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File: OZ-8324
Planner: Mike Davis

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: GREENHILLS SHOPPING CENTRES LTD. 51 AND 99 EXETER ROAD MEETING ON OCTOBER 7, 2014

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of Greenhills Shopping Centres Ltd. (Greenhills) relating to the property located at 51 and 99 Exeter Road:

- (a) The proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on October 14, 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 Urban Reserve (UR6) Zone, **TO** a Holding Associated Shopping Area Special Provision (h-17•h-18•h-(*)•h-(**)*h-(***)*h-(****)*h-(*****)*ASA8() Zone, an Open Space (OS1) Zone, and an Environmental Review (ER) Zone;
- (b) The Site Plan Approval Authority **BE REQUESTED** to implement the following design issues through the site plan process:
 - i) Preparation of a sustainability/green development report shall be required to identify how the applicant has endeavoured to incorporate any, or all, of the sustainable design principles identified in Section 20.5.3.2.ii) of the Southwest Area Secondary Plan (SWAP);
 - ii) The organizing structure for development shall be based on a modified grid system of internal driveways or local streets to provide for a pedestrian oriented character and to easily accommodate future redevelopment and reformatting of commercial areas to more intense mixed-use communities;
 - iii) Internal driveways or local street connections should be established perpendicular to Wonderland Road South and Exeter Road for the full width of the development blocks, including through future mixed-use phases, to reinforce the organizing grid structure;
 - iv) Internal driveways should be designed with sufficient rights-of-way to accommodate the future upgrading and conveyance of such areas to the City of London as public streets and should be designed as local streets to include wide sidewalks, landscaping, street trees, on-street parking in dedicated aisles and accessible and enhanced crossings at intersections where possible;
 - v) Commercial development shall occur in a "main street" format where retail and commercial uses are oriented toward the street, whether in standalone buildings or on the ground floor of mixed-use buildings to enhance and animate the pedestrian experience;
 - vi) Ensure that continuous walkways are constructed between buildings as well as direct walkways connecting buildings to the sidewalk to provide for continuous pedestrian connections across the site;
 - vii) Building heights and forms should relate to the width and hierarchy of the streets and/or internal driveways they front, where possible, in order to provide for a sense of enclosure;
 - viii) The amount of parking area abutting the street, particularly Wonderland Road South and Exeter Road, should be minimized and the amount of built form at the

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street maximized in order to implement the “main street” intent of the Southwest Area Secondary Plan Urban Design policies to create an attractive pedestrian oriented environment;

- ix) Where commercial uses abut a public street:
 - The principal public entrance shall provide direct access to the public sidewalk;
 - The primary entrances, windows and signage shall face the street;
 - Buildings facing the street shall incorporate awnings, canopies, arcades or front porches to provide weather protection;
 - Buildings should maintain a consistent setback along the street;
 - x) Consider wrapping the sides of any large format commercial buildings with smaller store fronts in order to prevent large blank walls. Alternatively, windows, architectural details and articulation shall be provided on building elevations where they are exposed to the public realm;
 - xi) Ensure building footprints and development blocks are sized appropriately to allow comfortable pedestrian circulation around buildings;
 - xii) Pedestrian cut through connections should be considered at intersections and other prominent locations in order to provide convenient access to the streets and front entrances of stores from rear parking lots;
 - xiii) Landscaped islands, bump-outs and enhanced hardscape treatments should be integrated throughout the site. Pedestrian areas such as bicycle parking areas, internal street right-of-ways and open spaces should be of a high quality design with a focus on coordinated pedestrian amenities including street furniture and public art to enhance and reinforce the pedestrian experience;
 - xiv) Tree planting should be maximized throughout the development in accordance with 20.5.3.6 iii) of SWAP;
 - xv) Provide integrated pedestrian connections across the site, including between any preliminary phases of development and future phases of development as well as adjacent properties and public streets to ensure a high level of connectivity;
- (c) The request to amend Zoning By-law No. Z.-1 to change the zoning of the subject property **FROM** a Urban Reserve (UR6) Zone, **TO** an Associated Shopping Area Special Provision (ASA8(_)) Zone and an Open Space (OS1) Zone, **BE REFUSED** for the following reasons:
- i) The requested amendment would allow for commercial development beyond the maximum commercial gross floor area (GFA) of 100,000m² for the Wonderland Road Community Enterprise Corridor Designation outlined in Section 20.5.6.1 v) of the Southwest Area Secondary Plan;
 - ii) The requested amendment does not include sufficient holding provisions to ensure the orderly development of the subject lands;
 - iii) The requested amendment contemplates the application of an Associated Shopping Area Special Provision (ASA8(_)) Zone within 50 metres of the Pincombe Drain which is identified as a Significant Stream Corridor on Schedule B1 of the Official Plan. The policies of the Official Plan preclude the application of the proposed ASA8(_)) Zone in such areas in the absence of the submission of detailed EIS;
 - iv) The requested amendment includes special regulations which would allow for 4-storey residential housing forms whereas the Wonderland Road Community Enterprise Corridor Designation policies outlined in Section 20.5.6.1 vii) state that building heights for residential development shall not be less than 6 storeys;
- (d) pursuant to Section 34(17) of the *Planning Act*, as determined by the Municipal Council, no further notice **BE GIVEN** in respect of the proposed by-law as the prescribed notification requirements have previously been met, a statutory public participation meeting was held on July 22, 2014, and no changes to the by-law have been proposed;

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- (e) **IT BEING NOTED THAT** a comprehensive planning evaluation with respect to the recommended amendments outlined in clauses (a) to (c) above is provided in the July 22, 2014 Staff Report to the Planning and Environment Committee.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

O-7609 – Southwest Area Secondary Plan – The Southwest Area Secondary Plan provides a detailed policy framework to guide the future development of one of the City’s last and largest tracts of undeveloped land. The Southwest Area Secondary Plan was prepared through a comprehensive public and agency consultation process and is to establish a vision, principles and policies for the development of the Southwest Planning Area as a vibrant community in the city which incorporates a significant gateway into the city, elements of mixed-use development, an increased range and density of residential built form, sustainability, preservation of significant cultural heritage resources, walkability and high quality urban design. The Southwest Area Secondary Plan was adopted by Council on November 20, 2012 and received final approval from the Ontario Municipal Board on April 29, 2014.

July 22, 2014 Report to Planning and Environment Committee – 51 and 99 Exeter Road (OZ-8324) – This report recommended refusal of a Zoning By-law amendment received from Greenhills Shopping Centre Ltd. intended to facilitate a phased development on the subject lands, with potential for a range of commercial, office, institutional and high-density residential land uses. Phase 1 of the proposed Greenhills development was intended to be primarily a “commercial precinct” with zoning which would allow for up to 46,500m² of commercial gross floor area (GFA). The Greenhills application was recommended for refusal, primarily because the extent of commercial development requested would result in Council exceeding the 100,000m² “commercial cap” established for the Wonderland Road Community Enterprise Corridor and outlined in Section 20.5.6.1 of the Southwest Area Secondary Plan. However, this report recommended a modified version of the Greenhills application which included appropriate limitations on the scale of commercial development at 20, 470m² of GFA to ensure that commercial development within the Corridor does not exceed 100,000m².

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of the recommended amendment in clause (a) above is to permit a mixed-use development on the subject lands which may incorporate a range of retail, service commercial, office, high density residential and institutional land uses. Overall, the recommended amendment would permit the development of up to 20,470m² (220,337 ft²) of retail and commercial space, up to 5,000m² (53,820 ft²) of office space, a range of high density residential uses with heights ranging from 6 to 14 storeys, and densities ranging from 150 to 175 units per hectare, as well as a range of institutional/community facility land uses. All uses would be permitted in both standalone and mixed-use building formats. The recommended amendment includes a range of holding provisions to ensure that technical matters including urban design, servicing, archaeological assessment, species-at-risk assessment, access design, and public road construction and conveyance, are addressed in detail prior to the development of the site.

The purpose of Clause (b) is for Council to direct the Site Plan Approval Authority to implement a series of design considerations through the Site Plan Approval process, in addition to the general urban design policies of the Southwest Area Secondary Plan. The recommendations in clause (b) serve to implement the design comments from Planning Services Staff and the Urban Design Peer Review Panel stemming from the review of the preliminary site development concept submitted by Greenhills through the re-zoning process. It is recognized that many of the design issues discussed through the re-zoning process are of a site plan nature and will be implemented through the Site Plan Approval process with Council’s endorsement.

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Clause (c) of the recommendation serves to refuse the Zoning By-law amendment tabled by Greenhills. The concept provided by Greenhills proposed that development occur in two (2) phases with Phase 1 comprising the westerly portion of the subject site being primarily a “Commercial Precinct” intended to accommodate standalone commercial buildings with a mix of retail and office uses and Phase 2 comprising the easterly portion of the subject site being a “Mixed-Use Precinct” intended to accommodate, in addition to retail, commercial and office uses, medium–high density residential uses including apartment buildings of up to 14 storeys in height and densities of up to 175 units per hectare and a variety of community facilities including libraries, community centres and residential care facilities. Many of the core elements of the Greenhills application have been supported by the Staff and are incorporated into the by-law recommended in clause (a). However the Greenhills application is being refused because it requests 46,500m² (500,520 ft²) of commercial space whereas the Southwest Area Secondary Plan includes provisions which limit the maximum amount of commercial gross floor area in the Wonderland Road Community Enterprise Corridor. The cumulative amount of gross floor area requested by Greenhills, in combination with the amount of commercial GFA currently permitted by zoning on other lands in the Corridor, would exceed the maximum amount of commercial GFA permitted by the Southwest Area Secondary Plan.

RATIONALE

- i) The recommended amendment is consistent with the policies of the Provincial Policy Statement (PPS), 2014, which encourage the accommodation of an appropriate range and mix of residential, employment (commercial and industrial), institutional, recreational and other uses to meet the long term needs of the municipality and support compact form, and a mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities;
- ii) The recommended amendment is supported by the growth management objectives of the City of London Official Plan which direct new areas of community growth to be planned to provide for a mix of land uses and housing types and achieve density targets consistent with a more efficient utilization of land and services;
- iii) Appropriate ecological buffers have been incorporated into the recommended Zoning By-law amendment to ensure development will not affect the ecological function of the adjacent natural heritage features;
- iv) The recommended amendment will provide for a range of land uses, intensities and built forms consistent with the policies for the Wonderland Road Community Enterprise Corridor Designation of the Southwest Area Secondary Plan;
- v) Appropriate regulations have been incorporated into the proposed amendment to ensure that commercial development for the entire Wonderland Road Community Enterprise Corridor designation, excluding those lands generally north of the Bradley Avenue extension that are currently developed or are approved/under construction as of October 2012, does not exceed 100,000 m² of gross floor area (GFA) as prescribed by Section 20.5.6 v) of the Southwest Area Secondary Plan;
- vi) Holding provisions have been incorporated into the recommended amendment requiring that full municipal services be available to the site, a stage II archaeological assessment be completed, access design and consolidation issues be addressed, the urban design policies of the SWAP be implemented, the Hamlyn Street extension be constructed and conveyed to the municipality, a species at risk assessment be completed, and that no development occur on lands which may be impacted by the Wonderland Road South widening prior to the completion of the Wonderland Corridor EA process, to ensure to appropriate orderly development of the subject lands.

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BACKGROUND

On February 20, 2014, the City received a complete application for a Zoning By-law amendment from Greenhills Shopping Centres Ltd. intended to permit a mixed-use development at 51 and 99 Exeter Road which may incorporate a range of retail, service commercial, office, medium-high density residential and institutional land uses. Overall, the requested amendment would permit the development of up to 46,500m² of retail and service commercial space, up to 5,000m² of office space, a range of medium-high density residential uses with height limitations ranging from 6 to 14-storeys, and density limitations ranging from 75 to 175 units per hectare, as well as a range of institutional/community facility land uses. The development is proposed to occur in two (2) phases with Phase 1 comprising the westerly 18.32 hectares of the subject lands being primarily a “Commercial Precinct” intended to accommodate 16 proposed commercial buildings with a mix of retail and office uses and Phase 2 comprising the easterly 8.84 hectares of the subject lands being a “Mixed-Use Precinct” intended to accommodate, in addition to retail, commercial and office uses, medium–high density residential uses including apartment buildings of up to 14 storeys in height and densities of up to 175 units per hectare and a variety of community facilities including libraries, community centres and residential care facilities.

Figure 1: Site Location – Excerpt from Bousfields Planning Rationale



On July 22, 2014, Planning Staff presented a report to the Planning and Environment Committee which recommended refusal of the Greenhills application, primarily, because it requested 46,500m² (500,520 ft²) of commercial GFA whereas the policies of Section 20.5.6.1 of the Southwest Area Secondary Plan includes provisions which cap the maximum amount of commercial gross floor area allowed in the Wonderland Road Community Enterprise Corridor (WRCEC) at 100,000m². The cumulative amount of gross floor area requested by Greenhills, in combination with the amount of commercial GFA currently permitted by zoning on other lands in the Corridor, would exceed the maximum amount of commercial GFA permitted by the Southwest Area Secondary Plan. The following figures provide an overview of the location and extent of existing zoned commercial GFA in the Wonderland Road Community Enterprise Corridor.

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Figure 2: Existing commercial lands within the WRCEC

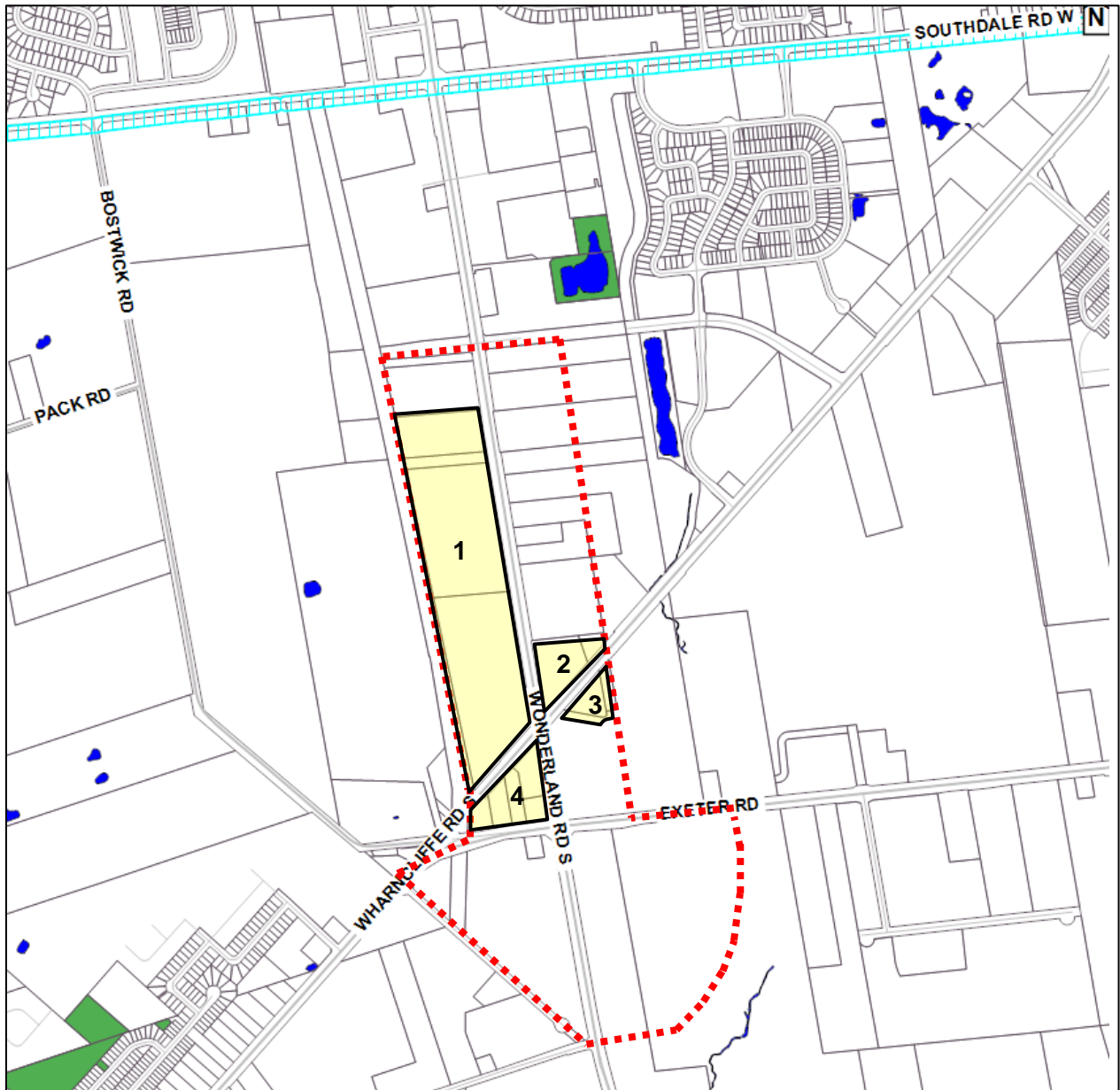


Figure 3: Breakdown of existing zoned commercial GFA in WRCEC

Wonderland Road Community Enterprise Corridor – Commercially Zoned Lands				
Lands	Zoning	Combined Lot Area	Existing Built and/or Depicted Commercial GFA (m ²)	Total Potential Commercial GFA (m ²)
1) 3313 – 3405 Wonderland Road South & 1789 Wharncliffe Road South	h-5*h-154*h-155* ASA3/ASA5/ASA6/A SA8(12)	20.355Ha (203,550m ²)	54,605 (based on concept plan submitted with OZ-7072)	61,065 (based on 30% lot coverage)
2) 1705 & 1659 Wharncliffe Road South	h-17*RSC1/RSC4	22,386m ²	4,686	6,715 (based on 30% lot coverage)
3) 1672, 1680 & 1710 Wharncliffe Road South	h-17*RSC5 & HS4	11,360m ²	2,504	3,408 (based on 30% lot coverage)

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4)	1780, 1806, 1830 & 1856 Wharnccliffe Road South	h-17*RSC1/RSC4	27,811m ²	5,547	8,343 (based on 30% lot coverage)
TOTAL:			67,342 m²		79,531m²

However, at the July 22, 2014 public meeting, staff recommended a modified Zoning By-law amendment which, similar to the Greenhills request, included permissions for a wide range of commercial, office, institutional and high-density residential land uses but included appropriate regulations to cap the Gross Floor Area of commercial development at 20, 470m² in order to ensure total commercial development in the Wonderland Road Community Enterprise Corridor would not exceed the 100,000m². The recommended by-law also included a range of holding provisions to ensure that technical matters including urban design, servicing, archaeological assessment, species-at-risk assessment, access design, and public road construction and conveyance, are addressed in detail prior to the development of the site. The recommendation for approval of the Zoning By-law amendment presented in the July 22, 2014 Staff report the same as the rationale outlined on page 4 of this report.

At the July 22, 2014 public participation meeting, several oral submissions were presented to the Planning and Environment Committee by various other landowners with commercial development interests in the Wonderland Road Community Enterprise Corridor. The majority of concerns focused on the approach of allocating commercial development in the corridor. As was noted in the staff report, the recommendation to permit up to 20, 470m² of commercial GFA on the Greenhills site meant that no more commercial GFA would remain for development in the corridor given the extent of existing permitted and zoned commercial GFA. Various parties submitted that allocating the remaining commercial GFA to the Greenhills site represented an unequitable approach not consistent with the vision for the Wonderland Road Community Enterprise Corridor.

Further, Greenhills Shopping Centres Ltd. argued for the approval of their application as presented, which requested 46,500m² of commercial GFA; more than twice the amount recommended by Staff. Greenhills argued that the commercial development permissions within the Corridor should be allocated and administered during the site plan approval process wherein the City should monitor ongoing site plan approvals and restrict development based on approved site plans as opposed to regulating commercial GFA through the Zoning By-law.

On July 29, 2014 Municipal Council adopted the following resolution relating to the application by Greenhills Shopping Centres Ltd:

That, the application of Greenhills Shopping Centres Ltd. (Greenhills), relating to the property located at 51 and 99 Exeter Road, BE REFERRED back to the Civic Administration to provide a legal opinion to a future meeting of the Planning and Environment Committee with respect to the allocation of the remaining 20,000 square metres of commercial gross floor area; it being noted that delegation status will be granted to property owners at that meeting in the area;

it being pointed out that the Planning and Environment Committee reviewed and received the following communications, with respect to these matters:

- *a communication dated July 18, 2014, from S.A. Zakem, Aird & Berlis;*
- *a communication dated July 18, 2014, from K. Walkey, Senior Planner, Stantec Consulting Ltd.; and,*
- *a communication dated July 18, 2014, from J. Paul, Managing Principal, Stantec Consulting Ltd.;*

Further to the July 29, 2014 Council resolution outlined above, on August 26, 2014, a confidential legal report was received by Committee members. This matter was again

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considered in open session during the August 26, 2014 Planning and Environment Committee meeting where opportunity for delegation status was provided to local stakeholders which had previously made submission to the Planning and Environment Committee. Various submissions were made regarding the fair and equitable distribution policies outlined in Section 20.5.16.8 and concern that the Staff recommendation was not consistent with that policy. Also, Greenhills Shopping Centres Ltd. presented two new holding provisions which they suggested were an acceptable alternative to the staff recommendation. On September 2, 2014, Municipal Council adopted the following resolution relating to the application by Greenhills Shopping Centres Ltd:

That the Civic Administration BE REQUESTED to undertake the following actions with respect to the properties located at 51 and 99 Exeter Road:

- a) *consider the comments provided by the delegations at the August 26, 2014 Planning and Environment Committee meeting with respect to this matter; and,*
- b) *report back at a future meeting of the Planning and Environment Committee with respect to whether or not there is a requirement for a public participation meeting relating to this matter;*

it being pointed out that the Planning and Environment Committee heard delegations from the following with respect to this matter:

- *B. R. Card, on behalf of D. Waites, Lerner; Westbury International and Decade Corporation;*
- *J. Paul, Stantec, on behalf of D. Waites, Lerner; Westbury International and Decade Corporation;*
- *T. Pierce, Smart Centres, on behalf of Greenhills Shopping Centres;*
- *D. Stewart, Stantec, on behalf of AARTS Group;*
- *J. Harbell, Stikeman Elliott LLP, on behalf of the joint venture of York Developments and North American Shopping Centres; and,*
- *Skinner, Aird & Berlis LLP, on behalf of Sifton Properties Limited.*

In light of the latest September 2, 2014 resolution from Municipal Council, this report has been prepared to address the comments and issues raised by the various delegations at the August 26, 2014 Planning and Environment committee meeting, and to report back on Staff's final recommendations regarding the Greenhills application and requirements for public participation meeting under the Planning Act.

ANALYSIS

The following Section of this report is intended to summarize and analyze the various issues raised by delegations at the August 26, 2014 Planning and Environment Committee. This analysis is intended only to supplement the comprehensive planning evaluation outlined in the original July 22, 2014 Staff report. In Staff's opinion, the delegations centred around three key issues which have been outlined and considered below.

The Commercial Cap:

As noted previously throughout this report, the Wonderland Road Community Enterprise Corridor designation of the OMB-approved Southwest Area Secondary Plan specifies limits on the intensity of Commercial Development allowed within the corridor, without allocating a proportion of that GFA to specific properties. Section 20.5.6.1(v) provides, "*Commercial development for the entire Wonderland Road Community Enterprise Corridor designation shall not exceed 100,000 square metres gross floor area and shall be of a low-mid-rise height. For the purposes of this limit, this shall not include those lands generally located north of the*

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Bradley Avenue extension that are currently developed or are approved/under construction as of October, 2012. Over time, the lands within the designation will be encouraged to include residential uses in a mixed use format”.

The extent of the Wonderland Road Community Enterprise Corridor (WRCEC) was a major point of contention through both the City-initiated SWAP planning process and subsequent OMB hearings. Initially, commercially designated lands along the Wonderland Road South corridor were proposed to comprise just the lands fronting Wonderland Road between Southdale Road West to just South of Bradley Avenue. It was intended that up to 120,000m² of commercial GFA would be permitted including 90,000m² of existing commercial development or approved/under construction (Southside Lands). Essentially, SWAP initially contemplated 30,000m² of new commercial space along Wonderland Road. This was supported by an independent Retail Market Demand Analysis completed by Kircher Research Associates Ltd. in May of 2012.

Through subsequent discussions, Council adopted the Wonderland Road Community Enterprise Corridor and extended the lands available for commercial development further south from Bradley Avenue to Hamlyn Street. The total gross floor area of commercial space, excluding the lands north of Bradley, was also increased from a maximum of 30,000m² to 100,000m². This extension included the Greenhills lands. Ultimately, the decision to include the Greenhills lands within the Wonderland Road Community Enterprise Corridor Designation was upheld by the OMB.

The principle behind the inclusion of a cap on commercial development is to prevent the over-supply of commercial uses in new suburban areas, where additional public infrastructure and servicing investments are required and must be supported over the long-term. The 2012 Retail Demand Analysis completed by Kircher Associates Ltd. cited difficulties encountered by Westmount Mall after the development of “big-box” commercial uses south of Southdale Road, in suggesting that planning for future retail space in the Southwest Area should be careful to take into account actual market demand in order to prevent overbuilding and ensure that existing public infrastructure is used efficiently. By preventing over-supply through a GFA cap in planning regulations, it is anticipated that the integrity and planned function of existing commercial centres elsewhere in the City, will be preserved and that existing infrastructure and public services will be continue to be efficiently utilized in those areas.

Proposed Holding Provisions:

At the August 26, 2014 Planning and Environment Committee meeting, Greenhills presented two holding provisions which were intended to provide a regulatory mechanism to preserve their commercial development interests in the context of the Staff recommendation. The holding provisions tabled by Greenhills are outlined below with a planning evaluation following each.

Option 1:

The removal of the h() symbol shall not occur until such time as the Owner has entered into a development agreement with the City of London, to ensure that the development conforms with the Southwest Area Secondary Plan (SWAP) and adheres to the commercial gross floor area cap within the Wonderland Road Community Enterprise Corridor.*

Staff have recommended the allocation of the remaining 20,470m² of commercial GFA available in the Wonderland Road Community Enterprise Corridor to the Greenhills site. Therefore, any benefit to Greenhills derived from this proposed holding provision would be based on the premise that: a) the provision would be applied to all properties within the corridor; and/or, b) that the holding provision regulates the allocation of commercial GFA based on existing and approved site plan and/or building permits rather than the combined commercial GFA approved by zoning.

With regard to the foregoing, other lands within the corridor already have existing approved commercial zoning (see figure 2 & 3 above). To impose this ‘h(*)’ on their lands would create additional land use restrictions that don’t exist today and are likely to be opposed by the owners.

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There is no justification in the Official Plan for the City to undertake this approach. Secondly, as the commercial GFA cap is not regulated through site plan approvals or building permits but rather based on the permitted maximums under the Zoning By-law, the removal of the 'h(*)' would simply be an additional administrative process based on the consistency of the site plan with approved zoning, rather than a comprehensive review of development activity in the corridor.

Option 2:

To ensure that development in the Wonderland Community Enterprise Corridor designation does not exceed the maximum Commercial gross floor area limitation identified in the Southwest Area Plan, a maximum gross floor area of only 20,470m² for commercial uses is permitted prior to the removal of the h(). The removal of the h(*) symbol, in whole or in part, shall not occur until such time as the Owner has demonstrated, based on development that has occurred elsewhere in the Wonderland Road Community Enterprise Corridor designation, that the maximum commercial gross floor area limitation in the Southwest Area Secondary Plan will not be exceeded, and in any event, the h(*) symbol shall not be removed, in whole or in part, until after July 29, 2019.*

Option two intends for Greenhills to accept the staff proposal to allocate 20, 470m² of commercial GFA to their lands in combination with a holding provision which is intended to reserve the rights to additional commercial GFA for the Greenhills' site, should development not reach the 100,000m² in the future. This assumes that "development" by way of existing building GFA and site plan approvals and/or building permits will be the "measuring stick" for commercial GFA allocation. As outlined in the July 22, 2014 Staff report, the municipality can only restrict commercial development through the Zoning By-law. Once zoning permissions for commercial development are allocated through the Zoning By-law, there is no mechanism in the Planning Act to prevent the development of those lands for the permitted commercial GFA. Therefore, the use of this holding provision is redundant because, as noted, the 20,470m² is all that remains available within the cap.

Equally inappropriate, this holding provision is speculative in that it intends to reserve future commercial development rights for the Greenhills lands in the event that the cap is expanded by way of an Official Plan amendment, or as a result of an existing commercial site in the corridor being rezoned for an alternative use. As the current cap is 100,000m², there is no Official Plan policy basis to allow for a speculative holding provision which anticipates an increase in permitted commercial GFA in the corridor beyond 100,000m². The application of a holding provision for which its conditions may never be fulfilled does not represent sound land use planning. Further, if for some reason commercial GFA was to become available, the approval of this 'h' provision now would negate the rights of the public and other land owners to appeal the allocation of future additional GFA to the Greenhills site because removal of an 'h' provision cannot be appealed by an outside party. The appropriate mechanism to deal with this scenario is through the submission of a future Zoning By-law amendment application.

Fair and Equitable Distribution:

Of the delegations received at both the July 22, 2014 meeting and the August 26, 2014 meeting, two landowners with development interests in the Wonderland Road Community Enterprise Corridor expressed concern that the Staff recommendation would allocate the remaining commercial GFA in the corridor to the Greenhills site and leave them with no potential to develop for commercial uses. Section 20.5.16.8 of the general policies of the Southwest Area Secondary Plan contains a broad policy which states:

20.5.16.8 Fair Distribution of Responsibilities and Resources

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 parkland, community facilities, affordable housing, open space, tree canopy cover, municipal infrastructure, etc. as required by

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the 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 a complete application.

The broad equitable and fair distribution of the items noted in this policy are implemented by the more specific policies of the plan (i.e. share in the equitable and fair distribution...as required by this Plan). The plan itself includes a range of policies regarding all types of development which provide for an equitable a fair distribution of responsibilities and resources. 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 the more specific policies of the plan, an overall equitable and fair distribution of responsibilities and resources will be achieved in the Southwest Planning Area.

In this regard, a comprehensive analysis of the requirements of the Southwest Area Secondary Plan, as it relates to the Greenhills application was included in the July 22, 2014 Staff report. Similarly, a Planning Justification report was submitted with the Greenhills application to demonstrate conformity with the requirements of the plan, as outlined specially in Section 20.5.16.8. Generally, the Wonderland Road Community Enterprise Corridor designation is intended to provide for a wide range of large scale commercial uses, medium-scale office uses, high density residential uses, and institutional uses in both standalone and mixed use formats. 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. Council included a cap on commercial development meaning that at some point, the cap would be reached and future development applications would be refused. Municipal servicing to the Greenhills Site is available within the required 3 year time period which remains the only policy directive wherein the allocation of commercial space can be considered premature.

CONCLUSION

Staff have reviewed the submissions made by various parties at both the July 22, 2014 public participation meeting, and August 26, 2014 Planning and Environment Committee meeting. An analysis of these submissions, as it relates to the Greenhills' application is provided in the foregoing supplemental planning evaluation. No new information has been received which would provide a rationale to modify the July 22, 2014 recommendation. As such, the by-law has been attached as Appendix "A" to this report and no further public notification is required.

The recommended amendments have been evaluated in the context of the applicable policies of the Provincial Policy Statement, 2014, the City of London Official Plan and the Southwest Area Secondary Plan in the previous July 22, 2014 Staff report. The recommended amendment will facilitate a future mixed-use development on the subject lands which will provide for a range of commercial, office, high density residential and institutional land uses at intensities and forms in keeping with the intent of the Wonderland Road Community Enterprise Corridor designation and will support the function of the Wonderland Boulevard Neighbourhood as a gateway to the City of London. Restrictions on the maximum permitted GFA for commercial uses have been included in the recommended by-law to ensure that commercial development within the Enterprise Corridor designation does not exceed 100,000m² as approved through the Southwest Area Secondary Plan process. The recommended amendment includes a range of holding provisions to ensure that appropriate municipal services are available, that detailed environmental and archaeological studies are carried out and that a full urban design review in accordance with SWAP occur at the Site Plan approval stage. Given the foregoing, the recommended amendment with the recommended holding provisions represents sound land use planning.

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PREPARED BY:	SUBMITTED BY:
MIKE DAVIS, B.U.R.PI. PLANNER II, CURRENT PLANNING	MICHAEL TOMAZINCIC, MCIP, RPP MANAGER, CURRENT PLANNING
RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER	

September 29, 2014
Mike Davis
Y:\Shared\implemen\DEVELOPMENT APPS\2014 Applications 8309 to\8324OZ - 51 & 99 Exeter Rd (MD)\OZ8324 - OPA-ZBL
Amendment Report (Oct. 7 PEC).docx

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**File: OZ-8324
Planner: Mike Davis**

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 51 and 99 Exeter Road.

WHEREAS Greenhills Shopping Centres Ltd. has applied to rezone an area of land located at 51 and 99 Exeter 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 51 and 99 Exeter Road, as shown on the attached map comprising part of Key Map No. A111, from an Urban Reserve (UR6) Zone to a Holding Associated Shopping Area Special Provision (h-17•h-18•h-(*)•h-(**)*h-(***)•h-(****)*h-(*****)*ASA8() Zone, an Open Space (OS1) Zone, and an Environmental Review (ER) Zone.

- 2) Section Number 3.8 of the Holding “h” Zones to By-law No. Z.-1 is amended by adding the following new holding provision:
 - _) h-(*) Purpose: The removal of the h-(*) shall not occur until such time as the Owner has entered into a development agreement with the City of London to ensure that the development of the site is consistent with and conforms to the Urban Design Policies of the Southwest Area Secondary Plan, and that the development incorporates the design considerations identified through the Zoning By-law amendment to the satisfaction of the Managing Director, Planning and City Planner.

- 3) Section Number 3.8 of the Holding “h” Zones to By-law No. Z.-1 is amended by adding the following new holding provision:
 - _) h-(**) Purpose: The removal of the h-(**) shall not occur until such time as the as the alignment of the Hamlyn Street extension has been determined in accordance with the policies of Section 20.5.16.10 of the Southwest Area Secondary Plan and the Owner has entered into an agreement with the City of London, to the satisfaction of the City Engineer, to construct and convey Hamlyn Street. Schedule “C” may be amended to reflect the determined alignment of the proposed future road corridor without the need for an Official Plan amendment.

- 4) Section Number 3.8 of the Holding “h” Zones to By-law No. Z.-1 is amended by adding the following new holding provision:
 - _) h-(***) Purpose: To ensure the orderly development of the subject lands, the h-(***) symbol shall not be removed until the design of the proposed storm/drainage and SWM servicing works from the proposed development is completed in accordance Pincombe Drain Strom Drainage, Stormwater Management and Drain Restoration Schedule “B” Municipal Class EA Summary Report (Stantec, 2013), City of London design and specifications, MOE

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requirements and guidelines all to satisfaction of the City Engineer, it being noted that any proposed works must be located outside the footprint of the future Pincombe No.4 SWM facility location as identified in the Municipal Class EA; or the regional Pincombe No.4 SWM facility is functional and operational.

- 5) Section Number 3.8 of the Holding “h” Zones to By-law No. Z.-1 is amended by adding the following new holding provision:

_) h-(****) Purpose: To outline the extent to which development will be permitted and ensure that development will not have a negative impact on significant wildlife habitat, an agreement shall be entered into specifying appropriate development conditions and boundaries based on a Species at Risk Assessment prepared in accordance with the Endangered Species Act to the satisfaction of the Managing Director, Planning and City Planner prior to the removal of the h-(****) symbol.

- 6) Section Number 3.8 of the Holding “h” Zones to By-law No. Z.-1 is amended by adding the following new holding provision:

_) h-(*****) Purpose: In order to ensure that building setbacks and design elements on lands along Wonderland Road South are not impacted by the widening of Wonderland Road as identified through the results of the Wonderland Road Environmental Assessment, no development shall be approved within 28.5 metres of the centerline of Wonderland Road South and until such time as the Environmental Assessment (EA) Study of Wonderland Road South is approved and a further Zoning By-law Amendment is in full force and effect to reflect the ultimate right-of-way.

- 7) Section Number 24.4 of the Associated Shopping Area (ASA8) Zone is amended by adding the following Special Provision:

- _) ASA8(_) 51 and 99 Exeter Road
- a) Additional Permitted Uses:
- i) Residential uses permitted by the R9 Zone variation;
 - ii) Automobile Repair Garages;
 - iii) Automotive Uses, Restricted;
 - iv) Clinics;
 - v) Community Centres;
 - vi) Day Care Centres;
 - vii) Home and Auto Supply Stores;
 - viii) Home Improvement and Furnishing Stores;
 - ix) Home Improvement Stores;
 - x) Libraries;
 - xi) Medical/Dental Offices; and
 - xii) Offices.
- b) Regulations:

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**File: OZ-8324
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- i) All uses may develop either in a standalone building or as part of a mixed-use building;
- ii) Parking is not permitted in the front or exterior side yard between a building and the public right-of-way.
- c) Additional Regulations for Commercial Uses:
 - i) Total Gross Floor Area for all Lands Zoned ASA8() (Maximum) 20,470 square metres
- d) Additional Regulations for Office Uses:
 - i) Total Gross Floor Area for all Lands Zoned ASA8() (Maximum) 5,000 square metres
- e) Additional Regulations for Residential Uses and Mixed-Use Residential Buildings:
 - i) Height (Minimum) 6 storeys
 - ii) Total Building Height (Maximum) 14 storeys
 - iii) Density (Minimum) 150 units per hectare
 - iv) Density (Maximum) 175 units per hectare

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 October 14, 2014.

J. Baechler
Mayor

Catharine Saunders
City Clerk

Agenda Item # Page #

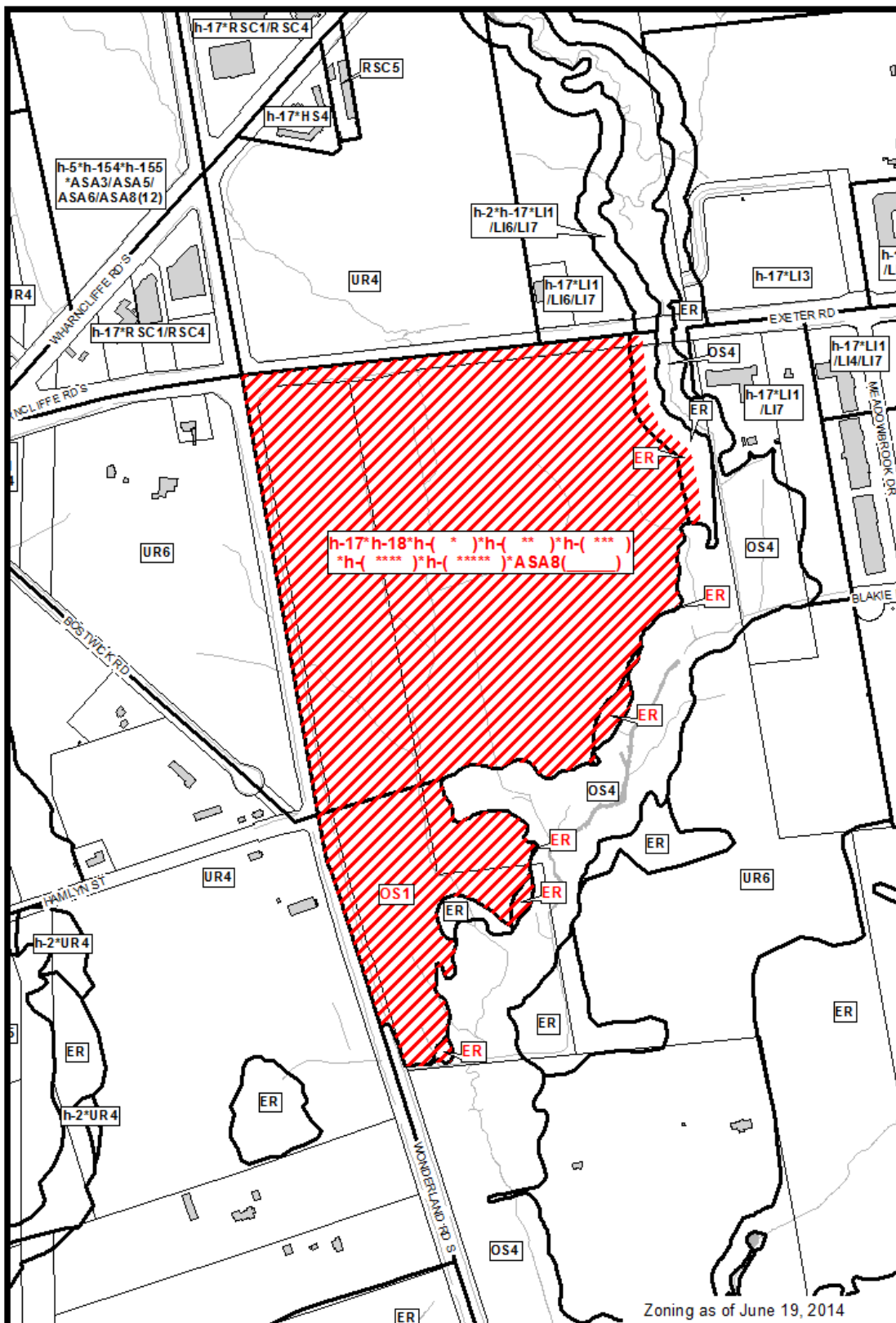
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File: OZ-8324
Planner: Mike Davis

First Reading – October 14, 2014
Second Reading – October 14, 2014
Third Reading – October 14, 2014

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



Zoning as of June 19, 2014

File Number: OZ-8324
Planner: MD
Date Prepared: 2014/07/10
Technician: CK
By-Law No: Z.-1-

SUBJECT SITE

1:6,300

0 30 60 120 180 240 Meters

