

--	--

File No.: O-7609
 Planner: G. BARRETT

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	SOUTHWEST AREA SECONDARY PLAN OFFICIAL PLAN AMENDMENT NO. 541 INFORMATION REPORT MEETING ON TUESDAY, JULY 22, 2014

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, regarding the appeal to the Ontario Municipal Board (OMB) relating to By-law No. C.P.-1284-(st)-331 to approve Official Plan Amendment 541, the Southwest Area Secondary Plan, the following report **BE RECEIVED** for information.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
--

- | | |
|-------------------|--|
| January 22, 2013 | Information report to Planning and Environment Committee regarding Notice of Appeal. |
| October 24, 2012 | Information report to Planning and Environment Committee to provide a response to several questions raised by the Committee on October 15, 2012. |
| October 15, 2012 | Public Participation Meeting before Planning and Environment Committee to adopt the Southwest Area Secondary Plan. |
| June 18, 2012 | Information report to Planning and Environment Committee on proposed revised land use concept plan, the proposed amendments to Schedules "A" – Land Use, "B-1" – Natural Heritage Features, and "C" - Transportation of the City Official Plan, and the draft Secondary Plan for the Southwest Area. |
| April 30, 2012 | Information report to Strategic Priorities and Policy Committee on the Southwest Area Plan Servicing Strategy and how it fits into the City's Growth Management Implementation Strategy (GMIS). |
| December 12, 2011 | Information report to Planning and Environment Committee on how four key public issues identified by Council have been addressed, including servicing and phasing strategy; and to obtain Council direction to circulate the revised SWAP plan to the public for review and feedback. |
| Sept. 20, 2011 | Presentation to Committee of the Whole on a revised servicing and phasing strategy for the Southwest study area, as recommended by Civic Administration. |
| Sept. 13, 2010 | Report to Planning Committee on the public comments received on the draft Southwest Area Plan report, preferred land use plan, and associated background studies. |

Agenda Item #	Page #

File No.: O-7609
Planner: G. BARRETT

June 15, 2010	Report to Planning Committee on interim public comments received on the draft Southwest Area Plan report and associated background studies.
April 26, 2010	Report to Planning Committee on the release of the draft Southwest Area Plan report and associated background studies.
July 20, 2009	Information report to Planning Committee on the landowner interviews, public visioning session and stakeholder workshop held in May and June of 2009.
May 6, 2009	Information report to Planning Committee on the Draft Public Participation Program.
February 9, 2009	Report to Planning Committee recommending approval of the Terms-of-Reference.

BACKGROUND

Following a comprehensive public consultation and planning review process, the Director of Land Use Planning & City Planner brought forward a report to the Planning and Environment Committee on October 15, 2012, recommending the adoption of the Official Plan amendment to add the Southwest Area Secondary Plan to the Official Plan for the City of London. The purpose and effect of this recommendation was to put Official Plan policies and Schedules in place to provide a framework for decisions affecting future land uses, urban design, preservation of environmental features, municipal servicing infrastructure, road networks, and phasing of development in the Southwest Area Secondary Plan area.

On November 20, 2012, Municipal Council passed By-Law No. C.P.-1284-(st)-331 to approve Official Plan Amendment 541. Nineteen appeals were filed with the City Clerk from the Decision.

The Hearing commenced on February 18, 2014, and was scheduled for eight weeks. The Hearing was broken into six phases: General Policies and Servicing, Commercial Designations, Transportation, Natural Heritage and Open Space Designations, Site Specific Appeals, and Mapping. The following is a brief description of the outcome of the Hearing.

On April 29, 2014, the Board issued its Decision. The outcome of the decision, and the amendments approved are summarized below. An amended version of the Southwest Area Secondary Plan is also attached under separate cover.

General Policies and Servicing

In general, there were very few modifications required to the Council-adopted Secondary Plan as a result of the Hearing. Minor wording changes have been made to Section 4.8, Wonderland Road Community Enterprise Corridor of the Official Plan to make more explicit reference to mixed use development as the preferred form of development within the corridor.

Within the SWAP Secondary Plan document, minor changes were made to section 20.5.1.3 Vision to incorporate changes required as a result of the outcome of the other portions of the Hearing related to the commercial, transportation and natural heritage issues.

Section 20.5.3.7 Community Facilities was revised to clarify the process for ensuring that school board requirements are considered through subsequent planning approvals processes.

Finally, section 20.5.16.3 Development Phasing and Servicing was amended to reflect the 2013 GMIS and 2014 DC Study.

Agenda Item #	Page #

File No.: O-7609
Planner: G. BARRETT

Throughout the document, the word “shall” was in some instances replaced by the word “may”. Notwithstanding intent of a Secondary Plan to provide more specific policy direction for a defined area than would be appropriate in the general policies of the Official Plan, the Board preferred the evidence that the prescriptive nature of the word “shall” could result in limiting the flexibility that may be desired in the Secondary Plan to address a specific issue or concern.

Commercial Designations

The majority of the appeals related to this matter did not involve the City, in that the appeals could be described as concerns regarding commercial competition between the landowners within the corridor. Most of these appeals were settled on resolution between the commercial appellants, and the extent of the Wonderland Road Commercial Enterprise Corridor and the related policies as adopted by Council were maintained. As part of the settlement between the various landowners, new policies were added to specifically deal with the properties located at 17-31 Exeter Road (Aarts) that would limit the amount of commercial development on these lands.

Transportation

The most significant result of this phase of the Hearing was the removal of the figures and the text policies (portions of 20.5.3.8 and all of Figures 2 through 10) that illustrated the preferred concept for the future development of the Wonderland Road Corridor, and the removal of Figure 1, The Conceptual Road Network. The evidence presented to the Board regarding the illustrations and description for the Wonderland Road Corridor was that the Environmental Assessment for the Wonderland Road Corridor was underway, and the concept as depicted in the Secondary Plan would be evaluated through that process. It was proposed that the outcome of the EA would determine the final road cross-section, and that it was not necessary to include the figures or specific design policies in the SWAP document.

There was concern raised by various Appellants about the Conceptual Road Network figure in the Plan. Notwithstanding that the network as described as conceptual, the inclusion of the Figure was seen as too prescriptive. The Figure was subsequently removed; however, the text policies regarding the grid network and the concept of creating local street connections to the arterial road network were retained.

Another change incorporated into the Board’s decision relates to Schedule C-Transportation in the Official Plan. The decision amends Schedule C to show all proposed road segments not yet developed or included within plans of subdivision as “dotted” lines. A new text policy was added (20.5.16.11) to indicate that the final road alignment of these proposed segments could be shown on Schedule C as a solid line without an amendment to the Plan once the alignment was determined through a comprehensive corridor study, the completion of a Municipal Class EA, or a draft plan of subdivision. As part of the Schedule C amendments, Bostwick Road is shown as a solid line in its current location, and as a dotted line in its proposed location at its southerly limit near Wharncliffe Road.

Natural Heritage and Open Space

There were two significant environmental policy issues adjudicated at the Hearing. The first issue related to the width of the corridors adjacent to the Dingman Creek and other corridor features within the Secondary Plan area. The SWAP contemplated an enhanced open space system that would build upon the natural heritage system, resulting in corridors that would provide both environmental and social/recreational functions.

To do this, SWAP policies established minimum corridor widths (50m for the Dingman Creek and 30m for other features) that were a combination of ecological/environmental buffers (20m for the Dingman Creek and 10m for other corridors), with the remainder available for pathways or additional ecological buffer.

Agenda Item #	Page #

File No.: O-7609
Planner: G. BARRETT

The policies further required the dedication of the ecological portions of the corridors at ecological rates, with the remainder of the lands being dedicated to the City as parkland or in exchange for a density credit.

These policies were appealed. The Board preferred the evidence that as natural heritage features, the science associated with an Environmental Impact Study, undertaken in accordance with City requirements and to the satisfaction of the City should be the basis for the determination of any ecological corridor width, so these policies that established the 50m and 30m corridors were deleted from the Secondary Plan. The Board did, however, agree that it was appropriate that the City pursue an enhanced open space system within the Southwest Planning area, and that the City was entitled to all means contemplated by both the *Planning Act* and the Official Plan to acquire this enhanced open space system. Further to that, the Board accepted new policies be added to the Secondary Plan that described Enhanced Open Space Corridors (20.5.3.6 ii.).

The second significant change to the Secondary Plan was mapping amendments to Schedule B-1, Natural Heritage features and Schedule A, Land Use. The designation of Significant Woodlands without field investigations was contested. Based upon the evidence put forward by the parties, the Board ordered that where no field investigation had been completed on a vegetation patch, the patch would be designated as “Unevaluated Vegetation Patch” rather than “Significant Woodland” on Schedule B-1, and “Environmental Review” rather than “Open Space” on Schedule A, Land Use. The Board also ordered, however, that as part of the mapping exercise, vegetation patches that were not on Schedule B-1, but were present on the landscape could be added back to the map, and the patches could then be designated as “Environmental Review” on Schedule A. Vegetation patches not previously mapped were added as part of this process. The Woodland Table (Appendix 2), which had been included in SWAP for reference purposes, was removed from the Secondary Plan.

Site Specific Appeals

There were numerous site specific appeals, some of which resulted in mapping and/or text changes. The appeals were heard by property owner and address, and are summarized as such below:

1. Sifton, 3614-3630 Colonel Talbot Road.

This appeal related to both mapping and text issues. With respect to the mapping, there was an area identified as Open Space on Schedule A-Land Use relating to a small neighbourhood park. The location of the park on these lands was not related to any natural heritage feature, but was intended to join an open space area on lands to the north with a potential SWM area on lands to the south. A full-size neighbourhood park was determined to not be required for these lands, so the mapping was amended to remove the Open Space designation, but add a potential park “dot” to the Secondary Plan to indicate the proposed linkage described above. Schedule A was also amended to remove the Medium Density Residential designation around the proposed park.

Text amendments were also added to change the minimum density requirements for Low Density Residential lands in this area from 20 units per hectare to 18 units per hectare, and a new policy (20.5.16.4 v.) was added to the implementation section of the Secondary Plan to provide criteria to be used to consider lower minimum residential densities.

2. Sifton, Part Lot 69

Mapping amendments were made to Schedule A, Land Use and Schedule B-1, Natural Features as part of the overall mapping exercise to address the natural heritage appeals.

Agenda Item #	Page #

File No.: O-7609
Planner: G. BARRETT

3. Sifton, 1311, 1363 and 1451 Wharnclyffe Road South

This appeal was to ensure that the land use designations contemplated in the SWAP were consistent with the designations approved by Council as part of Official Plan Amendment 554 that applied to these lands. The map amendment clarified the limits of the Open Space and High Density Residential designations, and showed the commercial area as Neighbourhood Commercial Node.

4. Manocha, 3405 Dingman Drive

This appeal was dismissed, however, amendments were made to Schedule A, Land Use and Schedule B-1, Natural Heritage Features to reflect the natural heritage features mapping changes.

5. Johnstone, 284 Exeter Road

Minor mapping amendments were made to clarify the limits of the Medium Density Residential, Environmental Review, Open Space and Light Industrial designations on these lands.

6. Grewal, 4680 Wellington Road South

There were two appeals on these lands. The first related to text amendments to Section 20.5.14.1 (ii) regarding polices related to buffers between the future Light Industrial lands and the existing Rural Settlement lands. The Board did not accept any of the proposed text modifications, except for the agreed to change of “shall” to “may” as it relates to the application of the Ministry of the Environment’s D-series Guidelines, and dismissed the remainder of the appeal.

The second appeal related to the designation of the lands south of Dingman Creek as Urban Reserve-Industrial Growth. The Board agreed with the City that these lands should not be re-designated to Light Industrial at this time, and dismissed the appeal.

7. York, 1959 Wharnclyffe Road South

There were two matters under appeal on these lands. The first related to the extent of the Low Density Residential designation and extent of Open Space lands. The City agreed to refine the limits of these designations, consistent with the natural heritage features mapping changes.

The second appeal related to text and mapping changes to add High Density Residential to an area proposed to be designated as Medium Density Residential. The appellants sought to have new policies that would permit high density residential development to a maximum density of 150 units per hectare and 12 stories in height. The City argued that the medium density designation was appropriate, and would provide a transition between the high density development that would be permitted in the Wonderland Road corridor to the east, and the Lambeth Village Core to the west.

The Board agreed with the City’s position, and with the exception of the mapping changes above, the appeal was dismissed.

CONCLUSION

The hearing was completed on April 17, 2014. In general, many of the appeals related to the specificity of some of the policies contemplated in the Secondary Plan. While the purpose of a Secondary Plan is generally to provide more specific policy direction related to the future development of a defined geographic area, the Board found that in some instances, the policies were too prescriptive, and would not permit a full consideration of alternatives to what was

Agenda Item #	Page #

File No.: O-7609
Planner: G. BARRETT

proposed in the Plan. In other instances, however, the Board agreed that it was appropriate to provide more specific policy direction.

The matter of the numerous appeals to Council’s decision to create the Wonderland Road Community Enterprise Corridor, and to extend the Corridor to lands south of Exeter Road were limited to concerns among the various landowners. The Board’s decision affirmed Council’s adopted Secondary Plan.

With respect to the environmental appeals, while the minimum 50m and 30m corridor policies for the Dingman Creek and other natural heritage features did not survive the appeal, new policies to describe an enhanced open space corridor were added, and the Plan was clarified to require the completion of an EIS acceptable to the City to determine the width of the ecological corridor. The Board directed that the natural heritage mapping be reviewed by the Appellants and the City, which resulted in the refinement of the boundaries of many of the natural heritage features in the area, including the identification of areas not previously mapped.

The Secondary Plan for the Southwest Area is now in full force and effect as of April 29, 2014.

PREPARED AND SUBMITTED BY:
GREGG BARRETT, AICP MANAGER, POLICY PLANNING AND PROGRAMS
RECOMMENDED BY:
JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER

June 17, 2014
GB/
“Attach”
cc: J. Barber, City Solicitor