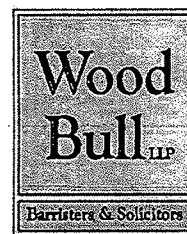


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MUNICIPAL, PLANNING & DEVELOPMENT LAW

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14 June 2012

Sent via E-mail and Fax to: 519-661-4892

**Planning and Environment Committee**

City of London  
300 Dufferin Avenue  
P.O. Box 5035  
London, ON N6A 4L9

Attention: Heather Woolsey  
hwoolsey@london.ca

Dear Chair and Members of the Planning and Environment Committee

**Re: Southwest London Area Plan (SWAP): Information Report: Revisions to the Land Use Plan, Phasing & Servicing Strategy, Transportation Network and Natural Heritage Features Plan and Draft Southwest Area Secondary Plan**

We are the solicitors for Greenhills SC Ltd., the owner of property located at the south-east corner of Wonderland Road and Exeter Road, within the London Southwest Planning Area.

The Director, Land Use Planning and City Planner, Mr. John Fleming, has brought forward an information report to the Planning and Environment Committee's meeting of 18 June 2012 respecting the SWAP process, in particular in regard to the matters referred to above.

This report and the draft Secondary Plan which is included in the related materials speak to a land use plan which is unlike any of the earlier staff draft plans. Furthermore, the land uses in the draft Secondary Plan appear to have been significantly influenced by "Retail Market Demand Analysis for the Southwest Area Plan (SWAP) (May 15<sup>th</sup>, 2012) prepared by Hermann Kircher (the "Kircher Report"). This report was first released to the public along with other background documents on the City website on Thursday June 17<sup>th</sup>.

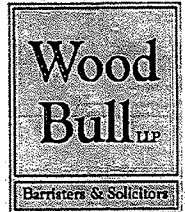
Our client appreciates that Mr. Fleming recommends that this Committee simply "Receive" the materials and that an official plan amendment to adopt the Secondary Plan be introduced in October 2012 at a "public participation" meeting of your Committee; however this rather innocent recommendation embodies a fundamental unfairness to stakeholders, including our client, and other members of the public. While the unfairness might be inadvertent, it is nonetheless present, as further discussed below.

Dennis H. Wood Direct: (416) 203-7718 dwood@woodbull.ca

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**Unfairness and the Retail Market Demand Analysis**

The unfairness arises from the manner in which staff has addressed Council’s direction to consider a more extensive retail commercial land use pattern along the Wonderland Corridor. With the benefit of having the Kircher Report in hand, it is clear that this report has been pivotal in the staff recommendations against the land use pattern which Council identified for further study. Council provided direction to staff to consider more extensive retail commercial land use along the Wonderland Corridor in December 2011. However, the first time the Kircher Report was made available was June 15<sup>th</sup>, 2012, notwithstanding that it bears a publication date of May 15, 2012.

In the short time our client’s market analyst has had to review this report, our consultant has identified some significant concerns with the approach and results of the Kircher Report. The most obvious, whether because of direction from staff or on the initiative of Mr. Kircher, is that the Kircher Report has simply not identified the amount of retail space which is required to serve the full population build-out of the Southwest Area.

The Kircher Report identifies market demand and ultimately warranted commercial land based on a population of 22,500 persons in the SWAP. We note that, according to the Kircher Report figures, the population for the SWAP is 48,770 persons.

The current ration of retail commercial space per person (based on the Kircher Report) is 44 square feet. If this same ratio were applied to the full build-out of 48,770 persons then provision for 2,145,880 sq ft would be required rather than the 995,000 sq ft attributable to the 22,500 population. Based on this analysis, it is our client’s position that the Kircher Report has recommended less than half of the retail commercial space that will be required by SWAP residents.

Furthermore, there is some suspicion that even at 48,770 population, there may be an underestimation of the population growth that is inherent in the latest draft land use plan for the Southwest Area which identifies land for intensive residential purposes which were previously identified for employment purposes.

As a result of planning for significantly less retail space than will be required, land which should be designated for retail is being designated for other uses. For instance, our client’s lands are no longer being considered for retail uses; rather they are proposed to be designated for a range of residential uses.

**Servicing**

Until the Kircher Report was released, our client understood that a main concern of staff was the question of providing cost effective servicing to the lands in the study area to avoid an unnecessary

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burden on the City's financial resources. To this end, our client has identified an innovative approach to servicing which would facilitate the development of its lands for retail and mixed use purposes with minimal cost implications to the City and the GMIS. The strategy would see the developer front-end the costs of any needed municipal infrastructure at no cost to the City.

As part of this approach, a widening and upgrade to the portion of the Wonderland Road Corridor adjacent to our client's lands, at no cost to the City, would occur. This would serve to extend a widened Wonderland Road Corridor further south which is in keeping with the new Hwy. 401 interchange discussions.

The intrusion of the limitations on retail space prompted by the Kircher/staff approach pre-empts the discussion of our client's innovative approach to servicing and is not in the best interests of our client or the City.

#### **Benefits Analysis**

The land use pattern identified in the draft Secondary Plan does not take into consideration the significant financial and employment benefits that result from a greater amount of retail commercial development along the Wonderland Road Corridor.

Our client's proposal would result in significant property tax and development charges benefits, along with construction and retail related employment that could be achieved in the near term, with little in the way of City expenditures. For instance, assuming our client's lands were developed with 365,000 sq ft (30 acres) along with 6 acres of high density residential and 33 acres of medium density residential, 730 jobs would be created in relation to the retail development yielding over \$7,000,000 in property taxes along with further development charge income.

As the Committee is aware, retail development on other lands along the Wonderland Road Corridor will amplify this benefit. As an example, taking 1,000,000 sq ft of retail use that the Kircher Report does not account for would, if built, yield over \$15,000,000 in development charges and over \$9,000,000 in property taxes with a significant number of jobs (2400 full and part time jobs related to retail).

#### **Tenant Interest**

Our client is confident in proceeding as it has sufficient retail tenant interest in its site and could go ahead without risking adverse effects on existing retail facilities.

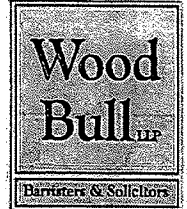
#### **Detailed Comments**

As the Committee would expect, our client will be preparing detailed comments on the staff report and the draft Secondary Plan for discussion over the coming months.

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**Request**

In order to address the unfairness to which we referred above and still allow the process to proceed as planned, we are asking you to:

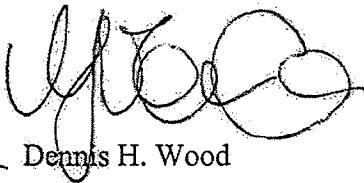
**Direct that, as part of its work program prior to the October meeting, planning staff**

**(a) identify ( and consult about) a land use plan which identifies sufficient land along the Wonderland Road Corridor to provide for approximately 2,100,00 sq ft retail space to reflect the full build-out of population in the Southwest Area;and**

**(b) provide the alternative land use plan in October in a such a manner that it could be adopted as part of the Secondary Plan.**

Yours very truly,

**Wood Bull LLP**



cc- Dennis H. Wood

DHW

c. Client