

--	--

TO:	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING DIRECTOR OF LAND USE PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: ORGANIC CHOICE BAGGING COMPANY 1671 FANSHAWE PARK ROAD WEST PUBLIC PARTICIPATION MEETING ON MARCH 26, 2012

RECOMMENDATION

That, on the recommendation of the Director of Land Use Planning and City Planner, based on the application of Organic Choice Bagging Company relating to the property located at 1671 Fanshawe Park Road West , the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on April 10, 2012 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to extend the existing temporary use zone for the rear portion of the subject site, for a period of not more than three years from the date of the passing of the by-law for an outdoor self storage area in conjunction with a self-storage establishment for a period of not more than three years from the date of the passing of the by-law.

IT BEING NOTED that the proposed outdoor self-storage area for the rear of the lands is to be permitted in conjunction with the proposed self-storage establishment for the front of the lands, and is all subject to site plan approval.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
--

Z-7579 – Zoning amendment to permit a temporary zone for outdoor storage, November 2008.

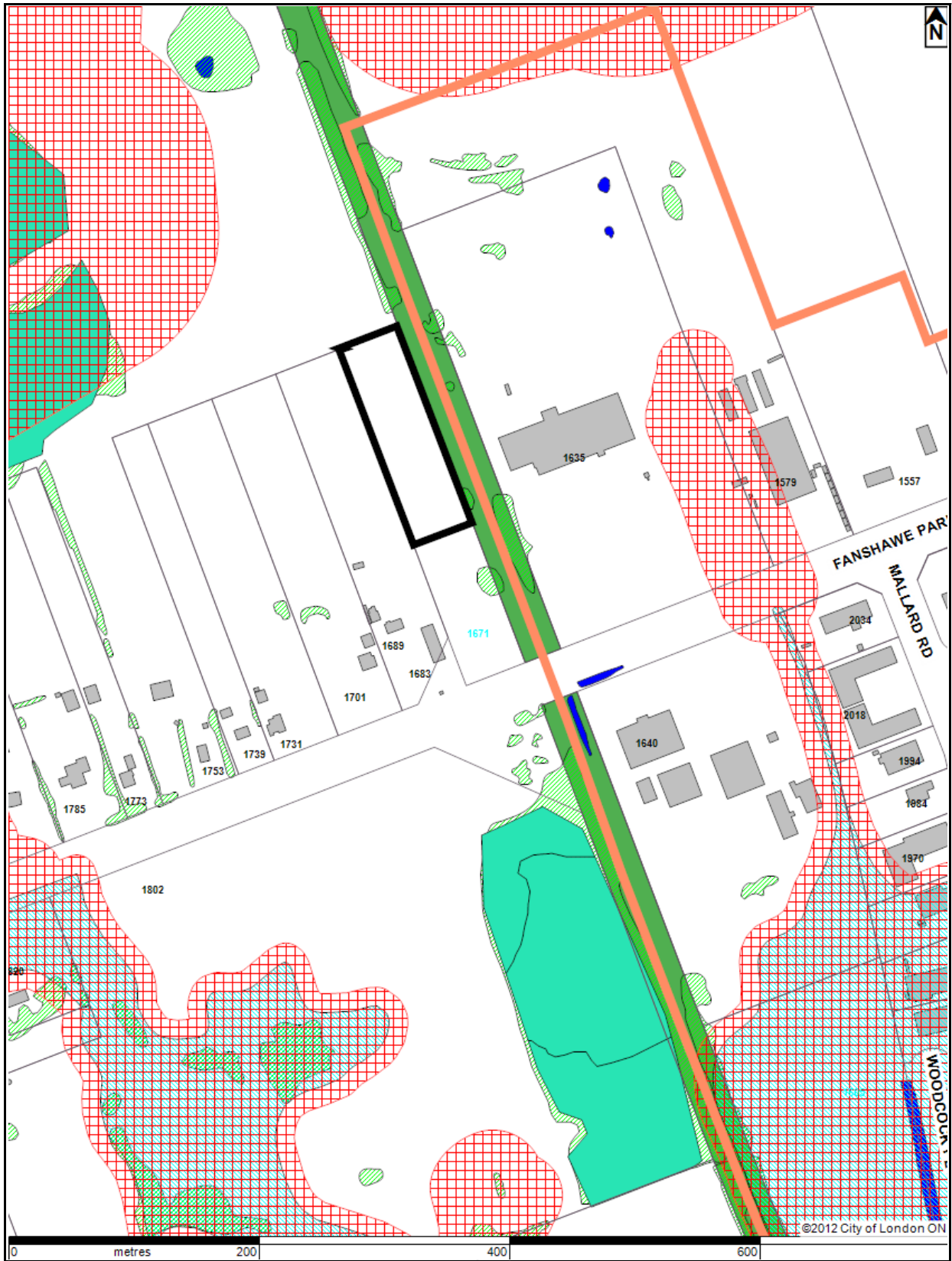
PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of this amendment is to extend the temporary zone to continue to permit a temporary outdoor self-storage establishment for the rear of the subject site for a further three years period in conjunction with a proposed self storage facility proposed for the front portion of the subject site.

RATIONALE

1. The recommended temporary extension conforms with the criteria for temporary uses in the Official Plan.
2. This interim use is considered to be compatible with and will not detract from, or prejudice, the future development permitted in the Agricultural designation for the area. The temporary zoning does not establish a permanent use on the property and would allow for easy conversion back to an agricultural use.
3. The requested use is a low intensity use, and the potential impacts generated would be relatively low.
4. The applicant has a site plan ready to submit for site plan approval for the whole site of 1671 Fanshawe Park Road West. During this process issues such as servicing, traffic, access, landscaping and design will be addressed.






Two empty rectangular boxes for agenda item details.



LOCATION MAP

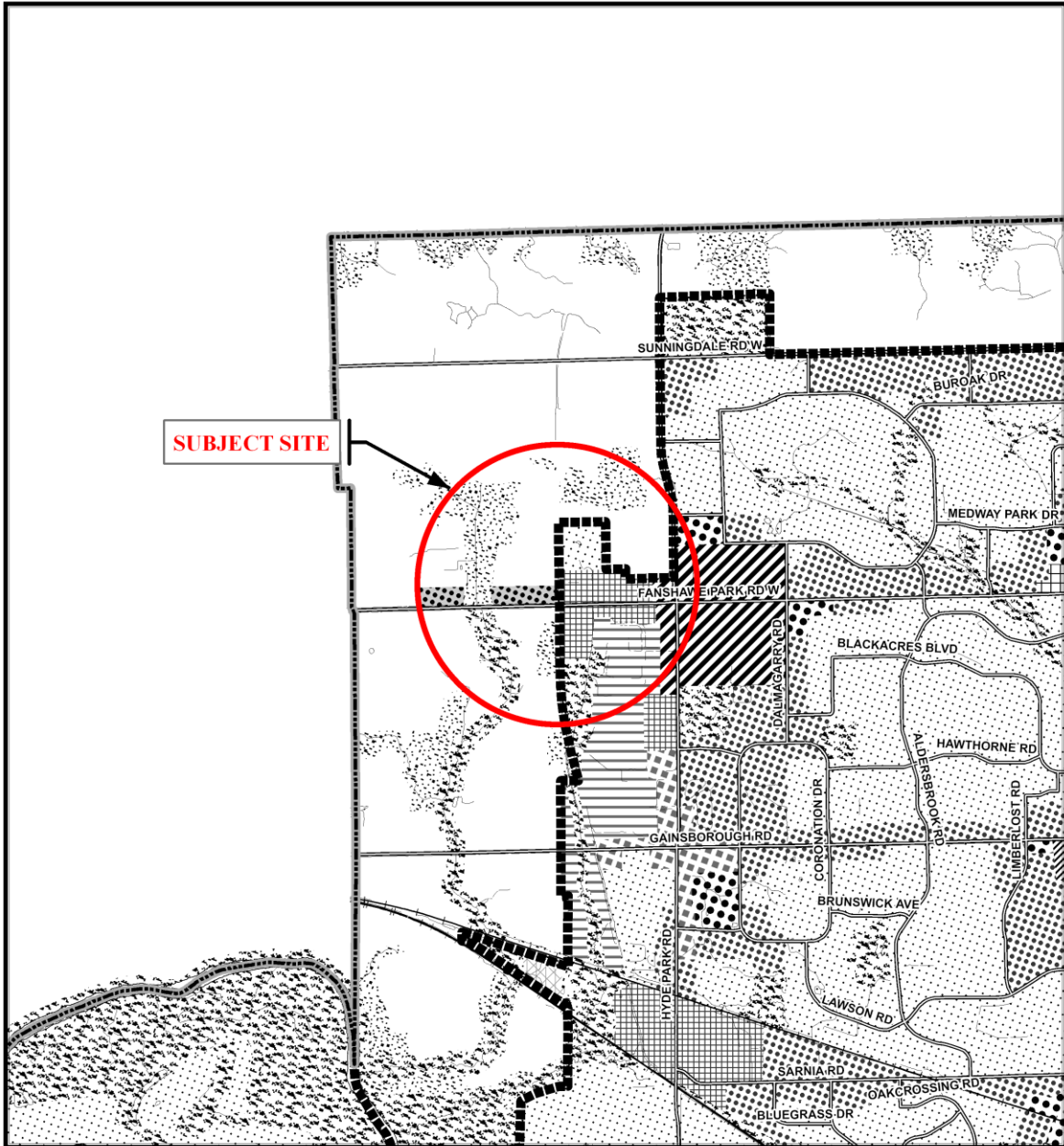
Subject Site: **1671 Fanshawe Park Rd W**
 Applicant: **Organic Choice Bagging Company Inc**
 File Number: **TZ-8010**
 Planner: **Alanna Riley**
 Created By: **Alanna Riley**
 Date: **2012-01-27**
 Scale: **1:3700**

LEGEND

-  Subject Site
-  Parks
-  Assessment Parcels
-  Buildings
-  Address Numbers

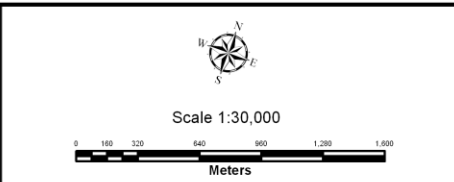


--	--



Legend	
	Downtown Area
	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: TZ-8010
PLANNER: AR
TECHNICIAN: CK
DATE: 2012/01/31

--	--



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: AG1*T-58

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

- 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

- 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

2) ANNEXED AREA APPEALED AREAS

CITY OF LONDON

PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES

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



FILE NO:
TZ-8010 AR

MAP PREPARED:
2012/02/02 CK

1:5,000
0 25 50 100 150 200
Meters

--	--

BACKGROUND	
Date Application Accepted: January 25, 2012	Agent: Heather Garrett – Zelinka Priamo
<p>REQUESTED ACTION: The purpose and effect of this amendment is to extend the temporary zone to continue to permit a temporary outdoor self-storage establishment for a further three years period.</p> <p>Change Zoning By-law Z.-1 for the rear portion of the subject site to extend the existing temporary use zone for a period of not more than three years from the date of the passing of the by-law.</p>	

SITE CHARACTERISTICS:
<ul style="list-style-type: none"> • Current Land Use - Vacant • Area – 1.43 hectares • Shape - rectangular

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

OFFICIAL PLAN DESIGNATION: (refer to map on page 4)
<p>Agricultural - Within areas designated "Agriculture" on Schedule "A", the primary permitted use of land 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.</p>
EXISTING ZONING: (refer to map on page 5)
<p>Agricultural AG1 - The Agricultural Zone is intended to be applied to lands which are designated Agriculture in the Official Plan. The creation of properties less than 40 ha (98.8 ac) in size is discouraged by the Official Plan policies. The AG1 Zone variation permits a wide range of non-intensive agricultural uses.</p>

PLANNING HISTORY

- The site was zoned Rural Residential under By-law 5000.
- The subject site was zoned Restricted Service Commercial Special Provision (RSC5(2)) in 1997 to permit repair and rental establishments and service and repair establishments.
- Through the annexed area zoning review, the front portion of the subject site was zoned Holding Rural Settlement Commercial Special Provision (h-17.RRC2(1)), and the rear portion was zoned Agriculture (AG1).
- On January 9, 2012, an application was received for a Zoning By-law amendment on the subject site to extend the temporary zone for a further three years.

--	--

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

London Hydro

No objection.

Upper Thames River Conservation Authority (UTRCA)

No objection.

Environmental and Engineering Services Department

The City of London's Environmental and Engineering Services Department offers the following comments with respect to the aforementioned Zoning By-Law amendment application.

- *It is noted that the subject site is outside the Urban Growth Boundary.*
- *Presently there are no municipal sanitary services available to service the subject site.*
- *Presently there is no municipal storm sewer adjacent to the subject site. Stormwater management may be required at this site.*
- *Presently there is no municipal watermain adjacent to the subject site. At the time of development, if water is required, the existing 300mm watermain on Fanshawe Park Road West will have to be extended approximately 450 meters westerly to the subject site to the satisfaction of the City Engineer.*

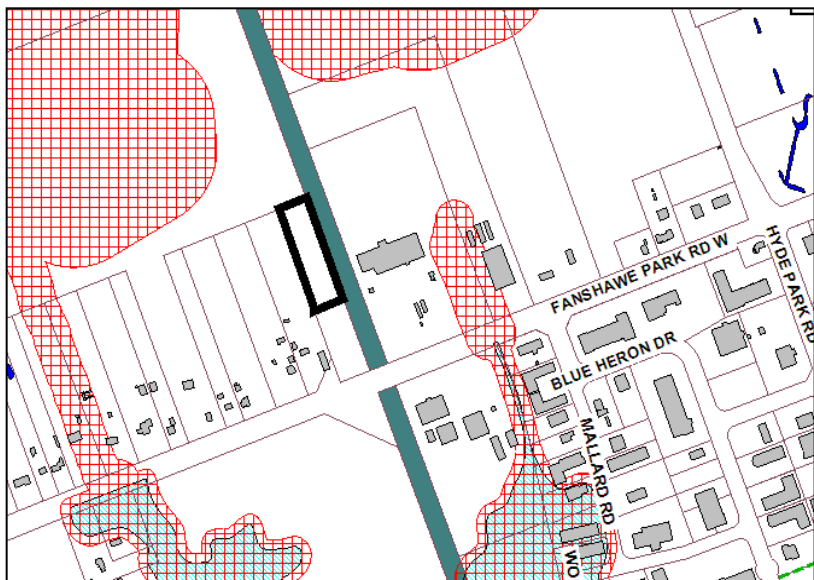
These comments among other engineering and transportation issues will be addressed in greater detail when and if these lands come in as a consent application, plan of subdivision or for site plan approval.

PUBLIC LIAISON:	On January 31, 2012, Notice of Application was sent to 9 property owners in the surrounding area. Notice of Application was also published in the "Living in the City" section of the London Free Press on Saturday, February 4, 2012. Notice of Public Meeting was sent to 9 property owners in the surrounding area. Notice of Public Meeting was published in the "Living in the City" section of the London Free Press on Saturday, March 10, 2012.	0 Replies
Nature of Liaison: Change Zoning By-law Z.-1 for the rear portion of the subject site to extend the existing temporary use zone for a period of not more than three years from the date of the passing of the by-law.		
Responses: None		

ANALYSIS

What is the existing situation?

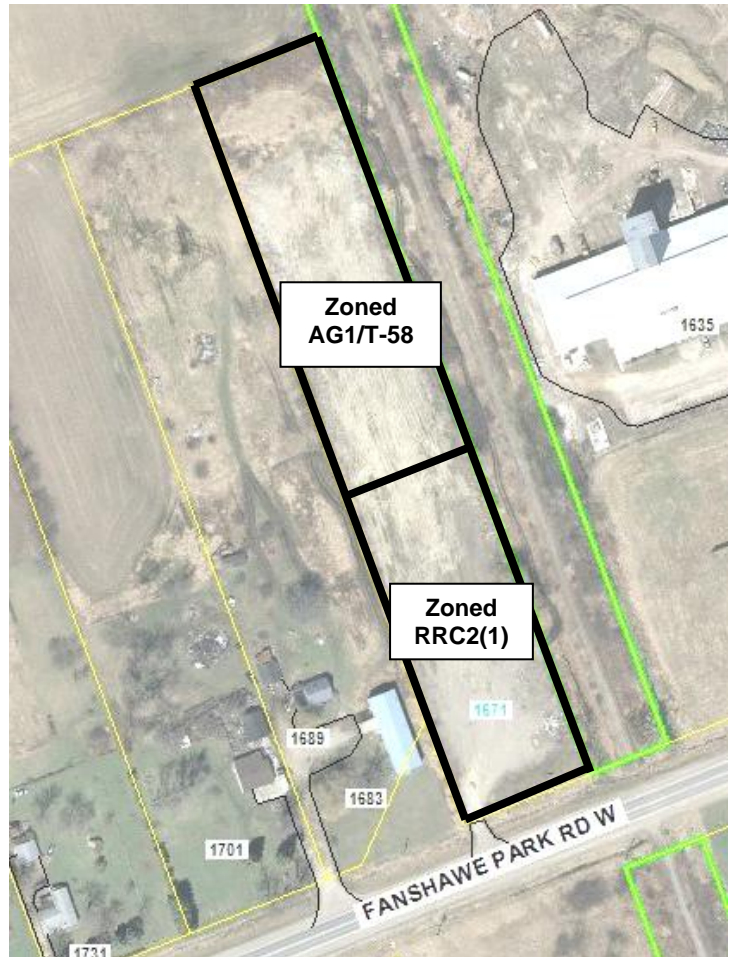
The subject site is the rear portion of 1671 Fanshawe Park Road West, located on the north side of Fanshawe Park Road West, west of Hyde Park Road. The site is currently vacant, is approximately 1.43 ha in area and is located outside of the Urban Growth Boundary. Surrounding land uses include agricultural uses to the north, agricultural uses and commercial uses to the south, industrial uses to the east, and warehousing and residential uses to the west.



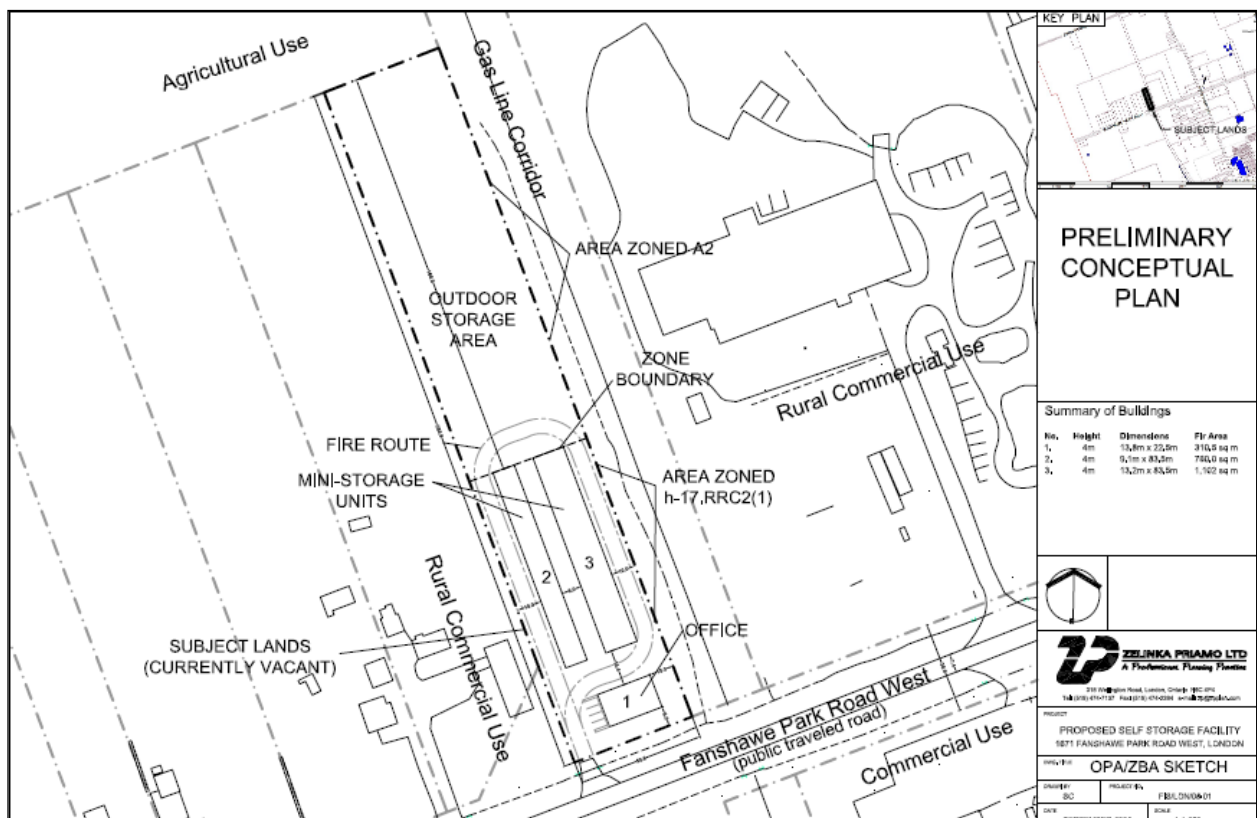
--	--

What is the nature of the application?

1671 Fanshawe Park Road West has two different zones. The front portion of the property is zoned Holding Rural Settlement Commercial Special Provision (h-17.RRC2(1)) which permits auction establishments; building or contracting establishments; bulk sales establishments; existing dwellings; printing establishments; repair and rental establishments; service and repair establishments; service trades; support offices; warehouse establishments; wholesale establishments. The rear of the property is zoned Agriculture AG1 which permits agricultural uses, livestock facilities provided that such facilities are located at least 300 metres from the City's Urban Growth boundary; or in accordance with the MDS regulations, whichever is greater; farm dwellings; forestry uses; kennels; conservation lands; wayside pits; nurseries; passive recreation uses; farm markets; and small wind energy conversion systems. Three years ago, Municipal Council passed a by-law to permit a temporary zone on the rear portion of the property for an outdoor storage area for a three year period. The applicant is seeking an amendment to extend the temporary zone for a further three (3) year period. This is proposed to be combined with a proposal to develop a self-storage establishment on the front portion of the property which is currently permitted under the definition of a warehouse use under the current zoning.



A concept plan is provided below:



--	--

Provincial Policy Statement

The proposal is in accordance with Section 1.1 Managing and Directing Land Use to Achieve Efficient Development and Land Use Patterns of the Provincial Policy Statement. As indicated the subject site is within an identified settlement area outside of the Urban Growth Boundary and is identified by the Official Plan as lands intended for agricultural uses. The proposed development is compatible with the rural landscape, does not require an expansion to the settlement area, and is appropriate to the available infrastructure.

Official Plan

The City of London Official Plan designates these lands as Agricultural. The Agriculture land use designation is applied to lands outside of the urban community, rural settlement areas and areas designated for urban growth over the planning period, where agriculture and farm-related activities are the predominant land use. In addition to productive farm land the agricultural area includes lands of lesser or marginal value for crop production as well as woodlands and other natural features.

Provided the general intent and purpose of the Official Plan are maintained, Section 19.4.5 of the Official Plan provides for Municipal Council to pass temporary use by-laws for renewable periods not exceeding three years, of land, buildings or structures for a purpose that is otherwise prohibited by this Plan, in accordance with the Planning Act. In enacting a Temporary Use By-law, Council shall have regard for the following matters:

- *compatibility of the proposed use with surrounding land uses;*

The subject site is the rear portion of 1671 Fanshawe Park Road West. The current zoning for the front portion of these lands permits a self-storage establishment. Surrounding uses consist of agricultural uses, industrial uses, commercial uses and residential uses. Allowing temporary outdoor self storage establishment on the rear portion of 1671 Fanshawe Park Road West for a further three year period in conjunction with a self-storage establishment on the front portion is considered compatible, and should not have significant impacts on the surrounding area.
- *any requirement for temporary buildings or structures in association with the proposed use;*

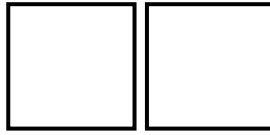
This application is for an outdoor use, and no requirements have been requested.
- *any requirement for temporary connection to municipal services and utilities;*

No temporary connections are required for the outdoor storage area. Site plan approval will address servicing for the proposed establishment on the north portion of 1671 Fanshawe Park Road West.
- *the potential impact of the proposed use on transportation facilities and traffic in the immediate area;*

Transportation has indicated no concern with regards to traffic.
- *access requirements for the proposed use;*

This will be addressed through the site plan approval process when the whole site is processed. To note, no change is proposed to the access to the subject lands.
- *parking required for the proposed use, and the ability to provide adequate parking on-site; and,*

This will be reviewed through the site plan approval process when the whole site is reviewed.
- *the potential long-term use of the temporary use.*



As indicated, there are no proposed structures for this portion of the property, and the use is for an interim period only. It is not intended that this temporary zone will permanently establish this use on the rear portion of 1671 Fanshawe Park Road West.

With respect to the Official Plan, staff are satisfied the temporary zoning application for the outdoor self-storage area maintains the general intent and purpose of the relevant policies.

Zoning

The City's ZBL implements the objectives and policies of the OP and regulates the development and use of land by specifying permitted uses and development standards on individual properties.

2.3.1 Holding Rural Settlement Commercial Special Provision (h-I7.RRC2 (1))

The front portion of subject lands are zoned Holding Rural Settlement Commercial Special Provision (h-I7.RRC2(1)). The Rural Settlement Commercial Special Provision (h-I7.RRC2 (1)) provides for a limited range of commercial uses which include single detached dwellings, and the intent for the commercial uses is to serve the Rural Settlement community and surrounding rural area. As noted, the applicant is proposing to develop the front portion of the property into a self-storage establishment. This is a permitted use under a warehouse establishment listed below.

Permitted uses include:

Auction establishments;
Building or contracting establishments;
Bulk sales establishments;
existing dwellings;
Printing establishments;
Repair and rental establishments;
Service and repair establishments;
Service trades;
Support offices;
Warehouse establishments; and
Wholesale establishments.

2.3.2 Agricultural/Temporary (AG1 /T-58)

The rear portion of the subject lands is zoned Agricultural/Temporary (AG1/T-58). This zone permits a wide range of non-intensive agricultural uses. The temporary zone expired November 2011.

Permitted uses include:

Agricultural uses;
Livestock facilities (must be located at least 300 m from the City's Urban Growth boundary; or in accordance with the MDS regulations, whichever is greater);
Farm dwellings;
forestry uses;
Kennels;
Conservation lands;
Wayside pits;
Nurseries;
Passive recreation uses;
Farm markets; and
Small wind energy conversion systems.

Extending the temporary zone (T-58) will allow for a temporary outdoor self-storage establishment for a further three (3) year period. This temporary use will in no manner affect the area for future planning and development. **The temporary zoning does not establish a permanent use on the property and would allow for easy conversion back to an agricultural use.**

Agenda Item #

--	--

File No: TZ-8010
Planner: Alanna Riley

CONCLUSION

The proposed extension is consistent with the Provincial Policy Statement and conforms to the intent of the Official Plan. The proposed use is compatible with the surrounding uses, and is not intended to be a permanent use. As such, the proposed amendment is consistent with good planning practice and is an efficient temporary use of the subject lands.

PREPARED BY:	SUBMITTED BY:
ALANNA RILEY, MCIP, RPP – PLANNER II, COMMUNITY PLANNING AND URBAN DESIGN	JIM YANCHULA, MCIP, RPP MANAGER OF COMMUNITY PLANNING AND URBAN DESIGN
RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP DIRECTOR OF LAND USE PLANNING AND CITY PLANNER	

AR/ar

March 13, 2012

Document1

--	--

File No: TZ-8010
Planner: Alanna Riley

Bill No. (number to be inserted by Clerk's Office)
2012

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to extend the Temporary Use (T-58) for an area located at 1671 Fanshawe Park Road West.

WHEREAS Organic Choice Bagging Company has applied to extend the Temporary Use (T-58) relating to property located at 1671 Fanshawe Park Road West, as set out below;

AND WHEREAS the Municipal Council of the Corporation of the City of London, by By-law No. Z.-1-081818, approved the Temporary Use for 1671 Fanshawe Park Road West to be used for a period not exceeding three (3) years beginning November 3, 2008;

AND WHEREAS the Municipal Council of the Corporation of the City of London, deems it advisable to extend the Temporary Use for 1671 Fanshawe Park Road West to be used for a period not exceeding three (3) years beginning April 10, 2012.

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. By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 1671 Fanshawe Park Road West, to extend the temporary use to permit an outdoor self storage area for a period not exceeding three (3) years beginning April 10, 2012.
2. Section 50.2 of By-law No. Z.-1 is amended by changing the temporary zone as follows:

45) T-58

This temporary use is hereby extended until April 10, 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 subsection 34(21) of the *Planning Act, R.S.O. 1990, c. P.13*, either upon the date of the passage of this by-law or as otherwise provided by the said subsection.

PASSED in Open Council on April 10, 2012.

Joe Fontana
Mayor

Catharine Saunders
City Clerk

Agenda Item #

--	--

File No: TZ-8010
Planner: Alanna Riley

First Reading – April 10, 2012.
Second Reading – April 10, 2012.
Third Reading – April 10, 2012.

--	--

File No: TZ-8010
Planner: Alanna Riley

Bibliography of Information and Material – TZ-8010

Request for Approval

City of London Zoning By-law Application Form, completed by Heather Garrett (Applicant)

Reference Documents

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

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

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

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

Written Correspondence: (located in City of London File No. TZ-8010 unless otherwise stated)

City of London

Roobroeck, Richard. Environment and Engineering Services Department.

Agency Review and Public Responses: (located in City of London File No. TZ-8010 unless otherwise stated)

London Hydro

Dalrymple D., London Hydro. Reply Sheet for City of London Applications.

Upper Thames River Conservation Authority (UTRCA)

Creighton C., Land Use Planner. .

Environmental and Engineering Services (EESD)

Burgess L., Division Manager. Memo to Alanna Riley.