

H-8708/L. Mottram

TO:	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE
FROM:	GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL
SUBJECT:	APPLICATION BY: CITY OF LONDON 2506 BONDER ROAD MEETING ON NOVEMBER 28, 2016

RECOMMENDATION

That, on the recommendation of the Senior Planner, Development Services, based on the application by the City of London relating to lands located at 2506 Bonder Road, east side, north of Bradley Avenue; comprising a portion of Block 1 Registered Plan No. 33M-609, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on December 6, 2016 to amend Zoning By-law Z.-1 (in conformity with the Official Plan) to change the zoning of the lands **FROM** a Holding Light Industrial Special Provision (h-36•LI2(16)) Zone **TO** a Light Industrial Special Provision (LI2(16)) Zone to remove the holding (h-36) provision.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

February 12, 2007 – General Manager of Planning and Development to Planning Committee – Northeast Corner of Veterans Memorial Parkway and Bradley Avenue – City of London (File No. 39T-06506 / Z-6802) (*Agenda Item #8*)

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of this action is to remove the holding symbol to allow development of the lands for advanced manufacturing industrial uses permitted under the Light Industrial Special Provision (LI2(16)) Zone.

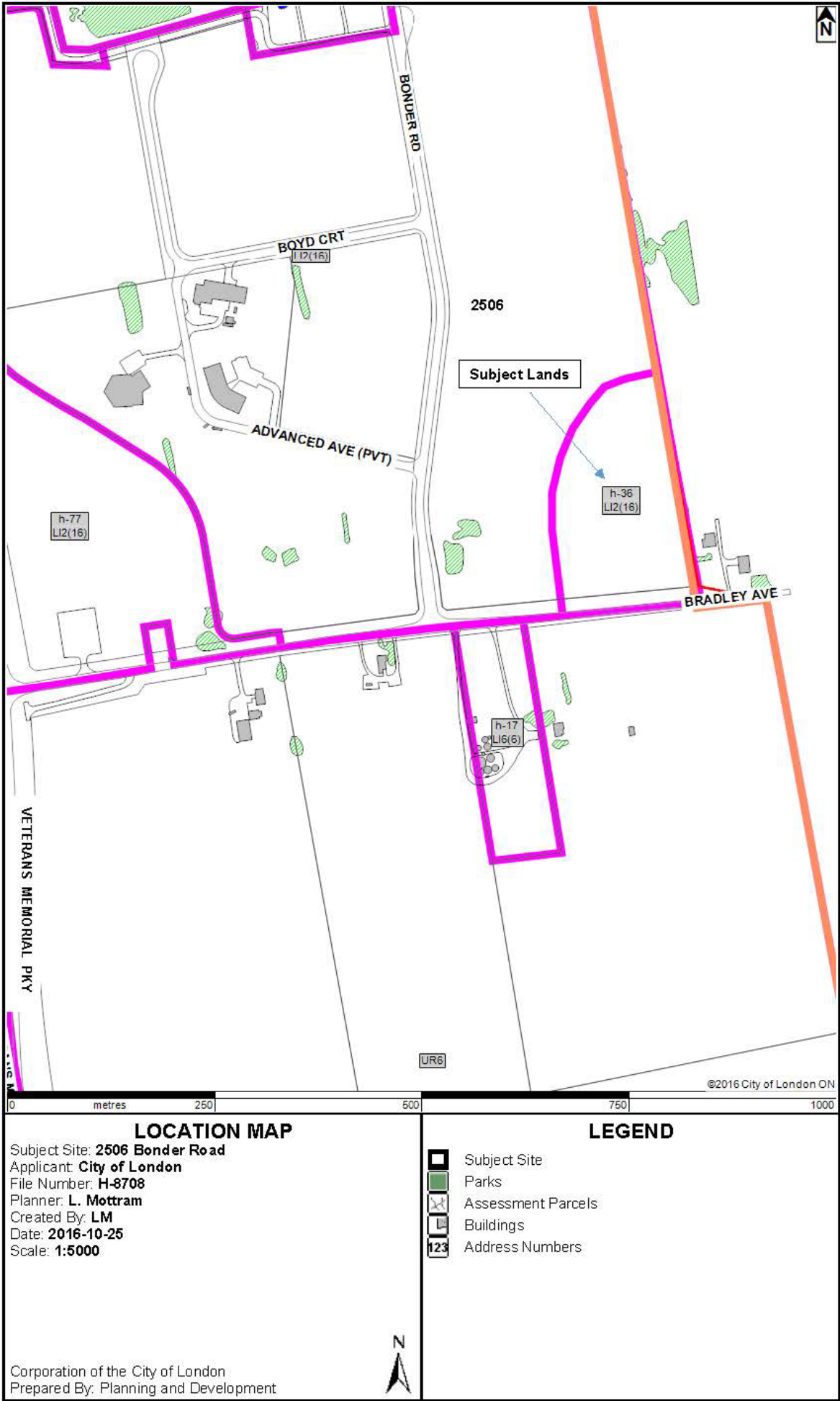
RATIONALE

1.

The conditions for removing the holding (h-36) provision have been met and the recommended amendment will allow development of light industrial uses in compliance with the Zoning By-law.
2.

The owner confirmed that the accessory building on the adjacent lands has not been used for housing livestock in many years, and given its age and condition it is felt no longer has potential for housing livestock.

Location Map



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BACKGROUND

The subject lands at 2506 Bonder Road are part of an industrial subdivision known as Innovation Park Phase IV. The subdivision was draft approved and zoned in 2007, and was subsequently registered as Plan 33M-609. During the draft plan of subdivision approval process, a holding (h-36) provision was applied to the zoning over a portion of the lands in the southeast corner to implement the Minimum Distance Separation (MDS) regulations. This was to recognize the existence of an accessory building on the adjacent parcel of land at 2618 Bradley Avenue which had previously been used to house approximately 15 to 20 sheep up until the early 1990’s, and it was felt at the time had potential to house livestock. The same owner was recently contacted by Realty Services staff who confirmed that the building no longer houses livestock and was being used for storage purposes and that it was in need of maintenance and repair. The current owner does not keep any livestock, however, they do maintain a bee hive operation on the property which is not subject to MDS requirements.

Date Application Accepted: October 21, 2016	Agent: Bill Warner, Manager of Realty Services
REQUESTED ACTION: Request to remove the Holding (“h-36”) Provision from the zoning of the subject lands which will put into effect the Light Industrial Special Provision (LI2(16)) Zone	

PUBLIC LIAISON:	Notice of Intent to Remove Holding Provision was published in the <i>Public Notices and Bidding Opportunities</i> section of <i>The Londoner</i> on November 3, 2016. Notice of Application to Remove Holding Symbol was sent to the owner of adjacent lands at 2618 Bradley Avenue on October 26, 2016.	No replies received
Responses: There was no response to the Notice of Application.		

ANALYSIS

The purpose of the holding (“h-36”) provision in the zoning by-law is as follows:

Purpose: To implement the Provincial Minimum Distance Separation (MDS) regulations the h-36 holding provision will not be deleted until the existing livestock facility has been removed or, through removal of building infrastructure, is no longer capable of housing livestock.

Permitted Interim Uses: Vehicle parking and equipment storage, in association with permitted uses in the LI2(9) Zone variation, excluding storage of hazardous materials and fuel and refuelling stations.

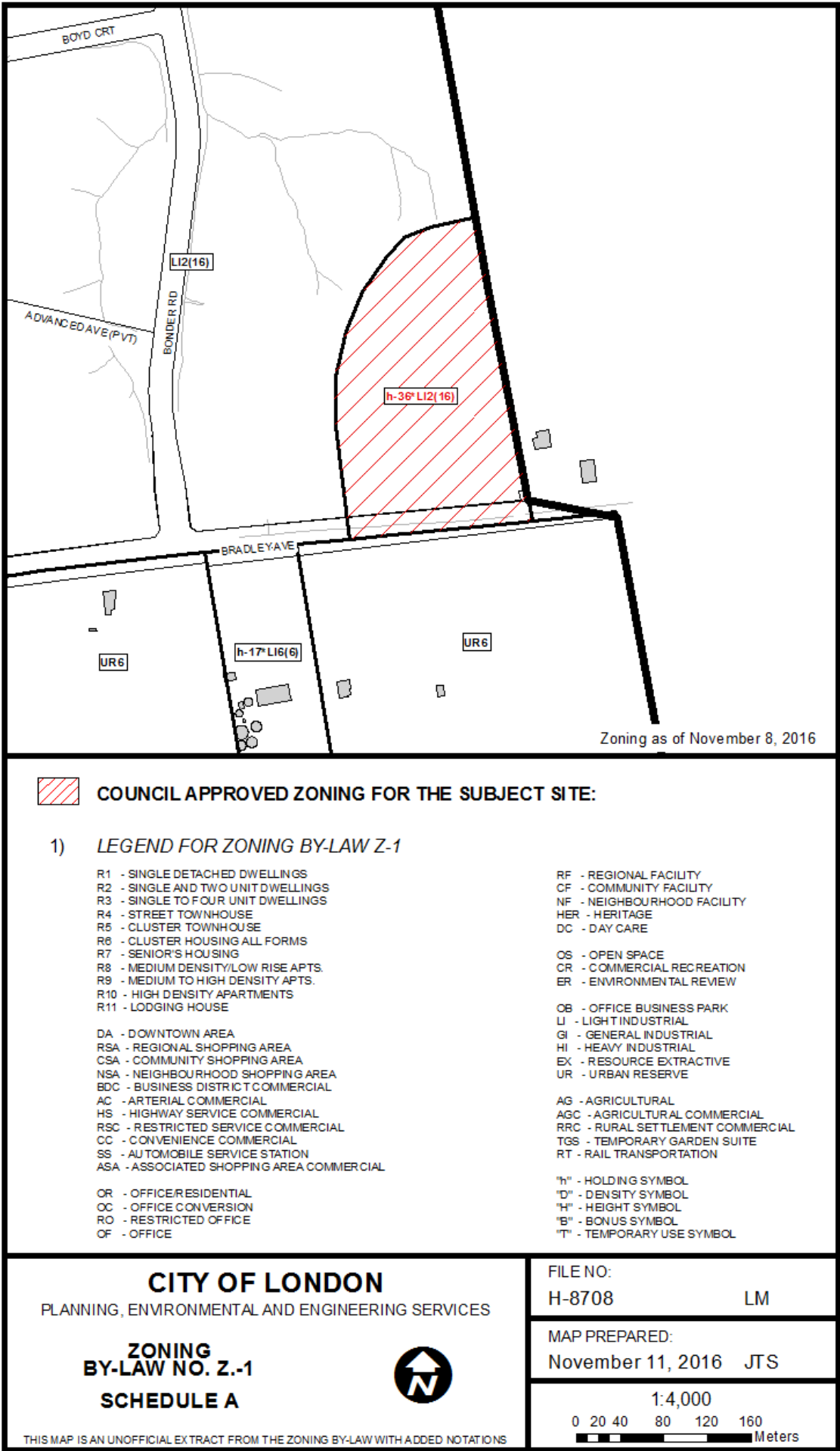
With respect to the application of Minimum Distance Separation to designated settlement areas, the MDS Implementation Guidelines published by the Ministry of Agriculture, Food and Rural Affairs (Guideline #37) states that:

“MDS1 does not apply to proposed non-agricultural uses in approved settlement area designations. However, municipalities have the option to apply MDS1 from livestock facilities within a settlement area designation.”

“The application of MDS1 will take its direction from the applicable municipal planning documents.”

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Zoning Map



CITY OF LONDON

PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES

ZONING BY-LAW NO. Z-1

SCHEDULE A

FILE NO:

H-8708

LM

MAP PREPARED:

November 11, 2016

JTS

1:4,000

0 20 40 80 120 160 Meters

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

MDS1 under the current Official Plan policies applies to livestock operations that exist within the *Agriculture, Rural Settlement, and Urban Reserve* land use designations. Lands within the *Urban Reserve* designation that cannot be developed for urban purposes due to MDS1 requirements may be permitted to develop for municipal infrastructure that does not allow for passive/active recreation uses. Plans of subdivision or condominium may be draft approved only where a holding zone or draft plan conditions requiring phasing are applied to these lands to preclude development until such time as the subject livestock facility is removed.

MDS1 under *The London Plan*, which has been adopted by Council but is not yet in force and effect, will apply only to lands outside of the Urban Growth Boundary, and to any proposals to expand the Urban Growth Boundary. The London Plan’s policy reads as follows:

1773_ Any proposed planning and development applications for lands outside of the Urban Growth Boundary, and any proposals to expand the Urban Growth Boundary, shall meet the required odour setbacks in accordance with the provincial Minimum Distance Separation (MDS1) Implementation Guidelines and Formulae, as amended by the Province from time to time.

It is noted that the subject lands are located within the City’s Urban Growth Boundary and have been designated over the long term for future light industrial development in conformity with the Official Plan and zoning by-law, and therefore meets the definition of “settlement areas” as defined in the Provincial Policy Statement.

Realty Services staff received confirmation from the owner that the accessory building on the adjacent lands at 2618 Bradley Avenue has not been used for housing livestock in many years, and given its age and condition it is generally felt that the building is no longer reasonably capable of housing livestock.

CONCLUSION

Based on our review, the holding zone requirements have been satisfied and it is appropriate to proceed to lift the holding (“h-36”) symbol from the zoning map.

PREPARED and RECOMMENDED BY:	REVIEWED BY:
LARRY MOTTRAM, MCIP, RPP SENIOR PLANNER – DEVELOPMENT SERVICES	ALLISTER MACLEAN MANAGER, DEVELOPMENT PLANNING
REVIEWED BY:	SUBMITTED BY:
TERRY GRAWAY, MCIP, RPP MANAGER, DEVELOPMENT SERVICES AND PLANNING LIAISON	GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL

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Bill No. (Number to be inserted by Clerk's Office)
2017

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to remove the holding provision from the zoning of lands located at 2506 Bonder Road, east side, north of Bradley Avenue; comprising a portion of Block 1 Registered Plan No. 33M-609.

WHEREAS the City of London has applied to remove the holding provision from the zoning for lands located at 2506 Bonder Road, east side, north of Bradley Avenue; comprising a portion of Block 1 Registered Plan No. 33M-609, as shown on the map attached to this by-law, as set out below;

AND WHEREAS it is deemed appropriate to remove the holding provision from the zoning of the said lands;

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 2506 Bonder Road, east side, north of Bradley Avenue; comprising a portion of Block 1 Registered Plan No. 33M-609, as shown on the attached map, to remove the holding provision so that the zoning of the lands as a Light Industrial (LI2(16)) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on December 6, 2016.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – December 6, 2016
Second Reading – December 6, 2016
Third Reading – December 6, 2016

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

