

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

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

Subject: Westfield Village Estates Inc.
Southern Portion of 3086 Tillmann Road

Public Participation Meeting on: August 12, 2019

Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of Westfield Village Estates Inc. relating to the property located at the southern portion of 3086 Tillmann Road, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on August 27, 2019 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** a Holding Residential R4 Special Provision (h-56*h-84*R4-6(6)) Zone and an Urban Reserve (UR1) Zone, **TO** a Residential R1 (R1-3) Zone.

Executive Summary

Summary of Request

The requested action is to remove holding provisions h-56 and h-84 and to amend the existing Zone to permit eleven (11) single detached dwellings lots.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended action is to permit the development of eleven (11) single detached dwelling lots on the southern portion of 3086 Tillman Road.

Rationale of Recommended Action

- 1) The proposed development is consistent with the PPS, 2014 because it promotes infill and the efficient use of land.
- 2) The proposed development conforms with the in-force policies of The London Plan, including but not limited to permitted single detached dwelling use within the Neighbourhood Place Type.
- 3) The proposed development conforms with the in-force policies of the (1989) Official Plan, including but not limited to the permitted use of single detached dwellings in the Low Density Residential designation.
- 4) The eleven (11) single detached dwelling lots can be accommodated on the subject site by way of the recommended zoning and holding provision removal.

Analysis

1.0 Site at a Glance

1.1 Property Description

The subject site is located on the southeast corner of Southdale Road West and Tillmann Road. The site is irregularly shaped with a lengthy frontage along Tillmann Road, tapering in depth as it extends north towards Southdale Road West. The lands are currently vacant and surrounding land uses including vacant residential land to the east, low rise residential uses to the south and west across Tillmann Road, and a commercial plaza on the southwest corner of Southdale Road West and Tillmann Road.

To the north, across Southdale Road West, is a Self-Storage Establishment and existing low rise residential uses.

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

- The London Plan Place Type – Neighbourhoods
- (1989) Official Plan Designation – Low Density Residential
- Existing Zoning – Holding Residential R4 Special Provision (h-56•h-84•R4-6(6)) Zone

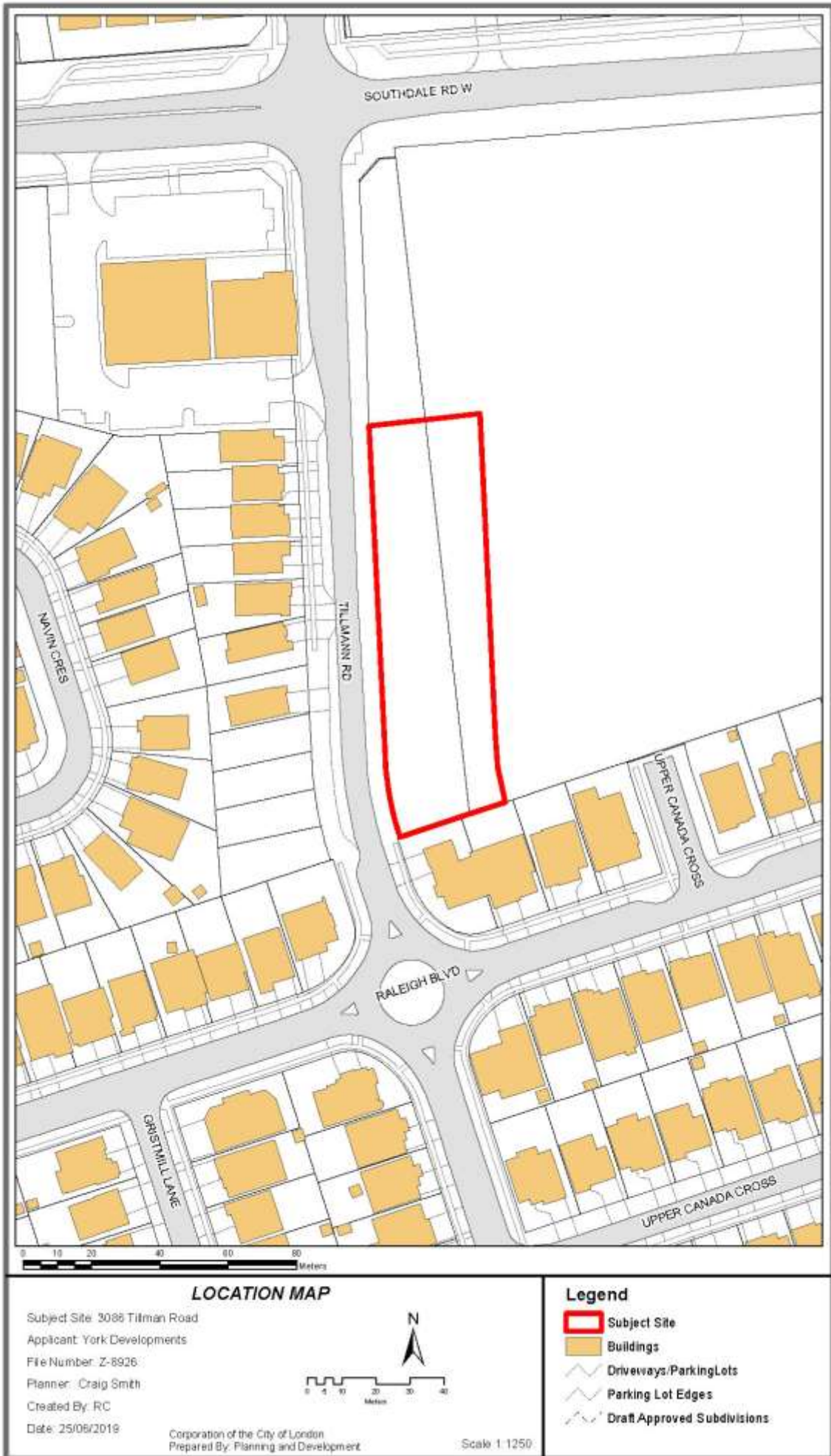
1.3 Site Characteristics

- Current Land Use – Vacant
- Frontage (along Tillmann Road) – 106.94 metres (350.85 feet)
- Depth – 17.42 metres (57.15 feet)
- Area – 2,142.93 square metres (23,066.3 square feet)
- Shape – Irregular

1.4 Surrounding Land Uses

- North – Self-Storage Establishment and Residential
- East – Vacant Residential
- South – Residential
- West – Commercial and Residential

1.6 LOCATION MAP



2.0 Description of Proposal

2.1 Development Proposal

The owner is proposing to develop the southerly portion of the subject lands with eleven (11) single detached dwellings.



Figure 1: 3086 Tillmann Road – view from Tillmann Road frontage

3.0 Relevant Background

3.1 Planning History

The subject block was created through subdivision 39T-07501, which was approved by the Ontario Municipal Board in 2008 and registered in 2010. At that time, it was expected that the lands would be consolidated with the adjacent lands to the east (municipally addressed as 799 Southdale Road West). Accordingly, holding provision h-84 was applied, which stipulates that the block must be consolidated with adjacent lands prior to its removal.

On July 12, 2018 the City accepted a Zoning By-law Amendment from Westfeild Village Estates to change the zoning on the southerly portion of 3086 Tillman Road. The proposed amendment was intended to permit the development of 12 street townhouses without consolidating lands with 799 Southdale Road West.

On December 10, 2018, a Public Participation meeting was held before the Planning and Environment Committee. At that time the agent for the applicant (Westfeild Village Estates) requested a referral back to Civic Administration as discussion with the abutting property owner (799 Southdale Road) where ongoing.

Municipal Council, at its meeting held on December 18, 2018 resolved:

*That, the application by Westfield Village Estates Inc. relating to the property located at the southern portion of 3086 Tillmann Road, **BE REFERRED** to the Civic Administration to allow the applicant an opportunity to revise the application; it being noted that a public participation meeting will be held when this application is brought back to the Planning and Environment Committee.*

On March 6, 2019 the City received the following applications:

1. Z-8926- revised application on the southerly portion of 3086 Tillman Road 2,142.9m² and a 1,443.2m² portion of 799 Southdale Road West. The proposed amendment to Zoning By-law Z.-1 would permit eleven (11) single detached dwellings on the consolidated lands.
2. B.007/19- Consent to sever 1,443.2m² from 799 Southdale Road West (shown

as part 3 on figure 1) to convey to the southerly portion of 3086 Tillman Road resulting in a consolidated 3,586.1m² parcel with 116m frontage on Tillman Road.

3. B.008/19- Consent to sever 1,025.37m² from 3086 Tillman Road (shown as part 2 on figure 1) to convey to 799 Southdale Road West for the purpose of future residential uses.
4. B.009/19- Consent to sever ten (ten) single detached lots with approximately 11m lot frontages and 300m² lot areas from 3086 Tillman Road for the purpose of future residential uses and retain one single detached with 11m frontage and 300m² lot area of a total of eleven (11) new single detached lots.

Severance Sketch

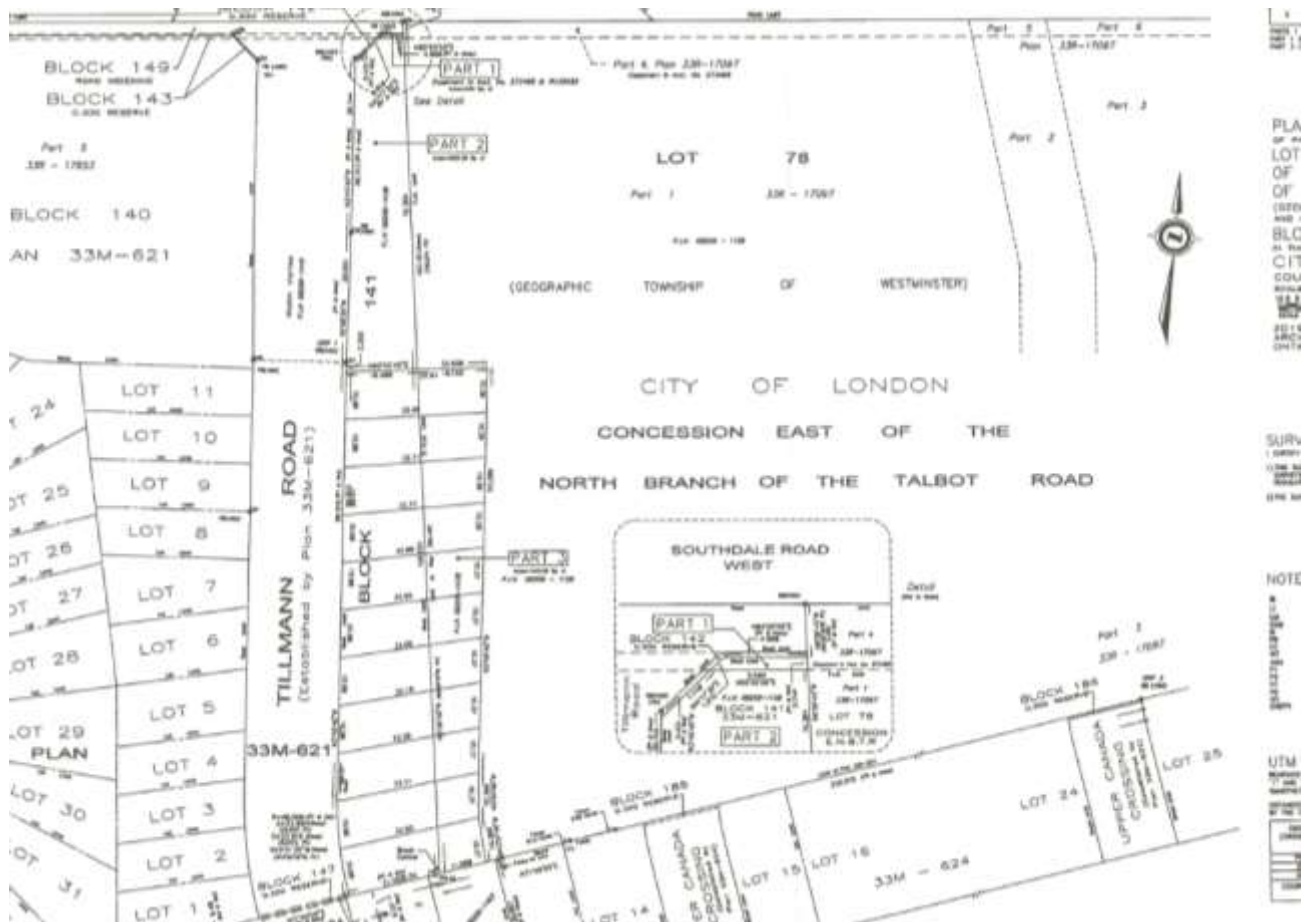


Figure 1

3.2 Requested Amendment

The requested amendment is to rezone the subject lands **FROM** a Holding Residential R4 Special Provision (h-56*h-84*R4-6(6)) **TO** a Residential R1 (R1-3) Zone to permit the development of eleven (11) single detached lots with approximately 11 metre minimum lot frontage and a 300m² minimum lot area.

3.3 Community Engagement (see more detail in Appendix B)

One comment was received from the public with no concerns with the Zoning Amendment to allow the proposed single detached dwellings. Concern was raised with the width of Tillman Road and the location of the roundabout.

3.4 Policy Context (see more detail in Appendix C)

Provincial Policy Statement (PPS) 2014

The Provincial Policy Statement (PPS) 2014, provides policy direction on matters of provincial interest related to land use planning and development. All decisions affecting land use planning matters shall be “consistent with” the policies of the PPS.

Section 1.1 of the PPS encourages healthy, livable and safe communities which are sustained by accommodating an appropriate range and mix of residential, employment and institutional uses to meet long-term needs. It also promotes cost-effective development patterns and standards to minimize land consumption and servicing costs. The PPS encourages settlement areas (1.1.3) to be the main focus of growth and development and directs municipalities to provide for appropriate range and mix of housing types and densities to meet projected requirements of current and future residents (1.4).

The proposed Zone will allow for single detached dwelling on the southern portion of 3086 Tillman Road. The northern 1,025.37m² portion is intended to be severed and conveyed to the larger 799 Southdale Road property. The northern portion will maintain the current Residential R4 zoning to permit street townhouse development. The depth of the northern portion is consistent with the depth of the commercial property on the west side of Tillman Road. The retention of the northern portion for future townhouse development and the development of the proposed eleven (11) single detached lots provides a mix of housing types, and as such is consistent with the policies of the PPS.

The London Plan

The subject site is located within the Neighbourhoods Place Type and is on a Neighbourhood Connector. Permitted uses within this Place Type include: single detached, semi-detached, duplex, converted dwellings, townhouses, secondary suites, home occupations and group homes (Table 10 – Range of Permitted Uses in Neighbourhoods Place Type). Given that the northern portion of 3086 Tillman road is proposed for the development of street townhouse dwellings and the southern portion is proposed for single detached dwelling both are permitted uses in the Neighbourhoods Place Type, the requested amendment is in conformity with the policies of The London Plan.

(1989) Official Plan

The subject site is designated Low Density Residential in the (1989) Official Plan. The primary permitted uses in the Low Density Residential designation are single detached, semi-detached, and duplex dwellings. Multiple-attached dwellings, such as row houses or cluster houses may also be permitted (3.2.1). Developments within this designation should have a low-rise, low coverage form that minimizes problems of shadowing, view obstruction and loss of privacy (3.2.2).

As the proposed single detached dwellings are a permitted use in the Low Density Residential designation and are proposed at a low-rise scale and form, the requested amendment is in conformity with the policies of the 1989 Official Plan.

Zoning By-law No.Z.-1

The proposed Residential R1-3 Zoning will permit for the development of eleven (11) single detached dwellings on the southern portion of the 3086 Tillman Road. The extent of the Residential R1-3 Zone is consistent with the lands on the west side of Tillman Road. The north portion of 3086 Tillman Road will remain Holding Residential R4 Special Provision (h-56*h-84*R4-6(6)) Zone. The north portion is to be consolidated with 799 Southdale Road West the large undeveloped block to the east. Retaining the R4

Zone on the northern portion of the property will ensure an appropriate residential mix on Tillman Road when the whole of 799 Southdale Road West develops in the future.

4.0 Key Issues and Considerations

4.1 Issue and Consideration # 1: Removal of h-84

The existing zoning of the site contains a holding zone which requires the subject lands to consolidate with adjacent lands prior to its removal.

h-84 Purpose: To ensure that there is a consistent lotting pattern in this area, the "h-84" symbol shall not be deleted until the part block has been consolidated with adjacent lands.

The applicant has applied for severances (B.007/19, B.008/19 and B.009/19) that will consolidate the lands and permit the creation of eleven (11) single detached lots that are consistent with the lotting pattern on the west side of Tillman Road. The consolidation of the northern portion of 3086 Tillman Road with 799 Southdale Road West will allow for the development of street townhouses to a depth that is consistent with the commercial block on the west side of Tillman Road. The h-84 Holding Provision is not required on the proposed single detached dwellings as the lotting will be consistent with the west side of Tillman Road.

4.2 Issue and Consideration # 2: Removal of h-56

The existing zoning of the site contains a second holding zone which requires a noise assessment to be undertaken in order to determine potential noise impacts from nearby arterial roads, and further, that the owner agrees to implement any noise attenuation measures recommended by the report.

h-56 Purpose: To ensure there are no land use conflicts between arterial roads and the proposed residential uses, the "h-56" shall not be deleted until the owner agrees to implement all noise attenuation measures, recommended in noise assessment reports acceptable to the City of London.

A noise assessment report was prepared by Development Engineering (London) Limited, dated December 4, 2017, and submitted in support of this application. The report concluded that noise warning clauses should be included in agreements of purchase and sale for the most northerly proposed single detached dwelling and that provisions must also be made for central air conditioning. Civic administration recommends that these recommendations be implemented through the Consent process. A condition of the proposed consent application required that the noise warning clause be included on title of the effected lot.

The following warning clause shall be applied to most northerly lot to be registered on title. This warning clause will be included in all agreements of purchase and sale or lease of this dwelling.

"Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of Environment."

A wording similar to the following should also be included in all agreements of purchase of sale or lease of the buildings:

"The City of London assumes no responsibility for noise issues which may arise from the existing or increased traffic on Southdale Road West as it relates to the interior or outdoor living areas of any dwelling within the development. The City of London will not be responsible for constructing any form of noise mitigation for this development."

4.3 Issue and Consideration # 3: Servicing

During the previous circulation of the application, it was stated by the City's Wastewater and Design Engineering Department (WADE) that there is insufficient sanitary capacity in the interim to service townhouse Block A, until such time as the Colonel Talbot Pumping Station is fully operational and the two temporary pumping stations are decommissioned. Commissioning of the Colonel Talbot Pumping Station is anticipated for the end of 2019 and the WADE recommended that a holding provision be applied to the portion of the lands containing the proposed townhouse Block A.

Following the circulation for the application to allow for the proposed eleven (11) single detached dwellings WADE provided an email dated June 17, 2019 stating that there was no concerns for the provision of sanitary servicing for the proposed single detached dwellings. No holding provision for servicing is required at this time.

4.4 Issue and Consideration # 4: Remnant Block

The proposed single detached lots and requested amendment applies only to the southern portion of the block that has been consolidation with the adjacent lands (Part 3, figure 1). As such, the northerly portion of the block at the intersection of Tillmann Road and Southdale Road West will remain undeveloped, and the holding provisions would continue to apply. Through the consent process the lands will be consolidated with 799 Southdale Road West and will be part of the comprehensive development of the lands in the future.

4.5 Issue and Consideration # 5: Road Design

Through the circulation of this application, concerns were raised with respect to road design, of the Tillman Road and the roundabout located at Tillman Road and Raleigh Boulevard. Tillman Road and the Roundabout were designed and constructed to all City of London design standards through the subdivision process (39T-07501). The amendment to allow for eleven (11) single detached dwellings will have no impacts on the existing street infrastructure.

More information and detail is available in Appendix B and C of this report.

5.0 Conclusion

The recommended amendment is consistent with the Provincial Policy Statement and conforms to the policies of The London Plan and the (1989) Official Plan. The recommended amendment will enable the development of a vacant, underutilized parcel of land. Further, the recommended action will ensure the northerly portion of the site that is not subject to the amendment will be zoned to provide a mix of residential uses when the whole of 799 Southdale Road West is developed in the future.

Prepared by:	C. Smith, MCIP, RPP Senior Planner, Development Services
Recommended by:	Paul Yeoman, RPP, PLE Director, Development Services
Submitted by:	George Kotsifas, P.ENG Managing Director, Development and Compliance Services and Chief Building Official
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 Development Services	

August 2, 2019
CS/mt

cc: Lou Pompili, Manager, Development Planning
cc: Matt Feldberg, Manager, Development Services
cc: Ismail Abusheheda, Manager, Development Engineering

\\FILE2\users-z\pdp\Shared\implemen\DEVELOPMENT APPS\2018 Applications 8865 to\8926Z - 3086 Tillmann Rd (CL)\2ndG0\PEC\Z-8926-3086-Tillmann-Road-PEC-Report.docx

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 rezone an area of land located at the southerly portion of 3086 Tillmann Road.

WHEREAS Westfield Village Estates Inc. has applied to rezone an area of land located at the southerly portion of 3086 Tillmann Road, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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 the southerly portion of 3086 Tillmann Road, as shown on the attached map comprising part of Key Map No. A110, from a Holding Residential R4 Special Provision (h-56•h-84•R4-6(6)) Zone and Urban Reserve (UR1) Zone to a Holding Residential R1 (R1-3) Zone.

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on August 27, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – August 27, 2019
Second Reading – August 27, 2019
Third Reading – August 27, 2019

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



Appendix B – Public Engagement

Community Engagement

Public liaison: On July 25, 2018, Notice of Application was sent to 102 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on July 26, 2018. A “Planning Application” sign was also posted on the site. On March 15, 2019 a Revised Notice of Application was sent to the abutting property owners and was also published in the March 21, 2019 *Londoner*.

No replies were received.

Nature of Revised Liaison: The purpose and effect of this zoning change is to remove holding (h-56 and h-84) provisions to permit the development of the subject lands for single detached dwellings. Possible change to Zoning By-law Z.-1 **FROM** a Holding Residential R4 Special Provision (h-56*h-84*R4-6(6)) **TO** a Residential R1 (R1-3) Zone to permit the development of 10 single detached lots with a 10 metre minimum lot frontage and a 300m² minimum lot area.

Responses:

To whom it may concern:

We have no problem with the revised zoning to allow single detached homes along this part of Tillman Road; however, the City needs to carefully consider the width of the road along this section **from Southdale Road to the roundabout at Raleigh Boulevard**.

Currently, it is too narrow (...and, incidentally, the road surface is always in terrible condition). The curb should be setback further along the undeveloped west side of the road. That being said, it will create an unwelcome situation for the two properties situated at the roundabout itself.

Someone from the City should really come and look at the widths in person. This stretch of Tillman Road, which is an important feeder into Talbot Village, has been poorly laid out.

Thank you.

Richard and Janet Anderson
6716 Raleigh Blvd.
London, ON N6P 0C1

Agency/Departmental Comments

March 25, 2019: UTRCA

No objections.

June 17, 2019: Wastewater

WADE has no objection to this application and is not concerned with the proposed single detached units or even asking for (the) *sic* need for a holding provision.

August 14, 2018: Engineering

Transportation

No comments for the re-zoning application.

Stormwater

No comments for the re-zoning application.

Noise

The Noise Assessment Report dated December 4th, 2017 by Development Engineering is acceptable.

Ensure the noise attenuation recommendations in the report for provision of forced air heating, central air conditioning and specific Warning Clauses are applied within this development and included within the Consent Agreement for this site.

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 (PPS)

1.1.1 Healthy, liveable and safe communities are sustained by:

- b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons)

1.1.3.1 Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

1.1.3.2 Land use patterns within settlement areas shall be based on:

- a) densities and a mix of land uses which:
 - 1. efficiently use land and resources;
 - 2. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;

The London Plan

Table 10 permits single detached dwellings in the Neighbourhood Place Type on a Neighbourhood Connector.

Table 11 permits form up to 2.5 storeys in height in the Neighbourhood Place Type on a Neighbourhood Connector.

1989 Official Plan

3.2 Low Density Residential

The Low Density Residential designation is applied to lands that are primarily developed or planned for low-rise, low density housing forms including detached, semi-detached, and duplex dwellings. Where appropriate, some multiple attached dwellings at densities similar to neighbouring detached units may be permitted. Policies in this Plan promote development which shall enhance the character of the residential area. Certain secondary uses of a non-residential nature which are integral to, and compatible with, a neighbourhood environment, are also permitted.

3.2.1 The primary permitted uses in areas designated Low Density Residential shall be single detached; semi-detached; and duplex dwellings.

Zoning By-law Z.-1

5.2 PERMITTED USES

No person shall erect or use any building or structure, or use any land or cause or permit any building or structure to be erected or used, or cause or permit any land to be used, in any Residential R1 Zone variation for any use other than the following use:

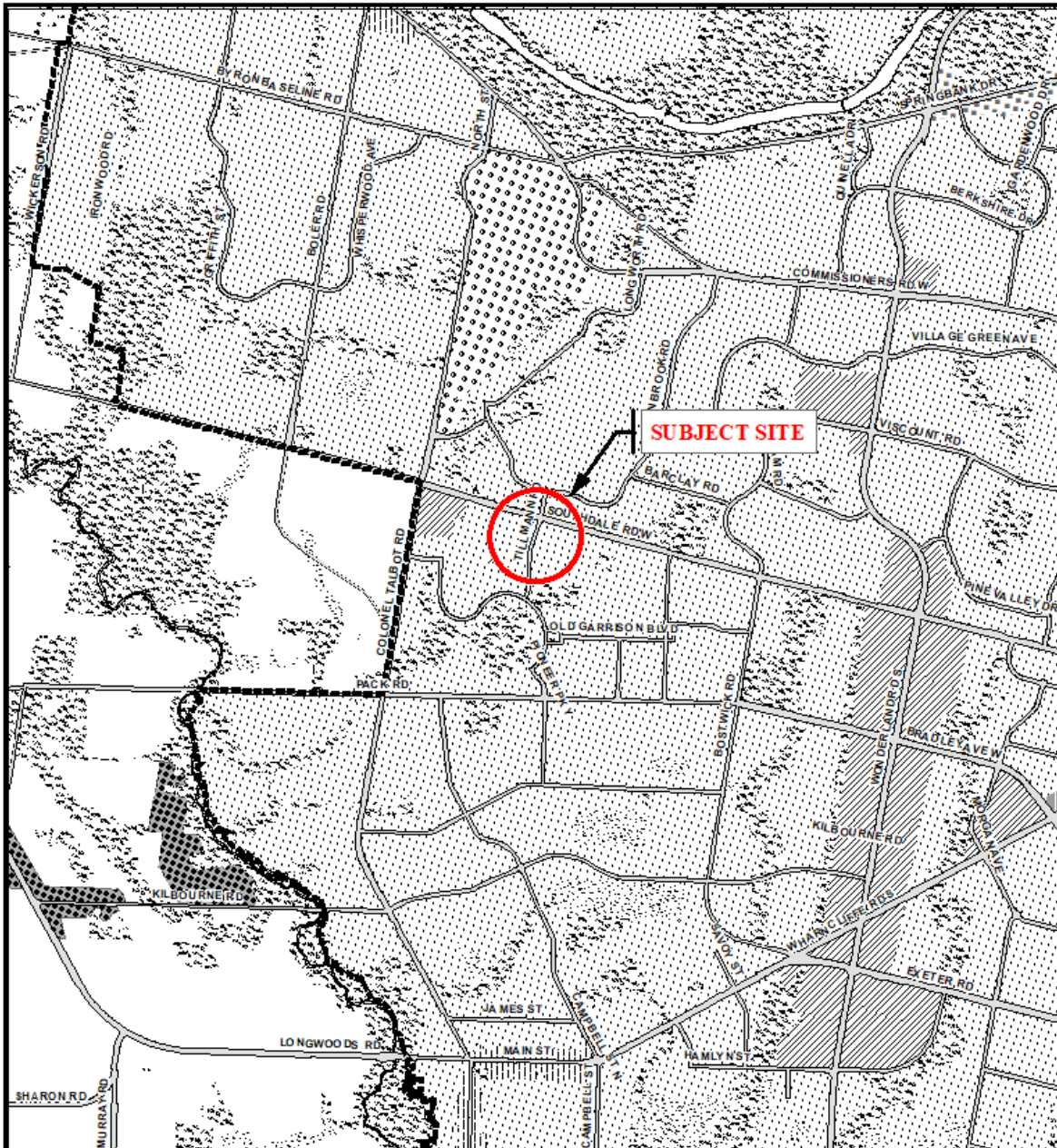
- a) A single detached dwelling.

Additional Reports

None

Appendix D – Relevant Background

Additional Maps



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.

<p>CITY OF LONDON Planning Services / Development Services</p> <p>LONDON PLAN MAP 1 - PLACE TYPES -</p> <p>PREPARED BY: Planning Services</p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>File Number: Z-8926</p> <p>Planner: CL</p> <p>Technician: MB</p> <p>Date: October 2, 2018</p>
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Existing Zoning



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

1) **LEGEND FOR ZONING BY-LAW Z-1**

- 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

- 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

- "N" - 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:

Z-8926

CS

MAP PREPARED:

2019/06/25

rc

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Meters