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File: Z-8473
Planner: Eric Lalande

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: THE CORPORATION OF CITY OF LONDON 3243 MANNING DRIVE PUBLIC PARTICIPATION MEETING ON MAY 19, 2015

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, with respect to the application of The Corporation of City of London relating to the property located at 3243 Manning Drive the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on May 26, 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 (AG2) Zone, **TO** a Holding Agricultural Special Provision (h-18*h-89*AG2()) Zone;

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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In Camera Report – March 5, 2015 - Corporate Services Committee

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of the recommended action is to permit the establishment of a large scale greenhouse. The amendment would permit an increase in lot coverage of up to 80%, and reduce the depth for all required yard setbacks to a minimum of 15 metres (49 feet).

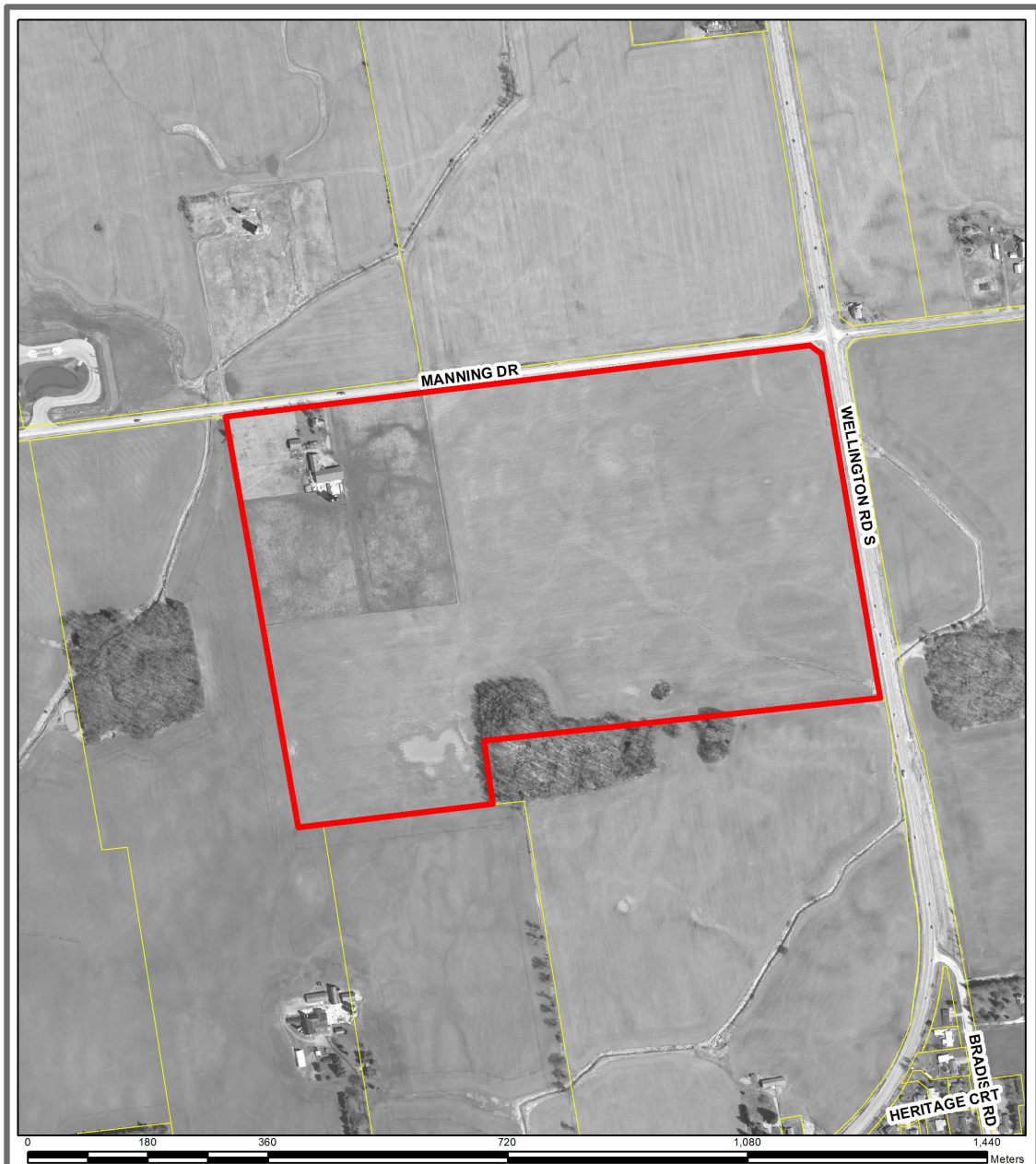
RATIONALE

The proposed amendment, based on the rationale contained in this report:

1. is consistent with the Provincial Policy Statement, 2014;
2. conforms to the general intent of the Official Plan;
3. conforms to the general intent of the Zoning By-law;
4. is consistent with the direction of City Council, as resolved, contemplating the expanded range of agricultural uses on the subject lands
5. provides greater flexibility for lands constrained by the W12A Landfill Area.

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LOCATION MAP


Subject Site : 3243 Manning Drive
Applicant: Corporation of the City of London
File Number : Z-8473

Planner : EL
Created By : TT
Date : 2015/04/14
Scale : 1:8,000

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

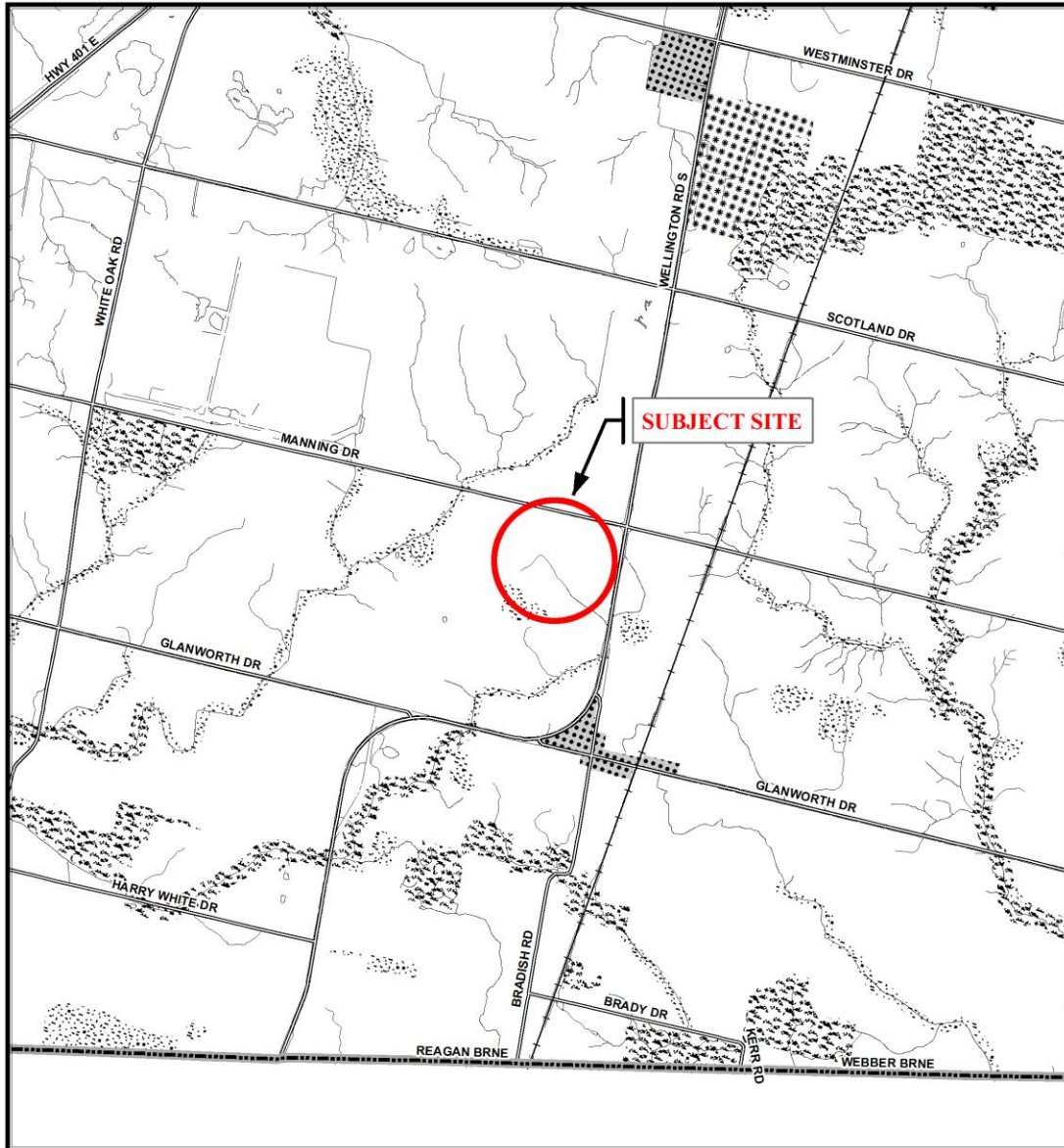


Legend

 Subject Site

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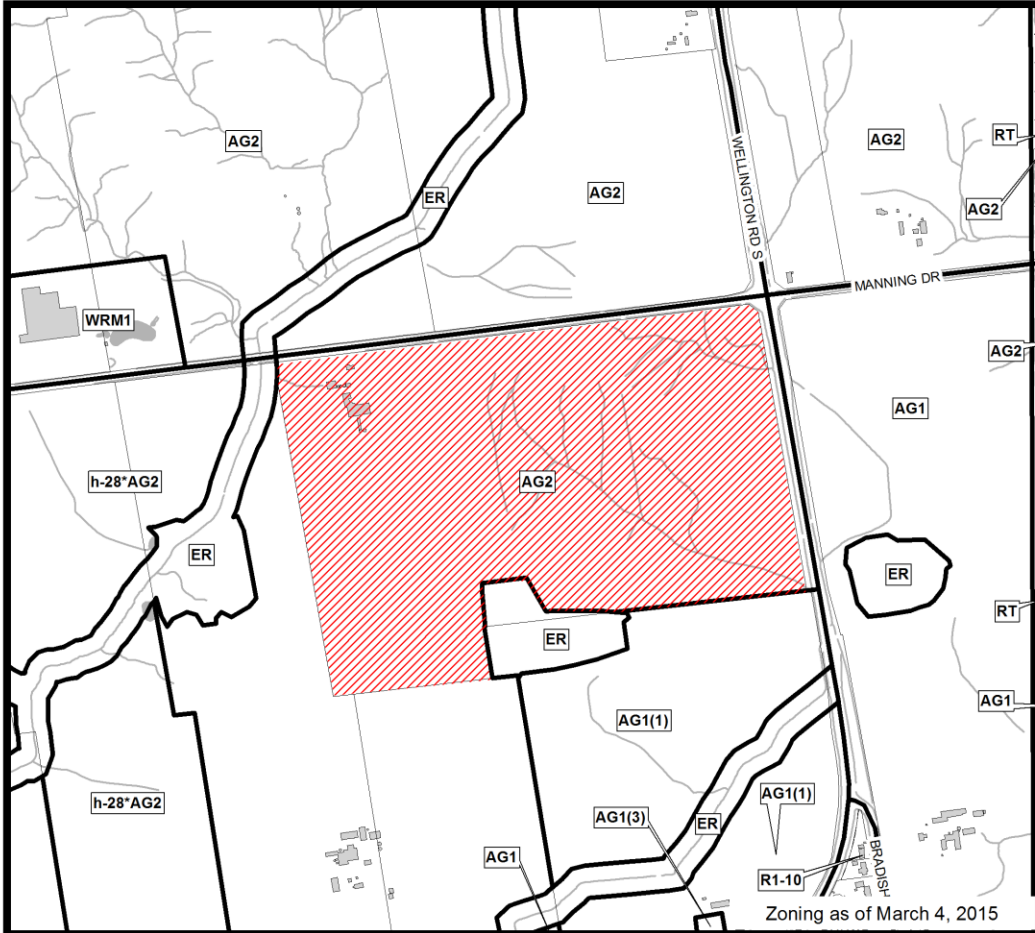
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<p>Legend</p> <ul style="list-style-type: none"> Downtown Wonderland Road Community Enterprise Corridor Enclosed Regional Commercial Node New Format Regional Commercial Node Community Commercial Node Neighbourhood Commercial Node Main Street Commercial 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 		
<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-8473</p> <p>PLANNER: EL</p> <p>TECHNICIAN: TT</p> <p>DATE: 2015/04/14</p>

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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 |
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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:
Z-8473 EL

MAP PREPARED:
2015/04/14 TT

1:10,000
0 50 100 200 300 400 Meters

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File: Z-8473
Planner: Eric Lalande

BACKGROUND

Date Application Accepted: - March 25, 2015	Agent: Ethan Ling, City of London
REQUESTED ACTION: Change Zoning By-law Z.-1 from an Agriculture (AG2) Zone which permits a range of farm and farm-related uses, to an Agriculture Special Provision (AG2()) Zone to add a large scale greenhouse to the list of permitted uses and provide special provisions for lot coverage and setbacks.	

SITE CHARACTERISTICS:	
• Current Land Use	– Agriculture (crop farming)
• Frontage	– 537 metres (1761 feet)
• Depth	– 897 metres (2943 feet)
• Area	– 48 hectares (119 acres)
• Shape	– Irregular (generally rectangular)

SURROUNDING LAND USES:	
• North	– Agriculture
• South	– Agriculture
• East	– Agriculture
• West	– Agriculture

OFFICIAL PLAN DESIGNATION: (refer to Official Plan Map)
• Agriculture
EXISTING ZONING: (refer to Zoning Map)
• Agricultural (AG2)

PLANNING HISTORY

The subject lands were acquired by the City of London, in 2011, as lands within proximity to the W12A Landfill Area. The subject lands are subject to impacts, such as odor, due to its proximity to the Landfill Area. The City of London through policy has acquired lands surrounding the Landfill Area to mitigate potential impacts from the Landfill, by having increase control over land uses in the area. As such, the City of London seeks out leasing partners to develop and use the land. The City maintains ownership to ensure that long term development of the Landfill Area is not affected by private development. As part of the search for suitable leasing partners, it has been identified to Council that a large scale greenhouse project may be suitable for the subject lands. Due to the nature of the project, a Zoning By-law Amendment is required as these types of projects were never originally contemplated by the By-law. While this is a unique project for the City of London, large scale greenhouses are common in Southern Ontario. These examples have assisted in informing staff on key planning issues that should be identified in this process.

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Image: View of subject lands looking west towards Wellington Road.

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

London Hydro: *"No Objections"*

Transportation Engineering: *"No Objections"*

Water Engineering: *"No Objections"*

Wastewater and Drainage Engineering: *The subject lands are outside the Urban Growth Boundary. There are no municipal sanitary sewers available to serve this site. The subject lands will require an on-site sewage disposal system to the satisfaction of the OBC for sanitary servicing."*

Development Services: *"No Objections"*

Parks Planning: *"No Objections"*

Urban Forestry: *"No Objections"*

PUBLIC LIAISON:	On April 1, 2015, Notice of Application was sent to 4 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 1, 2015. A "Possible Land Use Change" sign was also posted on the site.	0 replies were received
Nature of Liaison: The purpose and effect of the requested Zoning By-law amendment is to permit a large scale greenhouse.		

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Responses: N/A

ANALYSIS

NATURE OF APPLICATION:

The requested amendment is to facilitate the proposed development of a large-scale greenhouse. The requested amendment will provide special provisions in the Zoning By-law that will permit a large scale greenhouse to develop with an increased lot coverage of up to 80% (where a maximum 10% is permitted), and a reduced front yard and exterior side yard setbacks of no less than 15 m (49 ft) (where 30 m (98 ft) is required). The requested amendment is subject to holding provisions related to completing an archaeological assessment of the subject lands and that stormwater management is reviewed and approved by the City Engineer.

USE:

The subject lands are outside of the Urban Growth Boundary, and are designated and zoned for agricultural purposes. The subject lands have been used historically for agricultural purposes such as cash crops and the proposed large scale greenhouse would represent a new form of agricultural development to London. While, large scale greenhouses are common to southern Ontario, London historically has not developed large scale greenhouses and amendments to Zoning provisions are required to permit this form of development. Broadly, Provincial and Municipal policies support and encourage agricultural uses in the agricultural area, as well as exploring opportunities to diversify uses that will provide stability and support to our urban areas.

The 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 is intended to be read in its entirety and the relevant policies are to be applied to each situation. Specifically to this application, the PPS provides guidance regarding land use development in agricultural areas. The PPS is clear that “*Prime agricultural areas shall be protected for long-term use for agriculture*” (Section 2.3.1). This is done by permitting in prime agricultural areas, activities that are: “*agricultural uses, agriculture-related uses and on-farm diversified uses*” (Section 2.3.3.1). Further, “*In prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards*” (Section 2.3.3.2). The Proposal seeks to provide a new type of agricultural use not currently provided in the City of London, (but elsewhere in the Province), at a size and intensity not previously been anticipated or planned for under current regulations. As such, an increase in lot coverage and reduction in setbacks would provide for greater promotion of agriculture uses in the agricultural area and is consistent with the Provincial Policy Statement.

Official Plan

The Official Plan contains short-term and long-term physical growth objectives of the municipality. It provides direction regarding the allocation of land use, provision, of municipal services and facilities, and preparation of regulatory by-laws to control the development and use of land. Specific to the proposed amendment, the subject lands are designated “*Agriculture*” and are located in proximity to the W12A Landfill Area. “*Agriculture*” designation permits a range of uses and specifically encourages primary permitted uses which “*shall be for the cultivation of land and the raising of livestock. A full range of farming types shall be permitted including, but not limited to, general farming, livestock farming, cash crop farming, market gardening, specialty crops, nurseries, forestry, aquaculture and agricultural research*” (Section 9.2.1).

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A proposed large-scale greenhouse would fall within the range of farming types permitted on the subject lands. The proposed use is in keeping with the desired and intended long term use of the land and is supported.

Additionally, given the proximity of the subject lands to the W12A Landfill Area located to the northwest, certain restrictions are placed on the subject lands. While these restrictions do not impact the intended agricultural nature of the project, since *“the principal use permitted will be agriculture and the agricultural policies found elsewhere in this Plan apply”* (Section 9.2.15.10 iv), residential uses are discouraged and the recommended action includes a prohibition for new dwelling units. This is based on the policy that *“within the Agricultural designation, the City shall discourage ... the development of new residential uses or other sensitive land uses within a 1,500 metres radius of the Waste Management and Resource Recovery Policy Area to provide appropriate separation distance to mitigate impacts* (Section 9.2.15.10).

The Official Plan is very clear in protecting agricultural areas for agricultural purposes and the proposed amendment seeks to achieve this goal.

Zoning By-law

The subject lands are zoned “Agricultural (AG2)”. The Agricultural Zone is intended to be applied to lands which are designated Agriculture in the Official Plan. The AG2 Zone variation permits intensive and non-intensive agricultural uses.

The current list of permitted uses includes agriculture uses that, under the definition in the Zoning By-law, include greenhouses. Therefore, the proposed use would be permitted under the existing zone. However, the proposed *scale* of development being contemplated exceeds the maximum regulations of the By-law and thus an amendment to the By-law is required. The amending by-law attached to this report includes an additional permitted use, noted as Farm Greenhouse. The intent of this added use is to provide a basis for special provisions that would apply only to a large scale greenhouse on the subject lands. Therefore, special provisions would permit a large scale greenhouse to be developed at a scale and intensity consistent with the form of development found elsewhere in the Province, without affecting currently permitted uses from being established. Ultimately, the recommended amendment is to add flexibility to the subject lands to accommodate this additional use.

As a result, staff has reviewed where changes to the Zoning By-law are appropriate based on review of local expectations and best practices within the Province. Staff is in support of an increase in lot coverage and a reduction in setback requirements, however, the proposed amendment includes restrictions related to parking and ancillary uses to ensure that the intent of the Official Plan is maintained.

Holding Provisions

The recommended action includes that two holding provisions be adopted as part of the proposed amendment. A holding provision for archaeological assessment of the subject lands (h-18) and a holding provision for stormwater management controls (h-89) are recommended and identified below:

“h-18 Purpose: To ensure that lands are assessed for the presence of archaeological resources prior to development. The proponent shall carry out an archaeological resource assessment of the entire subject property or identified part thereof and mitigate, through avoidance or documentation, adverse impacts to any significant archaeological resources found, to the satisfaction of the Ministry of Citizenship, Culture and Recreation, and the City of London. No grading or other soil disturbance shall take place on the subject property prior to the issuance of a letter of clearance by the City of London Planning Division.

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File: Z-8473
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The property will be assessed by a consultant archaeologist, licensed by the Ministry of Citizenship, Culture and Recreation under the provisions of the Ontario Heritage Act (R.S.O. 1990); and any significant sites found will be properly mitigated (avoided, excavated or the resource protected), prior to the initiation of construction, servicing, landscaping or other land disturbances. The condition will also be applied where a previous assessment indicates the presence of significant archaeological resources but mitigation has not been carried out."

This provision will ensure that no development occurs prior to a thorough review of the subject lands for possible archaeological significance. Further, subsequent to the holding provision being lifted, should any additional discoveries be made during construction, it will require immediate investigation. The Corporation of the City of London has commenced a Phase 1 and 2 Archaeological Assessment on the subject lands, but does not anticipate that the results will be available prior to Council's review of the proposed amendment. Therefore, the h-18 holding provision is recommended.

"h-89 Purpose: To ensure the orderly development of the lands the h-89 symbol shall not be deleted until a stormwater servicing report has been prepared and confirmation that stormwater management systems are implemented to the satisfaction of the City Engineer."

This provision is intended to protect the subject lands and downstream natural heritage features from possible flooding. Both quality and quantity of water coming from the subject lands are expected to be maintained at the pre-development standard. As such, stormwater facilities will be required to support a large scale greenhouse that will create significant impervious coverage on the subject lands. The holding provision will require that adequate stormwater facilities are reviewed and implemented and that the City Engineer is satisfied that the site can accommodate development without creating impacts on adjacent or downstream areas. Therefore, the h-89 holding provision is being recommended.

INENSITY:

The recommended action would facilitate the establishment of a large scale greenhouse on the subject lands. With an increase in lot coverage from 10% to 80%, the recommended amendment represents an increase in total intensity on site. While 80% coverage would require an area for stormwater management, employee parking and ancillary uses such as: packing, loading, and shipping areas, the primary use would be dedicated to agriculture and the cultivation of plants, such as fruits and vegetables.

Large scale greenhouses are commonly constructed in Southern Ontario based on the large supply of fertile soils, access to Provincial Highways and availability of land. Several examples have been explored in the Kingsville and Leamington areas as case examples where development similar to that being contemplated on the subject lands has been constructed. Based on these examples, Staff has identified that issues related to stormwater management, parking, commercial vehicle idling, on-site bunkhouses, and manure storage facilities can create land use impacts due to the overall intensity of development.

The Site Plan Control By-law exempts certain classes of development including, but not limited to, agricultural and related uses, such as greenhouses. As such, many of the potential impacts are required to be dealt with through other processes. In order to minimize potential impacts from the large scale greenhouse, the recommended action includes a holding provision related to stormwater management facilities, as described further in this report. Any manure storage facilities would be subject to MDS II requirements, which would be considered through the building permitting process.

Additionally, the subject lands are within the W12A Landfill Area which discourages residential uses in proximity to the landfill. The proposed amendment includes a prohibition on dwelling units.

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FORM:

The proposed development is intended to be a large scale greenhouse which is constructed using an interlocking frame and covered through transparent/semi-transparent coverings. Vent fans help circulate air through the facility, where cultivation is occurring. Facilities may include packing, shipping and loading, where grown product is harvested, sorted and subsequently brought to market. Shipping areas are typically designed to handle commercial vehicles such as tractor trailers, and serves as the primary access to the facility.

As indicated above, the design of the structures can occupy a significant portion of land. As proposed, 80% lot coverage would allow for a significant building area. In addition to the structure, stormwater facilities and manure storage (for fertilization) may be required. These facilities would contribute towards the 80% coverage. Staff is satisfied that the proposed form of development is similar to examples within the province (as shown below) and is consistent with expectations for this type of development, suitable for the area, and is an appropriate form of development, provided engineering components related to stormwater and wastewater are appropriately addressed.



Image (above): Example of existing Greenhouse in Leamington

CONCLUSION

The recommended action is based on the analysis contained in this report and includes an attached amending by-law. Staff considers the proposed amendment to be consistent with the Provincial Policy Statement, 2014. Further, the agricultural use is both supported and encouraged by the Official Plan and Zoning By-law.

While the subject lands are owned by the City, Municipal Council has contemplated an expanded range of agricultural uses on the subject lands, including that of a large scale greenhouse. This type of project would be a new form of development and the recommended action would support London by providing greater flexibility for lands constrained by the W12A Landfill Area. Therefore, based on the recommended action being consistent with the goals and objectives of policy, Staff support the recommended action contained in this report.

Agenda Item # Page #

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File: Z-8473
Planner: Eric Lalande

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	

April 9, 2015
EL/el
"Attach"

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File: Z-8473
Planner: Eric Lalande

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

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

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File: Z-8473
Planner: Eric Lalande

Bibliography of Information and Materials
Z-8473

Request for Approval:

City of London Zoning By-law Amendment Application Form, completed by The Corporation of the City of London, March 25, 2015

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.

Correspondence: (all located in City of London File No. Z-8473. unless otherwise stated)

City of London -

Ling, E. Development and Compliance Services, E-mails to E. Lalande, Various Dates.

Moore, R. Wastewater and Drainage Engineering, E-mail to E.Lalande, April 7, 2015.

McIntosh, C. Wastewater and Treatment, E-mail to E. Lalande, March 25, 2015.

Departments and Agencies -

Dalrymple, D., London Hydro. Memo to E. Lalande. April 2, 2015.

Other:

Site visit May, 2007 and photographs of the same date.

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File: Z-8473
Planner: Eric Lalonde

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 3243 Manning Drive.

WHEREAS The Corporation of the City of London has applied to rezone an area of land located at 3243 Manning Drive, 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 3243 Manning Drive, as shown on the attached map comprising part of Key Map No. A115, from an Agricultural (AG2) Zone to a Holding Agricultural Special Provision (h-18*h-89*AG2()) Zone.
- 2) Section Number 45.4 of the Agricultural (AG2) Zone is amended by adding the following Special Provision:
 -) AG2() 3243 Manning Drive
 - a) Additional Permitted Uses:
 - i) Greenhouse Farm
 - b) Prohibited Uses:
 - i) Dwelling Units, in association with a Greenhouse Farm
 - c) Additional Regulations for uses permitted in a)
 - i) Lot Coverage 80% (Maximum)
 - ii) Front Yard Depth 15 metres (Minimum)
 - iii) Exterior Side Yard Depth 15 metres (Minimum)
 - iv) Side Yard Depth 15 metres (Minimum)
 - v) Rear Yard Depth 15 metres (Minimum)

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.

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File: Z-8473
Planner: Eric Lalande

PASSED in Open Council on May 26, 2015.

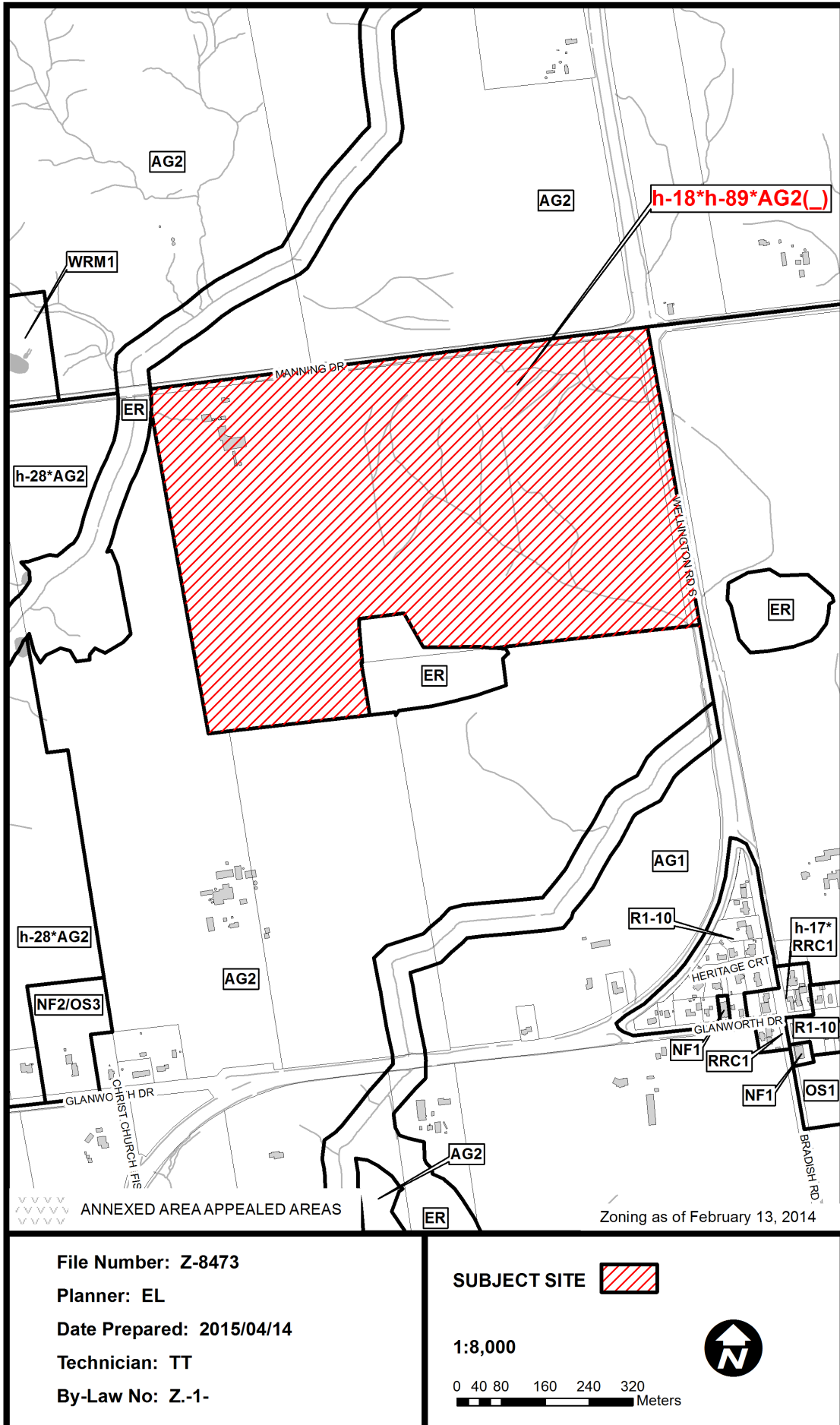
Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading - May 26, 2015
Second Reading - May 26, 2015
Third Reading - May 26, 2015

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



Geodatabase