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File: Z-8111
Planner: Mike Corby

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: ADRIANO & FRANCESCA MONOPOLI 8477 LONGWOODS ROAD PUBLIC PARTICIPATION MEETING ON MARCH 2, 2015

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, with respect to the application of Adriano & Francesca Monopoli relating to the property located at 8477 Longwoods Road, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on March 10, 2015 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** an Agricultural (AG1) Zone **TO** a Holding Residential R1 (h-(_)*R1-14) Zone and an Agricultural Special Provision (AG1(_)) Zone.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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"None"

PURPOSE AND EFFECT OF RECOMMENDED ACTION

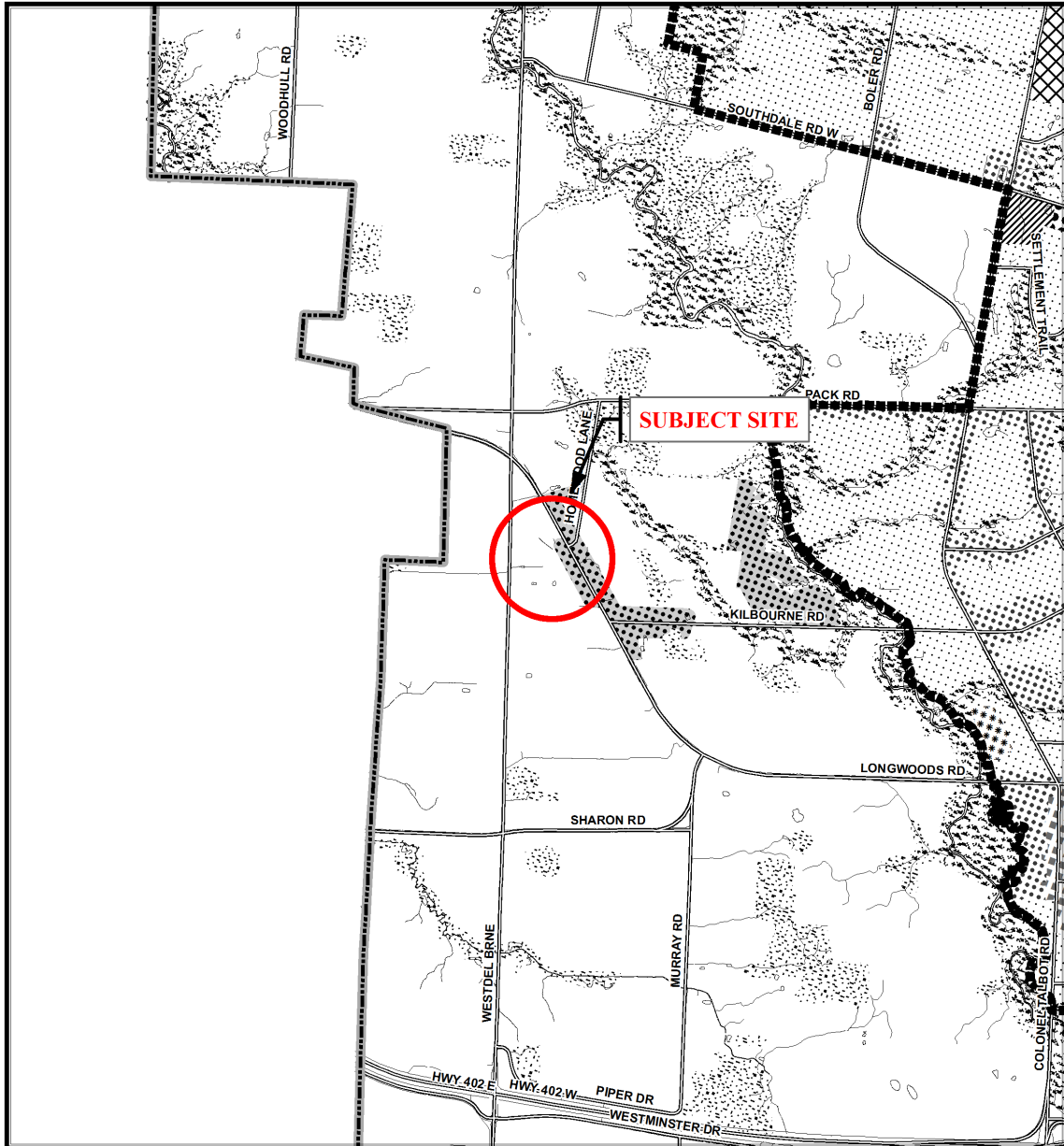
The purpose and effect of this zoning change is to facilitate the severance of the Rural Settlement portion of the subject site into four residential lots for single detached dwellings.

RATIONALE

- i) The proposal is consistent with the policies of the Provincial Policy Statement, 2014;
- ii) The proposal is consistent with the policies of the City of London Official Plan relating to rural settlement uses and objectives;
- iii) The proposal represents infilling of a Rural Settlement area thereby avoiding the loss of productive agricultural lands.
- iv) The proposed lots are of sufficient size to accommodate all onsite service and ensure that the extension of municipal services is not required.

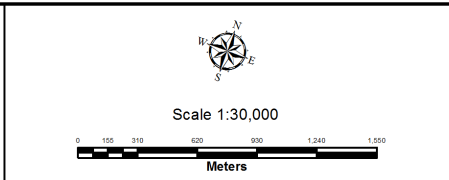
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Legend	
	Downtown
	Wonderland Road Community Enterprise Corridor
	Enclosed Regional Commercial Node
	New Format Regional Commercial Node
	Community Commercial Node
	Neighbourhood Commercial Node
	Main Street Commercial Corridor
	Auto-Oriented Commercial Corridor
	Multi-Family, High Density Residential
	Multi-Family, Medium Density Residential
	Low Density Residential
	Office Area
	Office/Residential
	Office Business Park
	General Industrial
	Light Industrial
	Regional Facility
	Community Facility
	Open Space
	Urban Reserve - Community Growth
	Urban Reserve - Industrial Growth
	Rural Settlement
	Environmental Review
	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: Z-8111
PLANNER: MC
TECHNICIAN: MB
DATE: 2015/01/22

PROJECT LOCATION: e:\planning\projects\p_officialplan\work\consol00\excerpts\mxd_templates\scheduleA_b&w_8x14_with_SWAP.mxd

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BACKGROUND

Date Application Accepted: October 12, 2012	Agent: Zelinka Priamo (Stephen Cornwell)
REQUESTED ACTION: Request to change the zoning of the subject property FROM an Agricultural (AG1) Zone TO a Residential R1 (R1-14) Zone and FROM an Agricultural (AG1) Zone TO a Agricultural Special Provision (AG1(_)) Zone;	

SITE CHARACTERISTICS:
<ul style="list-style-type: none"> • Current Land Use – Undeveloped land used for farming • Frontage – 153m • Depth – 300m • Area – 4.05ha • Shape – Irregular

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

OFFICIAL PLAN DESIGNATION: (refer to Official Plan Map)
<ul style="list-style-type: none"> • Rural Settlement
EXISTING ZONING: (refer to Zoning Map)
<ul style="list-style-type: none"> • Agricultural (AG1)

PLANNING HISTORY

The subject site has frontage onto Westdel Bourne on the west and Longwoods Road to the east. The large western portion of the subject site is designated Agricultural in the Official Plan and the small eastern portion parallel to Longwoods Road is designated Rural Settlement. On June 5, 2012 an application for a building permit for a single detached dwelling was received by the City’s Building Department and on July 3, 2012 received approval. The house has since been constructed on the western portion of the subject site in the Agricultural designation and is accessed from Westdel Bourne Road. On October 3rd, 2012 the application for a rezoning was submitted requesting the Residential (R1-14) zone on the eastern portion of the subject site in the Rural Settlement designation to allow for the proposed single detached dwellings and facilitate the future severance of four lots.

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

Stormwater Management Unit

Due to known flooding conditions in the area, SWM Unit requests a holding provision to be placed on the subject site. The owner is to provide a report which demonstrates the minor and major flows off the site. The report must identify the conveyance of overland flows from external drainage areas that naturally drain by topography through the subject lands. The subject lands

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or adjacent lands are to ensure that stormwater run-off from these lands will not cause any adverse effects to these lands and/or adjacent lands.

Water

The hydrogeological report is not acceptable from the perspective of demonstrating whether private on site wells can adequately provide water for the proposed development without impacting existing development.

The report does indicate the locations of existing wells and describe the existing wells within a 500 m area, but it does not undertake water quantity or quality testing as indicated in MOE Procedure D-5-5.

http://www.ene.gov.on.ca/environment/en/resources/STD01_078856.html

Sanitary

The report also does not indicate separation requirements from existing wells or septic systems, or the separation requirements for wells and septic systems for the proposed lots to be created and severed to demonstrate that private services can be accommodated on the proposed lots (OBC separation requirements).

As well, the document does not indicate proposed storm water management requirements for the lots which may have the potential to create additional separation requirements.

Transportation

Transportation issues including access and road widening dedications will be discussed during the consent to sever process.

Agricultural Advisory Committee

- Concerned about the number of homes and number of accesses created.
- Reduction in remnant parcel size.
- Water quality concerns
- Continuation of development to lands to the north.

Development Services

Review of Noise Report

I have reviewed the above noise study and I agree with the consultant's findings and conclusions. Please advise the Consent Authority to include the recommendations of this study as conditions in the future application for consent for this property. If the proposed consent does not match that as shown in Figure 2 in the study, an addendum to the noise study may be required to verify the impacts on any adjustments to the lot layout.

Minimum Distance Separation Report

The only concern we have is with the measurement of the setback from the livestock facility (at 3970 Westdel Bourne) to the lots to be created on Longwoods Road, assuming these lots are 120 metres deep. Measurements taken from the City's GIS mapping (see attached) indicate the proposed lots would encroach within the required setback. Therefore, adjustments to the proposed lot depths will be required.

Agricultural Committee:

- Concerned about the creation of additional traffic,
- The potential for conflict for existing viable livestock operations with the addition of large rural residential developments,
- The future use for remnant parcels of land,
- The creation of urban sprawl.

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PUBLIC LIAISON:	On October 19, 2012, Notice of Application was sent to 17 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 October 20, 2012. A "Possible Land Use Change" sign was also posted on the site.	3 replies were received
Nature of Liaison: The purpose and effect of this zoning change is to permit four proposed single detached residential lots. The applicant is requesting to change Zoning By-law Z.-1 FROM an Agricultural AG (AG1) Zone which permits a wide range of non-intensive agricultural uses TO a Residential R1 (R1-14) Zone to permit single detached dwellings.		
Responses:		
<ul style="list-style-type: none"> - There was support for the proposed residential uses on the property. - Some concern was raised about the potential for sewage from the septic tanks leaking into the ground water. 		

ANALYSIS

Subject Site

The subject site is located in a rural area west of the City's Urban Growth Boundary. The parcel is a through lot which has frontage along Longwoods Road and Westdel Bourne and is approximately 4.1 hectare (10 acres) in size. Currently the site is home to a large single detached dwelling fronts Westdel Bourne with a vacant structure fronting Longwoods Road. This section of land that fronts Longwoods Road is designated by the Official Plan to be the tail end of the Rural Settlement area that runs along Longwoods Road. The remaining western portion of the property which is not designated Rural Settlement will retain its Agricultural designation.

Nature of Application

The applicant is seeking a zoning change to permit the creation of four residential lots for future single detached dwellings. The application is requesting a change to Zoning By-law Z.-1 from an Agricultural (AG1), Zone which permits a wide range of non-intensive agricultural uses, to a Residential R1 (R1-14) Zone to permit single detached dwellings. Rezoning the lands to the residential zone will provide the opportunity to create future residential lots through a consent application. The area of land that has been applied for the rezoning comprises approximately 154 metres of the frontage along Longwoods Road and a depth of approximately 112m which has been adjusted from the previous submission of 120 metres to conform to the Minimum Distance Separation regulations. The remaining section of the property will retain the existing Agricultural (AG1) zone with a special provision to recognize the lot size.

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 surrounding building stock in the settlement area and will allow for infilling the remaining portion of the rural settlement designation on the southwest side of Longwoods Road. 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 mix of lot sizes while keeping the focus of growth and development within an identified Rural Settlement Area. The development of four single detached lots at 0.40 hectare in size is appropriate as it has been demonstrated through the required studies that they can support onsite servicing and

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provide clean, potable well water to all the dwellings. The properties ability to accommodate these services also avoids the need for the unjustified and/or uneconomical expansion of municipal infrastructure. City staff have reviewed the submitted Minimum Distance Separation report and determined the initially proposed lots were in fact too deep at 120 metres. The applicant has agreed to adjust the rear lot lines to conform with the MDS requirements and propose a new depth of approximately 112 metres which conforms 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)

Official Plan

The objectives of the Rural Settlement land use designation is to provide opportunity for new non-farm residential uses in rural areas while avoiding unnecessary severance and potential loss of productive agricultural lands and avoid the unnecessary expansion of the designation and consumption of prime agricultural lands.

The proposed rezoning will facilitate the severance of the subject site into four lots for single detached dwellings. This is the primary permitted use within the Rural Settlement designation and will require no additional expansion to the designation to accommodate the use. When creating lots in Rural Settlement areas it is essential to provide sufficient lot size, that can accommodate all on-site servicing and ensure that no extension of municipal services are required. The applicant and City Staff have worked through several proposals updates to provide a servicing plan to the satisfaction of the City Engineer that shows the proposed properties’ ability to provide adequate potable water to the proposed lots in combination with the on-site sanitary requirements and overland flows.

When introducing new residential uses through consent or a building permit in a rural environment it is important to recognize the surrounding built-up area and the potential for existing livestock operations. Both the PPS and Official plan require that any new use or lot being created shall be in accordance with the Minimum Distance Separation (MDS) requirements to avoid potential land use conflicts and constraints on livestock operations. The applicant provided an MDS report which was reviewed by planning staff and it was determined that the rear portion of the lots encroached into the required buffer by approximately 8 metres. The applicant provided a revised drawing for the consent application which reduced the rear yard depth to approximately 112 metres in keeping with the MDS requirements.

(9.1.2 Objectives of the Rural Settlement Designation, 9.3.1. Primary Permitted Uses, 9.3.4. Residential Infill, 9. 9.3.6. Minimum Distance Separation Requirements, 9.3.7. Rural Settlement Areas)

Zoning

The proposed Zoning By-law amendment is requesting that the current Agriculture (AG1) zone be change to a Residential R1 (R1-14) zone along the section of land which fronts Longwoods Road. The proposed retained lands will remain in the Agriculture (AG1) zone.

The general purpose of the R1-14 zone and larger zone variations is to provide for and regulate single detached dwellings on large lots which require individual services. For rural areas, lands designated as Rural Settlement in the Official Plan are appropriate locations to implement the R1-14 zone. The recommended amendment implements a zone that is used to directly implement the existing designation. The minimum requirements of the R1-14 will provide lots that are large enough to be able to accommodate the proposed future single detached dwellings with individual on site services making the proposed rezoning for four future single detached lots appropriate. The lots are sufficiently sized to meet the minimum regulations of the zone. No special provisions are required.

The existing lot of record is currently considered a legal non-conforming agricultural parcel as it is less than the minimum size required by the Zoning By-law. The remnant agricultural parcel which will be created through the severance process will remain in the AG1 zone and in order to facilitate the severance the remnant parcel must conform to the Zoning By-law. Therefore Staff is recommending a special provision to recognize this retained agricultural lot with its frontage of 130 metre minimum where 200 metres is normally required and a lot size of 2.5 ha where 40ha is required.

Through the concurrent consent process the applicant has been working on providing adequate services to the subject site. To date, the applicant has not satisfied Development Services concerns in regards to stormwater management flows or private water and sanitary servicing. The applicant’s engineer continues to work with Staff to resolve these issues. In an effort to

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permit the applicant to continue to move forward and clear the condition of consent, which requires the completion of a rezoning application to permit single detached dwellings, Planning Staff are recommending the use of a holding provision to ensure all stormwater and servicing issues are addressed prior to any development. The holding provision will read as follows:

The owner shall submit all studies required by Development Services including a Hydrogeological report, and will address issues of Stormwater Management, Water and Sanitary Servicing and grading. Any recommendation contained therein to achieve acceptable on-site servicing conditions shall be incorporated in the proposed development to the satisfaction of the City of London Chief Building Official prior to removal of the holding provision symbol.

CONCLUSION

Staff's recommendation is appropriate as the proposed rezoning is consistent with the policies of the Provincial Policy Statement, 2014 and the policies of the City of London Official Plan relating to Rural Settlement Areas. The proposed single detached lots provide a use that is consistent with the intent of the Rural Settlement area and require no additional expansion to the designation to accommodate the use. The lots have been proven to be of sufficient size, to accommodate all on-site servicing and ensure that the extension of municipal services is not required.

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

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

<u>Telephone</u>	<u>Email</u>
Bill Eagan 8563 Longwoods Road London ON N6P 1L3	John D. Abel & Kim Kelly 3970 Westdel Bourne London, Ontario N6P-1N3
Bernadette Roes 8393 Longwoods Road London ON N6P 1L3	

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Bibliography of Information and Materials
Z-8111.

Request for Approval:

City of London Zoning By-law Amendment Application Form, completed by Zelinka Priamo (Stephen Cornwell), October 3, 2012.

Reference Documents:

Ontario. Ministry of Municipal Affairs and Housing. *Planning Act, R.S.O. 1990*, 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 Ltd. (Stephen Cornwell). *Planning Report*, September, 2012.

Correspondence: (all located in City of London File No. Z-8111)

City of London -

Ricciuto M., City of London Wastewater & Drainage Engineering Division. E-mails with M. Corby. October 11, 2012 to November 5, 2012.

Lupton P., City of London Water Engineering Division. E-mail to M. Corby. October 30, 2012

Galloway A., City of London Stormwater Management Unit. E-mail to M. Corby. October 26, 2012

MacLean A., City of London Development Service. E-mail to M. Corby. December 19, 2012.

Mottram L., City of London Parks Planning and Design. Letter to H. McNeely. January 3, 2013.

Departments and Agencies -

Towsley V., LTVCA. Letter to M. Corby, November 9, 2012.

Kettle D., Thames Valley District School Board. Letter to M. Corby. November 14, 2012.

Martin J., AAC. Letter to M. Corby. January 16, 2013.

Dalrymple D., London Hydro. Memo to M. Corby. October 23, 2012.

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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 8477 Longwoods Road.

WHEREAS Adriano & Francesca Monopoli have applied to rezone an area of land located at 8477 Longwoods 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 8477 Longwoods Road, as shown on the attached map comprising part of Key Map No. A.110, from an Agriculture (AG1) Zone to a Holding Residential R1 (h-(_)*R1-14) Zone and an Agriculture Special Provision (AG1(_)) Zone .

2) Section Number 45.4(a) of the Agricultural (AG1) Zone is amended by adding the following Special Provision:

) AG1() 8477 Longwoods Road

a) Regulation[s]

i) Lot Area 2.5 ha (6.2 acres)
 (minimum)

ii) Lot Frontage 130 metres (426.5 ft)
 (minimum)

3) Section Number 3.8 of the Holding "h" Zone is amended by adding the following Holding Provision:

3.8) h-(_)

Purpose: The owner shall submit all studies required by Development Services including a Hydrogeological report, and will address issues of Stormwater Management, Water and Sanitary Servicing and grading. Any recommendation contained therein to achieve acceptable on-site servicing conditions shall be incorporated in the proposed development to the satisfaction of the City of London Chief Building Official prior to removal of the holding provision symbol.

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 March 10, 2015.

Agenda Item # Page #

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Matt Brown
Mayor

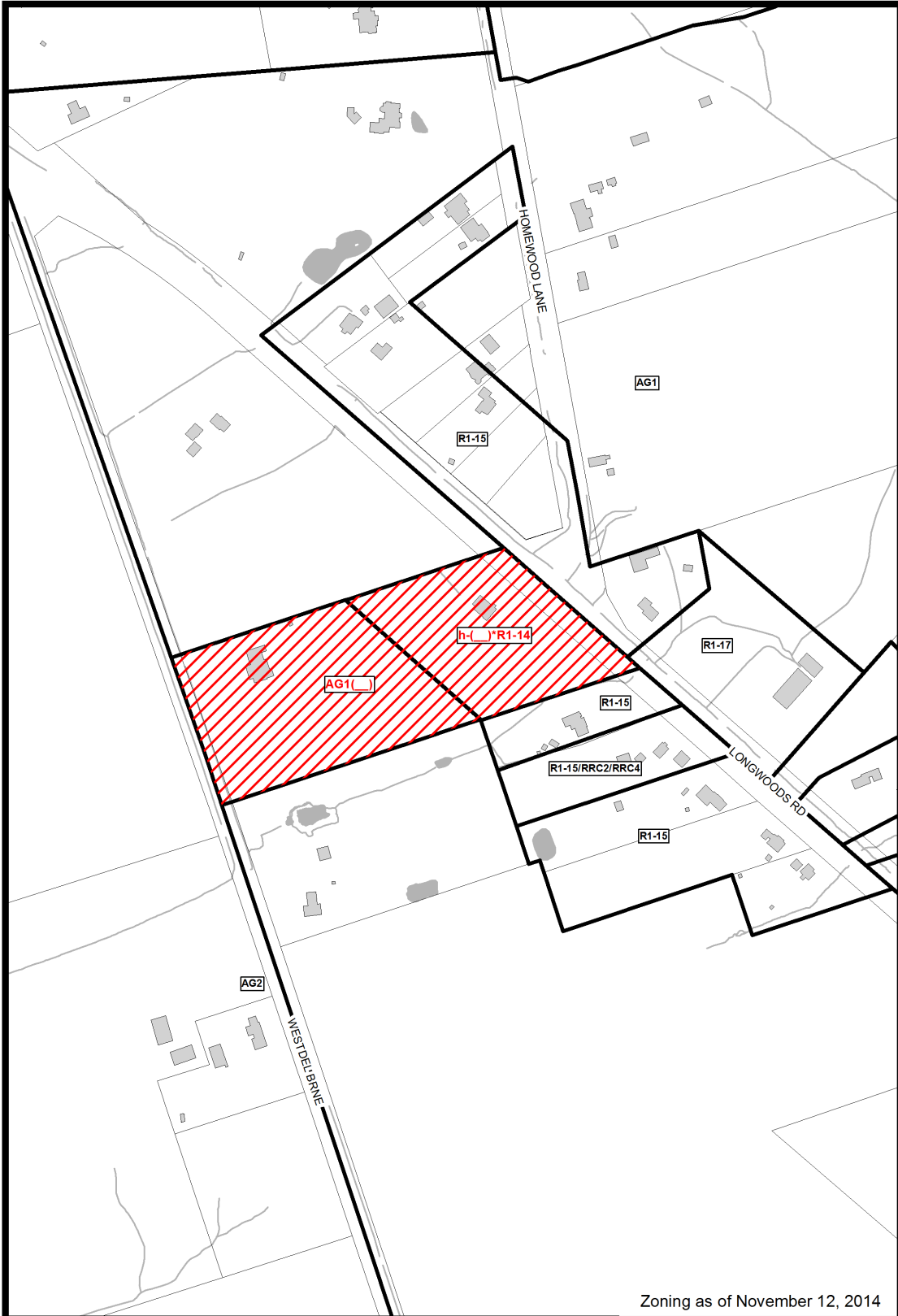
Catharine Saunders
City Clerk

First Reading - March 10, 2015
Second Reading - March 10, 2015
Third Reading - March 10, 2015


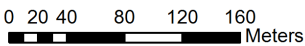

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AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



Zoning as of November 12, 2014

<p>File Number: Z-8111 Planner: MC Date Prepared: 2015/02/10 Technician: MB By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:4,000</p> <p> Meters</p> <p></p>
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Geodatabase