

PUBLIC PARTICIPATION MEETING COMMENTS

3.5 PUBLIC PARTICIPATION MEETING – 3234, 3263 and 3274 Wonderland Road South (OZ-8590)

- Richard Zelinka, Zelinka Priamo Ltd. – asking the Planning and Environment Committee's indulgence to allow him to speak beyond the normal five minute allotment, this is a file that has been on the books for two and a half years; advising that a lot has happened in that time and the current recommendation from staff is totally different from what they would have expected given everything that has happened; reiterating that, if the Committee would not mind, he is asking them to allow him to speak a little longer than normal; (*Councillor S. Turner asking Mr. Zelinka how long he requires.*); Mr. R. Zelinka, Zelinka Priamo Ltd., responding ten minutes; (*Councillor S. Turner looking to the Committee to see if they grant the extension; noting that the extension is granted.*); asking the Chair to remind him after five minutes so that he makes sure he is moving along at a clip; appreciating that; indicating that this recommendation was very perplexing to them; this Committee and Council colleagues are very aware, because of staff reports to them over the two and a half years that these lands that are before you today are the preferred location for commercial use from a land use planning standpoint, from an urban design standpoint, from a market standpoint, from a customer convenience standpoint, from the vision of development in this corridor standpoint and it is in the public interest; Council and this Committee have received Planning staff recommendations where they have given their professional opinion to Council that the most desirable lands are the contiguous lands, the ones that are Regional Commercial Node that was previously designated in the Official Plan that is developed now and that contiguous development is the most desirable and preventing that type of thing is bad planning, the Committee has been told that; the Planning and Environment Committee has also heard the planning staff's professional opinion to Council that it is bad planning to maintain the current situation that is preventing those lands from developing for commercial purposes, that is forcing leap frog development, that is ensuring that there is no continuous commercial that is available to the public in this area that is forcing unnecessary movement within the area that is contrary to the vision for this area; stating that the Committee has also heard from planning staff, based on two independent Market Analysts that the City hired; advising that they have come forward with their own Urban Metrics Market Analysis that justifies the commercial on these lands but the Committee has had two additional independent Market Analysts providing their opinion that it would have no adverse effect on the City's commercial structure; coming to this meeting, they are seeing a recommendation that is totally the opposite, it is saying that the things that they told the Committee were bad planning before, it is good planning now, to refuse this, to prevent commercial development within these lands, all those things that they told the Committee before, they do not believe that any more because Council has told them that it does not want to delete the commercial cap from the policies within the area; that is a big difference because Council has not seen this application; Council saw an application from the City of London to delete the entire commercial cap; noting that this application does not request the deletion of the commercial cap, it seeks only an Official Plan Amendment, a site specific Official Plan Amendment that will allow what staff told the Committee was not desirable, will allow commercial development in this spot that, since the early SWAP days, since the first recommendations from staff to Council about what SWAP should have, these were the lands that should go commercial; appreciating that staff was put into an awkward position, they took a recommendation to Council and it was turned down by Council but the recommendation that is before the Committee today is based on pre-judging what Council would do on an individual application; stating that Council did not deal with an individual application, there was the fear of Pandora's box being opened if there were no cap but this is a measured, justified, logical approach to lands that have been identified as being positive for this; having been put into that awkward situation, staff had to come up with a reason for turning this down, the first reason was based on Council's decision not to delete the commercial cap; reiterating that this is not about that at all, this is about increasing it on this site and whether it is done by a Section 10 Site Specific or whether it is done by a site specific modification to the existing cap that is in place, it does not matter, there could have been an approach to that that would have been technically the right way to go; indicating that if it was bad planning to have commercial on these lands, staff would have told you that at the outset of the process, they did not need two and a half years of studying the implications of commercial on the lands if it was bad; what they have now is a situation

where things that are not really major issues are being made into major issues; speaking about natural heritage, they agree with staff that the environmental studies that have gone on there have identified that there is an amphibian breeding area in that westerly part, the western most part of the westerly site; it does not affect the easterly site at all and it only affects the westerly part of the westerly site; expressing agreement with that; advising that when he was a kid this would have been called a froggy pond; agreeing with staff that froggy ponds can be moved; noting that they have not come up with an agreement as to where it can be moved, where it is best to be relocated but you do not stop a major development like this because there is a froggy pond that can be moved, it is a solvable issue, it is a solvable matter and they can work with staff on that; advising that staff has already offered two options as to how it might be done and there are other options that they would like to explore with staff that can probably even be resolved before the Ontario Municipal Board hearing; referring to the Urban Design aspect, again, this is not a site plan approval matter, they did ask for relief from the design policies because if you look at the way the development has occurred, and is shown on the overlay presented at the Committee meeting, the development that has occurred on the lands to the north, in the pattern that has occurred ensures that all the fronts of the buildings face onto the sidewalk, all the activity areas are animating the sidewalk, the public realm because everything is happening right up front; the policies that the City has been trying to enforce do not do that, there is a lot of dead space and as you can see from the York development site to the south, there is a huge sea of parking in front of the Lowe's as a result of the approach being taken; stating that if staff do not wish to change, they can just say that they are not changing the policy, that is all; indicating that you do not turn down commercial development because the site concept that was provided was not good enough to meet your site plan approval; indicating that they are only asking for the zoning that is effectively the same as York has approved to the south; advising that both the natural heritage and urban design issues are solvable issues and staff knows that, they know that and the Committee should be advised of that as well; rather than asking you, as Committee, to predict the results of Council's deliberation on the site specific we are asking you to, as a Committee, commend what Council should do in this situation; not predict what they will do but what they should do based on all of the advice that the Committee has heard from planning staff over the years but certainly over the last year; advising that he has prepared a recommendation which is a reworking of the recommendation, this is what he is asking this Committee to recommend to Council; advising that the first part is the same as the staff recommendation, but the second part; reading his proposed recommendation; advising that the reasons are all reasons from the staff reports previously, they are all things that the planning staff have told the Committee about this; the second part is; reading his proposed recommendation; added in with a holding provision on the westerly part of the westerly site affected by the amphibian breeding pond; reading the reasons; asking the Planning and Environment Committee to endorse these recommendations to Council. (See attached proposed recommendation.)

- Patrick Duffy, Stikeman Elliott, on behalf of York Developments and North American Development Group – indicating that he submitted a communication on behalf of his clients; advising that their interest is with the properties that York Developments owns, are the ones that were referred to on the west side of Wonderland Road, south of these lands; being 3405 Wonderland Road South and 1789 Wharnclyffe Road South; indicating that the comments that they would like to make are those that are reflected in their letter and that concerns the commercial cap for the Enterprise Corridor; expressing support for the staff report and the recommendation that has been made and they are also a party to the Municipal Board proceeding that will be going ahead in August, 2018; stating that the purpose of the cap, which has been reinforced by this Council in its decision in March, is to ensure that there is orderly development across the Corridor and to spread that development throughout the Corridor; having reaffirmed its commitment to the cap very recently it would be illogical in their view to allow ad-hoc applications like this one that would then effectively chip away at and eventually erode and disintegrate that cap and serve no purpose going forward; with respect to contiguous development, these were arguments that have been made previously before the Ontario Municipal Board and it rejected the concept that the purpose of the cap was to promote contiguous development; indicating that the purpose of the cap is actually to do the opposite, which is to promote development in a mixed use kind throughout that corridor and allowing too much commercial to be developed would defeat that purpose and would ultimately be contrary to the vision that is enunciated within the South West Area Plan; expressing support for that view; expressing support for the view articulated by staff in their report and they would

ask you to accept staff's recommendation; as you will know from their letter, it is their intent to be a vigorous party as part of the Municipal Board proceeding as well.