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H-8146
Alanna Riley

TO:	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE
FROM:	GEORGE KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL
SUBJECT:	APPLICATION BY: YORK DEVELOPMENT GROUP 3047 TILLMAN ROAD MEETING ON APRIL 9, 2013

RECOMMENDATION

That, on the recommendation of the Senior Planner, based on the application of York Development Group relating to the property located at 3047 Tillman Road, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on April 16, 2013 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 Restricted Office/Residential R9/Convenience Commercial (h-5.h-53.h-55.h-56.RO2/R9-7.H40/CC6) Zone **TO** a Restricted Office/Residential R9/Convenience Commercial (RO2/R9-7.H40/CC6) Zone to remove the "h-5", "h-53", "h-55", "h-56", holding provisions.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of this zoning change is to remove the holding provisions, to permit the proposed commercial development.

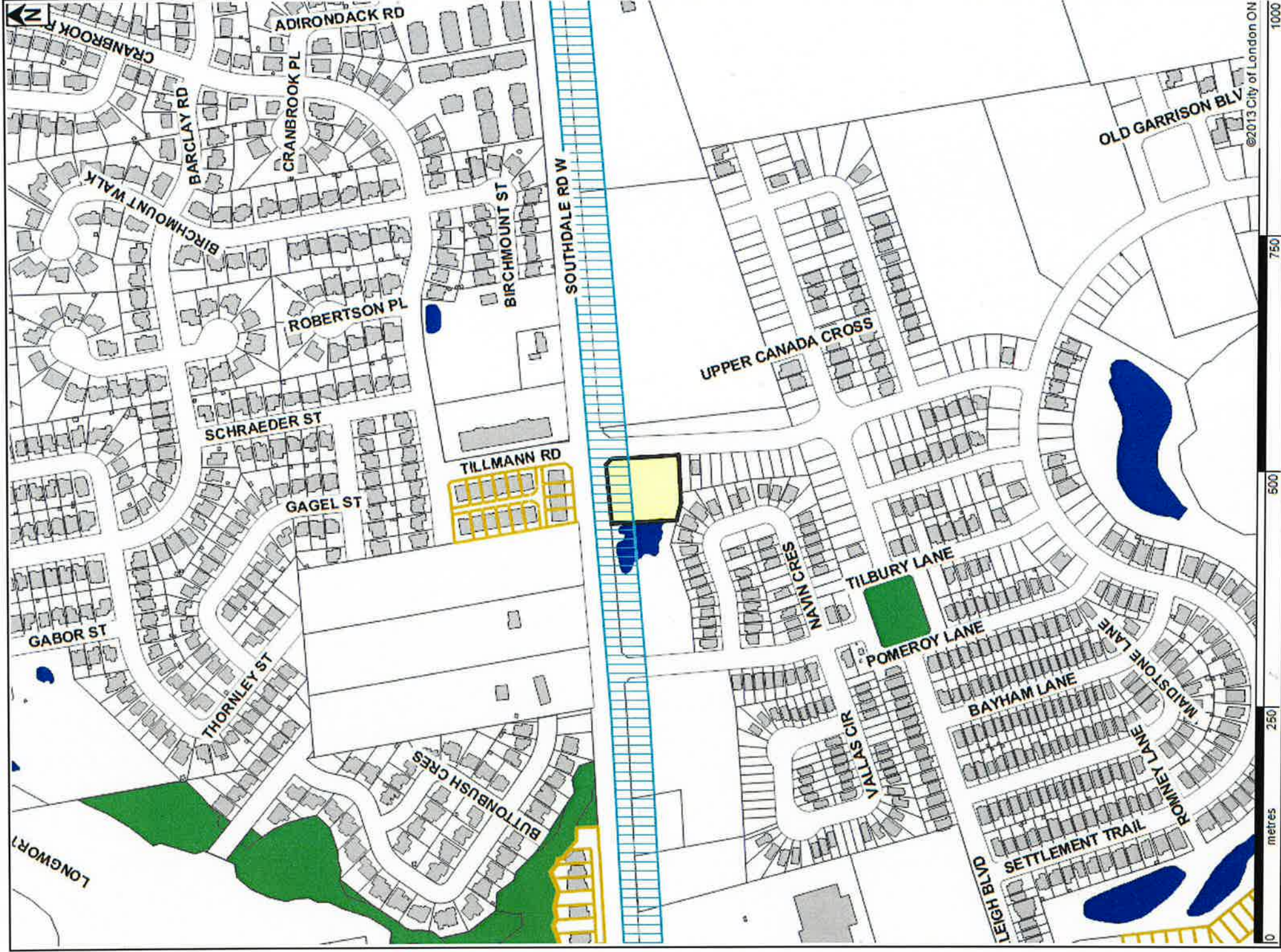
PREVIOUS REPORTS PERTINENT TO THIS MATTER
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A.001/13

January 14, 2013 – Report to Committee of Adjustment for Minor Variance to permit the construction of an office building and a commercial building; to permit a restaurant with a floor area of 185.8m² (2,000.0sq.ft.) whereas the maximum gross floor area for a specific individual use 150.0m² (1,614.0sq.ft.); to permit an exterior side yard setback of 0.1m (0.3') whereas 6.0m (19.6') is required; and to permit 85 parking spaces (1 space per 16.3m²/175.4sq.ft. gross floor area) for a 1,380.0m² (14,854.0sq.ft.) commercial development in place of using individual parking rates.

SP12-000634

February 26, 2013 – Report to Planning & Environment Committee on Public Site Plan Meeting for the proposed commercial development.








0 250 500 750 1000
metres
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LOCATION MAP

Subject Site: 3047 Tillmann Rd
 Applicant: Westfield Village Estates Inc.
 File Number: H-8146
 Planner: Alanna Riley
 Created By: Alanna Riley
 Date: 2013-03-27
 Scale: 1:5000

LEGEND

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



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Date Application Accepted: January 22, 2013	Applicant: York Development Group
REQUESTED ACTION: Removal of the holding provisions on the site to permit the proposed commercial development.	

PUBLIC LIAISON:	Notice was published in the "The Londoner" section of the London Free Press on January 31, 2013.	No replies.
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ANALYSIS

When were the holding provisions applied?

The holding provisions were applied at the time of draft approval adopted by Council in 2007, and subsequently approved by the Ontario Municipal Board in 2008.

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, agreements shall 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*, prior to the removal of the "h-5" symbol.

h-53 – The h-53 is to encourage street-oriented development and discourage noise attenuation walls along arterial roads, a development agreement shall be entered into to ensure that new development is designed and approved, consistent with the Community Plan, to the satisfaction of the City of London, prior to the removal of the "h-53" symbol.

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

h-56 – The h-56 is 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.

Why is it appropriate to remove the Holding Provisions?

The recommended amendment to remove the holding provisions applies to lands which have adequately addressed the requirements through the site plan approval process. The development agreement incorporates outcomes from the Noise Impact Study indicating that the rooftop mechanical be screened on the south and west side to protect adjacent and future residential; street oriented development onto Southdale Road and appropriate abatement measures; and outcomes from the Traffic Impact Study with a right in, right out access and onto Southdale Road with a centre median and a joint access onto Tillman Road.

The removal of the holding provisions will allow the lands to be developed in accordance with the Zoning By-law.

Will any holding provisions remain on the Property?


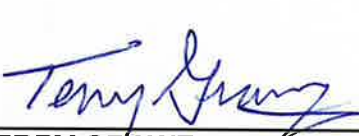

The recommended amendment will remove the "h-5", "h-53", "h-55", "h-56" holding provisions on 3047 Tillman Road, no other holding provisions will remain.

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CONCLUSION

The Owner has entered into a development agreement for 3047 Tillman Road and is now requesting removal of the holding provisions, which were applied at the time of the earlier rezoning. The development agreement has been entered into and it is recommended that the holding provisions be removed to enable a commercial development on site, in accordance with the zoning by-law.

PREPARED and RECOMMENDED BY:	REVIEWED BY:
	
ALANNA RILEY, MCIP, RPP SENIOR PLANNER	BRUCE HENRY MANAGER – DEVELOPMENT PLANNING
CONCURRED BY:	SUBMITTED BY:
	
TERRY GRAWEY, MCIP, RPP MANAGER, DEVELOPMENT SERVICES & PLANNING LIAISON	G. KOTSIFAS, P.ENG MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL

March 27, 2013
AR/ar

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**H-8146
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Bill No.
2013

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to remove the holding provision from the zoning on land located at 3047 Tillman Road.

WHEREAS York Development Group has applied to remove holding provisions from the zoning on the lands located at 3047 Tillman Road, 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 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 lands located at 3047 Tillman Road, as shown on the attached map to remove the "h-5", "h-53", "h-55", "h-56", holding provisions so that the zoning of the lands as a Restricted Office/Residential R9/Convenience Commercial (RO2/R9-7.H40/CC6) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

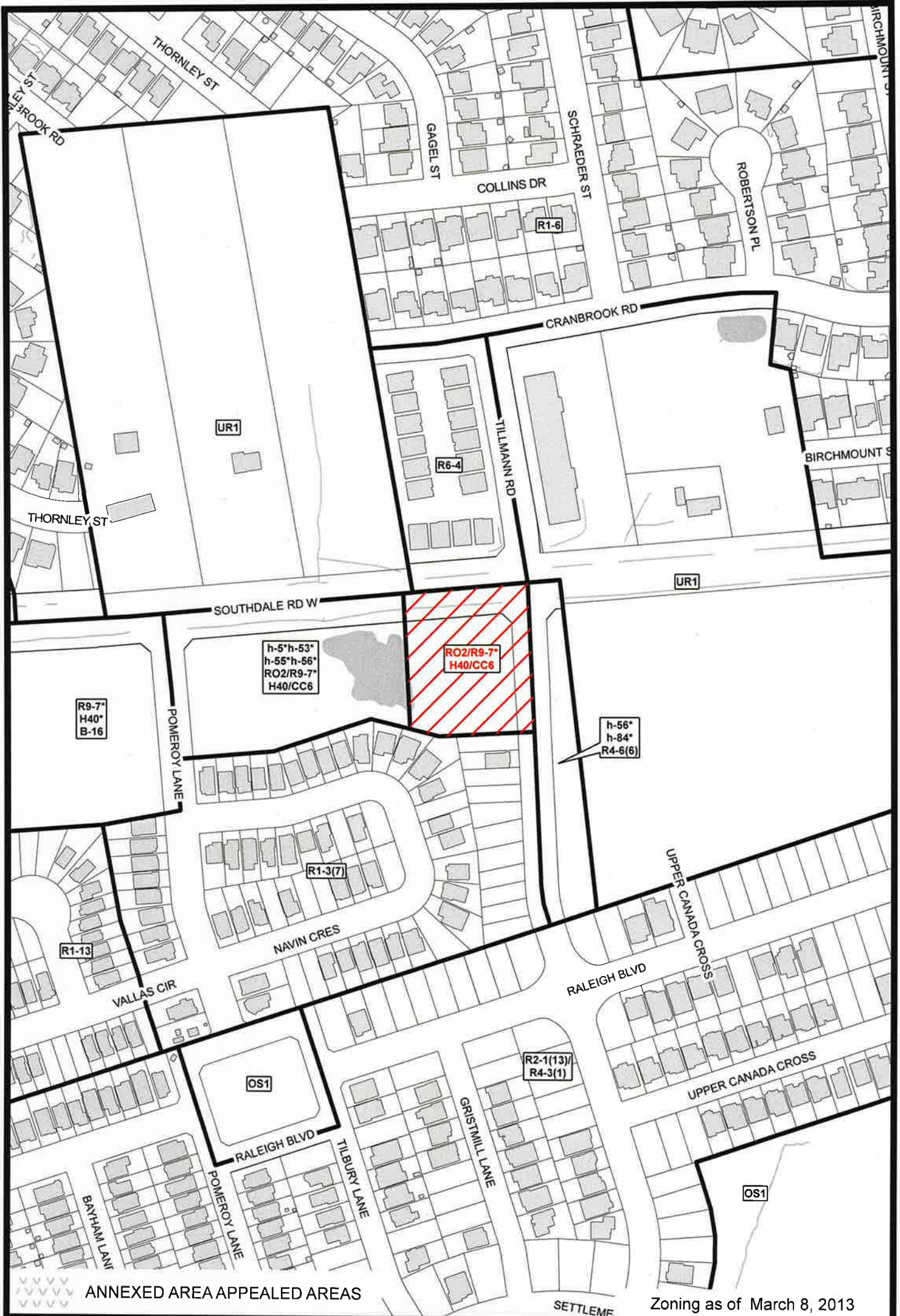
PASSED in Open Council on April 16, 2013

Joe Fontana
Mayor

Catharine Saunders
City Clerk

First Reading - April 16, 2013
Second Reading - April 16, 2013
Third Reading - April 16, 2013

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



File Number: H-8146
Planner: AR
Date Prepared: 2013/03/26
Technician: JS
By-Law No: Z.-1-

SUBJECT SITE 

1:3,000

