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600 - 171 Queens Avenue, London ON N6A 5J7

October 6, 2014
File: 1614-01246

Attention: Chair and Members of Committee

Planning and Environmental Committee
Corporation of the City of London
300 Dufferin Avenue
P.O. Box 5035
London ON N6A 4L9

Dear Chair and Members of Committee,

Reference: Greenhills Shopping Centres Ltd., OZ-8324, Planning and Environmental Committee Meeting-Tuesday October 7, 2014.

This letter is for your consideration and in response to the City of London Report prepared for the above noted meeting by the City of London staff as it relates to the Greenhills Shopping Centres development applications (51 and 99 Exeter Road). We are writing on behalf of our Client, the Aarts Group of Companies who own the property located at 17 and 31 Exeter Road. This property is located on the west side of Wonderland Road immediately opposite the Greenhills property and these applications.

Our Client was a party to the Ontario Municipal Board hearing for Official Plan Amendment No. 541 which established the Wonderland Road Community Enterprise Corridor to maintain the designation for their property. Specifically, related to the Greenhills Shopping Centres Ltd. applications, our Client provided written comments on July 18, 2014, a verbal presentation at the July 22, 2014 Committee Meeting and a verbal presentation at the August 26, 2014 Committee Meeting. Our Client has an interest in the consideration of these applications as it relates to their ability to implement the recently approved Official Plan policies (April 2014) and with the development of their lands. It is our opinion that the above noted staff report does not adequately address the concerns as expressed in our earlier letter and two presentations.

The two key concerns identified with respect to the staff report are as follows:

Southwest Area Plan Policy 20.5.16.8 Fair Distribution of Responsibilities and Resources

The Plan states:

"The successful completion of the Southwest Planning Area depends on the co-operation of the owners and land developers to share in the equitable and fair distribution of commercial uses, residential density, affordable housing, unit types, community parks/lands, community facilities, open space, tree canopy cover, municipal infrastructure



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etc. as required by this Plan. All Official Plan, subdivision, Zoning By-law amendment and site plan applications shall be required to include a statement of conformity with the requirements of this Plan, as part of the complete application."

Further to our requests, within the staff report (Pages 10-11) city staff provides their opinion with respect to this policy (they also advise the July 22nd Report and the applicants Planning Justification Report provided an opinion on conformity) and it is further stated:

"This policy is broadly applied and is not intended to mean that development rights will be equally distributed among all owners and land developers. It means that through conformity with more specific policies of the plan, an overall equitable and fair distribution of responsibilities and resources will be achieved in the Southwest Planning Area."

And

"There is no intent within the policies of the Plan that the distribution of the full range of uses be proportionately allocated to all lands within the corridor."

We would agree that it is not the intent of the Plan to distribute the full range of uses equally allocated to all lands within the corridor. Policy 20.5.16.8 Fair Distribution of Responsibilities and Resources is appropriately within the Implementation Section of the policies and therefore in our opinion has equal weight and applicability to all other policies of the plan and not just to be applied "broadly" as suggested by city staff. However, we believe that through this policy consideration is to be provided to ensure that the entire corridor could be developed for the broad range of permitted land uses. If the entire corridor could be developed this would support and provide for the efficient utilization of existing and the extension of municipal infrastructure which is also in keeping with the intent of the plan. We believe that a portion of the commercial gross floor area allocation should be reserved so that more properties could be developed and not just a limited number.

We believe that this policy is at the heart of the policy direction of the Plan which is to provide for a "mixed use corridor" where the broad range of land uses is to be "shared in an equitable and fair distribution". With the previous approval (York Developments) and potentially with this application the allocation of 100% of the commercial retail gross floor area would be allocated to two developments and therefore the opportunity for other properties along the corridor of providing for "mixed use developments" would not be possible and conform to the Plan. We do not see this as either being "fair or equitable". We believe that the intent of this policy is to ensure that all properties could have consideration to develop and the opportunity to implement a mixed use development. On review of the proposed site plans submitted by York and Greenhills it is apparent that they propose to be developed primarily as large format regional commercial



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nodes and it is our opinion that using all of the commercial allocation for a singular format of commercial is not in keeping with Policy 20.5.16.8 and does not constitute good planning.

The four corners of Exeter and Wonderland Road throughout the Southwest Area Plan policy review was identified as a "Community Focal Areas" and thus our Client is exploring the opportunity to develop their lands with mixed use buildings in support of the policies of the Plan. Our Client's application, in particular envisions a mix of uses including ground floor commercial and auto-oriented commercial which is lacking in both the York and Greenhills plans. Our Client is disappointed that until the Ontario Municipal Board confirmed (April 2014) the land use designation of Wonderland Road Community Enterprise Corridor for their lands they could not proceed with a site specific rezoning application.

Therefore, we question whether allocating the commercial on a first come basis when applications were received is appropriate, represent the logical and orderly development of the corridor and represents good planning. Are the policies of the Plan as contemplated by Policy 20.5.16.8 really being implemented when through the complete allocation of the potential commercial gross floor area that no other mixed use developments could be considered elsewhere along the corridor? Therefore, these development sites could sit idle leaving large parcels vacant and underutilized even when municipal infrastructure has to be extended along their frontage. This status may not change for a long time given the uncertainty when additional commercial can be justified.

It is our opinion that the remaining portion of the commercial cap should not be allocated as proposed by city staff.

Site Plan Consideration

Within the Planning Report (Recommendation b) City staff has identified a number of matters to be considered through the Site Plan review process (Section 41 of the Planning Act). It is acknowledged that this process is not a public process and therefore our Client would not have the opportunity to ensure that their concerns related to the location of new intersections would be considered.

Item (b) iii) states: "*Internal driveways or local street connections should be established perpendicular to Wonderland Road South and Exeter Road for the full width of development blocks, including through mixed-use phases, to reinforce the organizing grid structure.*"

We would suggest that this direction should be expanded to include consideration of the location of existing and new accesses or new local streets from/for adjacent developments. It is recognized that a formal site specific development application has not been submitted to the City for the Aarts lands (17 and 31 Exeter Road). However, preliminary development concepts

Design with community in mind



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have been submitted to provide for a land use and road patterns when their lands are to be redeveloped. Their property is located immediately to the west of the Greenhills lands on the west side of Wonderland Road and there is an opportunity to coordinate new accesses. Our Client wants to be assured that the location of new accesses for the Greenhills development does not prejudice or adversely affect the future development of their lands.

In addition, the initial rezoning application request by Greenhills exceeds the City staff recommended commercial cap allocation as provided through their report. Therefore, it is not determined what effect this will have on the proposed Site Plan. Given the initial request for a large retail format store as part of the development it is most likely that a mixed use development won't be proposed. The north-west corner of the site is located within the "Community Focal Areas" which is similar to the Aarts property and it would appear that the opportunity to develop mixed use buildings at this location may not be undertaken.

It is our opinion that the recommended Site Plan review direction should be amended as noted above.

Summary

Our Client is very concerned that within months of the Ontario Municipal Board decision that approximately 20 years of commercial development will be allocated and not in a fair and equitable manner as provided by the Plan.

We disagree with the opinion of staff as it relates to Policy 20.5.16.8 and the consideration of this zone change application.

Given that our Client will not have the opportunity to ensure their concerns are addressed they believe that consideration of adjacent developments and in particular potential accesses to Wonderland Road is should be provided for in the direction for Site Plan review.

The Wonderland Road Community Enterprise Corridor policy framework provided the opportunity to be developed provide for mixed use development in a comprehensive manner. In our opinion, the implantation to date has failed to achieve that opportunity.



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Regards,

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DLB

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c. Mr. Kevin Aarts, Aarts Group of Companies