

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: George Kotsifas, P. Eng.
Managing Director, Development & Compliance Services
and Chief Building Official

Subject: Application By: Harasym Homes Inc.
1900 Kilgorman Way

Public Participation Meeting on: February 20, 2018

Recommendation

That, on the recommendation of the Senior Planner, Development Services, on the application by Harasym Homes Inc. relating to lands located at 1900 Kilgorman Way, comprising Lot 9 Registered Plan No. 33M-682, the proposed by-law attached hereto as Appendix "A" BE INTRODUCED at the Municipal Council meeting on March 6, 2018 to amend Zoning By-law Z.-1 (in conformity with the Official Plan) to change the zoning of the lands FROM a Holding Residential R1 (h-37•R1-14) Zone TO a Residential R1 (R1-14)

Executive Summary

Summary of Request

To remove a holding provision from the zoning on a vacant lot at 1900 Kilgorman Way.

Purpose and the Effect of Recommended Action

The purpose and effect is to remove the holding ("h-37") symbol from the zoning to permit construction of a single detached dwelling which is permitted under the Residential R1 (R1-14) Zone.

Rationale of Recommended Action

The condition for removing the holding provision has been met as the livestock facility which prevented development of the lot at 1900 Kilgorman Way has been removed. The separation distance from the remaining livestock facility in the area should not impact the future building footprint for a dwelling and its outdoor living area.

Analysis

1.0 Site at a Glance

1.1 Property Description

The property is a vacant building lot within a 23 lot residential subdivision registered on May 1, 2015 (Lot 9 Plan 33M-682). The subdivision consists of large estate lots with individual on-site waste water treatment systems and municipal water supply.

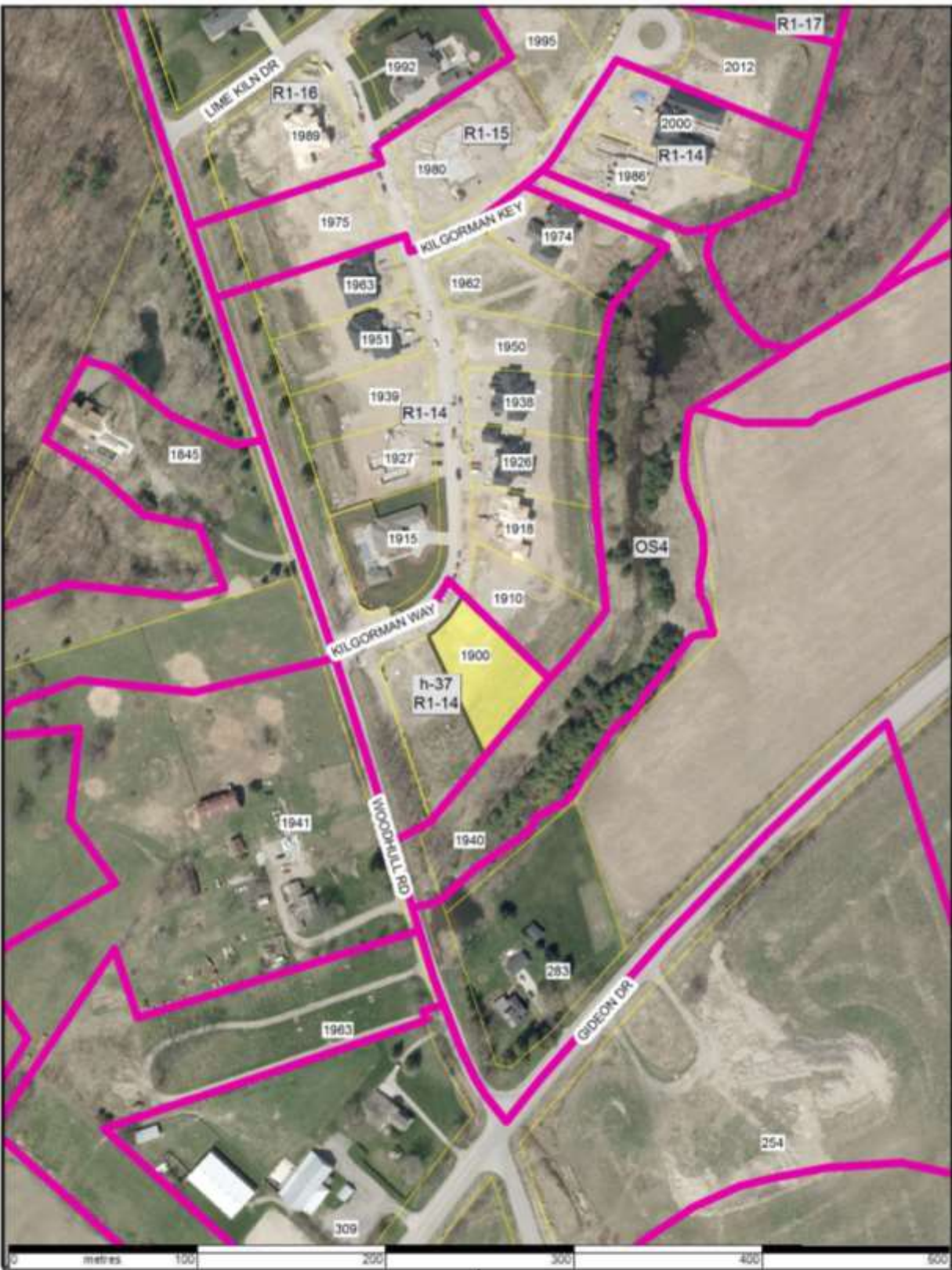
1.2 Current Planning Information (see more detail in Appendix D)

- Official Plan Designation – Rural Settlement
- The London Plan Place Type – Rural Neighbourhoods
- Existing Zoning – holding Residential R1 (h-37•R1-14) Zone

1.3 Site Characteristics

- Current Land Use – vacant building lot
- Frontage – 30 metres (98 ft.)
- Depth – 65 metres (213 ft.)
- Area – 2,671 square metres (28,750 sq.ft.)
- Shape – irregular

Location Map



LOCATION MAP	LEGEND
Subject Site: 1900 Kilgorman Way Applicant: Harasym Homes Inc File Number: H-8854 Planner: L. Mottram Created By: LM Date: 2017-11-23 Scale: 1:2500	<ul style="list-style-type: none"> Subject Site Parks Assessment Parcels Buildings Address Numbers
Corporation of the City of London Prepared By: Planning and Development	

1.4 Surrounding Land Uses

- North – residential single detached dwelling
- East – vacant residential lot
- South – open space
- West – vacant residential lot

2.0 Description of Proposal

2.1 Development Proposal

Construction of a single detached dwelling on a vacant building lot within a registered plan of subdivision.

3.0 Relevant Background

3.1 Planning History

On January 24, 2005 Municipal Council considered an application for lands located at 1820 Woodhull Road, east side, between Gideon Drive and Oxford Street West; immediately adjacent an existing residential subdivision on Lime Kiln Road. The application was for approval of a draft plan of subdivision comprising 23 single detached lots and 1 open space block, served by two local roads. As a result of an appeal, the Ontario Municipal Board (OMB) conducted a hearing and granted Draft Approval on December 7th, 2006 subject to conditions. Extensions to Draft Approval were granted by the OMB in 2009 and again in 2012. Final approval was granted and the plan was registered as Plan 33M-682 on May 1, 2015.

The zoning approved by Council for the development area was Residential R1 (R1-14, R1-15, R1-16 & R1-17), with holding provisions to require a subdivision agreement and address Minimum Distance Separation (MDS) restrictions. The open space block (ravine & stream corridor) was zoned Open Space (OS4 and OS5).

A holding “h-37” provision was applied to the zoning for Lots 8 and 9 within the Draft Plan (municipal numbers 1890 and 1900 Kilgorman Way). These lots were determined to fall within with the Minimum Distance Separation (MDS1) setbacks of two nearby livestock facilities; a large livestock operation located to the south at 254 Gideon Drive and a smaller facility to the west at 1941 Woodhull Road. As a condition of Draft Plan Approval, the Owner agreed that no building permits would be applied for on Lots 8 and 9 until the holding provision on the affected lots was removed to address the minimum distance separation from an identified livestock operation.

The larger livestock facility located at 254 Gideon Drive was later removed in 2012. A smaller livestock facility consisting of a horse farm and stables continues to operate at 1941 Woodhull Road.

3.2 Requested Amendment

A request to amend the zoning to delete the holding (“h-37”) symbol from the subject lands at 1900 Kilgorman Way was received in late 2017. The purpose of the “h-37” provision is to implement the Provincial Minimum Distance Separation (MDS) regulations. The “h-37” 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. Existing uses may be permitted on an interim basis.

3.3 Community Engagement (see more detail in Appendix B)

In response to the Notice of Application, concerns were expressed by the owner of the livestock facility at 1941 Woodhull Road about future impacts of restricting the use, relocation or expansion of his livestock facility.

3.4 Policy Context (see more detail in Appendix C)

Provincial Policy Statement 2014 contains policies with respect application of Provincial Minimum Distance Separation formulae intended to separate sensitive land uses so as to reduce incompatibility concerns about odour from livestock facilities. The London Plan also contains policies with respect to the implementation of the Minimum Distance Separation (MDS1 and MDSII) guidelines and setback requirements.

3.5 Additional Background

These lands were annexed to the City of London from Delaware Township in 1993 and were part of an extensive planning process called Vision '96 which culminated in Council's adoption of Official Plan Amendment No. 88 (OPA 88) to the City's Official Plan. After numerous appeals and Ontario Municipal Board hearings, the final Board Order was issued for OPA 88 in December 1999 which designated the subject lands as "Rural Settlement". OPA 88 included a Specific Area Policy under Section 10.1.3 with respect to the Rural Settlement designation south of Lime Kiln Drive and east of Woodhull Road. This policy permitted development of a rural estate residential subdivision, subject to completion of an Environmental Impact Study and that it consist of large rural estate lots comparable to the adjacent subdivision on the north side of Lime Kiln Road.

4.0 Key Issues and Considerations

The purpose of the holding ("h-37") provision in the Zoning By-law is as follows:

Purpose: To implement the Provincial Minimum Distance Separation (MDS) regulations the "h-37" 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 Use: Existing uses

4.1 Issue and Consideration # 1

Has the condition for removal of holding (h-37) provision been met?

At the time this plan of subdivision was being considered for draft approval, a survey of livestock facilities in the immediate area was undertaken in order to perform Minimum Distance Separation (MDS1) setback calculations. Two livestock operations were identified as having separation setbacks that overlapped the southerly portion of the subdivision plan. As mentioned previously, a large livestock facility located at 254 Gideon Drive which existed at the time has since been removed and there are no longer any buildings or structures on the site. The separation distance for this facility was 244 metres affecting most of the southerly half of the subject lot at 1900 Kilgorman Way. A smaller livestock facility was identified at 1941 Woodhull Road having a separation distance of 133 metres.

As shown on the Buffer Radius Map in Appendix D of this report, the separation distance measured from the existing barn extends approximately 2-3 metres inside the westerly lot line. However, the lot has sufficient area and is not significantly impacted in terms of providing a building footprint for a home and outdoor living area. Therefore, staff are satisfied that the condition has been met and recommend approval of the request to remove the h-37 symbol for the lot at 1900 Kilgorman Way. The holding provision would remain on the adjacent building lot at 1890 Kilgorman Way as it is closer to this existing livestock operation and entirely within the MDS1 separation distance.

4.2 Issue and Consideration # 2

How is the livestock facility at 1941 Woodhull Road impacted?

The existing horse farm can continue to operate as it has been. However, any proposal for expansion as a livestock facility would be required to meet MDS II separation setbacks in order to comply with the Provincial Policy Statement and The London Plan. Prior to the issuance of any building permit for any new or altered livestock facility, including manure storages, the City will require compliance with the provincial Minimum Distance Separation (MDS II) setbacks and compliance with the provisions of the Zoning By-law. Future expansion or relocation of the existing facility is further constrained by the presence of an adjacent cemetery to the south (Woodhull Cemetery). Concerns were raised by the owner of the active horse farm regarding potentially having to relocate his barn, the need to drill a new well, extend electrical service, access and increased walking distance from the farmhouse. These could be potential issues should there be a proposal for expansion or alteration of the existing livestock facility in the future. The recommended amendment will not affect the current situation. The h-37 holding provision will continue to apply to the remaining lot within the subdivision closest to this facility, consistent with Provincial MDS requirements, PPS and The London Plan policies.

5.0 Conclusion

In review of the application, it is Staff's opinion that it is appropriate to proceed to lift the holding ("h-37") symbol from the zoning map for the residential lot at 1900 Kilgorman Way.

Recommended by:	Larry Mottram, MCIP, RPP Senior Planner - Development Services
Reviewed by:	Lou Pompilli, MPA, RPP Manager, Development Planning
Reviewed by:	Matt Feldberg Manager, Development Services (Subdivisions)
Concurred In by:	Paul Yeoman, RPP, PLE Director, Development Services
Submitted by:	George Kotsifas, P. Eng Managing Director, Development and Compliance Services and Chief Building Official

February 12, 2018
GK/PY/MF/LP/LM/lm

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Appendix A

Bill No. (number to be inserted by Clerk's Office)
2018

By-law No. Z.-1-18_____

A by-law to amend By-law No. Z.-1 to remove the holding provision from the zoning of lands located at 1900 Kilgorman Way; comprising Lot 9 Registered Plan 33M-682.

WHEREAS Harasym Homes Inc. has applied to remove the holding provision from the zoning for lands located at 1900 Kilgorman Way; comprising Lot 9 Registered Plan No. 33M-682, 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 1900 Kilgorman Way; comprising Lot 9 Registered Plan No. 33M-682, as shown on the attached map, to remove the holding provision so that the zoning of the lands as a Residential R1 (R1-14) Zone comes into effect
- 2) The By-law shall come into force and effect on the date of passage.

PASSED in Open Council on March 6, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – March 6, 2018
Second Reading – March 6, 2018
Third Reading – March 6, 2018

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



File Number: H-8854
Planner: LM
Date Prepared: 2017/01/25
Technician: WR
By-Law No: Z.-1-

SUBJECT SITE 

1:2,500

0 12.5 25 50 75 100
Meters



Appendix B – Public Engagement

Community Engagement

Public liaison: On November 23, 2017, Notice of Application was sent to fifteen property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on December 7, 2017.

1 reply was received

Nature of Liaison: The purpose and effect is to remove the holding (h-37) provision to allow development of the lands for residential uses permitted under the Residential R1 (R1-14) Zone. The purpose of the “h-37” provision is to implement the Provincial Minimum Distance Separation (MDS) regulations the “h-37” 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.

Responses: A summary of the various comments received include the following:

Concern for:

Livestock facility at 1941 Woodhull Road:

- Owner expressed concern about further restrictions on use of his property and potentially having to relocate his barn. He would need to drill new well, extend electrical service, and increase walking distance from farmhouse. Relocation or expansion of his livestock facility is also restricted by the presence of an adjacent cemetery and would be subject to Minimum Distance Separation (MDS) requirements.

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

Telephone	Written
Mohamed Moussa – 155 Thornton Street (owner 1941 Woodhull Road)	none

Agency/Departmental Comments

Upper Thames River Conservation Authority (UTRCA)

“The UTRCA has no objections to this application but we remind the applicant to contact the Conservation Authority regarding the Section 28 permit requirements for the proposed development of these lands.”

Appendix C – Policy Context

The following policy and regulatory documents were considered in their entirety as part of the evaluation of this requested land use change. The most relevant policies, by-laws, and legislation are identified as follows:

Provincial Policy Statement, 2014

2.3.3.3 New land uses, including the creation of lots, and new or expanding livestock facilities shall comply with the *minimum distance separation formulae*.

The London Plan

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 (MDS I) Implementation Guidelines and Formulae, as amended by the Province from time to time.

1774_ Prior to the issuance of any building permit for any new or altered livestock facility, including manure storages, the City will require compliance with the provincial Minimum Distance Separation (MDS II) setbacks and compliance with the provisions of the Zoning By-law.

Appendix D – Relevant Background

Zoning Map



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
 "Y" - HOLDING SYMBOL "D" - DENSITY SYMBOL "H" - HEIGHT SYMBOL "B" - BONUS SYMBOL "T" - TEMPORARY USE SYMBOL |
|--|---|

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT 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:
 H-8854 LM

MAP PREPARED:
 2018/01/25 WR

1:2,500
 0 12.5 25 50 75 100 Meters

Minimum Distance Separation (MDSI)
Buffer Radius Map



Additional Reports

File No. 39T-03511 / OZ-6558 - 1820 Woodhull Road – Planning Committee Meeting on December 13, 2004 – Report from the General Manager of Planning and Development recommending approval of Draft Plan of Subdivision, Official Plan and Zoning By-law Amendments with respect an application by Phyllis Matthews for lands located at 1820 Woodhull Road.