

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee  
**From:** John M. Fleming  
Managing Director, Planning and City Planner  
**Subject:** Chinmaya Mission (Canada)  
2156 Highbury Avenue North  
**Meeting on:** August 13, 2018

## Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, the following information report regarding 2156 Highbury Avenue North, **BE RECEIVED** for information.

## Executive Summary

### Purpose and the Effect

The purpose and effect of this report is to provide information to Municipal Council about the planning history and policy context for the subject site. This information is being provided in response to a delegation from a potential applicant requesting approval to submit an Official Plan amendment application to amend The London Plan. The *Planning Act* does not permit amendments to new Official Plans for two years following the date of the adoption of the new Official Plan, unless otherwise permitted by Municipal Council.

Should Municipal Council resolve that the applicant is permitted to request an amendment to The London Plan, the merits of the proposed application would be evaluated following the submission of a complete application.

### Nature of Proponent's Request

The proponent is proposing to add a Neighbourhood Facility zone to the subject site in order to permit a Place of Worship which would use the existing structure on the subject site. Additional parking would be required on site to facilitate the use. The proposed use requires a Zoning By-law amendment application as well as an Official Plan amendment as this type of use is not permitted within the existing Agricultural designation or the existing Specific Policy Area of the 1989 Official Plan and The London Plan. The sites location outside of the Urban Growth Boundary does not lend itself to an alternative Official Plan designation therefore a new Specific Area Policy would be required.

## Analysis

### 1.0 Site at a Glance

#### 1.1 Property Description

The subject site is located in northeast London on the east side of Highbury Ave N. The site is approximately 700 metres north of Fanshawe Park Road abutting natural heritage features which includes the Fanshawe Wetland ESA and a Significant Valley Corridor. The lands are regulated by the Upper Thames River Conservation Authority. The site is also located outside of the Urban Growth Boundary. The site is approximately 2.02 ha in size with a small creek running north/south through the middle of it and an existing single detached dwelling. Currently no sanitary or storm sewers service the site.

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

- The London Plan Place Type – Farmland, Greenspace
- Existing Zoning – R1-11(16), OS4, ER

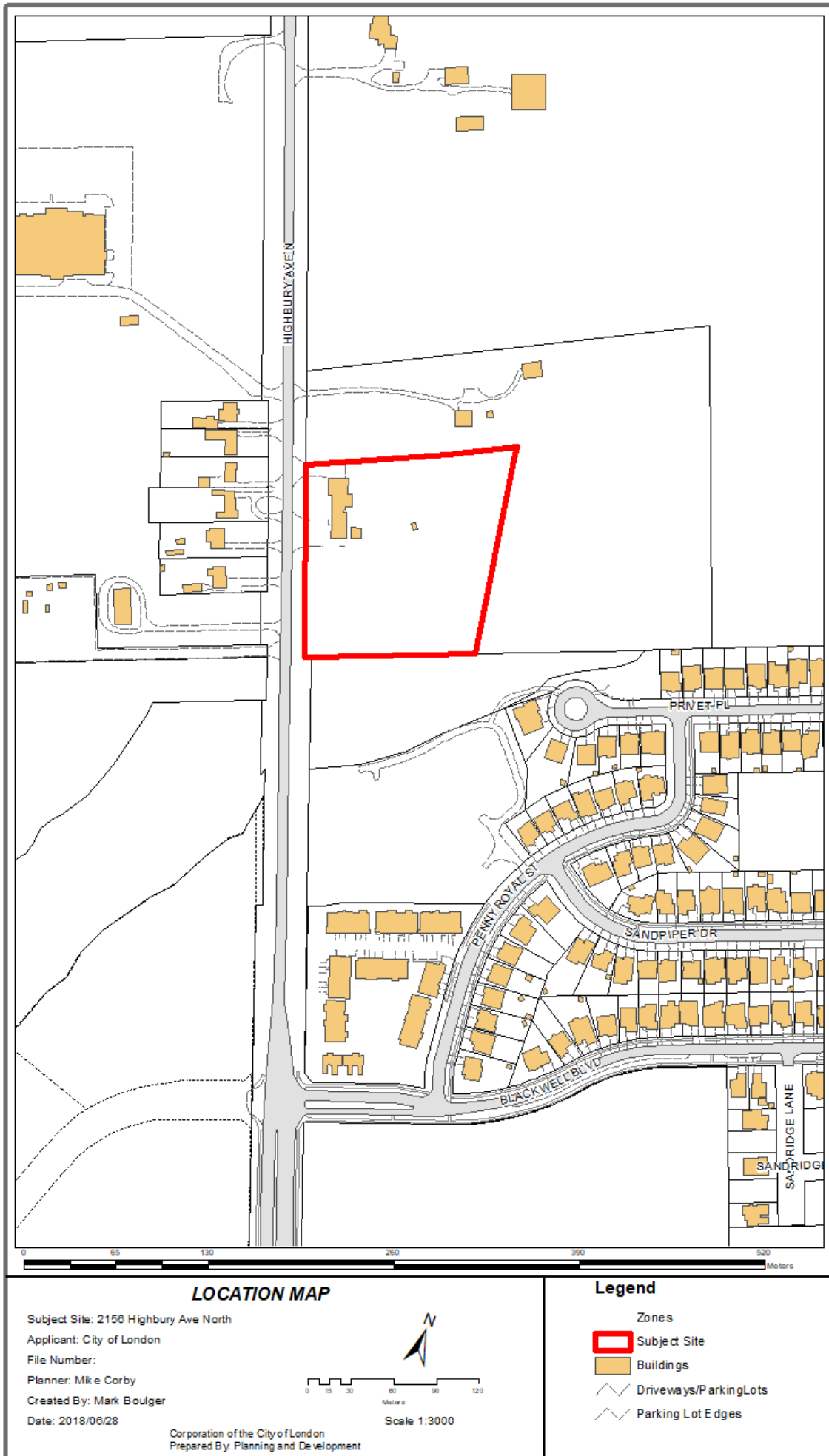
**1.3 Site Characteristics**

- Current Land Use – Single Detached Dwelling
- Frontage – 135.6 metres
- Depth – approximately 140 metres
- Area – 2.02 ha
- Shape – irregular

**1.4 Surrounding Land Uses**

- North – Natural Heritage Features/Agricultural
- East – Agricultural/Natural Heritage Features
- South – Natural Heritage Features/ Low Density Residential
- West – Single detached dwellings

1.5 Location Map



## 2.0 Site History

The subject site was annexed to the City of London in 1993 and was previously zoned to permit Agricultural uses under the former Township of London Zoning By-law. The subject site was originally used as a farm dwelling while an additional dwelling unit was added at a subsequent point in time.



The site has been through multiple planning applications with the first Official Plan and Zoning By-law amendment application [OZ-6422] being applied for in 2003. The amendment requested a change to the existing Official Plan from Agriculture, Open Space and Environmental Review to a Multi-Family, Medium Density Residential designation. It also requested to amend Zoning By-law No. Z.-1 to change the zoning of the subject property from an Agriculture (A1) Zone to a Residential R1 Special Provision (R1-9( )) Zone, Residential R7 Zone, Restricted Office (RO2) Zone; and Neighbourhood Facility (NF) Zone.

A report to Planning Committee on May 26, 2003 recommended refusal of the above noted amendments. It was Staff's opinion that:

- 1. The requested office and residential uses are considered to be premature due to the lack of municipal services including: storm and sanitary services; public transit; schools and libraries.*
- 2. The subject property is located outside of the Urban Growth Area. Expansion of the Growth Area to accommodate additional land for residential development is*

*not warranted given the current supply of vacant land to accommodate urban growth, and the recent five year Official Plan review which did not support expansion of the Growth Area for residential purposes.*

- 3. The requested Official Plan amendment does not have adequate regard for the Provincial Policy Statement which provides criteria for the expansion of urban growth areas.*

On June 2, 2003 Council supported Staff's recommendation and refused the application.

A similar Official Plan and Zoning By-law amendment application [OZ-6827] was applied for in 2004. The application requested to amend the Official Plan to add a special policy to create residential lots for non-farm dwellings and a concurrent Zoning change from the existing Agricultural (AG1) zone to a Residential R1 (R1-11) Zone. On February 28, 2005 Staff provided a report to Planning Committee recommending refusal of the above-mentioned amendments. It was Staff's opinion that:

- 1. The requested Zoning By-law amendment does not conform to the Agricultural policies in the Official Plan, which restricts the creation of lots for non-farm residential uses.*
- 2. Approval of the requested amendment could set a precedent for the creation of additional residential lots in the Agriculture designation.*
- 3. The proposed residential uses are considered to be premature due to the lack of municipal services.*
- 4. The subject property is located outside of the Urban Growth Area. Amending the Official Plan to include a special policy to accommodate additional land for residential development is not warranted given the current supply of vacant land to accommodate urban growth.*
- 5. The requested Official Plan amendment does not have adequate regard for the Provincial Policy Statement which only permits residential infilling in agricultural areas. Residential infilling is only permitted in Rural Settlement designations.*
- 6. The proposal to sever and create two additional lots for single detached dwellings could compromise the future development pattern of the area. Official Plan policies discourage the development of new single detached dwellings along arterial road frontages.*
- 7. Official Plan policies, Upper Thames Valley Conservation Authority (UTRCA) policies and Provincial policies discourage the fragmentation of hazard lands.*

Notwithstanding the Staff recommendation, on March 7, 2005, Municipal Council introduced by-laws to amend the Official Plan and Zoning By-law to implement a new special policy in the Official Plan to allow for the creation of residential lots for non-farm dwellings and amended the zoning from an AG1 Zone to R1-11(\_\_\_\_)/OS4/ER to permit three single detached dwellings.

In 2005 a severance application [B.069/05] and minor variance application [A.113/05] were also applied for however the conditions of consent were never fulfilled and lots were never formally created.

Most recently a report was brought forward to the Planning and Environment Committee in 2016, as the approved zoning in 2005 was inadvertently removed from the subject site shortly after Council approval. At the time of the application in 2005, Planning Staff were simultaneously finalizing the comprehensive Zoning By-law amendment to incorporate the Zoning of the five separate municipalities, applied to all the lands that

had been annexed to the City, into the current City of London Z.-1 Zoning By-law. This “Annexed Area Zoning Amendment” was approved by Council shortly after the approval of the Zoning amendment for the subject site. Amongst all of these amendments was one clause which inadvertently deleted the special zoning provisions of the approved R1-11(14) zone recently adopted by Council for the subject site. Therefore, while the zone map continued to show the subject site as being zoned R1-11(14) there was no corresponding text within the Zoning By-law listing the permitted uses and regulations applicable to that zone. The Staff recommendation in 2016, simply re-applied those special provisions to the subject site that had been inadvertently deleted and it was supported by Council.

The site-specific special policy to permit 3 lots for single detached dwellings was carried over into the London Plan (para 1236), with applicable modifications to replace the phrase “agricultural designation” with “Farmland Place Type”.

Many of the same agricultural policies that applied in during the 2003 and 2005 requested amendments still apply today with the Provincial Policy Statement being updated in 2014. It is anticipated that The London Plan policies applying to the subject site will come into force after the next pre-hearing conference. The relevant policies that apply to the subject site are identified below in section 3.1.

## **3.0 Relevant Background**

### **3.1 Policy Context**

#### Provincial Policy Statement 2014

##### 1.1.4 Rural Areas in Municipalities

The PPS ensures healthy, integrated and viable rural areas [1.1.4.1] are maintained and supported by building upon rural character, and leveraging rural amenities and assets; accommodating an appropriate range and mix of housing in rural settlement areas; encouraging the conservation and redevelopment of existing rural housing stock on rural lands; promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources; providing opportunities for economic activities in prime agricultural areas, in accordance with policy 2.3. Rural Settlement areas will also be the focus of growth and development and their vitality and regeneration shall be promoted within rural areas.

##### 1.1.5 Rural Lands in Municipalities

Within rural lands located in municipalities the PPS provides a range of permitted uses which include the management or use of resources; resource-based recreational uses (including recreational dwellings); limited residential development; home occupations and home industries; cemeteries; and other rural land uses [1.1.5.2]. The PPS seeks to ensure new uses and developments are compatible with the rural landscape and can be sustained by rural service levels [1.1.5.4].

The PPS seeks to provide opportunities to support a diversified rural economy while promoting agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices at the same time directing non-related development to areas where it will minimize constraints on these uses. 1.1.5.7, 1.1.5.8

##### 2.1 Natural Heritage

The PPS ensures that natural features and areas shall be protected for the long term [2.1.1] and promotes the diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems [2.1.2].

## 2.3 Agriculture

The PPS protects prime agricultural areas for long-term agricultural uses prioritizing special crops followed by Canada Land Inventory Class [2.3.1]. In prime agricultural areas permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses [2.3.3.1]. All types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards [2.3.3.2].

### 2.3.6 Non-Agricultural Uses in Prime Agricultural Areas

2.3.6.1 Planning authorities may only permit non-agricultural uses in prime agricultural areas for:

- a) extraction of minerals, petroleum resources and mineral aggregate resources, in accordance with policies 2.4 and 2.5; or
- b) limited non-residential uses, provided that all of the following are demonstrated:
  1. the land does not comprise a specialty crop area;
  2. the proposed use complies with the minimum distance separation formulae;
  3. there is an identified need within the planning horizon provided for in policy 1.1.2 for additional land to be designated to accommodate the proposed use; and
  4. alternative locations have been evaluated, and
    - i. there are no reasonable alternative locations which avoid prime agricultural areas; and
    - ii. there are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands.

## 2.6 Cultural Heritage and Archaeology

2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.

### Urban Growth Boundary

The subject property is located outside of the Urban Growth Boundary, the City's twenty year development limit was recently reviewed through The London Plan. Through this review it was determined that there is a sufficient amount of vacant land in northeast London within the Urban Growth Boundary to accommodate growth and no expansion is required.

## The London Plan

The subject site has a small Farmland Place Type along Highbury Ave and in the northeast corner of the site. The majority of the property is located within the Greenspace Place Type.



Note: Official Plan boundaries are subject to interpretation by Municipal Council.

### Farmland

1180\_ The Farmland Place Type will promote sustainable farm practices which encourage the conservation of surface and groundwater resources, aquatic habitat, woodlands, wetlands, wildlife habitat and other natural features, where such practices do not impose undue limitations on the farming community. This Place Type will also discourage the creation of non-farm residential lots in the agricultural area. Impacts from any new non-agricultural uses on surrounding agricultural operations and lands are to be mitigated to the extent feasible.

### HOW WILL WE REALIZE OUR VISION?

9. Discourage uses which are not supportive of agriculture from locating in the Farmland Place Type. Limited non-agricultural uses may be permitted only where it can be demonstrated that the proposed use is consistent with the Provincial Policy Statement.

11. Mitigate impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands by directing any proposed non-agricultural uses in the Farmland Place Type to lands that are classified as having a lower soil capability in the Canada Land Inventory and to areas where the potential for conflict between agriculture and the proposed non-agricultural uses will be minimized.

### PERMITTED USES

1182\_ The following uses may be permitted within the Farmland Place Type in conformity with the policies of this Plan:

1. Agricultural uses, including the principal farm residence, secondary farm dwelling units that may be required for the farm operation, and associated on-farm



buildings and structures that support the farm operation, such as barns, silos, drive sheds, and manure storage facilities.

2. Residential uses on existing lots of record.
3. Home occupation.
4. Secondary farm occupation and on farm diversified uses.
5. Agricultural-related commercial and industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations and provide direct products and/or services to farm operations as a primary activity.
6. Ancillary retail for on-farm grown and/or produced goods.
7. Limited non-agricultural uses where it can be demonstrated that the proposed use is consistent with the Provincial Policy Statement.
8. Natural resource extraction.
9. Small Wind Energy Conversion System (SWECS) consisting of one wind turbine and blades, one supporting tower and associated control or Small Wind Energy Conversion System conversion electronics.
10. Green Energy Projects.
11. Existing uses.

#### INTENSITY

1213\_ Farmland uses will be dynamic and vibrant; however some activities within the Farmland Place Type may need to be limited as follows:

2. Non-agricultural uses will be grouped.

#### FORM

1216\_ Development in the Farmland Place Type will be efficient and directed so as to:

1. Minimize noxious impacts on residential buildings.
2. Locate development toward the street to minimize the impact on the amount of land that is agriculturally viable for production.
3. Be grouped to minimize points of access to the street that would create transportation conflict.
4. In all instances maximize the quality and amount of possible land area for agricultural production.
5. Be located on the least valuable soil within the farm parcel.

#### 2156 Highbury Avenue North

1236\_ In the Farmland Place Type applied to the lands located at 2156 Highbury Avenue North (Part Lot 8, Concession 5), a severance to create three residential lots for non-farm dwellings will be permitted.

## Greenspaces

756\_ The majority of place types in The London Plan apply to either Urban London, or Rural London, but do not apply to both. There are two Place Types, however, that apply city-wide:

1. Green Space Place Type – applies to the Natural Heritage System, the parks and open space system, hazard lands, and natural resources. The Environmental Policies of this Plan provide clear guidance on how the Natural Heritage System will be protected, conserved and enhanced within this Place Type, in accordance with provincial policy.

PERMITTED USES 762\_ The following uses will be permitted within the Green Space Place Type:

1. Permitted uses on the lands identified on Map 5 and Map 6, are contained in the Environmental Policies part of this Plan.
2. Lands within the Green Space Place Type vary considerably, and the uses that are permitted within these areas will be dependent upon the natural heritage features and areas contained on the subject lands, the hazards that are present, and the presence of natural resources which are to be protected.
3. District, city-wide, and regional parks. Some neighbourhood parks, urban parks and civic spaces are not shown on Map 1, but are included as uses allowed within the Neighbourhoods Place Type.
4. Private green space uses such as cemeteries and private golf courses.
5. Agriculture, woodlot management, horticulture and urban gardens, conservation, essential public utilities and municipal services, storm water management, and recreational and community facilities.
6. The full range of uses described above will not necessarily be permitted on all sites within the Green Space Place Type, and shall be subject to all relevant policies of this Plan.

## Environmental Policies

### PERMITTED USES AND ACTIVITIES

1388\_ In the Green Space Place Type, certain activities or uses will not be permitted, or may be permitted only after studies have been undertaken and approved by the City. This policy of the Plan identifies those uses.

1389\_ The following uses may be permitted in the Green Space Place Type:

1. Expansion to existing development and uses provided that it can be demonstrated to the satisfaction of City Council that there will be no negative impacts on natural heritage features and areas or their ecological functions.
2. Recreational uses associated with the passive enjoyment of natural features including pathways and trails provided that such uses are designed, constructed and managed to protect the natural heritage features and their ecological functions.
3. Creation or maintenance of infrastructure subject to the infrastructure policies below.
4. The harvesting of trees in accordance with good forestry management practices and applicable federal, provincial and municipal requirements.
5. Conservation, mitigation and rehabilitation works.

**DEVELOPMENT AND SITE ALTERATION**

1393\_ Development and site alteration shall not be permitted on adjacent lands to natural heritage features and areas until appropriate studies have been completed to satisfy provincial and municipal policy and the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural heritage features or on their ecological functions.

**4.0 Conclusion**

This report is to be read in conjunction with the delegation provided by the potential applicant for the property 2156 Highbury Avenue North.

Should Municipal Council resolve to allow the request for an Official Plan amendment to be submitted to the amend The London Plan policies applicable to this site, and such an application is submitted, Staff will present future recommendations to Municipal Council with regard to the merits of the application.

<b>Prepared by:</b>	<b>Mike Corby, MCIP RPP Senior Planner, Current Planning</b>
<b>Submitted by:</b>	<b>Michael Tomazincic, MCIP, RPP Manager, Current Planning</b>
<b>Recommended by:</b>	<b>John M. Fleming, MCIP RPP Managing Director, Planning and City Planner</b>
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Planning Services	

August 1, 2018

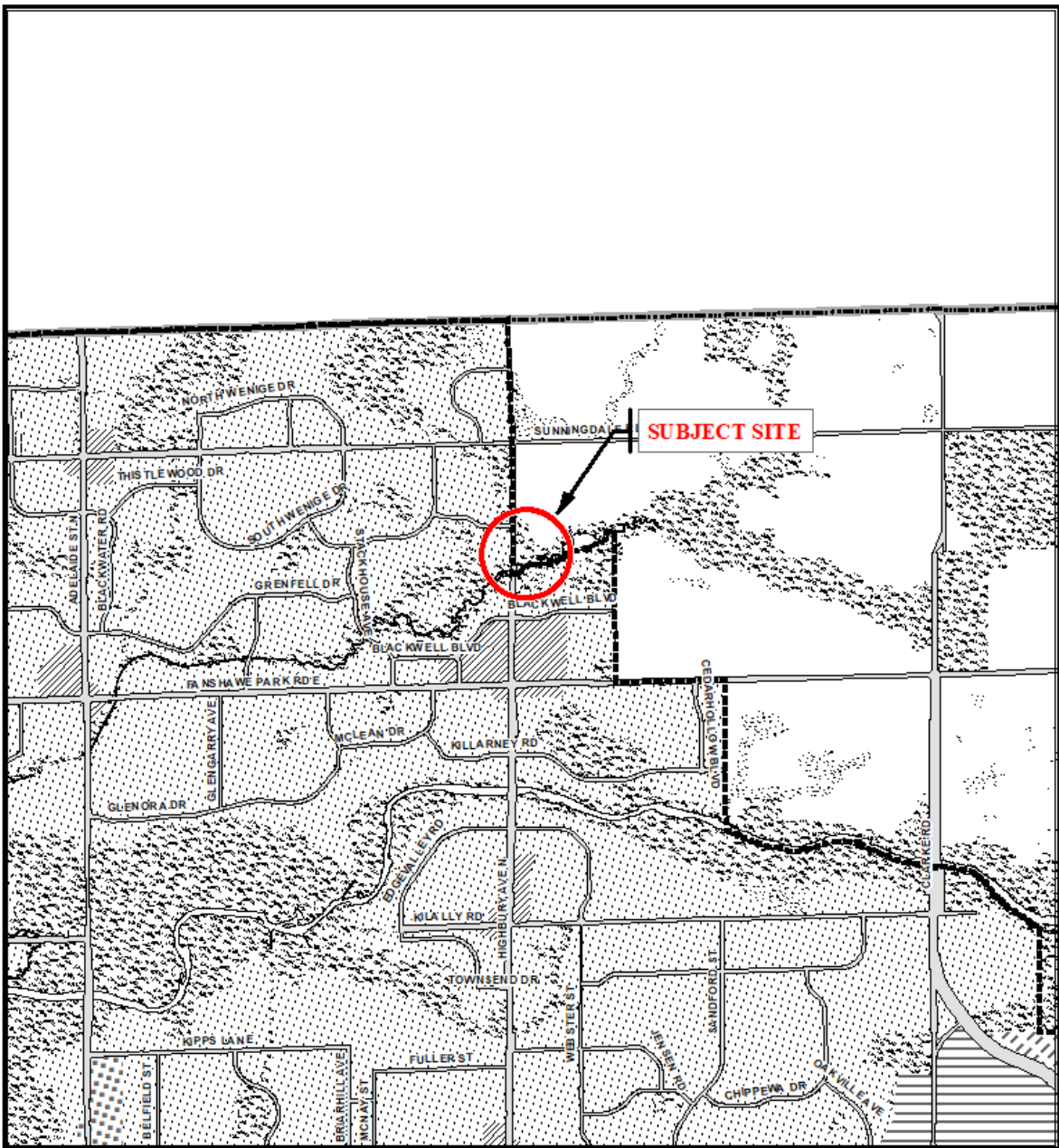
## Appendix B – Policy Context

The following policy and regulatory documents are being 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

The London Plan





**Legend**

Downtown	Future Community Growth	Environmental Review
Transit Village	Heavy Industrial	Farmland
Shopping Area	Light Industrial	Rural Neighbourhood
Rapid Transit Corridor	Future Industrial Growth	Waste Management Resource Recovery Area
Urban Corridor	Commercial Industrial	Urban Growth Boundary
Main Street	Institutional	
Neighbourhood	Green Space	

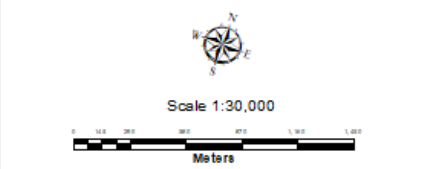
*This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.*

*At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.*

**CITY OF LONDON**  
 Planning Services /  
 Development Services

**LONDON PLAN MAP 1**  
**- PLACE TYPES -**

PREPARED BY: Planning Services



**File Number:**

**Planner:** MC

**Technician:** MB

**Date:** June 28, 2018