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File: TZ-8438
Planner: Eric Lalande

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: ORGANIC CHOICE BAGGING COMPANY 1671 FANSHAWE PARK ROAD WEST PUBLIC PARTICIPATION MEETING ON FEBRUARY 2, 2015

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken` with respect to the application of Organic Choice Bagging Company relating to the subject lands located at 1671 Fanshawe Park Road West the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on February 9, 2015 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan:

- (a) **BY DELETING** Section 50.2 Temporary Use T-58 in its entirety; and
- (b) **BY REPLACING** Section 50.2 Temporary Use T-58 to allow for a temporary outdoor self-storage establishment for a time period of no more than three years from the date of passing of the by-law.

IT BEING NOTED THAT the net effect of the proposed by-law is to extend the existing temporary use, and removes the requirement for a permanent self-storage facility on the front portion of the subject lands.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

- a) October 21, 2008 – Planning Committee – Organic Choice Bagging Company Inc.
- b) March 26, 2012 – Planning & Environment Committee – Organic Choice Bagging Company Inc.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of the proposed amendment is to extend the temporary zone to continue to permit the use of an outdoor self-storage establishment on the rear of the subject lands for an additional time period of no more than three years.

RATIONALE

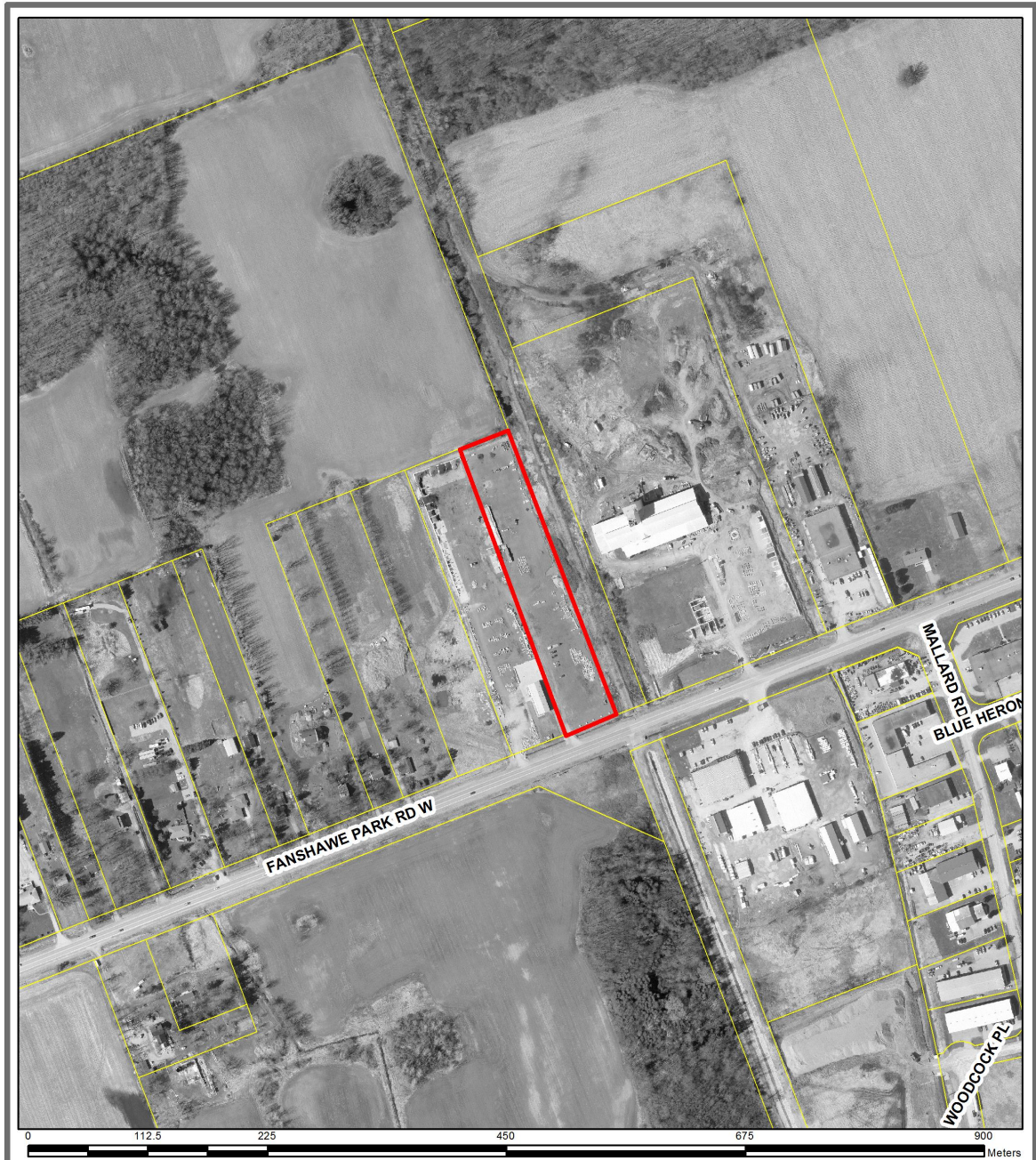
The analysis contained in this report outlines key issues related to the proposed amendment and demonstrates that the recommended action is:

- a) consistent with the Provincial Policy Statement, 2014;
- b) conforming to the general intent and purpose of the Official Plan;
- c) supportive of the general intent of the Zoning By-law Z.-1; and
- d) providing for short term flexibility in land use, while protecting the long term goals for the area.

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BACKGROUND



LOCATION MAP

Subject Site : 1671 Fanshawe Park
Road West

Applicant: Organic Choice Bagging
Company

File Number : TZ-8438

Prepared by : Graphics & Information Services , Planning Division
Corporation of the City of London
File=planning/projects/p_locationmaps/MXD

Planner : EL
Created By : TT
Date : 2014/11/24
Scale : 1:5,000

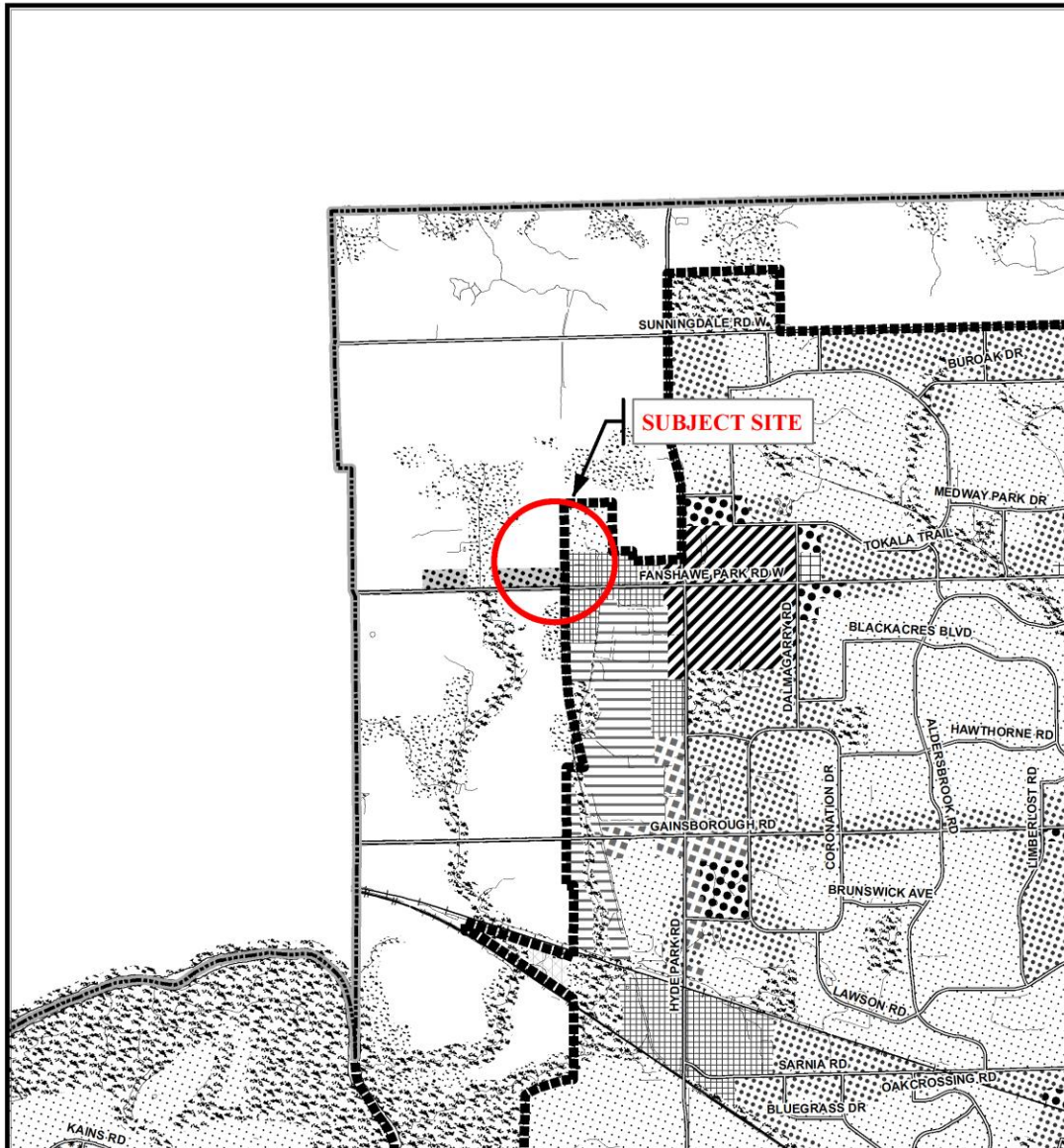


Legend

Subject Site

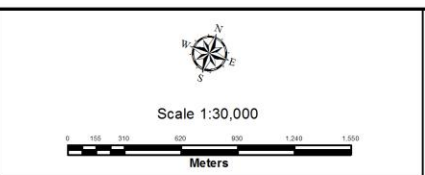
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Legend	
Downtown	Office/Residential
Wonderland Road Community Enterprise Corridor	Office Business Park
Enclosed Regional Commercial Node	General Industrial
New Format Regional Commercial Node	Light Industrial
Community Commercial Node	Regional Facility
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
	Urban Growth Boundary

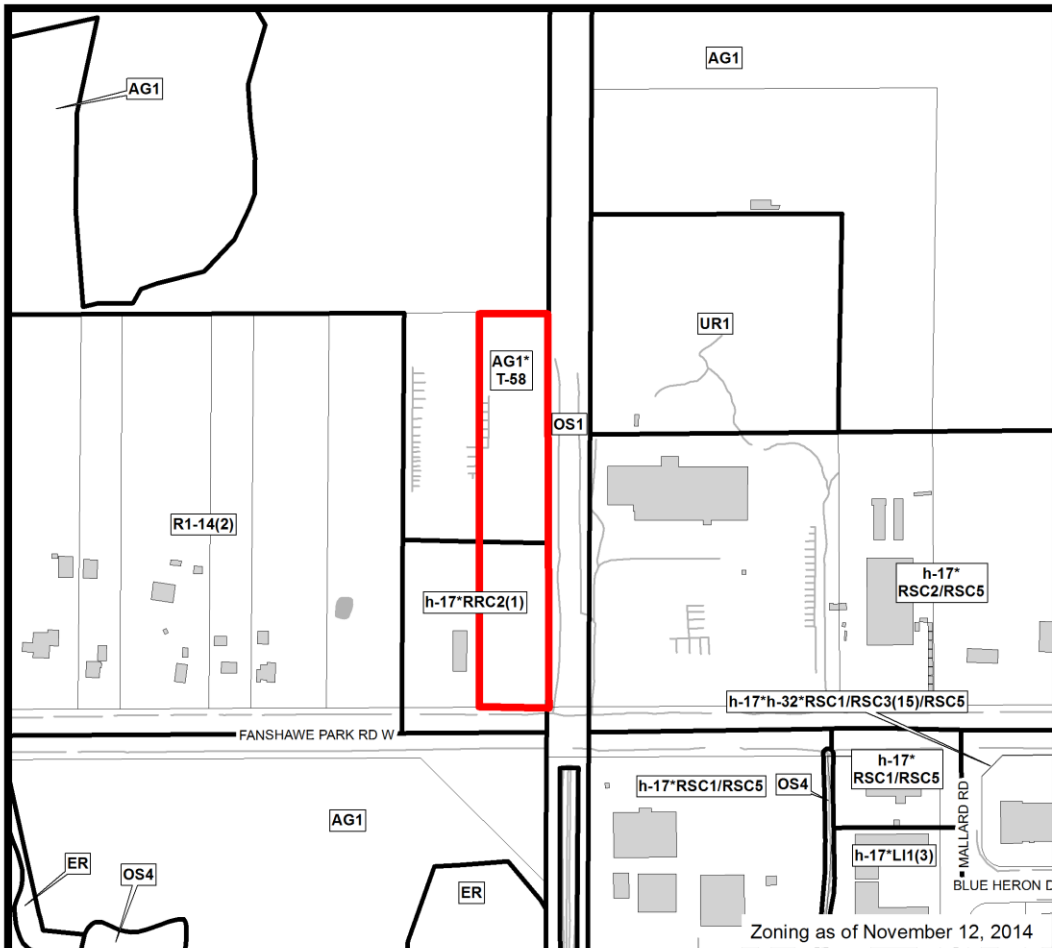
CITY OF LONDON
Department of
Planning and Development
OFFICIAL PLAN SCHEDULE A
- LANDUSE -
PREPARED BY: Graphics and Information Services



FILE NUMBER: TZ-8438
PLANNER: EL
TECHNICIAN: TT
DATE: 2014/11/24

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COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: h-17*RRC2(1) & AG1/T-58

1) LEGEND FOR ZONING BY-LAW Z-1

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| <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 |
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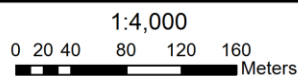
CITY OF LONDON
PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES

**ZONING
BY-LAW NO. Z.-1
SCHEDULE A**



FILE NO:
TZ-8438 EL

MAP PREPARED:
2014/11/24 TT



THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS

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Date Application Accepted: Nov 11, 2014	Agent: Matt Campbell, Zelinka/Priamo Ltd.
REQUESTED ACTION: The extension of the temporary use by-law for an additional 3 years to permit an outdoor self-storage establishment	

SUBJECT LANDS CHARACTERISTICS:
<ul style="list-style-type: none"> • Current Land Use – Vacant/Temporary outdoor self-storage • Frontage – 50.6 metres (166 feet) • Depth – 287 metres (941 feet) • Area – 1.45 ha (3.58 acres) • Shape - Rectangular

SURROUNDING LAND USES:
<ul style="list-style-type: none"> • North - Agricultural • South - Agricultural/Commercial • East - Commercial • West - Rural Residential

OFFICIAL PLAN DESIGNATION: (refer to Official Plan Map)
<ul style="list-style-type: none"> • Rural Settlement / Agricultural
EXISTING ZONING: (refer to Zoning Map)
<ul style="list-style-type: none"> • Holding Rural Settlement Commercial Special Provision (h-17*RRC2(1)) Zone; • Agricultural / Temporary (AG1/T-58) Zone

PLANNING HISTORY

The subject lands were previously zoned Rural Residential under By-law 5000. Through the annexed area zoning review, the front portion of the land was amended to Holding Rural Settlement Commercial Area Special Provision (h-17*RRC2(1)) and the rear portion to Agriculture (AG1). Council passed a temporary use by-law for the subject lands on November 8, 2008 and renewed it on April 10, 2012. The temporary zone provided for a temporary outdoor self-storage establishment for the rear portion of the subject lands *in conjunction with* a proposed self-storage establishment on the front portion of the subject lands. The proposed self-storage establishment has not developed on the front portion of the subject lands while the rear has been used for outdoor storage of landscaping and building materials.

The existing Rural Settlement Commercial zoning applied to the front portion of the subject lands lists “warehouse establishment” as a permitted use. Prior to 2013, “warehouse establishment” uses were interpreted to include “self-storage establishments”. Initial support for the temporary outdoor self-storage establishment on the rear portion of the subject lands in conjunction with a self-storage establishment on the front portion of the subject lands was based on the definition of “warehouse establishment” permitted on the front portion of the subject lands being interpreted to include a “self-storage establishment”. However, in 2013 Council amended the Zoning By-law to separate the definition of “self-storage establishments” from being interpreted as a “warehouse establishment”. Therefore, the ability to establish a “self-storage establishment” on the front portion of the subject lands would now require a separate Zoning By-law amendment.

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The current application seeks to continue to operate the existing Temporary Zone by extending permission for an additional 3-year period. However, the requested amendment has been modified by removing the existing requirement for the temporary self-storage establishment to be "...in conjunction with a self-storage establishment on the front portion of the lands..." This modification is being requested given that the 2013 Zoning By-law amendments, which separated the definition of "self-storage establishments" from "warehouse establishments", precludes the ability of the front portion of the lands to accommodate a "self-storage establishment" under the existing zone. Notwithstanding that the zoning on the front portion of the subject lands no longer permits "self-storage establishments", the current application to permit a temporary outdoor self-storage establishment on the rear portion of the subject lands is still considered appropriate without being associated to a "self-storage establishment" on the front portion of the subject lands.

The current application seeks to continue the Temporary Zone without association with a self-storage establishment. This change is being requested as the existing use would not be permitted in the absence of an association with a self-storage establishment under the existing zoning provision. However, the temporary use itself is considered appropriate as a stand-alone temporary use.

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

Transportation: "No concerns"

Wastewater and Drainage Engineering: "No comments"

Storm Water Management: "No comments"

Water Services: "No Comments"

London Hydro: "No objections"

PUBLIC LIAISON:	On November 18, Notice of Application was sent to 9 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 November 27, 2014. A "Possible Land Use Change" sign was also posted on the subject lands.	0 replies were received
Nature of Liaison: <i>The purpose and effect of the requested Zoning By-law amendment is to permit a temporary outdoor self-storage establishment for a period of no more than three years</i>		
Responses: n/a		

ANALYSIS

NATURE OF APPLICATION:

The requested amendment seeks to renew the existing temporary zone to allow the rear portion of the subject lands to continue be used for temporary outdoor self-storage. There are no proposed structures proposed for the rear portion of the subject lands. The requested amendment also seeks to remove the "in conjunction with self-storage establishment" portion of the temporary zone as it is no longer an applicable use on the subject lands due to a change in zoning definition made by Council in 2013. The temporary use has served as temporary overflow for the business to the west and the continued operation is required at this time.

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USE:

The Provincial Policy Statement, 2014 (PPS) generally supports a range and mix of commercial uses that promote the efficient use of land and infrastructure (Section 1.1.3.2). The temporary use is outside of identified settlement areas which are intended to be the focus of growth and development (Section 1.1.3.1.). However, planning for long term economic development opportunities and community investment-readiness is supported (Section 1.7.1.).

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Further, the PPS provides policy direction that in the agricultural area, agricultural and farm-diversification uses are encouraged and that limited non-residential uses may only be permitted provided that: the land does not compromise specialty crop areas; complies with the minimum distance separation formulae; and that there is identified need and that alternative locations which avoid agricultural areas have been considered (Section 2.3.6). The proposed use is a temporary use and does not impact the ability for future agricultural production as there are no permanent features or infrastructure being proposed. As such, the recommended action is consistent with the Provincial Policy Statement, 2014 as the temporary use does not affect the long term goals for the subject lands or the area.

The Official Plan designation for the subject lands are divided with the front portion of the subject lands being designated Rural Settlement and the rear portion of the subject lands being designated Agricultural. Comprehensively, the subject lands are intended, through policy, to support the agricultural area and prevent encroachment of non-agricultural land uses. However, the area has historically accepted commercial and residential uses along Fanshawe Park Road West and the rear portion of the land is immediately adjacent the Urban Growth Boundary, a passive recreational trail, pipeline easement and Rural Commercial uses offering little opportunity for larger consolidation of farm parcels. The current temporary use is appropriate in the short term and does not impact the long term viability of the subject lands for Agricultural uses. (Section 9.1)

Council may pass by-laws to authorize a temporary use for a purpose that is otherwise prohibited by this Plan, provided that the general intent and purpose of the Official Plan are maintained. Council may also grant further extensions of the temporary use for periods of not more than 3 years each (Section 19.4.5). The appropriateness for a renewal of a temporary use is measured against the policies of the plan.

The subject lands are bounded by agriculture to the north and south, and a multi-use corridor serving as a gas pipeline and a passive recreation trail to the east. In the larger context there is a mix of industrial and commercial uses along Fanshawe Road West, within the City's Urban Growth Boundary of similar impacts. The temporary use is currently facilitating the storing of landscaping, topsoil and other construction materials which are of similar with the use located to the west. The outdoor storage use appears to have no impacts on the adjacent agricultural operations to the north (Section 19.4.5.a). Further, the temporary use does not have permanent footings or structures that would prevent or limit future conversion back to an agricultural operation (Section 19.4.5.b). Municipal services and utilities are not required (Section 19.4.5.c).

The City of London Zoning By-law provides for and regulates temporary uses in accordance with Section 39 of the Planning Act and Section 19 of the City's Official Plan. Staff recommends that maintaining a temporary outdoor self-storage establishment is appropriate as the intended purpose of the use is accessory to the commercial operation on an adjacent lands. The subject lands specific planning history provides sufficient rationale to support the use for another period not exceeding three years.

INTENSITY

The PPS directs growth and development to settlement areas, such as, within the urban boundary, and rural settlement areas where their vitality and regeneration are to be promoted (Section 1.1.3.1). The subject lands abuts the urban growth boundary, and is partially within a rural settlement designation. The temporary use is located outside both of these areas.

The Official Plan has limited criteria related to intensity of temporary uses. Effectively, impacts created by activity on the subject lands are measured through vehicle movement to and from the subject lands. The temporary use is intended for outdoor self-storage which has limited parking requirements or traffic generation, the use also has an existing access onto an arterial road (Section 19.4.5. d., e. & f.). There are no concerns related to the intensity of the use on the subject lands, as demonstrated through the previous two terms of the temporary use by-law.

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Further, section 19 of the Zoning By-law permits temporary uses for a specified period of time after which the Temporary (T-____) Zone symbol and text are removed and revert back to the main zone. The subject lands have previously obtained a Temporary (T-58) Zone for the rear portion of the subject lands. It is not intended that a temporary zone will permanently establish the existing use on the subject lands. The storage of material does not establish a use that, by definition, prohibits the land to be used for future agricultural production. Materials are being stored prior to being delivered to its final destination for construction or landscaping purposes. The amount of material is limited to the rear portion of the subject lands.

The subject lands abut the Urban Growth Boundary, gas pipeline and an active trail. Fanshawe Park Road West is an arterial, and connects the City of London to Middlesex County and further afield Ontario Highway 402. The storage of material does not create noise, vibration or traffic impacts to these adjacent uses. Staff is satisfied that the subject lands support the intensity of the use on the subject lands, and that it does not create planning impacts on the adjacent area. The intensity of the operation does not compromise the future agricultural use of the lands.

FORM:

The temporary use has been permitted on the rear portion of the subject lands since 2008, the outdoor self-storage establishment is comprised of inventory of building and landscaping materials such as stone, and topsoil. The operation is an extension from the lands adjacent to the west. There are no permanent structures located on the subject lands.

The immediate area to the east (within the Urban Growth Boundary) is comprised of a mix of commercial and industrial uses that permit similar outdoor storage. The temporary use establishes a form that is currently "expected" in the area; however, screening for outdoor storage is encouraged. Screening was anticipated for the front portion of the land through the development of a self-storage, and the subject lands have been graded to accommodate the use. Some alternative uses permitted on the front of the subject lands require Site Plan Approval prior to being developed.

The proposed form is acceptable, although improvements through screening, landscaping and/or fencing, in the absence of the development of the front portion of the subject lands are encouraged.

CONCLUSION

The requested amendment is to continue to permit the status quo, in terms of use, intensity and form. With a combination of planning history and current policy direction, the current request for extension of the temporary use is considered appropriate for the subject lands. Further, the analysis contained in this report outlined key issues related to the proposed amendment and demonstrates that the recommended action is consistent with the Provincial Policy Statement, 2014; conforming to the general intent and purpose of the Official Plan; supportive of the general intent of the Zoning By-law Z.-1; and provides for short term flexibility in land use, while protecting the long term goals for the area.

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

November 28, 2014
EL/el
"Attach"

Appendix "A" – DRAFT Zoning By-law Amendment

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(EL)\1671 Fanshawe Park Road W - PEC Report.docx

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Responses to Public Liaison Letter and Publication in “The Londoner”

<u>Telephone</u>	<u>Written</u>
N/A	N/A

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**Bibliography of Information and Materials
 TZ-8438**

Request for Approval:

City of London Zoning By-law Amendment Application Form, completed by Organic Choice Bagging Company Inc., accepted on November 11, 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.

Zelinka Priamo Ltd. *Planning Justification Report*, November 3, 2014.

Correspondence: (all located in City of London File No. TZ-8438 unless otherwise stated)

City of London -

Moore, R., City of London Water and Drainage Engineering, Email to E. Lalande. November 24, 2014.

Abushehada, I. City of London, Development Engineering, Memo to E. Lalande. December 23, 2014

Roobreck, R., City of London, Development Engineering, Email to E. Lalande. December 23, 2014.

Pompilii, L. City of London, Development and Compliance Services, Email to E. Lalande. December 22, 2014

Departments and Agencies -

Dalrymple, D. London Hydro Engineering, Letter to E. Lalande. November 18, 2014.

Creighton, C. Upper Thames River Conservation Authority, Letter to E. Lalande. December 16, 2014.

Other:

Staff visit on November 23, 2014 and photographs of the same date.

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Planner: Eric Lalande**

Appendix "A"

Bill No. (number to be inserted by Clerk's Office)
2015

By-law No. Z.-1-15_____

A by-law to amend By-law No. Z.-1 to
rezone an area of land located at 1671
Fanshawe Park Road West.

WHEREAS Organic Choice Bagging Company has applied to rezone an area of land located at 1671 Fanshawe Park Road West, as shown on the map attached to this by-law, as set out below;

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

- 1) Section Number 50.2 of the Temporary (T) Zone is amended by deleting subsection 50.2.58) in its entirety and replacing it with the following Special Provision:

“58) T-58

The rear portion of the land located at 1671 Fanshawe Park Road West, comprising part of Key Map No. A101, may be used for a temporary outdoor self-storage establishment, for a period not exceeding three (3) years from the date of the passing of this by-law beginning February 9, 2015.”

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 February 9, 2015.

Matt Brown
Mayor

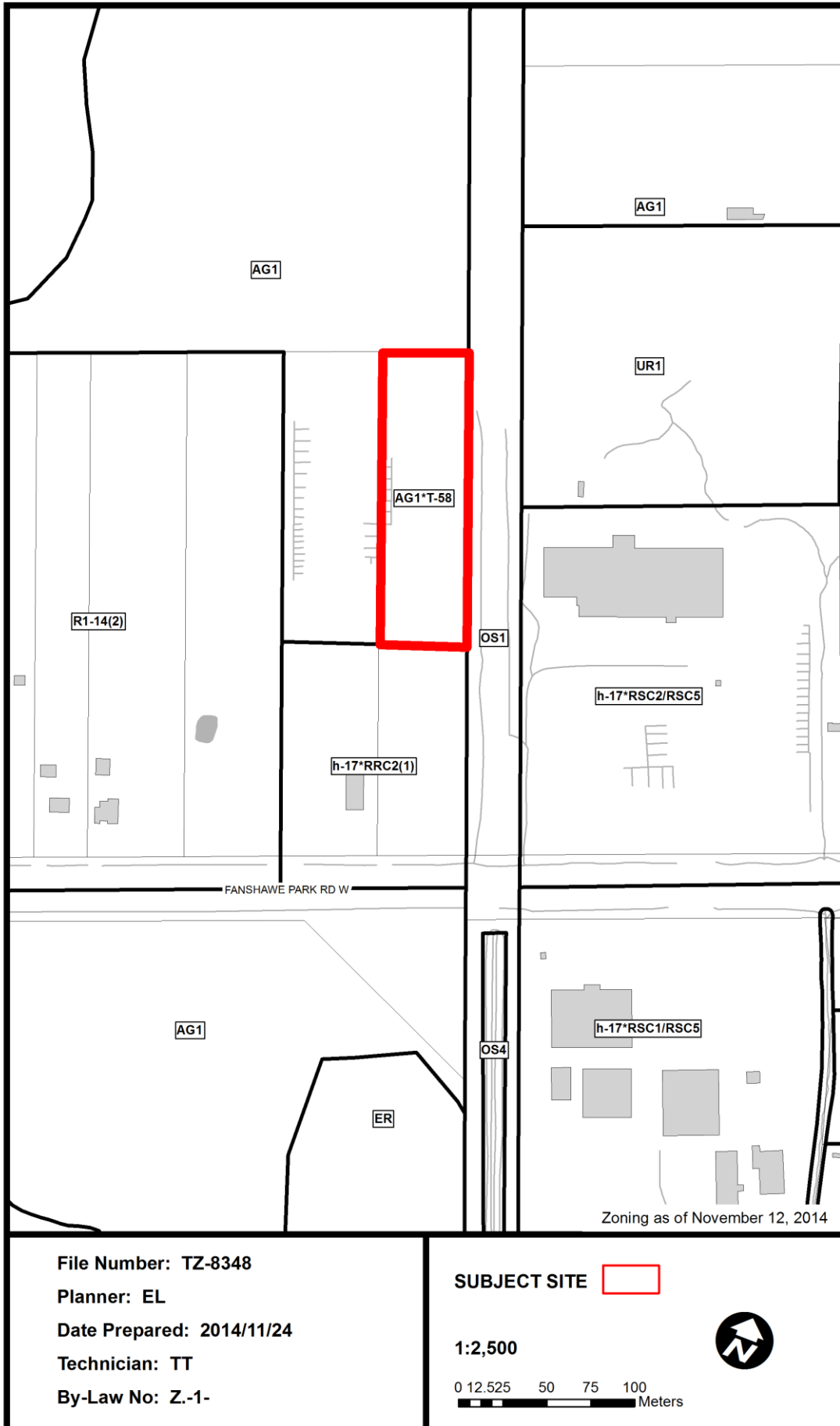
Catharine Saunders
City Clerk

First Reading - February 9, 2015
Second Reading – February 9, 2015
Third Reading - February 9, 2015

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



Geodatabase