 2014/07/03 Technician: CK By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:5,800</p> <p>0 25 50 100 150 200 Meters</p> <div style="text-align: right;"> </div>
--	--