

--	--

**File: Z-8228**  
**Planner: Mike Corby**

<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING &amp; ENVIRONMENT COMMITTEE</b>
<b>FROM:</b>	<b>JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER</b>
<b>SUBJECT:</b>	<b>APPLICATION BY: 2376563 ONTARIO INC. 447 OLD WONDERLAND ROAD PUBLIC PARTICIPATION MEETING ON AUGUST 26, 2014</b>

<b>RECOMMENDATION</b>
-----------------------

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of 2376563 Ontario Inc. relating to the property located at 447 Old Wonderland Road:

- (a) Municipal Council **BE ADVISED** that this Zoning By-law amendment application (Z-8228) has been appealed to the Ontario Municipal Board by Alan Patton of Patton, Cormier & Associates LLP on behalf of the applicant on the basis of non-decision by Council within 120 days;
- (b) The Ontario Municipal Board **BE ADVISED** that Municipal Council **RECOMMENDS** that Zoning By-law No. Z.-1, **BE AMENDED** as attached here to as Appendix "A", in conformity with the Official Plan, to change the zoning of the subject property **FROM** an Open Space (OS1) Zone **TO** a Holding Restricted Office Special Provision (h-5\*h-64\*h-(\_) \*RO2(\_)) Zone to include additional regulations;
- (c) The Ontario Municipal Board **BE ADVISED** that Municipal Council **RECOMMENDS** that the Site Plan Approval Authority **BE REQUESTED** to consider implementing, through the site plan approval process, the design features recommended below:
  - i) Extensive landscaping along the western edge of the property to screen all exposed parking lots from the Wonderland Road South corridor and create a positive edge condition which enhances the pedestrian experience;
  - ii) Extensive landscaping along the eastern edge of the property abutting the residential lands to provide screening of the parking lot, street, and building from the adjacent residences;
  - iii) Installation of a continuous 1.83 metre (6 feet) minimum sound attenuation fence along the eastern property line directly abutting the adjacent residential lands in order to: mitigate the impacts from the Wonderland Road South corridor, the surface parking lot, and/or any mechanical equipment to the residential uses; screen the residential amenity area; and, prevent pedestrian access from Old Wonderland Road;
  - iv) If any retaining walls are required they shall be located a minimum 5 metres away from the east side yard adjacent to residential zones.
  - v) Consider additional landscaping in the plantable area within the parking lot islands to reduce the heat island effect of the parking lot;
  - vi) Consider aligning the proposed building with the Teeple Terrace property line in order to allow the building to properly address the street; and,
  - vii) Enhancement of the architecture of the building at the intersection with a change in massing which could include a height element in order to address the corner and provide definition to enhance the pedestrian experience at the intersection;

--	--

**File: Z-8228  
Planner: Mike Corby**

- (d) The Ontario Municipal Board **BE ADVISED** that Municipal Council **RECOMMENDS** that the request to amend Zoning By-law No. Z.-1 to change the zoning of the subject property **FROM** an Open Space (OS1) Zone, **TO** a Restricted Office Special Provision (RO2( )) Zone to permit additional uses **BE REFUSED** for the following reasons:
- i) The additional uses are not in conformity with the Official Plan;
  - ii) The additional uses do not meet the location criteria of the Official Plan given the proximity to low density residential development;
  - iii) The additional uses are not considered office uses contemplated in the Restricted Office Zone.

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
--------------------------------------------------

Z-8228 Planning Environment Committee Report – March 25, 2014

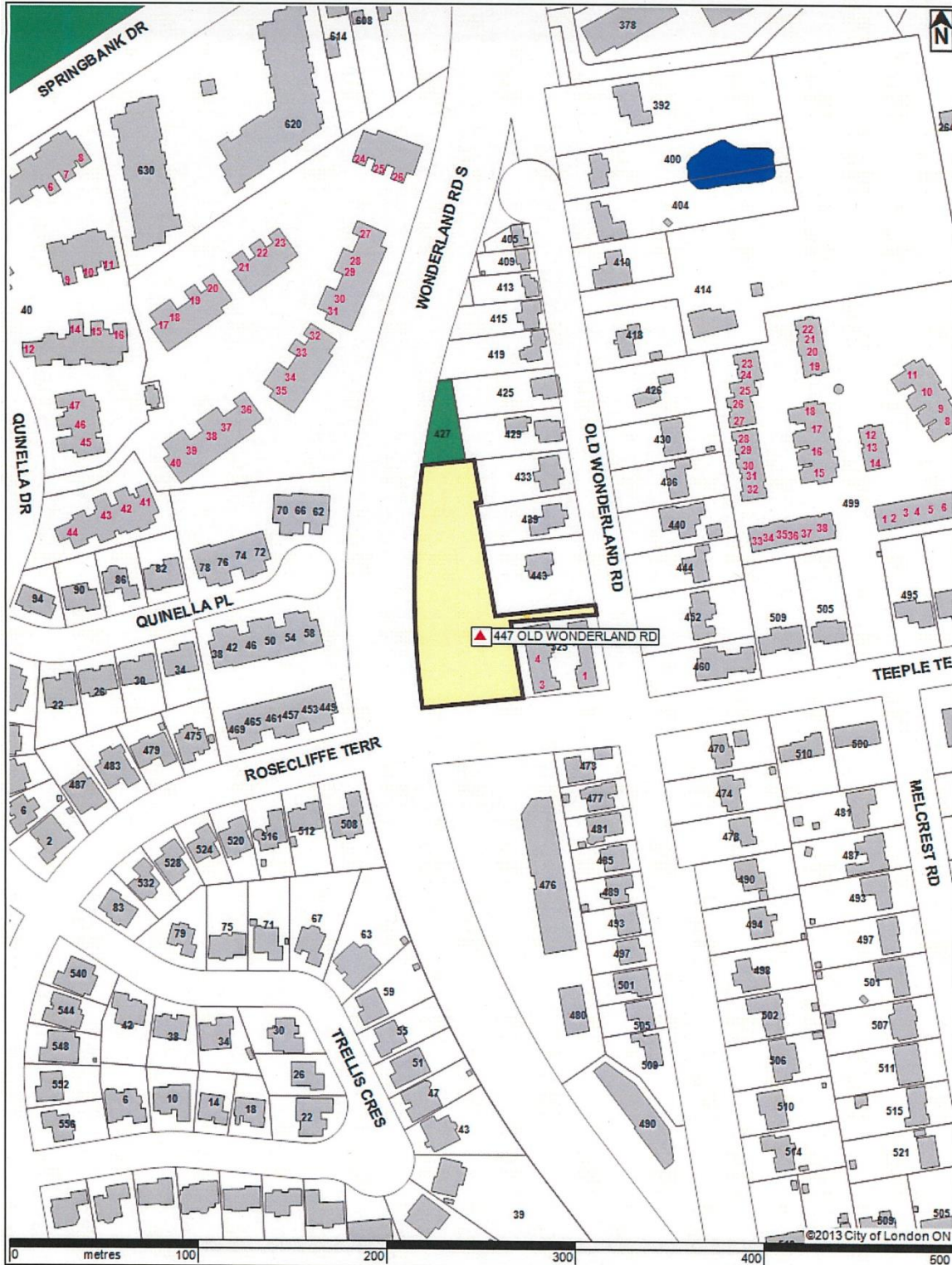
<b>PURPOSE AND EFFECT OF RECOMMENDED ACTION</b>
-------------------------------------------------

The purpose and effect of the requested Zoning By-law amendment is to permit the development of a small scale Medical/Dental Office.

<b>RATIONALE</b>
------------------

1. The recommended amendment is consistent with the policies of the Provincial Policy Statement (2014).
2. The recommended zone is consistent with the City of London Official Plan.
3. The subject lands are of a sufficient size and shape to accommodate the proposed uses.
4. The additional landscape buffer provides an appropriate setback to accommodate the future retaining wall and extensive landscaping while creating an appropriate buffer for the abutting residential uses.
5. The recommended Zoning By-law amendment provides appropriate regulations to control the uses and intensity of the building and limits the development at a scale that is appropriate for the context.

--	--

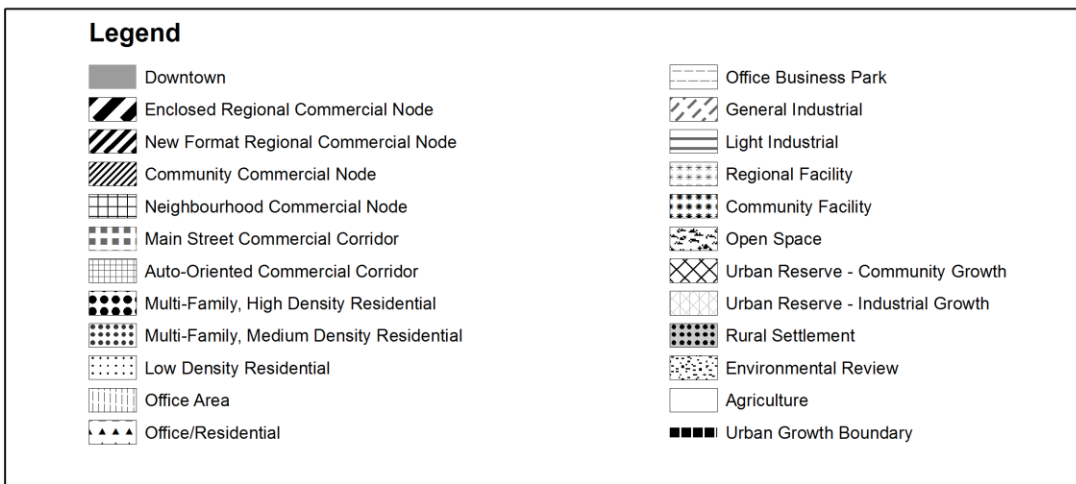
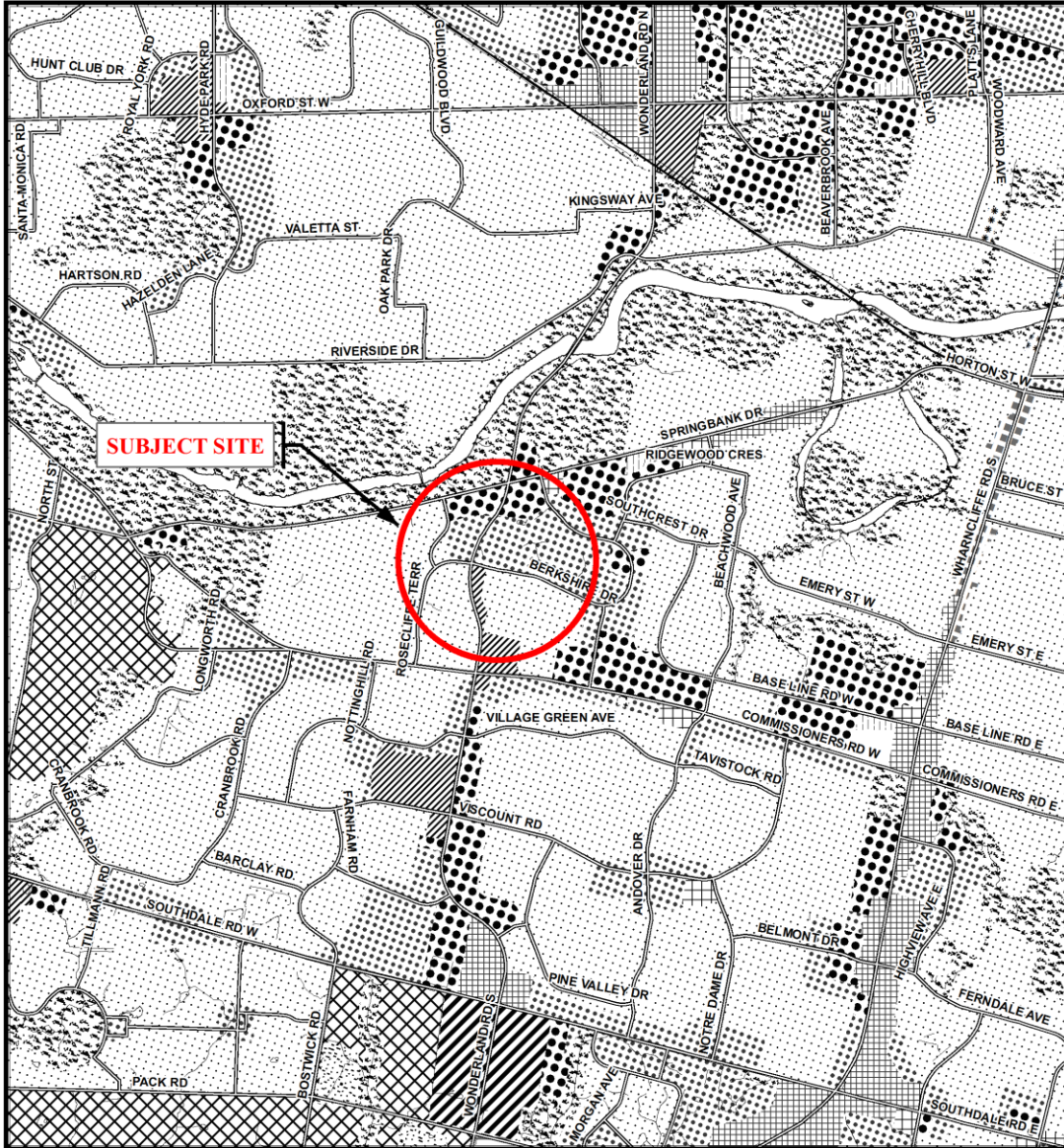


<p style="text-align: center;"><b>LOCATION MAP</b></p> <p>Subject Site: 447 Old Wonderland Rd          Applicant: 2376563 Ontario Inc.          File Number: Z-8228          Planner: Mike Corby          Created By: Mike Corby          Date: 2013-08-29          Scale: 1:2500</p>	<p style="text-align: center;"><b>LEGEND</b></p> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 15px; border: 1px solid black; margin-right: 5px;"></span> Subject Site</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: green; margin-right: 5px;"></span> Parks</li> <li><span style="display: inline-block; width: 15px; height: 15px; border: 1px dashed black; margin-right: 5px;"></span> Assessment Parcels</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: lightgrey; margin-right: 5px;"></span> Buildings</li> <li><span style="display: inline-block; width: 15px; height: 15px; border: 1px solid black; margin-right: 5px;"></span> Address Numbers</li> </ul>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

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

--	--

File: Z-8228  
Planner: Mike Corby

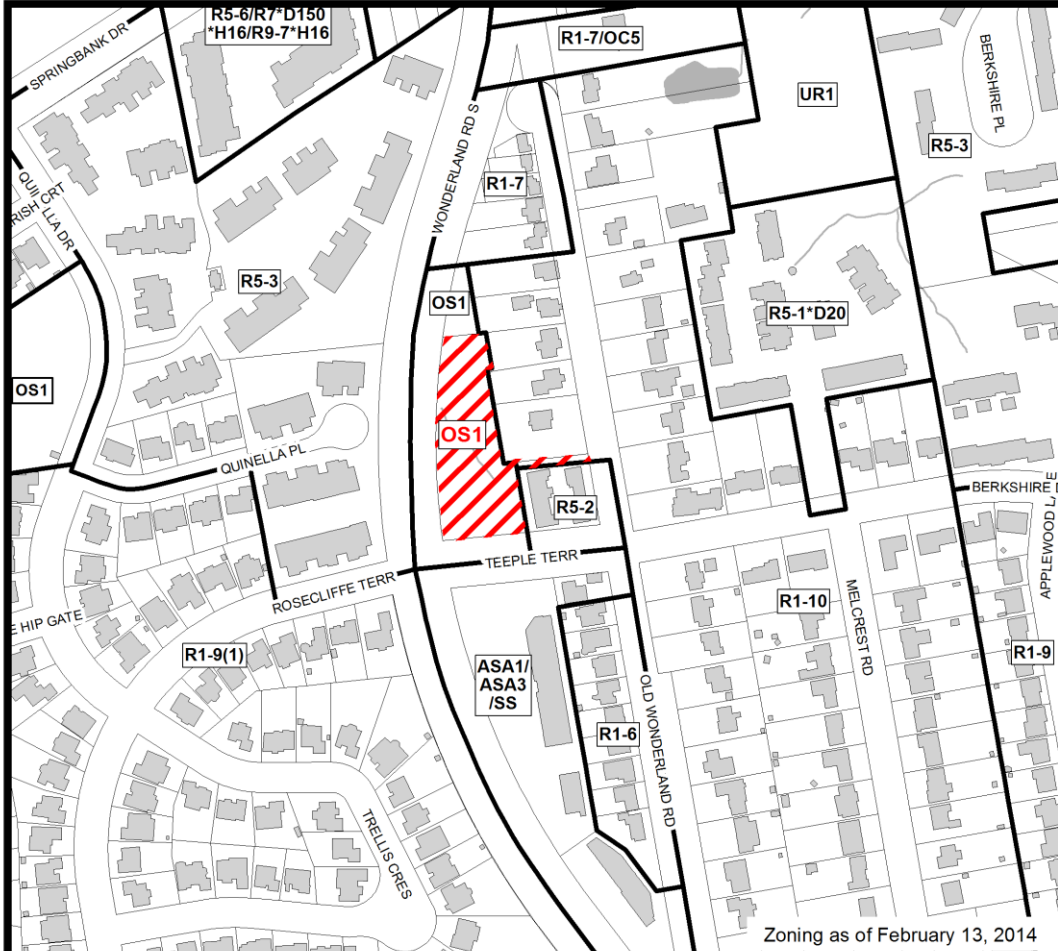


<p><b>CITY OF LONDON</b> Department of Planning and Development</p> <p>OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p><small>PREPARED BY: Graphics and Information Services</small></p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: Z-8228</p> <p>PLANNER: MC</p> <p>TECHNICIAN: CK</p> <p>DATE: 2014/03/04</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------	---------------------------------------------------------------------------------------------

PROJECT LOCATION: e:\planning\projects\ip\_officialplan\work\consol\00\excerpts\mxd\_templates\scheduleA\_NEW\_b&w\_8x14.mxd

--	--

File: Z-8228  
Planner: Mike Corby



Zoning as of February 13, 2014



**COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: OS1**

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
  
- "h" - HOLDING SYMBOL
- "D" - DENSITY SYMBOL
- "H" - HEIGHT SYMBOL
- "B" - BONUS SYMBOL
- "T" - TEMPORARY USE SYMBOL

2) ANNEXED AREA APPEALED AREAS

**CITY OF LONDON**  
PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES

**ZONING BY-LAW NO. Z.-1**

**SCHEDULE A**

FILE NO:  
**Z-8228** **MC**

MAP PREPARED:  
**2014/03/04** **CK**

1:3,500  
0 15 30 60 90 120  
 Meters

THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS

--	--

**File: Z-8228**  
**Planner: Mike Corby**

**BACKGROUND**

On August 21, 2013 a Zoning By-law amendment application was submitted by 2376563 Ontario Inc. The application was to facilitate the development of the property for a small scale Medical Dental Office with additional uses which include: Pharmacies, Financial Institutions, Personal Service Establishments, and Commercial Recreation Establishments. Through the planning and public consultation process, as well as a community meeting held by City Staff, public comments were received and summarize below:

- Appropriate fencing and separation between residential lots and the proposed development (i.e. brick wall, evergreens);
- No public access from Old Wonderland Road;
- Concerned about lighting shining into rear yards;
- Increased noise levels;
- Traffic congestion at intersection;
- Potential that butternut trees exist on neighbouring lands;
- Groundwater was an issue in 2001 storm sewer infrastructure work. Concern this will cause more issues with the groundwater in the area;
- Presence of other Medical/Dental in the area;
- Proposed building is not in character with the area (bulk and scale);
- Loss of greenspace/privacy;
- Concerned that reduction in parking will create spill over onto Old Wonderland Road;
- Grading concerns;
- Request for a change of address to ensure people do not travel to Old Wonderland Road unnecessarily;
- Height Concerns.

Planning Staff brought forward a recommendation to the Planning and Environment Committee on March 25, 2014 (see attached report in Appendix "B"). Staff had recommended approval of the proposed Medical/Dental Office based on the following rational:

1. *The recommended amendment is consistent with the polices of the Provincial Policy Statement (2005).*
2. *The recommended zone is consistent with the City of London Official Plan.*
3. *The subject lands are of a sufficient size and shape to accommodate the proposed uses.*
4. *The recommended Zoning By-law amendment provides appropriate regulations to control the uses and intensity of the building and limits the development at a scale that is appropriate for the context.*

Staff's recommended partial support for the requested amendment by limiting the uses to those permitted in the base Restricted Office (RO2) Zone and did not recommend the additional commercial uses that were requested by the applicant. The use of holding provisions for public site plan review and the requirement for a noise study were also recommended and acceptable to the applicant. In an effort to address neighbourhood concerns and facilitate compatibility with abutting lands a maximum height limit of 9 metres was recommended which is 3 metres less then what is currently permitted on the abutting lands. Staff also recommended a special provision to allow for 0 metre west and south yard setbacks in order to push the building as far

--	--

**File: Z-8228**  
**Planner: Mike Corby**

away from the abutting residential properties and allow the building to address the intersection and streets appropriately. A reduction of parking from 97 to 85 spots was also recommended. Through Staff's recommendation, the the Site Plan Approval Authority was requested to implement various design features, through the site plan approval process including: extensive landscaping along the eastern and western edge of the property to provide screening; a continuous 1.83 metre (6 feet) minimum sound attenuation fence along the eastern property line directly abutting the adjacent residential lands in order to: mitigate the impacts from the Wonderland Road South corridor, the surface parking lot, and/or any mechanical equipment to the residential uses; screen the residential amenity area; and, prevent pedestrian access from Old Wonderland Road; additional landscaping in the plantable area within the parking lot islands; align the proposed building with the Teeple Terrace property line; and, enhance the architecture of the building at the intersection including a height element.

On April 1, 2014 Council referred the matter back to Civic Administration to undertake the following:

- i) *Increase the width of landscaping*
- ii) *Reduce the size of the building; and,*
- iii) *Meet with the applicant, the community and the Ward Councilor to discuss wider landscaped strips on certain portions of the site, landscaping with substantial trees and determine how much parking will be provided.*

They also requested that the Civic Administration BE DIRECTED to give consideration to the following, in addition to the above-noted matters:

- i) *increasing the width of the landscaping border to 6 metres along the property line, with dense plantings of mature evergreens;*
- ii) *enforcing the standard setback requirement of 8 metres from the street;*
- iii) *reducing the building size to reflect the amount of parking spaces available once setback restrictions and buffer zones are applied and ensuring standard requirements for parking are fully met;*
- iv) *the City undertaking an independent review of continuing traffic safety concerns, taking into consideration the implications for surrounding community and the associated application;*
- v) *the City undertaking a review of the Official Plan's 'medium density' designation of Old Wonderland Road, in order to consider according the neighbourhood some protection and repositioning it with the 'low density' neighbourhood that surrounds it and to which the neighbourhood feels it belongs; and,*
- vi) *adding a hydro-geological survey to the requirements listed by City planning staff.*

Subsequent to the referral back from Council, the applicant appealed the requested amendment to the OMB on April 16, 2014 based on no decision from Council within the prescribed 120 days. Notwithstanding the applicant's appeal, and in order to demonstrate how the site would be developed based on Council's resolution, Staff developed an alternate site concept taking into consideration Council's direction provided above. This design was presented to the community on June 4, 2014. The community was generally more supportive of the revised conceptual site plan. The community group had a separate follow up meeting and their comments have been summarized below:

- feel no variances (i.e. special regulations) should be permitted (i.e parking, building setbacks)
- 3 metre minimum setback with fencing and mature evergreen plantings from abutting residence
- Concerned about traffic safety and accessing the site
- Residential uses would be the most appropriate use at this location

The Full comments are attached as Appendix "C"

--	--

**File: Z-8228**  
**Planner: Mike Corby**

<b>ANALYSIS</b>
-----------------

On March 25, 2014, Staff provided an analysis with regard to the appropriateness of the proposed use (see attached report in Appendix “B”) in relation to the policies of the Official Plan. The following analysis relates to the appropriateness of the proposed modifications to the original recommendation while continuing to rely on the previous analysis to support the recommended use.

The recommended Restricted Office Zone is intended to facilitate new office uses outside of the Downtown area in small-scale office buildings primarily in areas designated Multi-Family, Medium Density or High Density Residential. Staff maintains its original position that the main permitted uses in the RO2 zone are appropriate as it permits a moderate range of compatible uses on the subject site and conforms to the Official Plan designation. The applicants request for additional commercial uses through a special provision is being recommended for refusal, specifically the additional requested uses of: pharmacies, financial institutions, personal service establishments, and commercial recreation establishments. These uses are not permitted under the Official Plan designation of Multi-Family, Medium Density Residential or the location criteria prescribed by Official Plan policy 3.6.7.

Staff is also maintaining its recommendation for a maximum building height of 9 metres, whereas 12.0 metres would generally be permitted, to accommodate the requested form of development while mitigating the public concerns with regard to loss of privacy and potential noise on abutting lands. However, the consideration for a standard setback requirement of 8m from the street, which Staff interpreted to be from Wonderland Road given that this is only abutting street that requires a standard 8m setback, is not being recommended due to concerns from an urban design and planning point of view. Staff maintains that the original recommendation to allow for a 0 metre west and south yard setback, which locates the building as far away from the abutting residential properties as possible and positions the building to address the intersection and streets, creates the best location for the building by facilitating a maximum separation distance from the more sensitive residential uses and allowing it to frame the public realm resulting a comfortable pedestrian environment. Staff also continues to recommend the inclusion of both holding provisions for a Public Site Plan process and Noise Study as well.

**Provincial Policy Statement, 2014**

Since this application was last considered by Municipal Council on April 1, 2014, a new Provincial Policy Statement has come into force and effect. The *Provincial Policy Statement, 2014* (PPS 2014) provides policy direction on matters of provincial interest related to land use planning and development. Section 3 of the *Planning Act* requires that decisions of any authority affecting planning matters “shall be consistent” with the PPS 2014.

Previously, Council considered Section 1.1.1 of the previous PPS 2005 which promotes healthy, liveable and safe communities by: encouraging efficient development and land use patterns; accommodating an appropriate range and mix of land uses; and promoting cost effective development standards to minimize land consumption and servicing costs. The relevant policies in this section remain substantially unchanged between PPS 2005 and PPS 2014 as they pertain to this application and the analysis provided in the March 25, 2014 Staff report (see attached report in Appendix “B”) continues to apply.

Council also previously considered Section 1.1.3.2 of the PPS 2005, indicating that land use patterns within settlement areas should be based on densities and a mix of land uses which: efficiently use land and resources; are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available; and, minimize negative impacts to air quality and climate change, and promote energy efficiency.



--	--

**File: Z-8228**  
**Planner: Mike Corby**

While these policies continue to apply in PPS 2014, and they continue to support the Staff recommendation, this section of the PPS has also been modified within PPS 2014 by adding additional policies which further state that land use patterns shall be based on densities and a mix of land uses which *support active transportation and are transit-supportive*. The Staff recommendation promotes a mix of uses and a building location which support active transportation and transit.

Council also previously considered policy 1.1.3.3 which requires planning authorities to identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas. The relevant policies in this section remain substantially unchanged between PPS 2005 and PPS 2014 as they pertain to this application and the analysis provided in the March 25, 2014 Staff report (see attached report in Appendix “B”) continues to apply. Lastly, there have been no new policies introduced within PPS 2014 that would be in conflict with the Staff recommendation.

Analysis of the specific requests identified in the Council Resolution

*Independent Review of Continuing Traffic Safety Concerns*

In Council’s referral back to Civic Administration, Staff were asked to consider reviewing specific issues raised by the public. The request to consider “*an independent review of continuing traffic safety concerns, taking into consideration the implications for surrounding community and the associated application*” was reviewed by the City’s Transportation Division who felt that the proposed review is not required since the proposed access does not present any safety issues and the requirement of a new left hand turn lane into the site would be sufficient to ensure no backup of traffic will occur at the intersection. Transportation also noted that most of the traffic will enter and exit the site off Teeple Terrace through Wonderland Road resulting in minimal impact on the surrounding community. Staff also followed up with the Thames Valley District School Board and LTC at the request of the public to determine if they had any traffic and safety concerns. Both parties expressed no concern with the proposed application and access location.

*Hydrogeotechnical Assessment*

The City’s Stormwater Management Unit was requested “*to consider the need for a hydrogeological survey to be submitted prior to development taking place.*” The Stormwater Management Unit recommended that “*due to the proposed land use change, reported high water table and associated potential impacts on the built form, a hydrogeotechnical assessment is required as part of a complete application for the rezoning.*” Though Staff cannot request this as part of a complete application at this point in the process (given that the application has already been accepted as “Complete” on August 28, 2013) the requirement for a hydrogeotechnical assessment can be made through a holding provision. Therefore a new holding provision at the request of the Stormwater Management Unit is recommended to ensure a hydrogeotechnical assessment is completed so no adverse impacts will be created through the proposed development.

*Review of Existing Official Plan Designation*

Planning Services has agreed to undertake a review of the Official Plan’s Multi-Family, Medium Density Residential designation of Old Wonderland Road. This item has been added to the review of the London Plan and a recommendation regarding the appropriateness of the land use designation will be brought forward to the Planning and Environment Committee as part of the new Official Plan.

*Conceptual Site Plan Illustrating the Council Resolution*

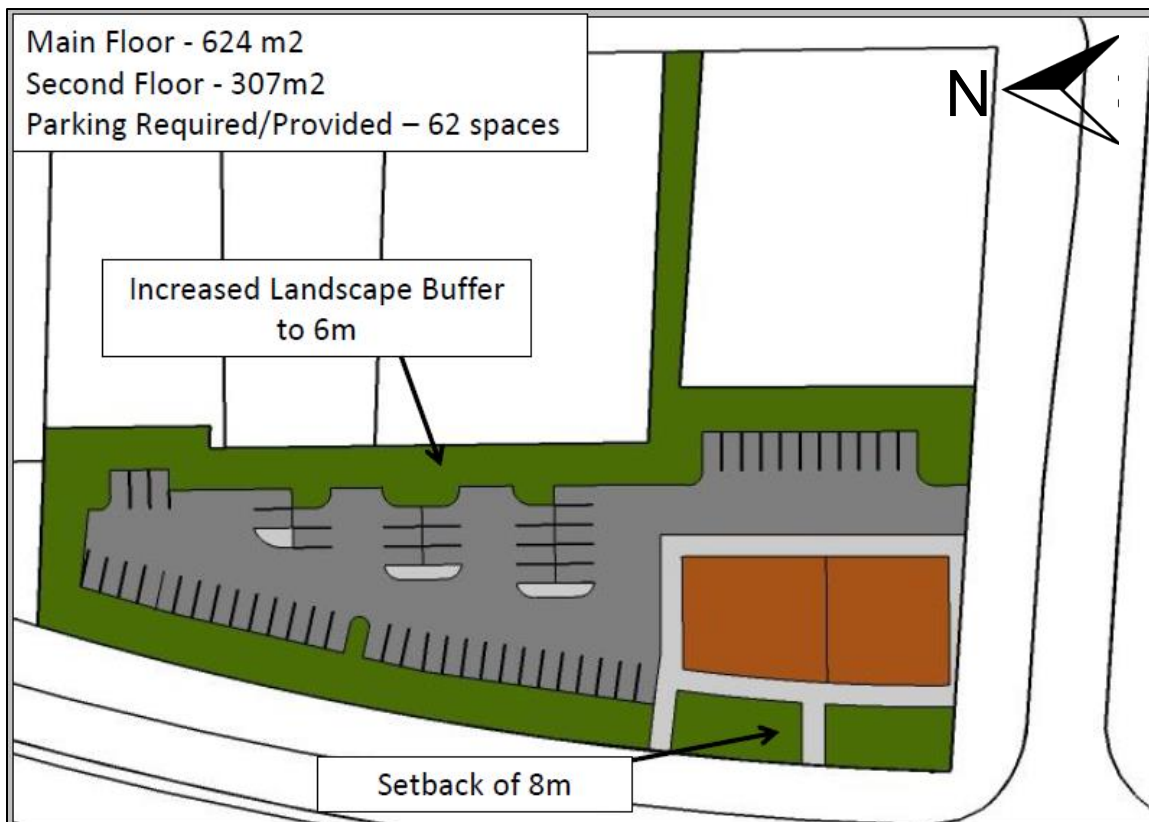
In order to review the specific modifications to the proposed development as requested by Council, City Staff produced a new conceptual site plan implementing Council’s requests,

--	--

**File: Z-8228**  
**Planner: Mike Corby**

including: increasing the width of the landscaping border to 6 metres along the property line; enforcing the standard setback requirement of 8 metres from the street; and, reducing the building size to reflect the amount of parking spaces available once setback restrictions and buffer zones are applied and ensuring standard requirements for parking are fully met (see below).

This resulted in a building footprint of 624 m<sup>2</sup> with an additional second story of 307 m<sup>2</sup> while accommodating the required parking ratio of 1 space per 15m<sup>2</sup> as per the Zoning By-law with 62 spaces.



Conceptual Site Plan Illustrating the Council Resolution

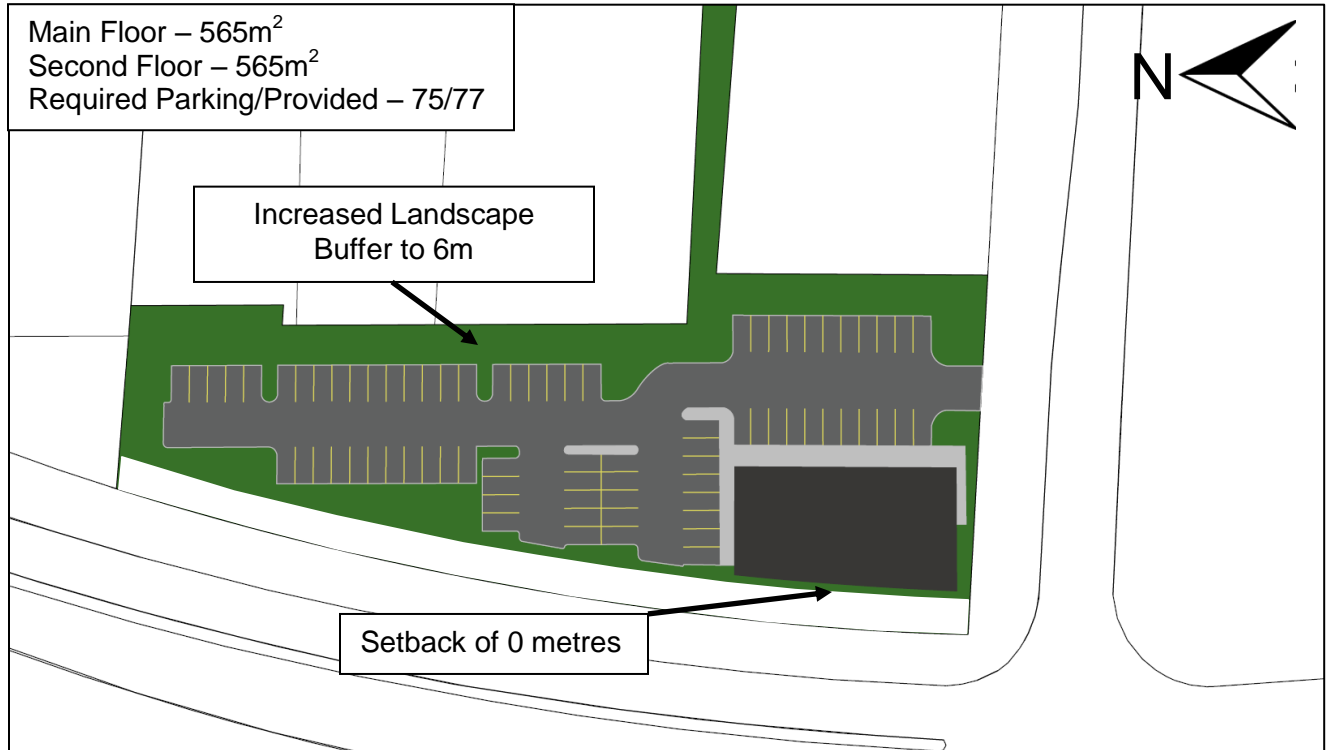
*Conceptual Site Plan Illustrating the Staff Recommendation*

Through consultation with the City's Site Plan Approvals department it was determined that the 6 metre wide landscaped buffer along the eastern property line will provide sufficient depth to create an adequate retaining wall and allow for substantial landscaping and larger trees to be planted to screen the proposed development and survive. Given Planning Staff's recommendation to allow the building to locate up to the property line, combined with a 6 metre setback in the east side yard Staff have been able to produce a design that results in a building gross floor area of 1130m<sup>2</sup> (565m<sup>2</sup> per floor) and 77 parking spaces, which is 2 more parking spaces than is required by the Zoning By-law (see below).

Staff believe that this modified recommendation is appropriate given the community concerns and direction provided by Council on the matter.

--	--

**File: Z-8228**  
**Planner: Mike Corby**



**CONCLUSION**

The Staff recommendation is appropriate as it is consistent with the policies of the Provincial Policy Statement (2014) and with the City of London Official Plan. The subject lands are of a sufficient size and shape to accommodate the recommended uses and the recommended Zoning By-law amendment provides appropriate regulations to control the uses and intensity of the building. The additional landscape buffer along the eastern property line provides an appropriate setback to accommodate the future retaining wall and extensive landscaping to create an appropriate buffer for the abutting residential uses. The additional commercial uses requested by the applicant are not recommended for approval given their inconsistency with the policies of the Official Plan.

<b>PREPARED BY:</b>	<b>SUBMITTED BY:</b>
<b>MIKE CORBY PLANNER II, CURRENT PLANNING</b>	<b>MICHAEL TOMAZINCIC, MCIP, RPP MANAGER, CURRENT PLANNING</b>
<b>RECOMMENDED BY:</b>	
<b>JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER</b>	

July 18, 2014

MC/mc

Y:\Shared\implemen\DEVELOPMENT APPS\2013 Applications 8135 to\8228Z - 447 Wonderland Rd (MC)\Z-8228-ZBL Amendment Report - August 26.docx

Two empty rectangular boxes for agenda item and page numbers.

File: Z-8228  
Planner: Mike Corby

Appendix "A"

Bill No. (number to be inserted by Clerk's Office)  
2014

By-law No. Z.-1-14\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 447 Old Wonderland Road.

WHEREAS 2376563 Ontario Inc. has applied to rezone an area of land located at 447 Old Wonderland 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 447 Old Wonderland Road, as shown on the attached map comprising part of Key Map No. A.106, from an Open Space (OS1) Zone to a Holding Restricted Office Special Provision (h-5\*h-64\*h-(\_) \*RO2(\_)) Zone.
- 2) Section Number 18.4 of the Restricted Office (RO2) Zone is amended by adding the following Special Provision:

) RO2( ) 447 Old Wonderland Road

a)	Regulation[s]	
i)	Front Yard Depth (minimum)	0.0 metres (0.0 ft.)
ii)	Exterior Side Yard Setback (minimum)	0.0 metres (0.0 ft.)
iii)	East Side Yard Setback from Parking Area adjacent to residential zones (minimum)	6.0 metres (19.68 ft)
iv)	East Side Yard Setback for Retaining Walls adjacent to residential zones (minimum)	5.0 metres (16.4 ft)
v)	Height (maximum)	9.0 metres (29.53 ft.)
vi)	No part of the east side yard shall be used for any purpose other than landscaped open space.	
vii)	The lot line which abuts Teeple Terrace shall be interpreted as the front lot line.	

Agenda Item #    Page #

--	--

**File: Z-8228**  
**Planner: Mike Corby**

2) Section Number 3.8 of the Holding “h” Zone is amended by adding the following Holding Provision:

3.8)     h-(  )

*Purpose:* To ensure that a Hydrogeotechnical Study is submitted as part of a complete Site Plan Application, the h-(  ) symbol shall not be removed until the results of the Study are accepted to the satisfaction of the City Engineer.

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.

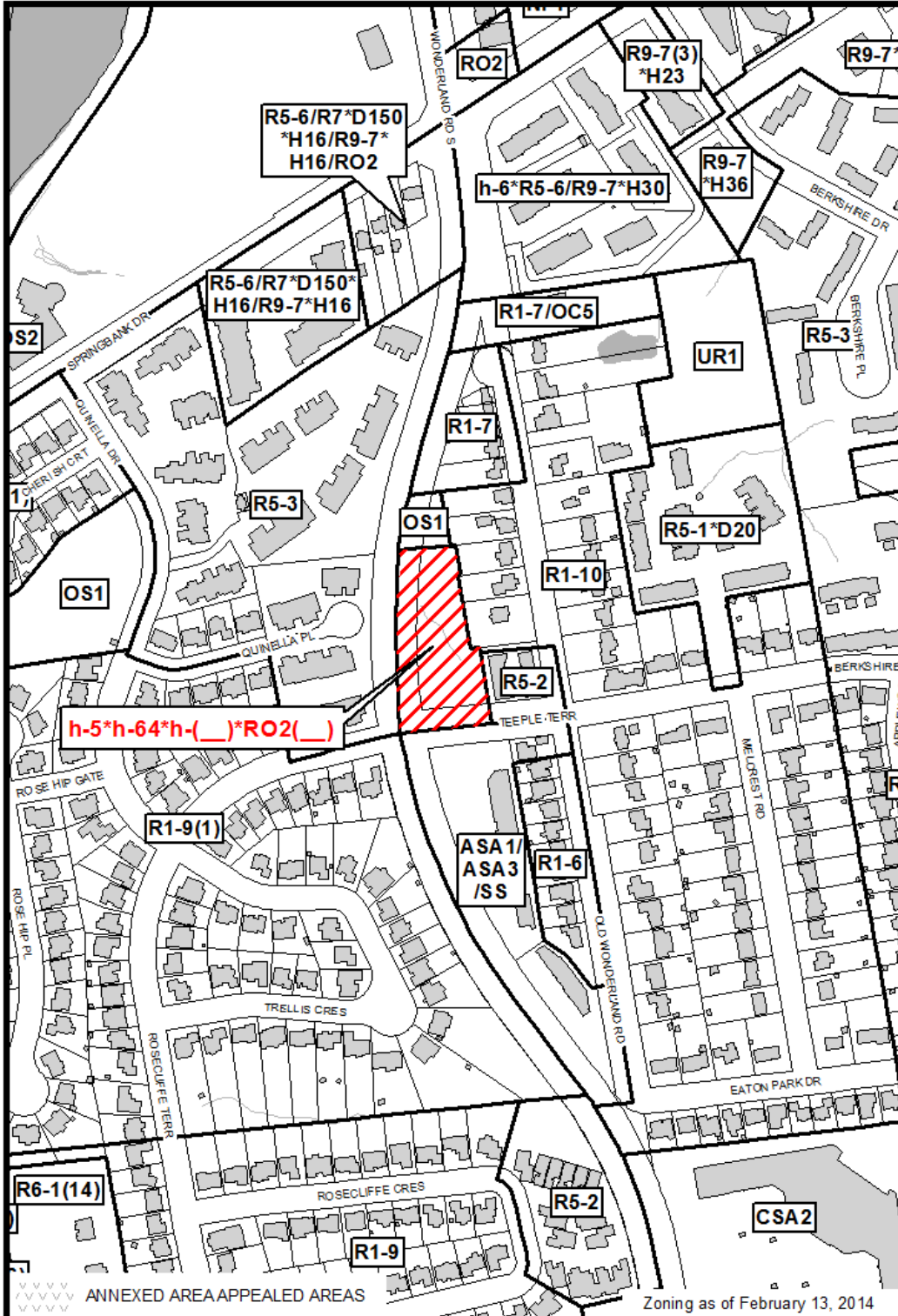
J. Baechler  
Mayor

Catharine Saunders  
City Clerk

--	--

File: Z-8228  
 Planner: Mike Corby

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



File Number: Z-8228 Planner: MC Date Prepared: 2014/08/05 Technician: CK By-Law No: Z.-1-	SUBJECT SITE  1:3,750  
-------------------------------------------------------------------------------------------------------	-------------------------------------

--	--

**File: Z-8228**  
**Planner: Mike Corby**

**Appendix "B"**

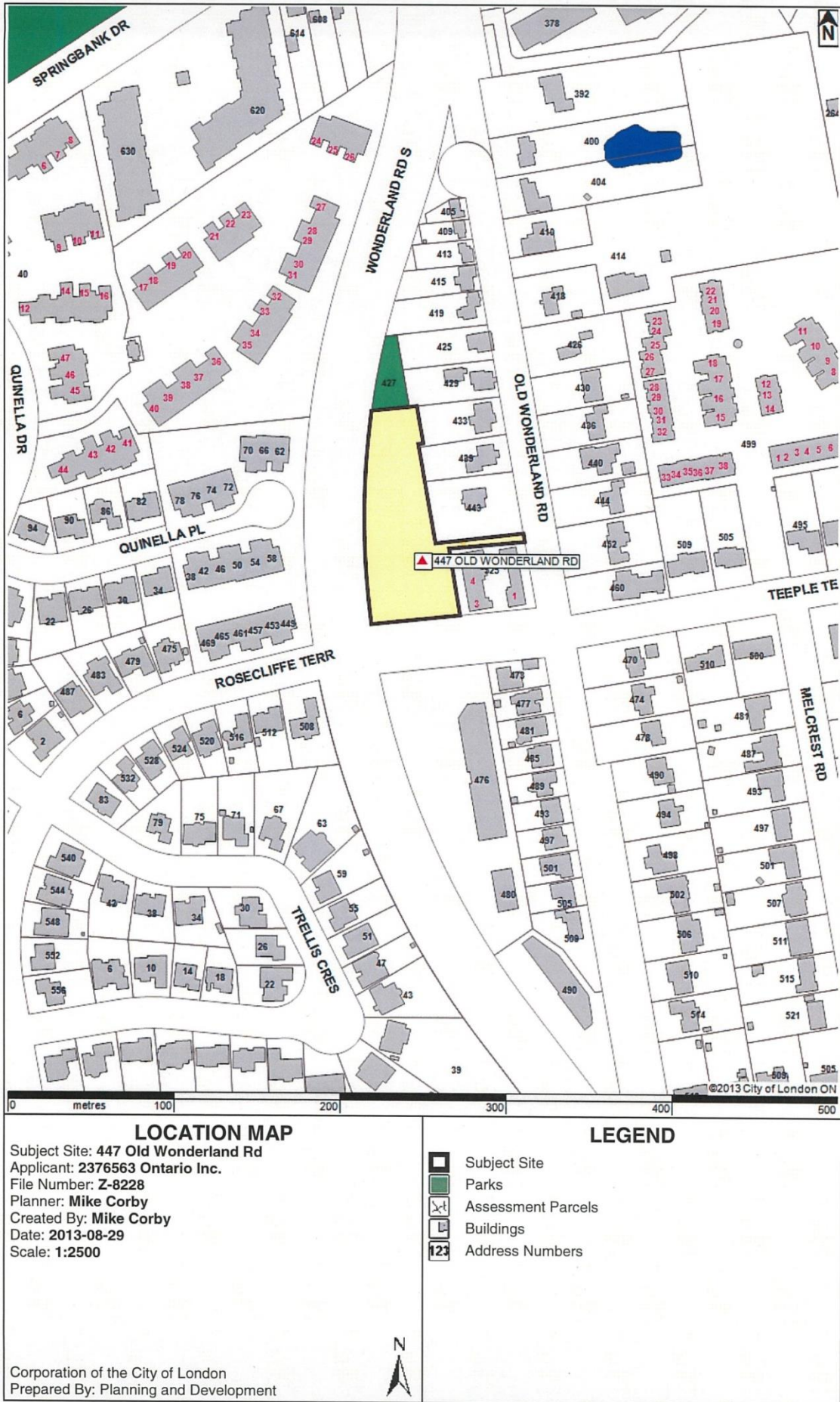
<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING &amp; ENVIRONMENT COMMITTEE</b>
<b>FROM:</b>	<b>JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER</b>
<b>SUBJECT:</b>	<b>APPLICATION BY: 2376563 ONTARIO INC 447 OLD WONDERLAND ROAD PUBLIC PARTICIPATION MEETING ON MARCH 25, 2014</b>
<b>RECOMMENDATION</b>	

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of 2376563 Ontario Ltd relating to the property located at 447 Old Wonderland Road:

- (e) The proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on April 1<sup>st</sup>, 2014 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** an Open Space (OS1) Zone **TO** a Holding Restricted Office Special Provision (h-5\*h-64\*RO2(\_)) Zone;
- (f) The Site Plan Approval Authority **BE REQUESTED** to implement, through the site plan approval process, the design features recommended below:
  - i) Consider extensive landscaping along the western edge of the property to screen all exposed parking lots from the Wonderland Road South corridor and create a positive edge condition which enhances the pedestrian experience;
  - ii) Consider extensive landscaping along the eastern edge of the property abutting the residential lands to provide screening of the parking lot, street, and building from the adjacent residences;
  - iii) Install a continuous 1.83 metre (6 feet) minimum sound attenuation fence along the eastern property line directly abutting the adjacent residential lands in order to: mitigate the impacts from the Wonderland Road South corridor, the surface parking lot, and/or any mechanical equipment to the residential uses; screen the residential amenity area; and, prevent pedestrian access from Old Wonderland Road;
  - iv) Consider additional landscaping in the plantable area within the parking lot islands to reduce the heat island effect of the parking lot;
  - v) Consider aligning the proposed building with the Teeple Terrace property line in order to allow the building to properly address the street; and,
  - vi) Enhance the architecture of the building at the intersection with a change in massing which could include a height element in order to address the corner and provide definition to enhance the pedestrian experience at the intersection;
- (g) The request to amend Zoning By-law No. Z.-1 to change the zoning of the subject property **FROM** an Open Space (OS1) Zone, **TO** a Restricted Office Special Provision (RO2(\_)) Zone to permit additional uses which include: pharmacies, financial institutions, personal service establishments, and commercial recreation establishments **BE REFUSED** for the following reasons:
  - i) The additional uses are not in conformity with the Official Plan;
  - ii) The additional uses do not meet the location criteria of the Official Plan given the proximity to low density residential development;
  - iii) The additional uses are not considered office uses contemplated in the Restricted Office Zone.

--	--

Appendix "B"





--	--

**File: Z-8228**  
**Planner: Mike Corby**

**Appendix “B”**

**PREVIOUS REPORTS PERTINENT TO THIS MATTER**

“None”

**PURPOSE AND EFFECT OF RECOMMENDED ACTION**

The purpose and effect of the requested Zoning By-law amendment is to permit the development of a small scale Medical/Dental Office.

**RATIONALE**

5. The recommended amendment is consistent with the polices of the Provincial Policy Statement (2005).
6. The recommended zone is consistent with the City of London Official Plan.
7. The subject lands are of a sufficient size and shape to accommodate the proposed uses.
8. The recommended Zoning By-law amendment provides appropriate regulations to control the uses and intensity of the building and limits the development at a scale that is appropriate for the context.

**BACKGROUND**

<b>Date Application Accepted:</b> August 28, 2014	<b>Agent:</b> Zelinka Priamo (Michelle Doornbosch)
<p><b>REQUESTED ACTION:</b> The purpose and effect of the requested Zoning By-law amendment is to permit the development of a small scale Medical Dental Office as well as additional uses which include Pharmacies, Financial Institutions, Personal Service Establishments, and Commercial Recreation Establishments.</p> <p>Change Zoning By-law Z.-1 <b>FROM</b> a Open Space (OS1) Zone which permit conservation lands, conservation works, cultivation of land for agricultural/horticultural purposes, golf courses, private parks, public parks, recreational golf courses, recreational buildings associated with conservation lands and public parks, campgrounds and managed forests, <b>TO</b> a Restricted Office Special Provision (RO2(_)) Zone which permits clinics, medical/dental offices, medical/dental laboratories, offices. The special provision will permit a reduced front yard setback and reduction in parking as well as additional uses which include pharmacies, financial institutions, personal service establishments, and commercial recreation establishments.</p>	

--	--

**Appendix “B”**

<b>SITE CHARACTERISTICS:</b>
<ul style="list-style-type: none"> <li>• <b>Current Land Use</b> - Vacant</li> <li>• <b>Frontage</b> – 129m</li> <li>• <b>Depth</b> - Irregular</li> <li>• <b>Area</b> – 0.55 ha (1.36 ac)</li> <li>• <b>Shape</b> - Irregular</li> </ul>

<b>SURROUNDING LAND USES:</b>
<ul style="list-style-type: none"> <li>• <b>North</b> - Residential/Open Space</li> <li>• <b>South</b> - Commercial Plaza/ Residential</li> <li>• <b>East</b> - Residential</li> <li>• <b>West</b> - Residential</li> </ul>

<b>OFFICIAL PLAN DESIGNATION:</b> (refer to Official Plan Map)
<ul style="list-style-type: none"> <li>• MFMDR</li> </ul>
<b>EXISTING ZONING:</b> (refer to Zoning Map)
<ul style="list-style-type: none"> <li>• OS1</li> </ul>

<b>PLANNING HISTORY</b>
-------------------------

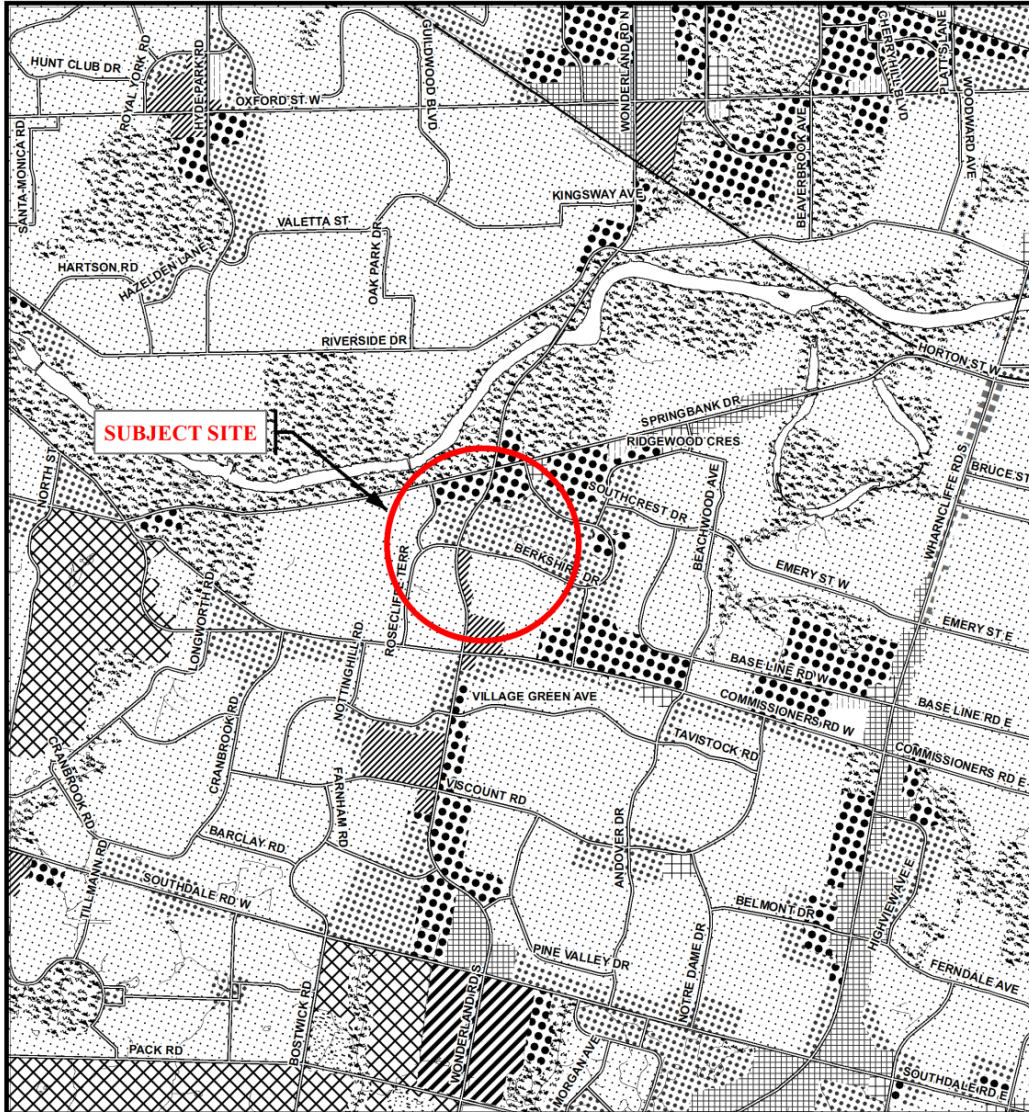
On August 28<sup>th</sup>, 2013 an application to rezone the subject site was submitted by the applicant. Upon acceptance the application and accompanying documents were circulated and it was determined that the Subject Land Status Report and Urban Design Brief required additional information necessary for a comprehensive review. The application was placed on hold until the updated information was submitted. A revised Subject Land Status Report was submitted on November 20, 2013 and preliminary comments were provided by Environmental and Parks Planning Staff on December 11, 2013. A follow up meeting with the applicant’s Ecologist and Agent was schedule for January 7<sup>th</sup>, 2014 to discuss the findings of the Subject Land Status Report. The updated Urban Design Brief was submitted on December 16, 2013 and the proposal was presented to the Urban Design Peer Review Panel on January 15, 2014.

On December 27, 2013 the property owner undertook tree removal activity to the majority of the trees on the subject site. After investigation by By-law Enforcement Staff, it was determined that the tree removal did not contravene the relevant City By-laws. On January 7<sup>th</sup>, 2014 the follow up meeting took place with Environmental and Parks Planning Staff and the applicant’s Ecologist to discuss the issues surrounding the Subject Land Status Report. During the meeting additional information was requested by the City which was submitted by the applicant’s Ecologist and on January 21<sup>st</sup>, 2014. The additional information submitted by the applicant resolved all outstanding issues compelling Staff to determine the site is not a “significant woodland”. The chronology of these comments are found in the “Parks Planning” comments in the Significant Department/Agency Comments Section below.

On February 12, 2014 City Staff held a community meeting to address the public concerns that resulted from the tree removal activity that took place in December 2013.

--	--

Appendix "B"



Legend	
Downtown	Office Business Park
Enclosed Regional Commercial Node	General Industrial
New Format Regional Commercial Node	Light Industrial
Community Commercial Node	Regional Facility
Neighbourhood Commercial Node	Community Facility
Main Street Commercial Corridor	Open Space
Auto-Oriented Commercial Corridor	Urban Reserve - Community Growth
Multi-Family, High Density Residential	Urban Reserve - Industrial Growth
Multi-Family, Medium Density Residential	Rural Settlement
Low Density Residential	Environmental Review
Office Area	Agriculture
Office/Residential	Urban Growth Boundary

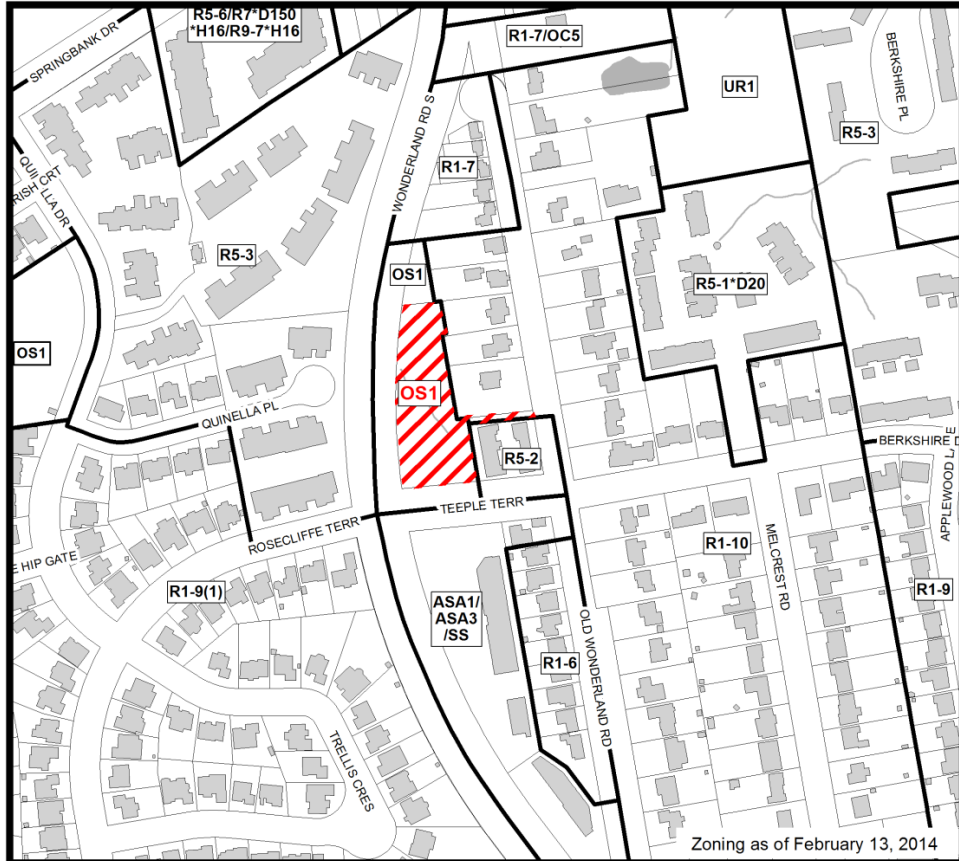
<p><b>CITY OF LONDON</b> Department of Planning and Development</p> <p>OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p><small>PREPARED BY: Graphics and Information Services</small></p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: Z-8228</p> <p>PLANNER: MC</p> <p>TECHNICIAN: CK</p> <p>DATE: 2014/03/04</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------	---------------------------------------------------------------------------------------------

PROJECT LOCATION: e:\planning\projects\p\_officialplan\work\consolid00\excerpts\mxd\_templates\schedule\_A\_NEW\_b&w\_8x14.mxd

--	--

File: Z-8228  
Planner: Mike Corby

Appendix "B"



**COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: OS1**

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
  
- "h" - HOLDING SYMBOL
- "d" - DENSITY SYMBOL
- "H" - HEIGHT SYMBOL
- "B" - BONUS SYMBOL
- "T" - TEMPORARY USE SYMBOL

2) ANNEXED AREA APPEALED AREAS

<p><b>CITY OF LONDON</b> PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES</p> <p><b>ZONING BY-LAW NO. Z.-1</b></p> <p><b>SCHEDULE A</b></p> <p style="font-size: small;">THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS</p>		FILE NO: <b>Z-8228</b>	<b>MC</b>
	MAP PREPARED: <b>2014/03/04</b>		<b>CK</b>
	1:3,500 0 15 30 60 90 120 Meters		

--	--

**Appendix “B”**

<b>SIGNIFICANT DEPARTMENT/AGENCY COMMENTS</b>
-----------------------------------------------

**Urban Design**

*Urban design staff are generally supportive of the siting of the proposed building as it creates a street edge and with some minor enhancements to the architecture and orientation of the building it will also animate the street creating a positive pedestrian streetscape.*

*The site plan authority should be requested to address the following design issues through the site plan process:*

- *Align the building’s short end parallel to Teeple Terrace in order to allow the building to properly address the street.*
- *Orient the building to the corner of Wonderland Road and Teeple Terrace in order to provide definition to the corner and enhance the pedestrian experience at the intersection.*
- *Enhance the architecture of the building at the intersection with a change in massing which could include a height element in order to address the corner.*
- *Include planters with enhanced landscaping along the property line, where no built form is proposed, in order to screen all exposed parking areas from the public streets.*
- *Ensure landscape islands are included along the parking row adjacent to the eastern edge of the property in order to create opportunities for trees to be planted which will in turn reduce the heat island effect of the parking lot. In the long term these trees will also provide screening of the parking lot, street, and building for adjacent residences.*

**Urban Design Review Panel**

*The Panel has the following observations and comments for the applicant and their design team regarding the Medical/Dental Office Building project proposed for 477 Old Wonderland Road, London, ON:*

1. *Align the proposed building with the Teeple Terrace property line and the east-west axis of approaching vehicular and pedestrian traffic on Teeple Terrace;*
2. *Consider curving the project’s west façade (partial or whole) as a contextual response to the curve of Wonderland Road South;*
3. *Situate the building in section to minimize the differential between the municipal sidewalk and the building’s Ground Floor Elevation. Provide additional detail on the type of landscaping and retaining walls (if necessary) planned for this area;*
4. *Structure design of the building’s entrances in elevation based on their function. Note: the current elevations imply that the building will have four principal entrances although this is not reflected on the site or landscaping plans;*
5. *Revisit the extent, height, depth and purpose of the canopy which extends around all four sides of the building. Canopies can be utilized over major building entrances to way find patients from the municipal sidewalk and parking areas to the building’s principal entrances. Canopies can also be utilized over pedestrian walkways (i.e. east elevation) to reinforce entry routes. Consider solar shading devices to all fenestration of size on the south-east and south-west exposures only;*
6. *Significantly improve the building’s aesthetics;*

--	--

**File: Z-8228**  
**Planner: Mike Corby**

### **Appendix “B”**

7. Consider the visual impact of the building’s roof top mechanical equipment and/or penthouses on the abutting easterly properties;
8. Align the slope of the proposed parking area’s north-south axis with Wonderland Road South to minimize if not eliminate the need for the fencing as shown on cross section 1;
9. Review the extent of the plantable area for trees within the parking lot islands. Several islands currently do not allow adequate space for tree plantings when a walkway is contained within the same island; and
10. Review the project’s extensive deciduous landscaping and substitute coniferous landscaping

#### **Parks Planning (September 26, 2013)**

The SLSR by Biologic Inc. dated August 16, 2013 received September 20, 2013 by Environmental and Parks Planning is incomplete. In our comments of January 30, 2013 we identified that “there is an existing Woodland covering most of the 0.55 ha parcel that extends north onto City property and east onto private property. As part of the required rezoning process a Subject Lands Status Report must be provided to assess the Woodland consistent with the Environmental Management Guidelines (EMG), and, the Official Plan Section 15.4.14. Other Woodland Patches larger than 0.5 Hectares.”

Environmental and Parks Planning staff offered to meet to review the requirements of the SLSR. Unfortunately, this meeting was not requested and has not occurred and so at this time the significance of the vegetation patch has not been adequately determined. Specifically, the SLSR does not meet the requirements, follow or correctly apply:

- the Guidelines for Completing a SLSR referred to in the EMG,
- the Data Collection Standards for Ecological Inventory in the EMG,
- the Criteria for Identification of Significant Woodlands in the EMG.

1. The SLSR does not provide sufficient data or complete mapping of the patch to adequately assess the significance of the Woodland. The Evaluation of Woodlands (15.4.5) using City of London Guideline for the Evaluation of Ecologically Significant Woodlands (2000) is a requirement of the SLSR and is not provided in the Biologic SLSR.

2. The Figure 1. Vegetation Communities map does not include the northern portion of the patch, and incorrectly identifies the northern boundary and the size of the unevaluated Woodland feature within the vegetation patch. The vegetation patch with woodland extends north onto and then beyond City property. The entire patch must be shown on all maps going forward. Please see our mapping of the limits of this patch.

3. All of the completed ELC data sheets and summary sheets are required as part of the reporting in an SLSR and are not provided in the Biologic SLSR. The Community Description and Classification arrived at in the SLSR cannot be verified unless the stand description, stand composition, plant species lists, soil analysis, and prism sweeps data have been provided following the standard ELC data collection protocols with a minimum of three sampling sites in the patch. Data must be collected on the portion of the patch on City property in addition to the subject property.

4. Biologic’s SLSR states that “MNR (NHIC database) noted the presence of numerous species/habitat of provincial interest within 1km of the legal parcel (Attachment 2)”. As the SLSR does not follow the Data Collection Standards for Ecological Inventory, the report provides insufficient data to assess the presence or absence of the 25 species of provincial interest,

--	--

**File: Z-8228  
Planner: Mike Corby**

**Appendix “B”**

*(element occurrences) present within 1km of the legal parcel as listed in Appendix B/Attachment 2 of the SLSR. These species including Northern Long-eared Bat must be surveyed for and data provided following the Data Collection Standards in the EMG.*

*5. Northern Long-eared Bat is listed as Endangered (END) by SARO (the END status is omitted in Appendix B/Attachment 2 of the Biologic Report) and, as they roost under loose bark and in the cavities of trees Endangered, Northern Long-eared Bats may be present on the site and must be surveyed for and reported on.*

*6. Butternut (Juglans cinerea L.) is listed as Endangered (END) by SARO. The presence of an Endangered Butternut Tree (a non-hybrid) satisfies Criterion 3 (High) (15.4.5.iv) for the identification of Significant Woodlands. A Woodland is considered a Significant Woodland if one or more criteria meet the standards for High therefore the presence of an Endangered Species may qualify this patch as a Significant Woodland. The Butternut may be a Category 2 tree and despite the fact that it has bole cankers (noted in the report) the degree to which it is affected is may not be too advanced and retaining the tree could support the protection or recovery of butternut trees in the area in which the tree is located. More discussion is required with respect to the habitat for a viable population of Butternut reproducing within this woodland.*

*7. The signed and completed Butternut Heath Assessor reports must be included in the SLSR and reported to MNR in Aylmer. Specifically, the report must identify the MNR Butternut Category ranking of the non-hybrid, Endangered Butternut tree in the patch. Further, we would note that while in the field, differentiating Butternut (Juglans cinerea L.) from hybrids called Heartnut (J. ailantifolia var. cordiformis), Buartnut (J. x bixbyi). and the second-or-more-generation hybrid progeny of Buartnuts can be difficult. In some instances, only genetic testing can definitively assign a tree to one or another of these lineages. The identification of the 4 Hybrid Butternuts as hybrids must be carefully verified noting how the determination was made, providing any supporting information in the report.*

*8. There are errors in the report, for example both Figures in the report are titled as Figure 1, and the text refers to Attachments 1 and 2 but they are labelled in the back as Appendices A and B.*

**Parks Planning (December 11, 2013)**

*This memo is in response to the Biologic Inc. letter of October 31, 2013 received by Environmental and Parks Planning staff on November 20, 2013. We would note that our comments and requirements for a Subject Lands Status Report (SLSR) for this woodland patch have been consistent since September of 2012. Our comments of September 26, 2013 identified that the August 16, 2013 Biologic SLSR was incomplete. While Biologic has now submitted ELC Data sheets (noting a soil analysis was not included), breeding bird and plant lists as appended to their most recent letter we disagree with Biologic’s delineation of the boundary of the patch, and with their assessment of the ecological significance of the woodland.*

**Timeline of Environmental and Parks Planning Comments on this Application:**

- September 11, 2012 Record of Pre-Application Consultation*
- January 30, 2013 Memo to Development Services staff for Site Plan Pre-Consultation*
- September 26, 2013 Memo to Mike Corby, Planner II, Comments re: SLSR Review*

*The ELC Data sheets, breeding bird and plant lists presented in Biologic’s October 31, 2013 letter along with the locations of the 3 additional Butternut trees (listed as an Endangered species by SARO) inside the patch as identified on the map presented by the Old Wonderland and Area Community Association now provide a basic inventory with which to assess the significance of the patch.*

--	--

**File: Z-8228**  
**Planner: Mike Corby**

**Appendix “B”**

*The presence of Skunk Cabbage (identified on the plant list by Biologic) are an indicator species for seeps which could indicate that there is Significant Wildlife Habitat (SWH) in the patch as the presence of two or more seeps would meet the criteria for SWH in Ecoregion 7E. SWH is recognized in 15.4.7 of the Official Plan and is of Provincial interest. Skunk Cabbage is one of 39 native species identified on Biologic’s plant list found in the patch.*

Section 15.4.5 Official Plan Significant Woodland Criteria Met in Patch

- i) *The Woodland contains natural features and ecological functions that are important to the environmental quality and integrity of the Natural Heritage System. These include site protection (hydrology and erosion/slope); and Landscape Integrity (richness, connectivity and distribution).*

*HIGH – The site protection for hydrology criterion is met as the presence of Skunk Cabbage is an indicator for surface groundwater and seeps - a hydrological feature and ecological function within the patch.*

*HIGH - The site protection for erosion and slope criterion is met as there are slopes in the patch of up to 18% with erodible soils.*

- iv) *The Woodland provides significant habitat for species at risk.*

*HIGH- Butternut trees (Juglans cinerea is listed as Endangered by MNR) are located inside the patch.*

*As per Section 15.4.5.1 Significant Woodlands in the Official Plan a woodland will be considered “Significant” if it achieves a minimum of one High or five Medium criteria scores as determined by application the Guideline Document for the Evaluation of Ecologically Significant Woodlands (March 2006) as listed in Section 19.2.2.*

*Based on the information provided to date, this patch should be considered an Ecologically Significant Woodland as it meets two High criterions. As this patch covers the majority of the parcel the development potential of the parcel is limited. It should also be noted that MNR generally requires a 25m radius around Butternut trees be protected. As a significant natural heritage feature, we cannot support the rezoning of these lands from OS1 – the limit of the feature plus an appropriate buffer should be rezoned to OS5, including the rear of the properties fronting onto Old Wonderland Road.*

**Parks Planning (January 22, 2014)**

*EPP has reviewed the attached letter from the applicant’s consultant. Further to our memo of December 11, 2013 regarding the status of our review based on the information to that point in time, we can provide this update.*

*The issue of whether the patch is to be considered significant under OP Policies and Guidelines has been a key issue. We raised two criteria that we believed at the time, would qualify this patch as a significant woodland – the presence of butternut and seepage zones.*

*We do note that the presence of butternut on the site was addressed by the applicant’s consultant with the MNR earlier in 2013. The more recent issue of potential butternut on adjacent lands (near the eastern property line of the development site, but within this vegetation patch) has now been resolved to our satisfaction. While we did receive a tree plan from the community indicating butternut on the adjacent lands, when staff went to confirm this on site, we were not permitted on the lands. Since that time, Biologic has provided more information about these trees and confirmed to us that no butternut were present when they revisited the site and viewed the location of the trees (as per the plan - about 3-5m east of the development site).*



--	--

**File: Z-8228  
Planner: Mike Corby**

**Appendix “B”**

*To the second point regarding seepage zones on the lands, Biologic has provided additional information to clarify that the presence of skunk cabbage is directly related to internal surface drainage of the site that “ponds” around a catch basin in the low area of the site. This storm drainage system was not shown on any previous plans or referred to in their studies. They have clearly stated that no seepage areas exist on site.*

*With this further information and these points clarified, we would not consider this patch to be a “significant woodland”.*

*Notwithstanding this, development of this site must afford protection of trees (and root zones) on adjacent lands, including City lands. Efforts should be made through the approval process to maximize tree retention as per Site Plan Approval requirements.*

**Wastewater and Drainage Engineering Division**

*Property is to be serviced to the 250mm diameter sanitary sewer on Wonderland Road South. This sewer flows by gravity to Berkshire PS and is forced to Greenway PCP. There is a 200mm diameter sanitary PDC available at property line to tie into. A sanitary Inspection manhole is required to City standards for this development. Density is 180 ppl per gross acre as shown on sanitary design sheet #9666. This equates to 445 people per hectare or 244.75 people maximum over the site area of 0.55Ha.*

**Stormwater Management Unit**

*The SWM Unit has no objections to the proposed 447 Old Wonderland Road Application. All necessary servicing and drainage requirements/ controls, SWM, etc. will be addressed at Site Plan approval.*

*In addition to the application, the SWM Unit provides the following comments to be addressed at the site plan approval stage:*

- *The subject lands are located in the Central Thames Subwatershed. The Owner shall be required to apply the proper SWM practices to ensure that the storm discharges from the subject site under the post- development conditions will not exceed the peak discharge of storm run-off under pre-development conditions.*
- *The owner’s Professional Engineer shall address minor, major flows, SWM measures (quantity, quality and erosion control), and identify outlet systems (major and minor) in accordance with City of London Design Permanent Private Stormwater Systems and MOE’s requirements, all to the satisfaction of the City Engineer.*
- *According to drawing 9665, the design value C value for the subject lands is 0.7. If this value is exceeded, the owner shall provide alternative on-site SWM which is designed and certified by a Professional Engineer for review and approval by the Environmental Services Department.*
- *The municipal storm sewer outlet for this development is the existing 1500 mm diameter storm sewer on Wonderland Rd. South.*
- *Due to the nature of the land use the owner may be required to have a consulting Professional Engineer design and install an Oil/Grit Separator to the standards of the Ministry of the Environment and to the satisfaction of the City Engineer.*
- *The Owner is required to provide a lot grading and drainage plan that includes, but it is not limited to, minor, major storm/drainage flows that are generally contained within the subject site boundaries and safely conveys all minor and major flows up to*

Agenda Item #    Page #

--	--

**File: Z-8228**  
**Planner: Mike Corby**

**Appendix “B”**

- *the 250 year storm event that is stamped by a Professional Engineer, all to the satisfaction of the City Engineer.*
- *The Owner and their Consulting Professional Engineer shall ensure the storm/drainage conveyance from the existing external drainage through the subject lands are preserved, all to the satisfaction of the City Engineer.*
- *The owner shall be required to comply with the City’s Drainage By-Laws (WM- 4) and acts, to ensure that the post-development storm/drainage discharges from the subject lands will not cause any adverse effects to adjacent lands, , all to the satisfaction of the City Engineer.*

**Transportation Planning & Design Division**

*Transportation has reviewed a Traffic Impact Statement submitted with this application. A turn lane will be required on Teeple Terrace to safely accommodate traffic turning into this site and permit eastbound through traffic to travel unimpeded on Teeple Terrace. This and other traffic issues including access design will be discussed in greater detail through site plan review process.*

--	--

**File: Z-8228**  
**Planner: Mike Corby**

**Appendix “B”**

<b>PUBLIC LIAISON:</b>	<p>On September 6, 2013, Notice of Application was sent to 156 property owners in the surrounding area and on January 30<sup>th</sup>, 2014 a revised Notice of Application was sent out. Notice of Application was also published in the <i>Public Notices and Bidding Opportunities</i> section of <i>The Londoner</i> on September 12, 2013 &amp; February 6, 2014. A “Possible Land Use Change” sign was also posted on the site.</p>	<p>Numerous replies were received</p>
<b>Nature of Liaison:</b>		
<p>The purpose and effect of the requested Zoning By-law amendment is to permit the development of a small scale Medical Dental Office as well as additional uses which include Pharmacies, Financial Institutions, Personal Service Establishments, and Commercial Recreation Establishments.</p> <p>Change Zoning By-law Z.-1 <b>FROM</b> an Open Space (OS1) Zone which permit conservation lands, conservation works, cultivation of land for agricultural/horticultural purposes, golf courses, private parks, public parks, recreational golf courses, recreational buildings associated with conservation lands and public parks, campgrounds and managed forests, <b>TO</b> a Restricted Office Special Provision (RO2(_)) Zone which permits clinics, medical/dental offices, medical/dental laboratories, offices. The special provision will permit a reduced front yard setback and reduction in parking as well as additional uses which include pharmacies, financial institutions, personal service establishments, and commercial recreation establishments.</p>		
<b>Responses:</b>		
<ul style="list-style-type: none"> <li>- Appropriate fencing and separation between residential lots and the proposed development (i.e. brick wall, evergreens);</li> <li>- No public access from Old Wonderland Road;</li> <li>- Concerned about lighting shining into rear yards;</li> <li>- Increased noise levels;</li> <li>- Traffic congestion at intersection;</li> <li>- Potential that butternut trees exist on neighbouring lands;</li> <li>- Groundwater was an issue in 2001 storm sewer infrastructure work. Concern this will cause more issues with the groundwater in the area;</li> <li>- Presence of other Medical/Dental in the area;</li> <li>- Proposed building is not in character with the area (bulk and scale);</li> <li>- Loss of greenspace/privacy;</li> <li>- Concerned that reduction in parking will create spill over onto Old Wonderland Road;</li> <li>- Grading concerns;</li> <li>- Request for a change of address to ensure people do not travel to Old Wonderland Road unnecessarily;</li> <li>- Height Concerns.</li> </ul>		

--	--

**Appendix “B”**

**ANALYSIS**

**The Subject Site**

The subject site is located at 447 Old Wonderland Road. The site has maintained its Old Wonderland Road address as a narrow portion of the lands still connects this site to the road. The property however sits on the northeast corner of Wonderland Road and Teeple Terrace with the majority of the frontage being along Wonderland Road. The land is approximately 0.55 ha (1.36ac) in size and abuts a low density residential form of development to the east and a commercial development directly south of the property. The surrounding neighbourhood to the east outside of abutting single detached dwellings is mainly medium density residential forms of development and to the southeast is low density residential.

**Nature of Proposal**

The applicant has applied to rezone the subject site from an Open Space (OS1) Zone to a Restricted Office Special Provision RO2( ) Zone. The Restricted Office Zone would permit clinics, medical/dental offices, medical dental laboratories and offices. The special provision is a two part provision. The first goal of this provision is to permit additional uses to the site which include pharmacies, financial institutions, personal service establishments; and commercial recreation establishments. The other part of the provision is to allow for a reduction in parking from the required 97 spaces to 85 spaces and a reduction in front and exterior yard setbacks to 0 metres to allow the building to locate as close to Wonderland Road as possible. The proposed development is in the form of a two-storey medical dental office building with a footprint of 726 m<sup>2</sup> (7,815 sq.ft) totally 1,452 m<sup>2</sup> (15,630 sq.ft) of total space.

**Provincial Policy Statement**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use and development. The following are relevant policies as they relate to this application.

***Section 1.1 - Managing and Directing Land Use to Achieve Efficient Development and Land Use Patterns***

Section 1.1.1 of the PPS promotes healthy, liveable and safe communities by: encouraging efficient development and land use patterns which sustain the financial well-being of the municipality; accommodating an appropriate range and mix of land uses; and promoting cost effective development standards to minimize land consumption and servicing costs. The requested amendments to intensify the subject site promote these goals of the PPS for the following reasons:

- The recommended amendment encourages efficient development patterns by utilizing a lot that has previously been undeveloped. The use of existing municipal infrastructure and transit to the site assists the financial well-being of the municipality.
- The recommendation will conform to the existing policies of the medium density residential designation contributing to the range and mix of land uses in the area which is currently a large residential area.
- The proposed development will utilize an existing parcel within the built up area of the City and will minimize land consumption and servicing costs.

Section 1.1.3.2 of the PPS identifies that land use patterns within settlement areas should be based on:

- a) *densities and a mix of land uses which:*

--	--

**File: Z-8228**  
**Planner: Mike Corby**

### **Appendix “B”**

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; and*
  3. *minimize negative impacts to air quality and climate change, and promote energy efficiency in accordance with policy 1.8; and*
- b) *a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3.*

*1.1.3.3 Planning authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.*

The proposed amendment is consistent with the Provincial Policy Statement as it:

- efficiently uses a developable parcel of land and will capitalize on the surrounding infrastructure in the area;
- provides for an appropriate mix of land uses;
- takes into consideration the existing building stock as the two storey design is proposed at a height of 8.53 metres where the zoning on the surrounding lands permits maximum heights of up to 12 metres;
- the proposal results in an intensification in use along a transit corridor which helps to minimize negative impacts to air quality.

#### **Official Plan Policies**

The subject site was heavily vegetated at the time of the application and the vegetation patch was of a sufficient size to permit staff to request a Subject Land Status Report under section 15.4.14. (Other Woodland Patches larger than 0.5 Hectares) of the Official Plan. The significance of the woodland was evaluated in accordance with the criteria identified in section 15.4.5. Significant Woodlands and Woodlands of the Official Plan below:

*i) The Woodland contains natural features and ecological functions that are important to the environmental quality and integrity of the Natural Heritage System. These include site protection (hydrology and erosion/slope); and Landscape Integrity (richness, connectivity and distribution).*

*ii) The Woodland provides important ecological functions and has an age, size, site quality, diversity of biological communities and associated species that is uncommon for the planning area.*

*iii) The Woodland is important for the provision of a balanced distribution of open space amenities and passive recreational opportunities across the urban area.*

*iv) The Woodland provides significant habitat for species at risk.*

*v) The Woodland contains distinctive, unusual or high quality natural communities or landforms.*

Through the review of the Subject Land Status Report and follow up with the applicant's ecologist, Planning Staff have determined that the woodland did not meet the relevant criteria and it should not be considered a "Significant Woodland". Since the site is not considered a natural heritage feature the policies in Chapter 15 - Natural Features of the Official Plan do not apply. The Official Plan policies of Multi-Family, Medium Density Residential are applicable to this site and must be considered for the proposed application.

Section 3.1.3. Multi-Family, Medium Density Residential Objectives of the Official Plan outlines 3 objectives one of which applies to this application.

--	--

**File: Z-8228  
Planner: Mike Corby**

**Appendix “B”**

- i) *Support the development of multi-family, medium density residential uses at locations which enhance the character and amenity of a residential area, and where there is safe and convenient access to public transit, shopping, public open space, recreation facilities and other urban amenities.*

The proposed medical/dental office use is a permitted use in the Multi-Family, Medium Density Residential designation. The location of the property is along a major arterial road running north/south through the City with convenient access to public transit with a stop located adjacent to the property. A commercial node for shopping is located approximately half a kilometer south of the site and Springbank and Greenway Park are located to the north of the subject site. The subject site conforms to the location objectives of the Official Plan.

**3.3.1. Permitted Uses**

Secondary Permitted Uses

- iv) *Uses that are considered to be integral to, or compatible with, medium density residential development, including group homes, home occupations, community facilities, funeral homes, commercial recreation facilities, small-scale office developments, and office conversions, may be permitted according to the provisions of Section 3.6.*

The application for a medical/dental office and commercial recreation uses is contemplated by the policies of the Official Plan. The Restricted Office Zone provides for and regulates new office uses outside of the Downtown area in small-scale office buildings primarily in areas designated Multi-Family Medium Density or High Density Residential. A small scale office is considered 2000m<sup>2</sup> or less. The recommendation and the development proposal is consistent with these policies.

The request for pharmacies, financial institutions and personal services establishments however does not fall under the primary or secondary permitted uses in the Multi-Family, Medium Density Residential designation and will not be supported as part of the Staff recommendation. An Official Plan amendment would be required in order to permit such uses and no such amendment or justification was provided by the applicant in their Planning Justification Report as to why these uses should be permitted on the site or how they conform to relevant policies.

**3.3.3. Scale of Development**

*Development within areas designated Multi-Family, Medium Density Residential shall have a low-rise form and a site coverage and density that could serve as a transition between low density residential areas and more intensive forms of commercial, industrial, or high density residential development.*

Height

- i) *Development shall be subject to height limitations in the Zoning By-law which are sensitive to the scale of development in the surrounding neighbourhood. Normally height limitations will not exceed four stories. In some instances, height may be permitted to exceed this limit, if determined through a compatibility report as described in Section 3.7.3. to be appropriate subject to a site specific zoning by-law amendment and/or bonus zoning provisions of Section 19.4.4. of this Plan.*

The proposal is for a 2 storey flat roof office building with a proposed height of 8.53 metres which is below the general maximum of 4 storeys permitted in the Multi-Family, Medium Density Residential designation. The Restricted Office zone has a height limitation of 12 metres which is consistent with the height limitation on the surrounding properties. The flat roofline will also provide less of an impact on the surrounding lands. The height and scale of this building will

Agenda Item #    Page #

--	--

**File: Z-8228**  
**Planner: Mike Corby**

### **Appendix “B”**

provide for an appropriate transition between a high traffic arterial road and the low density form of development to the east. The position of the building towards Wonderland Road provides maximum distance between the building and rear yards of the abutting lands creating a buffer to reduce any impacts.



When adding a commercial recreation use to a Multi-Family, Medium Density Residential Designation through an amendment to the Zoning By-law it must conform to the policies of section 3.6.7. Commercial Recreation Facilities. The following apply:

--	--

**File: Z-8228  
Planner: Mike Corby**

**Appendix “B”**

Location

- i) *The property proposed for development shall be located on an arterial or primary collector road and **shall not** abut any existing or zoned low density residential uses.*

Although the Official Plan policies contemplate Commercial Recreation Establishments as a permitted use, this use is subject to additional location criteria. The subject site is located at the intersection of an arterial road and a secondary collector. However, the property does abut existing and zoned low density residential uses making the proposed location inappropriate for this use.

Planning Impact Analysis

- ii) *The proposed use may be subject to a zone change and Planning Impact Analysis as provided for in Section 3.7.*

See planning impact analysis below.

**3.6.8. New Office Development**

Small-scale, free-standing office buildings may be permitted as secondary uses in the Multi-Family, Medium and Multi-Family, High Density Residential designations, subject to the following provisions:

Location

- i) *Office developments shall be located on an arterial or primary collector road. In established neighbourhoods, office developments will only be permitted in areas where the residential amenity of properties fronting onto the arterial or primary collector road has been substantially reduced.*

The proposal is located at the intersection of an arterial road and a secondary collector. The residential component along Wonderland Road South can be considered to have little residential character left on it. On the west side of the street all the residential developments back onto Wonderland Road South and have some form of fencing protecting the rear yards. To the south of the subject site wonderland road is mainly commercial uses with no residential components present.

Buffering

- ii) *Provision shall be made for landscaping, privacy screening, building setbacks and other appropriate measures necessary to protect the amenity of adjacent residential properties.*

The site plan will be able to establish appropriate buffers with landscaping and privacy screening. Staff have recommended that the Site Plan Approval Authority consider additional landscaping and appropriate fencing to help create appropriate buffers the abutting lands.

Scale, Appearance

- iii) *The proposed building shall be sensitive to the scale and appearance of adjacent residential uses.*

The proposed building is at a height of 8.53 metres which is keeping with the permitted height of 12 metres of the abutting residential neighbourhood. The use of a flat roof reduces the impact as no high peaks are created which can cause shadows and block views. However, it is important to ensure that no visual impacts are created through the building roof top mechanical



--	--

## **Appendix “B”**

equipment which can be addressed through the site plan approval process. The two storey development also helps contain the scale of the building in a smaller footprint and allows it to be moved up to the corner of the property therefore limiting its impacts on the neighbouring lands.

### Zoning, Planning Impact Analysis

- iv) *Proposals for new office developments shall require a Zoning By-law amendment. A Planning Impact Analysis as described in Section 3.7. will be required to determine if the proposed development is appropriate.*

### Planning Impact Analysis

A planning impact analysis is required when introducing commercial recreation facilities as well as office uses as identified in the above Official Plan policies. Where an Official Plan amendment and/or zone change application is being considered the following criteria may be considered:

- (a) *compatibility of proposed uses with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area.*

- The area is a well-developed neighbourhood with future land use changes being unlikely.
- The criteria in section 3.6.7 clearly identifies that commercial recreation uses are not permitted beside low density residential uses. This is due to compatibility issues in relation to the uses permitted in commercial recreation establishments and low density residential uses.
- Office uses and other permitted recommended uses under the proposed Restricted Office (RO2) Zone however, are more compatible with the surrounding low density and medium density residential uses. Generally they operate during the day time limiting night time traffic, noise, and lighting concerns and can be accommodated in a form compatible with the surrounding land uses.

- (b) *the size and shape of the parcel of land on which a proposal is to be located, and the ability of the site to accommodate the intensity of the proposed use;*

- the parcel is a rather narrow site resulting in any future proposed use to be in close proximity to the abutting residential uses. As stated Commercial Recreation Establishments are not permitted adjacent to low density residential zones due to land use conflicts that are often created.
- The medical/dental type offices uses operate at a generally lower intensity during regular business hours and is appropriate on such a site.
- The reduction in parking is minimal and is appropriate along a transit corridor where the building is sited to accommodate pedestrian traffic.

- (c) *the supply of vacant land in the area which is already designated and/or zoned for the proposed use; and*

- there is limited opportunity in the area where vacant lands are designated and zoned to accommodate the proposed uses.

- (d) *the proximity of any proposal for medium or high density residential development to public open space and recreational facilities, community facilities, and transit services, and the adequacy of these facilities and services.*

- not applicable since this is not a proposal for medium or high density residential development.

--	--

**Appendix “B”**

*the need for affordable housing in the area, and in the City as a whole, as determined by the policies of Chapter 12 - Housing.*

- not applicable since this is not a proposal for medium or high density residential development.
- (e) *the height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses;*
  - the proposed building is identified as being 8.53 metres high and located in a position which limits its impacts on the surrounding land uses. The height is in keeping with what is permitting on the abutting lands and the flat roofline will create a lower roofline than a 2 storey home.
- (f) *the extent to which the proposed development provides for the retention of any desirable vegetation or natural features that contribute to the visual character of the surrounding area;*
  - while acknowledging that this site was largely vegetated, it was not deemed to be a significant woodland which provides an ecological function. This vegetation was cleared by the property owner without contravening any by-law. Now that the lands are cleared the proposal has limited opportunity to retain any of the desirable vegetation or natural features on the site. A large surface parking lot is required in an area of the site that had been previously vegetated. Extensive planting around the properties edges will be recommended to contribute to the visual character of the surrounding area.
- (g) *the location of vehicular access points and their compliance with the City’s road access policies and Site Plan Control By-law, and the likely impact of traffic generated by the proposal on City streets, on pedestrian and vehicular safety, and on surrounding properties;*
  - a transportation impact assessment was submitted by the applicant and reviewed by the City’s Transportation division. The proposed access off Teeple Terrace is considered the most appropriate and safest point of access. The potential increase in traffic to the area has also been reviewed and the existing intersection (with the addition of a turning lane into the subject site) will be able to function in an appropriate manner to accommodate the potential increases in traffic.
  - the issue of customers parking on Old Wonderland Road and walking to the site should not be an issue as Staff feels the recommended number of parking spaces will be sufficient to support the proposed use. The site’s location along a bus route and an active bicycle path provide alternative modes of transportation to the site.
  - restriction to parking such as the use of a fee for parking is often a deterrent to park on site causing parking to overflow onto side streets. However, the subject site cannot restrict access through the use of a fee as per section 4.19(c) of the Zoning By-law given that the owner is required to make available the required parking spaces.
- (h) *the exterior design in terms of the bulk, scale, and layout of buildings, and the integration of these uses with present and future land uses in the area;*
  - the exterior design should be revisited specifically the corner of the building and how it addressed the intersection, a change in massing which could include a height element could be used to address the corner,
  - significantly improve the building’s aesthetics,
  - consider design elements that will reduce the impacts of roof top equipment on

--	--

**Appendix “B”**

- abutting lands.
- these can be addressed in detail through the Site Plan Approval Process
- (i) *the potential impact of the development on surrounding natural features and heritage resources;*
  - through the review of the Subject Land Status Report, no natural features or heritage resources were identified on the site.
- (j) *constraints posed by the environment, including but not limited to locations where adverse effects from landfill sites, sewage treatment plants, methane gas, contaminated soils, noise, ground borne vibration and rail safety may limit development;*
  - N/A
- (k) *compliance of the proposed development with the provisions of the City’s Official Plan, Zoning By-law, Site Plan Control By-law, and Sign Control By-law;*
  - the proposal is requesting special provisions to permit for reduced interior and exterior side yards as well as a slight reduction in parking. The implementation of these provisions will ensure the proposed site plan conforms to the Zoning By-law.
  - the proposal will be required to go through the Site Plan process which will ensure that it conforms to the Site Plan Control By-law.
  - only the uses permitted by policy are being recommended. Additional commercial uses are being recommended for refusal given that they do not conform to the Official Plan or Restricted Office zone.
- (l) *measures planned by the applicant to mitigate any adverse impacts on surrounding land uses and streets which have been identified as part of the Planning Impact Analysis;*
  - the applicant has identified fencing and landscaping measures to help mitigate any adverse impacts on the surrounding land uses. Additional landscaping may be requested to ensure proper mitigation measures are achieved. These can be addressed through the Site Plan Approval process. Planning Staff are recommending that the Site Plan Approval Authority consider the installation of a continuous 1.83 metre (6 feet) minimum sound attenuation fence along the eastern property and a holding provision requiring the submission of a noise study.
- (m) *impacts of the proposed change on the transportation system, including transit.*
  - No impacts are expected to the transportation system.

No justification was provided by the applicant in their Planning Justification as to why additional commercial uses including: Pharmacies, Financial Institutions, Personal Service Establishments and Commercial Recreation Establishments should be permitted on the site in relation to the Official Plan policies.

**Zoning**

The applicant has applied to rezone the site from an Open Space (OS1) Zone to a Restricted Office Special Provision (RO2(\_)) Zone which would permit clinics, medical/dental offices, medical/dental laboratories, offices. The special provision will permit a reduced front yard and exterior side yard depth and a reduction in parking as well as additional uses which include pharmacies, financial institutions, personal service establishments, and commercial recreation establishments. The requested zoning would allow the applicant to build the proposed medical dental/office on the site in conformity with the proposed site plan.

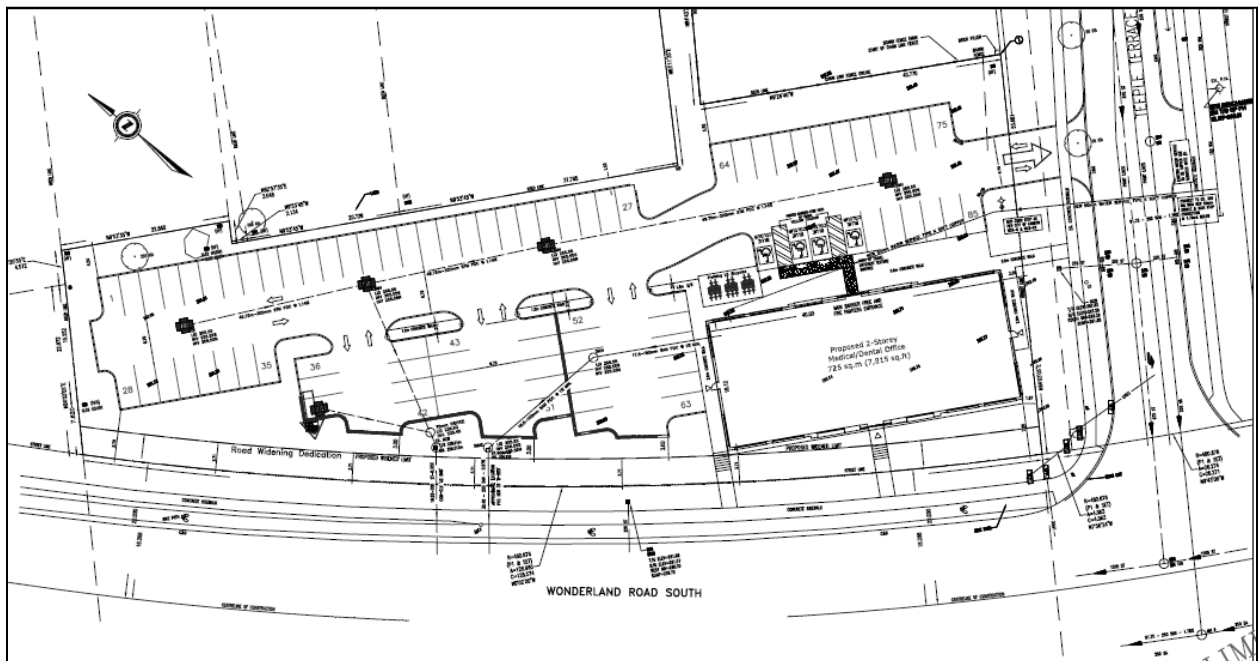
--	--

**File: Z-8228**  
**Planner: Mike Corby**

**Appendix “B”**

The RO2 Zone provides for and regulates new office uses outside of the Downtown area in small-scale office buildings primarily in areas designated Multi-Family Medium Density or High Density Residential. Staff are recommending approval of the RO2 zone as it permits appropriate uses on the subject site and conforms with the Official Plan designation. However, the request for additional commercial uses through special provision is being recommended for refusal specifically for the additional uses of pharmacies, financial institutions, personal service establishments, and commercial recreation establishments. These uses are not permitted under the Official Plan designation of Multi-Family, Medium Density Residential or the location criteria prescribed by Official Plan policy 3.6.7. The applicant will still be permitted a small scale pharmacy as an accessory use to a clinic which is an approved use under the recommended zoning.

The portion of the special provision related to a reduction in the regulations is being recommended for approval to reduce front yard and exterior yard depth to 0.0 metres where 6 metres is required as this will help facilitate an appropriate form and orientation of development. Both the Urban Design Peer Review Panel and Planning Staff suggest that the building be shifted toward Teeple Terrace. This provision provides flexibility for Staff to work with the applicant during the site plan review process and come up with an acceptable orientation of the building. Staff also recommended a reduction in parking spaces through the special provision given that 85 parking spots is sufficient to accommodate the recommended uses. Extra Bicycle parking has been provided on site and the property is located beside a local bus stop providing for convenient alternative forms of transportation. Staff are also recommending that the maximum height be reduced to 9.0 metres, whereas 12.0 metres would generally be permitted, to accommodate the requested form of development while mitigating the public concerns with regard to loss of privacy and potential noise on abutting lands.



Due to the nature of this application and concerns raised about the built form and the impacts of the proposal on the abutting lands Planning Staff feel it is appropriate to recommend a holding provision for a public Site Plan process. The use of a h-5 holding provision will be placed on the property to ensure the public have the opportunity to comment during the site plan process. An additional holding provision is also being requested for a noise study. One of the main public concerns was the issue of noise entering their back yards. Though a request cannot be made to assess the road noise and its effect on the existing residential dwellings, Staff are requesting a noise study for the proposed development and the noise effects it will have on the abutting residential lands. The use of the h-64 holding provision will ensure that any proposed

--	--

**File: Z-8228  
Planner: Mike Corby**

**Appendix “B”**

development will take into consideration the noise it will produce from roof top air conditioners and equipment on the abutting residential properties. The h-64 reads as follows:

*h-64 Purpose: To ensure there are no land use conflicts between commercial uses and adjacent residential land uses, the h-64 symbol shall not be deleted until the owner agrees to implement all noise attenuation and design mitigating measures as recommended in a noise study, acceptable to the City of London.*

The final zoning which is being recommended will be a Restricted Office Special Provision h-5\*h-64\*(RO2(\_)) Zone which will permit a clinic, medical/dental offices, medical dental laboratories, and offices. The special provision will be for a 0.0 metre minimum depth for the front and exterior side yard, a reduction in parking from 97 spots to 85, and a maximum height of 9.0 metres whereas 12.0 metres is permitted by the Zoning By-law. No additional permitted uses are recommended by way of special provision to the Zoning By-law.

**Public Concerns**

Through the planning process several public concerns were raised. The main concern was in regard to the heavily treed lot, its importance to the abutting properties and area, and the potential natural features on the site for consideration as a significant woodland. Through the planning process Staff requested a Subject Land Status Report which was submitted by the applicant as part of a complete application. The report identified the presence of Butternut trees, an endangered species requiring protection on the site which was addressed by the applicant’s consultant and a butternut assessment report was sent to the Ministry of Natural Resources (MNR) in 2013. MNR was in agreement with the applicant’s Ecologist report and it was determined the 4 of the Butternuts were hybrids and 1 was non-retainable. Hybrids and non-retainables do not receive protection under the Endangered Species Act 2007 (ESA). A document was submitted by the public stating that there was a possible group of butternut trees on adjacent lands (near the eastern property line of the development site within this vegetation patch). When staff went to confirm this on site, they were not permitted on the lands. Through further information from the applicant’s ecologist the issue has now been resolved to Staff’s satisfaction that the trees are in fact not Butternuts. A 25 m radius for protection of the potential butternut trees was not applied to the subject lands. A radius could only be placed on the trees if it was determined that the tress were Butternuts by the appropriate parties. All available information indicates that this does not apply to the subject lands.

Another major issue raised was the ability of the property owner to cut down trees on their land while an active planning application was being reviewed by Planning Staff. Neither the Planning Act nor the Official Plan prohibit site alterations or tree cutting to occur while an active application is underway. Furthermore, the current City By-laws relating to trees and site alteration do not apply to the subject site. The Site Alteration By-law applies to lands within the City of London that are designated Open Space or Environmental Review in the Official Plan, and lands situated within a draft approved plan of subdivision. The Tree Conservation By-law is only applicable to lands that are defined as Environmental Protection Area, and lands designated as Open Space and/or Environmental Review on Schedule “A” of the Official Plan or zoned Open Space (OS5) and/or Environmental Review (ER) under the Zoning By-law. The public expressed strong opinions that the applicant should not be able to proceed with the application because of their actions with regard to tree removal. However, Staff must review the application against the applicable policies and By-laws in place and cannot make a recommendation based on the actions of a property owner that conformed to all legislation, policies and By-laws.

Another major concern from the community is the increase in traffic to the area and potential danger for bicycle traffic along Wonderland Road South as they get to the intersection. As part of a complete application it was required that the applicant submit a Transportation Impact Assessment to City Staff for review. The City’s Transportation Division reviewed the report and

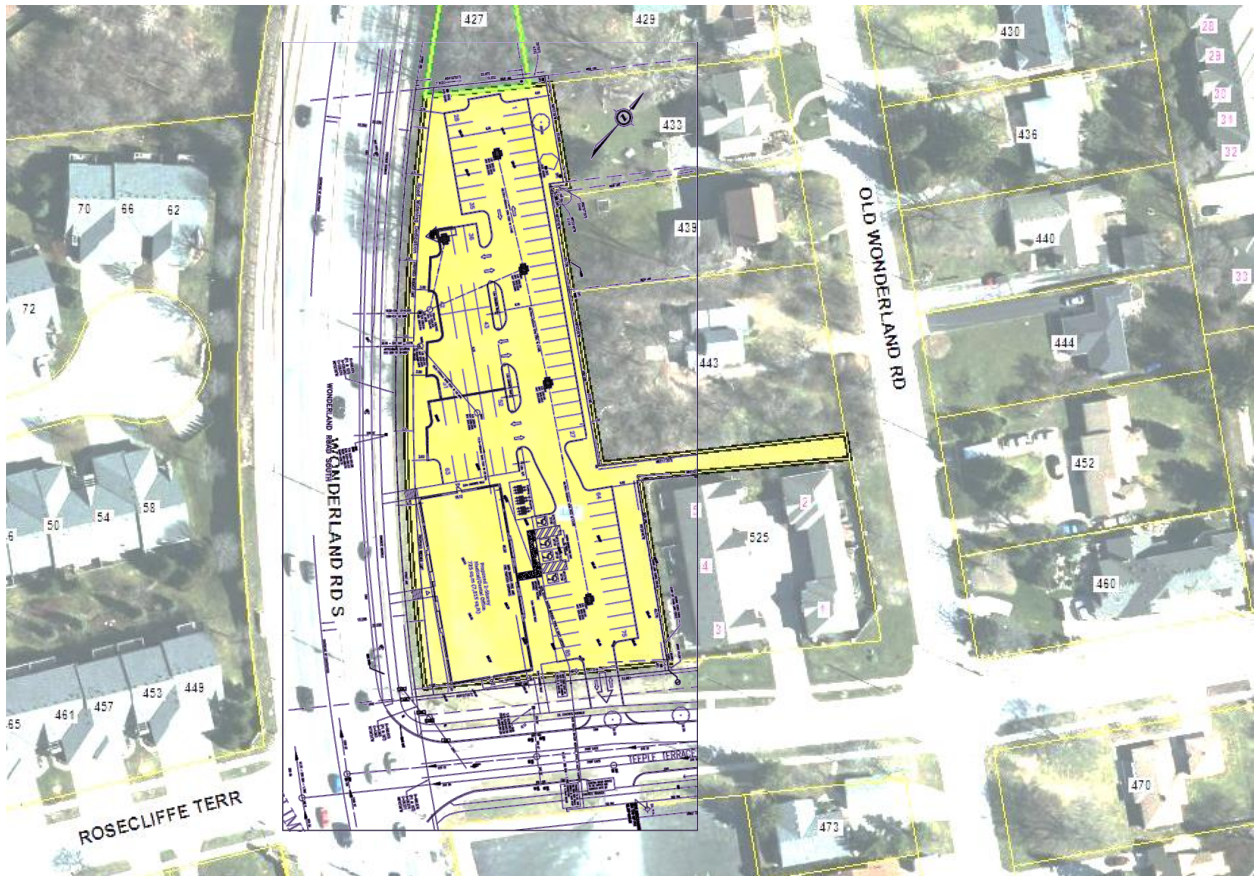
--	--

**File: Z-8228**  
**Planner: Mike Corby**

### Appendix “B”

had no concerns about the potential increase in traffic. Transportation Staff did identify that a turn lane will be required on Teeple Terrace to safely accommodate traffic turning into this site and permit eastbound through-traffic to travel unimpeded on Teeple Terrace. This will be discussed in greater detail through Site Plan review process.

Several other concerns were raised that were related with the proposed site plan and how the site would function. One concern is the small strip of land that connects the subject site to Old Wonderland Road (see below). This strip of land is not wide enough for vehicular traffic however concerns about foot traffic travelling through the strip has been raised resulting from on-street parking along Old Wonderland Road. Staff is requesting that the Site Plan Approval Authority review this strip of land and use landscaping features to discourage the potential for cut-through access for pedestrians.



Other issues relate to the height of the building and the opinion that it is not in keeping with the height prevailing building height in the area, the loss of privacy, and proposed building design. The abutting residential properties exist in a zone that allows for up to 12 metres in height for a residential structure. It should be noted that peaked roofs often extend higher than 12 metres in height as the height is not calculated to the top of the roofline. The regulations of the proposed Restricted Office (RO2) Zone permits the same height restriction of 12 metres as the abutting residential lands and the proposed height of 8.53 metres along with the use of a flat roof will limit its impacts on the abutting lands. Planning Staff are recommending a maximum building height of 9.0 metres to facilitate the proposed building height while acknowledging the neighbourhood concerns. The building itself is proposed to be located as far away from the rear property line as possible also reducing and height impacts on the abutting residential lands.

The issues of privacy will be addressed through the Site Plan Approval process. During this process requirements for fencing and landscaping will be addressed which will help maintain privacy to the rear yards of the residential properties. These site plan concerns, along with the design of the building, will be re-addressed during the public site plan process. Staff's

Agenda Item #    Page #

--	--

**File: Z-8228**  
**Planner: Mike Corby**

**Appendix “B”**

recommendation has also requested that the site plan approval authority consider these issues by examining the potential for increased landscaping on the site and addressing some of the building design issues.

The public also were concerned about the potential for ground water impacts that result from the development of the site. No concerns were raised by the City’s Storm Water Management Unit and all storm water issues will be dealt with during the site plan process.

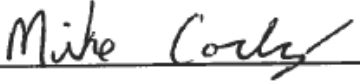

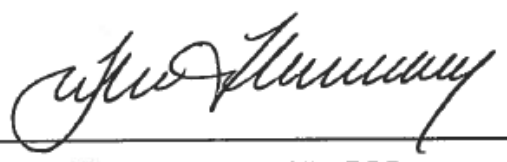
--	--

**File: Z-8228**  
**Planner: Mike Corby**

**Appendix "B"**

<b>CONCLUSION</b>
-------------------

The Staff recommendation is appropriate as it is consistent with the policies of the Provincial Policy Statement (2005) and with the City of London Official Plan. The subject lands are of a sufficient size and shape to accommodate the recommended uses and the recommended Zoning By-law amendment provides appropriate regulations to control the uses and intensity of the building. The additional permitted uses requested by the applicant are not recommended for approval given their inconsistency with the policies of the Official Plan.

<b>PREPARED BY:</b>	<b>SUBMITTED BY:</b>
	
<b>MIKE CORBY PLANNER II, CURRENT PLANNING</b>	<b>MICHAEL TOMAZINCIC, MCIP, RPP MANAGER, CURRENT PLANNING</b>
<b>RECOMMENDED BY:</b>	
	
<b>JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER</b>	

February 18, 2014

MC/mc

Y:\Shared\implemen\DEVELOPMENT APPS\2013 Applications 8135 to\8228Z - 447 Old Wonderland Rd (MC)\OPA-ZBL Amendment Report.docx



--	--

**File: Z-8228**  
**Planner: Mike Corby**

**Appendix “B”**

**Responses to Public Liaison Letter and Publication in “Living in the City”**

<u>Telephone</u>	<u>Written</u>
Mary Read, 440 Old Wonderland Road, London ON,	Online Petition (2,419 signatories, 1,869 from London)
David Hall, 439 Old Wonderland Road, London ON,	See attached emails
Paul Krzic, 460 Old Wonderland Road, London ON	
Stan Sawicki 4-525 Teeple Terrace	
Faye Shantze Edlirav & Vasillaq Leci 508 Rosecliffe Terrace	
Johnathan Yates, 22 Berkshire Ct, London ON, N6J 3N7	

--	--

File: Z-8228  
Planner: Mike Corby

**Appendix "B"**

**Bibliography of Information and Materials  
Z-8228**

**Request for Approval:**

City of London Zoning By-Law Amendment Application Form, completed by Zelinka Priamo Ltd, August 21, 2013.

**Reference Documents:**

Ontario. Ministry of Municipal Affairs and Housing. *Planning Act, R.S.O. 1990, CHAPTER P.13*, as amended.

Ontario. Ministry of Municipal Affairs and Housing. *Provincial Policy Statement*, March 1, 2005.

City of London. *Official Plan*, June 19, 1989, as amended.

City of London. *Zoning By-law No. Z.-1*, May 21, 1991, as amended.

Zelinka Priamo. *Urban Design Brief*, December 10, 2013.

Zelinka Priamo. *Justification Report*, August 19, 2013.

F.R. Berry & Associates. *Transportation Impact Assessment*, August 2013

**Correspondence: (all located in City of London File No. Z-8228. unless otherwise stated)**

**City of London -**

Macpherson A., City of London Environmental and Parks Planning. E-mail to M. Corby. January 21, 2014.

MacDougall L., City of London Environmental and Parks Planning. Memos to M. Corby. December 11, 2013 and September 26, 2013.

Urban Design Review Panel. Memo to M. Corby. January 15, 2014

Somlarek J., City of London Urban Design. Memos to M. Corby. February 24, 2014, September 6, 2013

Clavet Y., City of London Storm Water Management Unit. Email to M. Corby. October 1, 2013

Couvillon A., City of London Transportation. Comments from AMANDA to M. Corby. September 20, 2013

Moore R., City of London Waster Water and Drainage. Email to M. Corby. September 27, 2013

**Departments and Agencies -**

Creighton C., UTRCA. Letter to M. Corby. February 7, 2013.

McCloskey M., Ministry Natural Resources. Various emails with L. McDougall. October 22, 2013  
October 17, 2013, October 10, 2013.

Dalrymple D., London Hydro. Memo to M. Corby. September 10, 2013.

Two empty rectangular boxes for agenda item and page numbers.

File: Z-8228  
Planner: Mike Corby

Appendix "B"

Appendix "A"

Bill No. (number to be inserted by Clerk's Office)  
2014

By-law No. Z.-1-14\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 447 Old Wonderland Road.

WHEREAS 2376563 Ontario Inc. has applied to rezone an area of land located at 447 Old Wonderland 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 447 Old Wonderland Road, as shown on the attached map comprising part of Key Map No. A.106, **FROM** an Open Space (OS1) Zone **TO** a Holding Restricted Office Special Provision (h-5\*h-64\*RO2(\_)) Zone.
- 2) Section Number 18.4(c) of the Restricted Office (RO2) Zone is amended by adding the following Special Provision:

)	RO2( )	447 Old Wonderland Road	
	b)	Regulation[s]	
		viii) Front Yard Depth (minimum)	0.0 metres (0.0 ft.)
		ix) Exterior Yard Setback (minimum)	0.0 metres (0.0 ft.)
		x) Parking (minimum)	85 Spaces
		xi) Height (maximum)	9 metres (29.53 ft.)

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 April 1, 2014.

Agenda Item # Page #

--	--

**File: Z-8228**  
**Planner: Mike Corby**

**Appendix "B"**

Joe Fontana  
Mayor

Catharine Saunders  
City Clerk

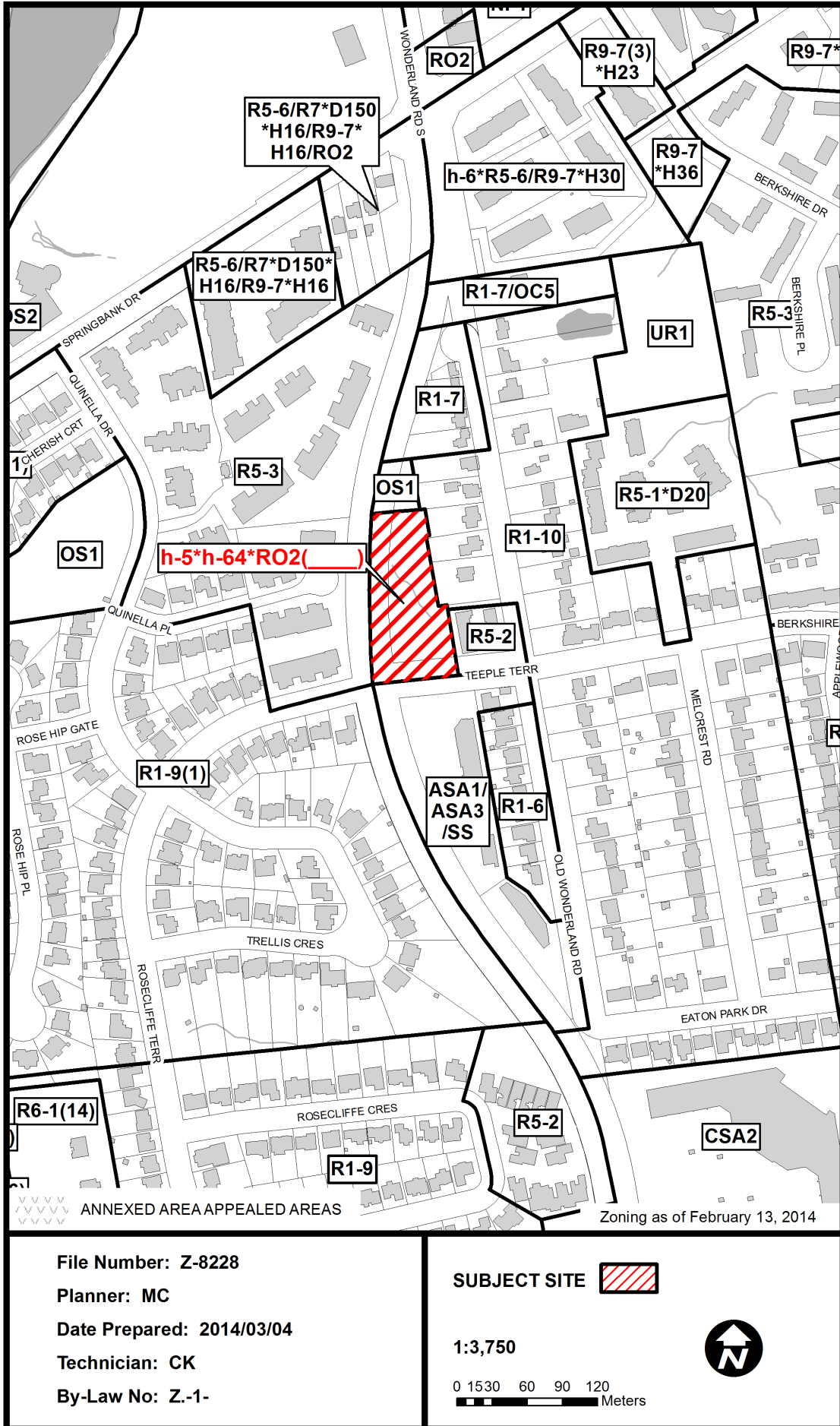
First Reading - April 1, 2014  
Second Reading - April 1, 2014  
Third Reading - April 1, 2014

--	--

File: Z-8143  
Planner: Mike Corby

Appendix "B"

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



Geodatabase

--	--

**File: Z-8143**  
**Planner: Mike Corby**

**Appendix "C"**

To London City Planning and City Council:

Our group met with Councillor Denise Brown on June 14th and arrived at the following consensus regarding the 447 Old Wonderland re-zoning application as it goes back to the PEC for discussion and Council's position statement:

1. We continue to agree completely with City Council's original instructions to administration that no variances be granted to this applicant. It is a completely reasonable community expectation that a full complement of on-site parking be accommodated in the applicant's site plan. If those parking spaces are not available once adequate setbacks from private residences are in place (3 metres at minimum with fencing and mature evergreen plantings), then the building size must be reduced to allow for them.

2. We believe that inadequate accommodations are being made for safe entry to the site and that the City will be liable when accidents occur at the Teeple Terrace and Wonderland Road intersection as a result of that unsafe access. The addition of a truncated turning lane on Teeple Terrace will not ameliorate peak traffic conditions that make serious collisions not only a possibility but an inevitability. The only way to reduce this certain risk is to decrease traffic flow to and from the property and to add a right turning lane on northbound Wonderland Road, the cost of which must be assumed by the developer.

3. We insist that a holding provision be placed on this application.

3. We believe that residential development of this property is the best and most fitting use of the site now that the woodland it once contained has been destroyed. It is the 'gateway' into a neighbourhood composed entirely of single family homes and small scale clusters of condominium town homes. A stand-alone medical/dental building is *not* an appropriate entryway to that community, particularly since it already enjoys full access to any and all commercial and medical/dental services its residents may require.

4. We see no reason why extending the zoning to allow for purposes other than residential infill need be granted unless private profit is a primary determiner over and above the interests of an engaged and concerned community. We believe our serious concerns about traffic safety issues, the building's excessive scale and poor aesthetics were not adequately addressed or objectively disproven to anyone's satisfaction. This process has been weighted in the developer's favour from the outset by poorly reasoned conclusions about the neighbourhood based on its proximity to a major artery, and a disinclination to consider its true and present nature and character.

5. We can surely agree that good planning is dependent upon community feedback and engagement, and that that engagement is

--	--

**File: Z-8143**  
**Planner: Mike Corby**

meaningless if collaborations between city administration and developers do not accommodate public concerns to any degree or extent. We hope that this applicant will finally demonstrate a modicum of goodwill toward this community and agree to mediation in order to find a reasonable compromise between our two positions.

Signed on behalf of the Old Wonderland & Area Community Association and bcc'd to its members,

Mary Read

Old Wonderland & Area Community Association  
440 Old Wonderland Rd.  
London, Ontario N6K 3R2  
[OWACA@rogers.com](mailto:OWACA@rogers.com)