TO: CHAIR AND MEMBERS - PLANNING COMMITTEE

FROM: R. W. PANZER
GENERAL MANAGER OF PLANNING AND DEVELOPMENT

SUBJECT: APPLICATION BY: TKFV HOLDINGS LTD
3836 COLONEL TALBOT ROAD
MARCH 23, 2009

RECOMMENDATION

That, on the recommendation of the General Manager of Planning and Development based on the application of TKFV Holdings Ltd. Relating to the property located at 3836 Colonel Talbot Road the attached proposed by-law BE INTRODUCED at the Municipal Council Meeting on March 30, 2009.

IT BEING NOTED that this by-law follows the Municipal Council resolution of February 5, 2007 to approve the zoning by-law amendment application to extend the temporary use of the land for a building or contracting establishment for a period of three (3) years. The original by-law was withheld from three readings until such time as an outstanding Property Standards violation was addressed.

IT ALSO BEING NOTED that since the revisions to the proposed attached by-law are of a minor technical nature, as provided by section 34(17) of the Planning Act, no further notice is required.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

Z-7274 Report to Planning Committee (January 29, 2007)

PURPOSE AND EFFECT OF RECOMMENDED ACTION

On February 5, 2007 Municipal Council approved the zoning amendment application of TKFV Holdings Ltd. to extend the temporary use of the land for a building or contracting establishment for a period of three (3) years. At that time, Municipal Council directed that three readings of the enacting by-law be withheld until such time as an identified property standards violation was addressed. This issue has now been rectified and the action recommended here would result in three readings of the enacting clause to establish the temporary zone for a period of three (3) years.

RATIONALE

During the application for zoning by-law amendment, it was revealed that an accessory structure had been constructed on the site - confirmed through the City's aerial photography - without a building permit. At the time of the public participation meeting at Planning Committee, the Property Standards Officer and the Applicant had not yet resolved the property standards violation and therefore three readings of the by-law were withheld.

Since that time, the applicant has removed the illegal structure from the site and the Property Standards violation has been addressed to the satisfaction of the By-law Officer. This has again been confirmed through municipal aerial photography.

Therefore, now that the outstanding violation has been addressed, we are bringing forward the by-law for enactment, under the recommendation of the General Manager of Planning and
Development and in keeping with the City of London Official Plan.

A technical issue occurred regarding the original by-law; the "it being noted" clause from the 'recommendation' section of the report was included in the draft enacting by-law of which three readings were withheld. This clause has subsequently been removed as a technical correction to the by-law, attached hereto.

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<tr>
<td>ETHAN LING, PLANNER I, POLICY</td>
<td>JOHN FLEMING, MCIP, RPP</td>
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<td>GENERAL MANAGER OF PLANNING AND DEVELOPMENT</td>
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March 16, 2009
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Bill No. (number to be inserted by Clerk's Office)
2009

By-law No. Z.-1-09________

A by-law to amend By-law No. Z.-1 to rezone an area of land located 3836 Colonel Talbot Road.

WHEREAS TKFV Holdings Ltd. has applied to rezone an area of land located at 3836 Colonel Talbot Road, as shown on the map attached to this by-law, as set out below;

AND WEREAS this rezoning conforms to the Official Plan;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 3836 Colonel Talbot Road, as shown on the attached map comprising part of Key Map No. 154 FROM an Urban Reserve (UR2) Zone to an Urban Reserve/Temporary Use (UR2/T--) Zone.

1) Section Number 50.2 (Temporary Zone) of By-law No. Z.-1 is amended to include the following:


The property located at 3836 Colonel Talbot Road may be permitted to be used for a Building or Contracting Establishment for a temporary period not exceeding three (3) years from the date of the passing of this By-Law beginning _____________, 200__.

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.


Anne Marie DeCicco-Best
Mayor

Kevin Bain
City Clerk

First Reading - March 30, 2009
Second Reading - March 30, 2009
Third Reading - March 30, 2009