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H-8080/T. Grawey

<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE</b>
<b>FROM:</b>	<b>GEORGE KOTSIFAS, P.ENG. DIRECTOR OF BUILDING CONTROLS AND CHIEF BUILDING OFFICIAL</b>
<b>SUBJECT:</b>	<b>APPLICATION BY: YORK DEVELOPMENT GROUP 915 SOUTHDALE ROAD WEST MEETING ON SEPTEMBER 4, 2012 (UNTIMED)</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of the Senior Planner, Development Services, based on the application of York Development Group relating to the property located at 915 Southdale Road West, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on September 18, 2012 to amend Zoning By-law No. Z.-1 (in conformity with the Official Plan) to change the zoning of the subject lands **FROM** a Holding Community Shopping Area (h-5-h-55-h-84-CSA3) Zone, to a Community Shopping Area (CSA3) Zone, to remove the holding provisions.

<b>PURPOSE AND EFFECT OF RECOMMENDED ACTION</b>
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The purpose and effect of this zoning change is to remove the "h-5", "h-55", and "h-84" holding provisions, to permit the development of a range of community scale, commercial, retail and services uses.

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
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**July 9, 2007** – Report to public meeting at Planning Committee on applications for Draft Plan of Subdivision Approval (File: 39T-07501) and associated Official Plan and Zoning By-law amendments (File: OZ-6795).

**January 28, 2008** – Report to Planning Committee in response to an appeal to the Ontario Municipal Board from the landowner (Westfield Village Estates).

**August 20, 2012** – Report on Public Site Plan meeting at Planning & Environment Committee.

<b>BACKGROUND</b>
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The subject property is located within the North Talbot Community Planning Area. The North Talbot Community Plan was adopted by City Council on December 20, 1999. This plan provides long-term guidance for the development and servicing of lands in the area.

The subject property constitutes Block 138 on Plan 33M-621. An application from Westfield Village Estates Inc. for Plan of Subdivision Approval, Official Plan amendments and Zoning By-law amendments, was accepted by the City on January 2, 2007. It was circulated to the required agencies and municipal departments on February 8, 2007. A Public Liaison was sent out on February 17, 2007 and notice of Public Meeting was advertised in the London Free Press on February 17<sup>th</sup>, 2007.

A report was presented to Planning Committee on July 9<sup>th</sup>, 2007, recommending Official Plan & Zoning By-law amendments and Draft Approval for the plan of subdivision which includes 131 single detached residential lots, one multi-family, medium density residential block, one office residential/convenience commercial block and one commercial block. The request for a broader range of commercial uses was refused by Council.

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**LOCATION MAP**

Subject Site: 915 Southdale Road West  
 Applicant: York Developments  
 File Number: H-8080  
 Planner: Terrance Grawey  
 Created By: Sonia Wise  
 Date: 2012-08-23  
 Scale: 1:2500

**LEGEND**

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

Corporation of the City of London  
 Prepared By: Planning and Development



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The decision of City Council was appealed by the owner. In its' decision issued on July 9<sup>th</sup>, 2008, the Ontario Municipal Board (OMB) dismissed the appeals against the Official Plan and Zoning By-law amendments and confirmed draft approval for the plan of subdivision, with the previously approved conditions and a revised lapse date.

The plan of subdivision was granted final approval, and registered as Plan 33M-621 on August 6<sup>th</sup>, 2010. The subject property constitutes Block 138 on the registered plan and comprises a total area of 0.635 hectares (1.6 acres). The property is zoned to permit a wide range of commercial uses within a shopping centre format.

On August 20, 2012, a site plan public meeting was held for the proposed development. Subsequent to this meeting, the development agreement has been finalized, and is in the process of being entered into by the property owner.

<b>Date Application Accepted:</b> July 20, 2012		<b>Applicant:</b> York Development Group
<b>REQUESTED ACTION:</b> Removal of the "h-5", "h-55 and "h-84" holding provisions on the property at 915 Southdale Road West.		
<b>PUBLIC LIAISON:</b>	Notice was published in the "Living in the City" section of the London Free Press on August 17, 2012.	No replies.

<b>ANALYSIS</b>
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**When were the holding provisions applied?**

The "h-5", "h-55", "h-84" holding provisions were applied when the Zoning was approved by City Council in July of 2007.

**What is the purpose of the holding provisions?**

The purpose of applying holding provisions is to ensure that prior to development proceeding, certain requirements have been addressed to the satisfaction of Council.

**h-5** – The h-5 holding provision is to ensure that development takes a form compatible with adjacent land uses. It requires a development agreement be entered into following public site plan review, specifying the issues allowed for under Section 41 of the *Planning Act, R.S.O. 1990, c. P.13*.

The "h-5" holding provision requirement was satisfied by the public site plan meeting held on August 20, 2012. All plans and drawings are anticipated to be accepted and the development agreement is expected to be signed by the owner before the by-law is passed by Council. The by-law will not be brought forward to Council for approval unless the development agreement has first been signed.

**h-55** – The h-55 provision is to ensure the appropriate development of the site and limit the impact of the development on the existing roadways. It requires the completion of a traffic impact study prior to site plan approval, to address the location and number of access points, the traffic impact on surrounding roads and roadway improvements required to accommodate the development. The "h-55" symbol shall be deleted upon the acceptance of the traffic study by the City of London.

The "h-55" holding provision was applied to address access for this block, and integration of this site with the commercial site to the west. The site plan approval for the adjacent property established a joint access to be integrated with the site plan for the subject property. The site plan for the subject property, including the required joint access, has been reviewed and endorsed by the Transportation Division.

**h-84** – The h-84 provision was applied to ensure there is a consistent lotting pattern in the area. It requires the part block to be consolidated with adjacent lands to ensure the sites will be of a size and configuration that is feasible to accommodate development.

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During the development of the plan of subdivision, there was a concern with the property to the east located at 909 Southdale Road (outside the plan of subdivision). This property has since been rezoned and consolidated with the multi-family residential site at 3045 Pomeroy Lane. The site plan has recently been approved and the parcel is currently being developed.

**Will any holding provisions remain on the Property?**

The recommended amendment will remove the "h-5", "h-55" and "h-84" holding provisions. No other holding provisions will remain in effect and development will be able to proceed.

<b>CONCLUSION</b>
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The landowner is requesting removal of the "h-5", "h-55" and "h-84" holding provisions that apply to the zoning at 915 Southdale Road West. A public site plan meeting has been conducted and the owner is proceeding to enter into a development agreement with the City. Provisions in the site plan and development agreement will address potential traffic impacts, and ensure that development is suitably integrated with the adjacent commercial site. Removal of the holding provisions is now being recommended so that development can proceed in accordance with the requirements of the Community Shopping Area (CSA3) Zone.

<b>PREPARED and RECOMMENDED BY:</b>	<b>REVIEWED BY:</b>
	
<b>TERRY GRAWEY SENIOR PLANNER, DEVELOPMENT SERVICES</b>	<b>BRUCE HENRY MANAGER – DEVELOPMENT PLANNING</b>
<b>REVIEWED BY:</b>	<b>SUBMITTED BY:</b>
	
<b>JENNIE A. RAMSAY, P. ENG MANAGER-DEVELOPMENT SERVICES</b>	<b>G. KOTSIFAS, P.ENG MANAGING DIRECTOR, DEVELOPMENT &amp; COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL</b>

August 23, 2012  
TG/sw

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**H-8080/T. Grawey**

Bill No.  
2012

By-law No. Z.-1-\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to remove the holding provisions from the zoning on the land located at 915 Southdale Road West.

WHEREAS York Development Group has applied to remove holding provisions from the zoning on the lands located at 915 Southdale Road West, as shown on the map attached to this by-law, as set out below;

AND WHEREAS it is deemed appropriate to remove the holding provisions from the zoning of the said land;

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 the lands located at 915 Southdale Road West, as shown on the attached map, to remove the "h-5", "h-55" and "h-84" holding provisions so that the zoning of the land as a Community Shopping Area (CSA3) Zone, comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on September 18, 2012

Joe Fontana  
Mayor

Catharine Saunders  
City Clerk

First Reading – September 18, 2012  
Second Reading – September 18, 2012  
Third Reading – September 18, 2012



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



<p>File Number: H-8080          Planner: SW          Date Prepared: 2012/08/09          Technician: RN          By-Law No: Z.-1-</p>	<p><b>SUBJECT SITE</b> </p> <p>1:2,000</p> <p>0 10 20 40 60 80 Meters</p> 
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