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File: OZ-7825
Planner: M. Tomazincic

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING DIRECTOR, LAND USE PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: 1242778 ONTARIO LIMITED 1761 WONDERLAND ROAD NORTH PUBLIC PARTICIPATION MEETING ON JULY 16, 2012

RECOMMENDATION

That, on the recommendation of the Director, Land Use Planning and City Planner, the following actions be taken with respect to the application of 1242778 Ontario Limited relating to the property located at 1761 Wonderland Road North:

- (a) the Ontario Municipal Board **BE ADVISED** that a Commercial Justification Report, Planning Justification Report, and Traffic Impact Assessment Report Addendum have been received by the City, circulated to the appellants, evaluated and considered at a public participation meeting on July 16, 2012;
- (b) the Ontario Municipal Board **BE ADVISED** that Municipal Council **RECOMMENDS** that Official Plan Amendment No. 488 **BE AMENDED**, as attached hereto as Appendix "A", **FROM** "Notwithstanding policy 4.3.8.5, commercial development within the Neighbourhood Commercial Node located at the intersection of Wonderland Road North and Fanshawe Park Road West shall be permitted up to 23,000 square metres of total gross floor area" **TO** a modified policy which adds the following sentence to special policy 4.3.8.6.(2) "*and at the lands located at 1761 Wonderland Road North*", such that this special policy will now read as follows, "*Notwithstanding policy 4.3.8.5, additional commercial development may be permitted at the Neighbourhood Commercial Node on the south portion of commercial lands at 751 Fanshawe Park Road West up to a maximum lot frontage of 72 metres, a maximum lot depth of 91.5 metres, and a maximum lot area of 7,572 square metres, and at the lands located at 1761 Wonderland Road North*"; and,
- (c) any additional reports, comments and information received with the revised application, and at the meeting on July 16, 2012 **BE PROVIDED** to the Ontario Municipal Board for consideration.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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December 13, 2010 – Request to amend the Official Plan and Zoning By-law (OZ-7825) – This report recommended that the request to amend the Official Plan and Zoning By-law be adopted to add "Supermarket" to the list of permitted uses with a maximum total gross floor area of 3,600 m² and a maximum front yard setback of 3m (9.84 ft.) from Wonderland Road North subject to holding provisions to ensure the adequate provision of municipal services and that certain urban design objectives will be considered.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of this report is to receive further information and material received from the applicant in respect of the appeal before the OMB and allow Council to consider whether the information and material could have materially affected its decision. Council will reconsider its decision in light of the information and material and make a written recommendation to the Ontario Municipal Board.

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RATIONALE

1. The submission of a Commercial Justification Report is consistent with section 4.3.10.1 of the Official Plan, General Evaluation Criteria and Criteria for Expansions of Shopping Areas, which highlights that:
 - there is a demand for additional supermarket uses within the study area;
 - the addition of the proposed supermarket use will not alter the planned function of the existing lands in the study area that currently accommodate a supermarket use;
 - there is a lack of alternative vacant lands that are designated to permit a supermarket use;
2. The Traffic Impact Assessment Addendum depicts the elimination of left-in access to the site from Wonderland Road North thereby addressing the safety and capacity concerns of Transportation Planning and Design Staff;
3. The recommended amendment to OPA. 488 simplifies the intended request to expand the existing Neighbourhood Commercial Node onto the subject site and eliminates the necessity for adopting two special policies to guide development within one commercial node.

BACKGROUND

Date Application Accepted: 29 September 2010	Agent: 1242778 Ontario Limited
<p>REQUESTED ACTION: Possible amendment to the Official Plan Designation FROM "Office Area" TO "Neighbourhood Commercial Node". Possible amendment to the Zoning By-law FROM a Holding Restricted Office (h-17*RO2) Zone TO a Holding Neighborhood Shopping Area Special Provision (h-17*NSA5()) Zone to allow Bake shops, Catalogue stores, Clinics, Convenience service establishments, Day care centres, Duplicating shops, Financial institutions, Food stores, Libraries, Medical/dental offices, Personal service establishments, Restaurants, Retail stores, Service and repair establishments, Studios, Video rental establishments, Brewing on premises establishment in addition to "Supermarket" as a permitted use. In the alternative, Council may also consider a special policy to exceed the maximum Gross Floor area of the Neighbourhood Commercial Node Designation.</p>	

<p>SITE CHARACTERISTICS:</p> <ul style="list-style-type: none"> • Current Land Use – Vacant with unoccupied single family detached residential dwelling and detached garage. • Frontage – 300 feet (91.44 meters) • Depth – 384 feet (117.04 meters) • Area – 1.07 hectares (2.64 acres) • Shape - Rectangular

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SURROUNDING LAND USES:
<ul style="list-style-type: none"> • North – Utility Buildings, Bell Canada • South – Retail and Offices Uses. • East – Agricultural Lands, Shopping Plaza • West – The Toy Shoppe of London, Residential and Agricultural Uses

OFFICIAL PLAN DESIGNATION: (refer to Official Plan Map on page 4)
<p>OFFICE AREA – SCHEDULE A (LAND USE) – The Office Area designation is intended to accommodate general office uses which would not normally locate in the Downtown, or which have specific location requirements that make a location outside of the Downtown desirable. The main permitted use within the Office Area designation shall be offices within purpose-designed office buildings, and buildings converted for office use. Secondary uses which may be permitted as accessory to offices include eat-in restaurants; financial institutions; personal services; day care centres; pharmacies; laboratories; and clinics.</p>
EXISTING ZONING: (refer to Zoning Map on page 5)
<p>HOLDING RESTRICTED OFFICE (h-17•RO2) - This 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. The range of office uses and secondary uses which are provided for in the Official Plan have been differentiated on the basis of function, intensity and potential impacts. There are different RO Zone variations to accommodate a range of office uses. An expanded range of uses and/or more intensive use of a site may be permitted at appropriate locations through the use of zone variations.</p>

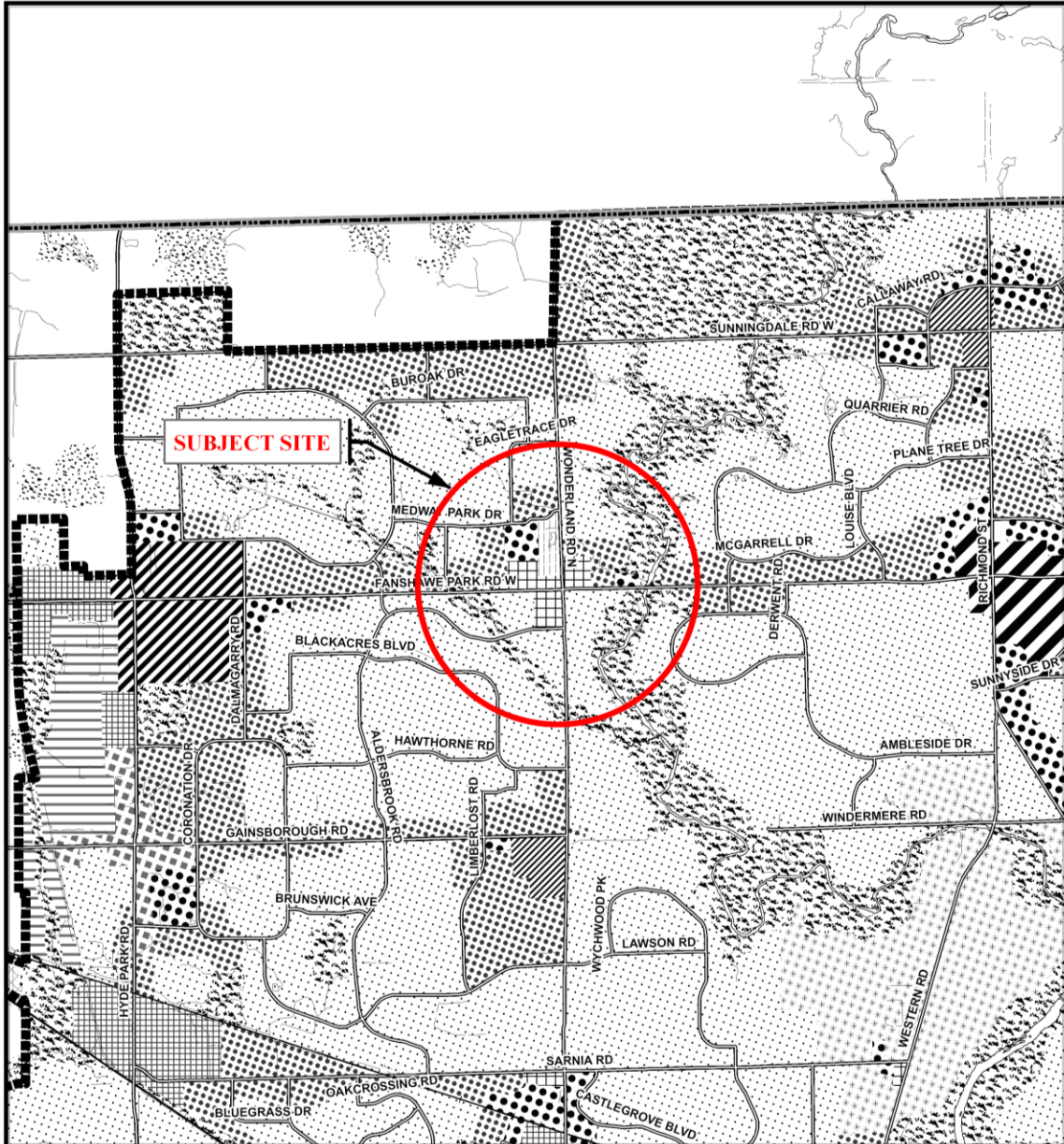
PLANNING HISTORY

On June 22, 2010, the applicants consulted with Planning Staff prior to the submission of the application for Official Plan and Zoning By-law amendments. This practice, commonly referred to as *Pre-application Consultation*, is required under By-law C.P.-1469-217. The purpose of Pre-application Consultation is to identify reports and studies that the applicant will be required to submit concurrently with the application.

At the time of Pre-application Consultation, Planning Staff were under the premise that the 5-year review of the Official Plan (OPA 438) had not come into force and effect and, as a result, the previous Official Plan commercial policies governed. The reports and studies required to be submitted as part of a complete application included: an application form for an Official Plan/Zoning By-law amendment; an Urban Design Brief; a Traffic Study; and, a Planning Analysis and Justification report. These requirements were documented in the Record of Pre-application Consultation which was also submitted with the application package. All of the required information was submitted by September 28th, 2010 and the application was accepted and processed to completion.

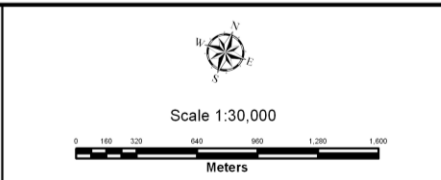
However, by the time of the submission of the application, Staff had become aware that OPA 438 had come into force and effect which introduced new commercial land use designations and associated policies, including new requirements used to evaluate applications to expand commercial nodes. One of these new requirements included the submission of a completed *“commercial justification report which addresses the availability of other designated lands to accommodate the uses proposed, the effect of the change in designation on the supply of commercial lands; and to determine the need for new commercial floor space in this area.”* The

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

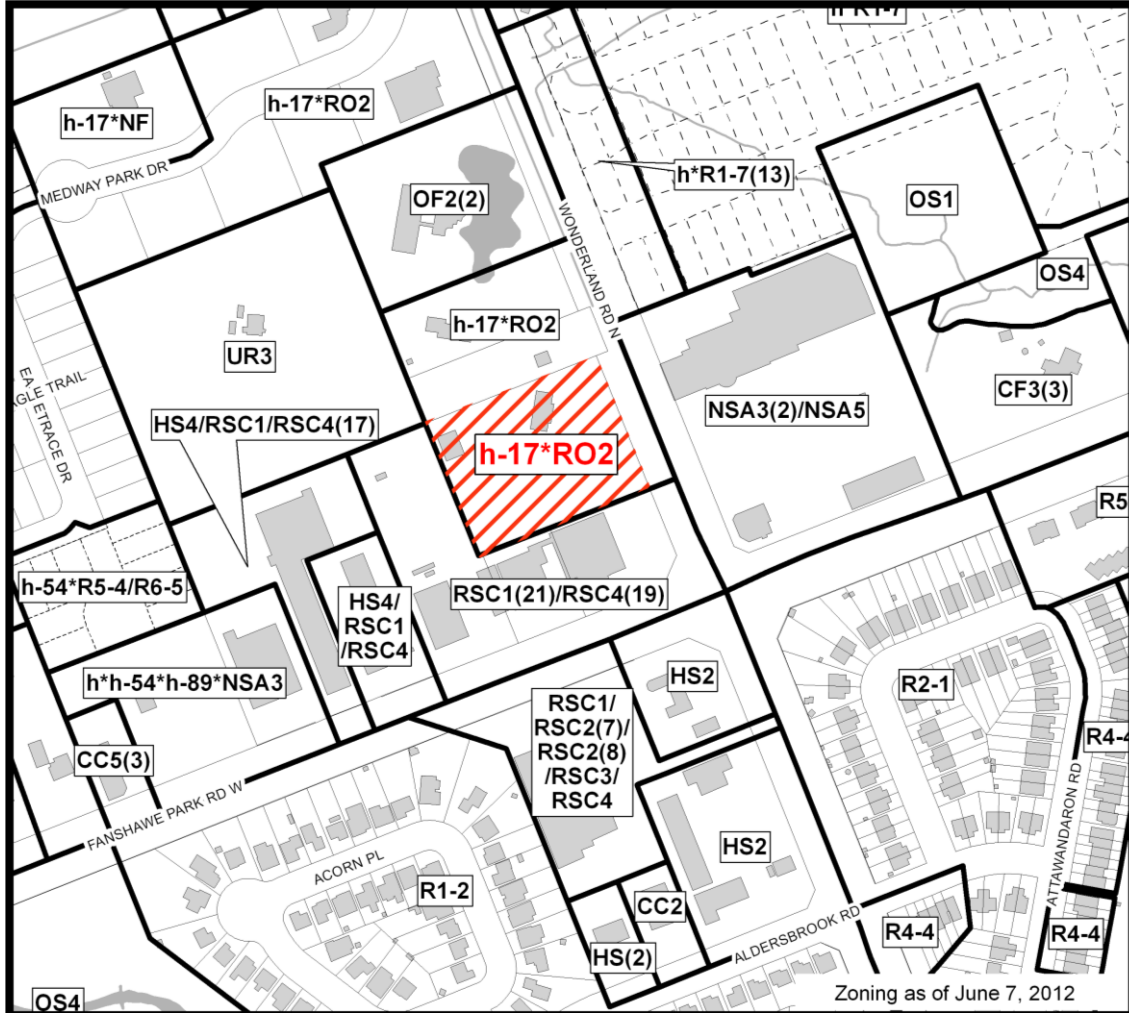
CITY OF LONDON
 Department of
 Planning and Development
 OFFICIAL PLAN SCHEDULE A
 - LANDUSE -
 PREPARED BY: Graphics and Information Services



FILE NUMBER: OZ-7825
 PLANNER: MT
 TECHNICIAN: CK
 DATE: 2012/07/06

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COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

2) ANNEXED AREA APPEALED AREAS

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

CITY OF LONDON

PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES

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



FILE NO:
 OZ-7825 MT

MAP PREPARED:
 2012/07/06 CK

1:3,750
 0 1530 60 90 120 Meters

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

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applicant had complied with the above requirements for the submission of a complete application, as noted in the Record of Pre-application Consultation, and Planning Staff had honoured these requirements that had been agreed to during the required Pre-application Consultation process.

On December 13, 2010, Planning Staff presented to the Built and Natural Environment Committee a recommendation in support of an application for an Official Plan and Zoning By-law amendment for the subject lands to expand the abutting Neighbourhood Commercial Node onto the subject lands. On January 24, 2011, Municipal Council adopted recommended amendment to the Official Plan from an Office Area designation to a Neighbourhood Commercial Node and the subsequent Zoning By-law be amendment to change the zoning of the subject site from a holding Restricted Office (h-17•RO2) Zone to a holding Neighbourhood Commercial Node Special Provision (h-17•h-103•NSA5()) Zone.

Alan Patton, representing Loblaw Properties Limited, FCHT Holdings (Ontario) Corporation, Barvest Realty Inc., Sunningdale Developments Inc. and Auburn Developments, submitted a notice of appeal on February 25, 2011, from the approval of the above Official Plan and Zoning By-law amendments. FCHT owns a shopping centre located on the northeast corner of the intersection of Fanshawe Park Road and Wonderland Road North. Loblaw is a tenant in the shopping centre. Barvest Realty Inc. and Sunningdale Developments Inc./Auburn Developments own commercial land at the intersection of Richmond Street West and Sunningdale Road.

The reasons stated in the Zoning By-law amendment appeal as submitted are:

- the Zoning By-law Amendment does not conform to the Official Plan Amendment 488;
- the Zoning By-law Amendment does not conform to the City's Official Plan;
- the Zoning By-law Amendment is premature;
- the Zoning By-law Amendment contains regulations which create unsafe and inappropriate traffic flow, traffic movements and conflicts onto an arterial road which will create unnecessary and dangerous traffic movements on the arterial road adversely affecting the land and interest of Loblaw and FCHT;
- the Zoning By-law Amendment overstates the issue and importance of urban design and evaluating important land use planning issues;
- there exists the alternative of utilizing undeveloped serviced and zoned lands in the general vicinity that are appropriate for the proposed use and which represent sound land use planning without unsafe and inappropriate traffic movements;
- the subject land when serviced and subject to site plan approval, is capable to being used for uses permitted in the Restricted Office Zone and fulfilling the planned function of the lands without adverse impacts on traffic flow and traffic movements on an arterial road.

The reasons stated in the Official Plan appeal as submitted are:

- the basis for this site specific amendment to the Official Plan was for "possible change to the Official Plan from an Office Area designation to a Neighbourhood Commercial Node designation to permit the construction of retail, organic foods and organic food markets". The special policy amendment to the Official Plan does not enact the Basis of the amendment. Instead, the amendment inappropriately and without justification designates the property Neighbourhood Commercial Node and Neighbourhood Commercial Node Special Policy for commercial development up to 23,000 square metres of total gross floor area for all of the enlarged Commercial Node;
- the amendment is contrary to the intent and purpose of the Neighbourhood Commercial Node designation;
- the amendment is contrary to section 4.3.8.5 of the Official Plan;
- the amendment is contrary to section 4.3.10 of the Official Plan;
- the amendment is contrary to section 4.3.10.1 of the Official Plan, General Evaluation Criteria and Criteria for Expansions of Shopping Areas Across Intersection;
- the amendment was based entirely upon an assertion that the application had entered into contractual arrangements with a specific corporation for the use of the subject land as a

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“retail organic foods and organic food market”.

- the municipality’s recently approved Official Plan Amendment 438 confirmed both the size and shape of the Neighbourhood Commercial Node designation at the intersection of Wonderland Road North and Fanshawe Park Road West. The subject land, after careful analysis and study, was not included in the Neighbourhood Commercial Node designation;
- Amendment 488 is a site specific amendment lacking in land use planning justification;
- the Official Plan Amendment will create unsafe and inappropriate traffic flows, turning movements and conflicts on Wonderland Road North, an arterial road carrying large volumes of traffic, and adversely affect the land and the interests of Loblaw Properties Limited, FCHT Holdings (Ontario) Corporation and its tenants;
- the site specific Official Plan Amendment is inconsistent with and contrary to the provisions of the Foxhollow Planning Area and the Sunningdale Planning Area both of which were incorporated by amendment to the City’s Official Plan as Community Commercial Nodes;
- the Office Area designation on the subject land represents sound land use planning;
- Council’s approval of the Official Plan Amendment 488 was based on matters relating to urban design and site plan matters and lacking in any land use planning justification.

In May 2012, Municipal Staff received new information and material from the in respect of the appeal before the OMB.

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

Transportation Planning & Design Division

The Transportation Planning & Design Division has reviewed the traffic impact assessment addendum for 1761 Wonderland Road North and agree with the recommendations in the report regarding access arrangements where the northerly access to the site is restricted to outbound only. This addresses our safety and capacity concerns regarding a full turn access to the site on Wonderland Road North. Shared access and easements for access have been obtained through lands to the south.

The TIA indicates that a marketing study undertaken for the site shows that traffic from the existing No Frills store will be diverted to this site. We are not marketing experts and have no opinion regarding whether this will occur or not. Otherwise the study is acceptable.

PUBLIC LIAISON:	Notice of Application was published in the “Living in the City” section of the London Free Press on Saturday, June 30, 2012.	0 replies were received
<p>Nature of Liaison: On December 20, 2010, Municipal Council approved Official Plan Amendment 488 to change the designation of the subject site from Office Area to Neighbourhood Commercial Node and approved Zoning By-law No. Z.-1-111977 to change the zoning of the lands from a Holding Restricted Office (h-17•RO2) Zone to a Holding Neighbourhood Shopping Area Special Provision (h-17•h-103•NSA5()) Zone to add “Supermarket” to the list of permitted uses with a maximum gross floor area of 3,600m² and a maximum front yard setback of 3.0 metres from Wonderland Road North subject to holding provisions to ensure the adequate provision of municipal services and ensure that urban design is addressed at site plan. On February 25, 2011 a Notice of Appeal from the approval of the above Official Plan and Zoning By-law amendments were filed with the Ontario Municipal Board (OMB). The Planning and Environment Committee will be considering further information received from the applicant in respect of the appeal before the OMB.</p>		

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Council may consider requesting the OMB to amend Official Plan Amendment No. 488 **FROM** "Notwithstanding policy 4.3.8.5, commercial development within the Neighbourhood Commercial Node located at the intersection of Wonderland Road North and Fanshawe Park Road West shall be permitted up to 23,000 square metres of total gross floor area" **TO** "Notwithstanding policy 4.3.8.5, additional commercial development may be permitted at the Neighbourhood Commercial Node on the lands at 1761 Wonderland Road North up to a maximum gross floor area of 3,600m²".

Responses: None

ANALYSIS

Commercial Justification Report (*Supermarket Demand and Impact Evaluation*)

This report is required as part of a complete application to expand a commercial node. As per policy 4.3.10.1.iv) of the Official Plan, requires that:

Where new nodes and expansions are proposed, amendments to permit such expansions or new nodes shall be evaluated on the basis of (the) completion of a commercial justification report which addresses the availability of other designated lands to accommodate the uses proposed; the effect of the change in designation on the supply of commercial lands; and, to determine the need for new commercial floor space in this area.

However, as indicated above (see Planning History), this report was not requested at the time of submission of the initial application and it has now been submitted for Council's consideration.

The Commercial Justification Report evaluated the inventory of existing supermarket space as well as the inventory of vacant lands that are designated to permit a supermarket. The Commercial Justification Report identified that within the Primary Study Area, the total gross floor area devoted to food stores totaled 32,200m² (346,700 sq.ft.) of which 27,900m² (300,400 sq.ft.) approximately 87% was devoted to supermarket uses. There are a total of 7 supermarkets located within the Primary Study Area which include: Metro (2 locations), No Frills, Sobeys, Loblaws, Unger's Market, and Wal-Mart which range in size from 610m² (6,600 sq.ft.) to over 7,430m² (80,000 sq.ft.).

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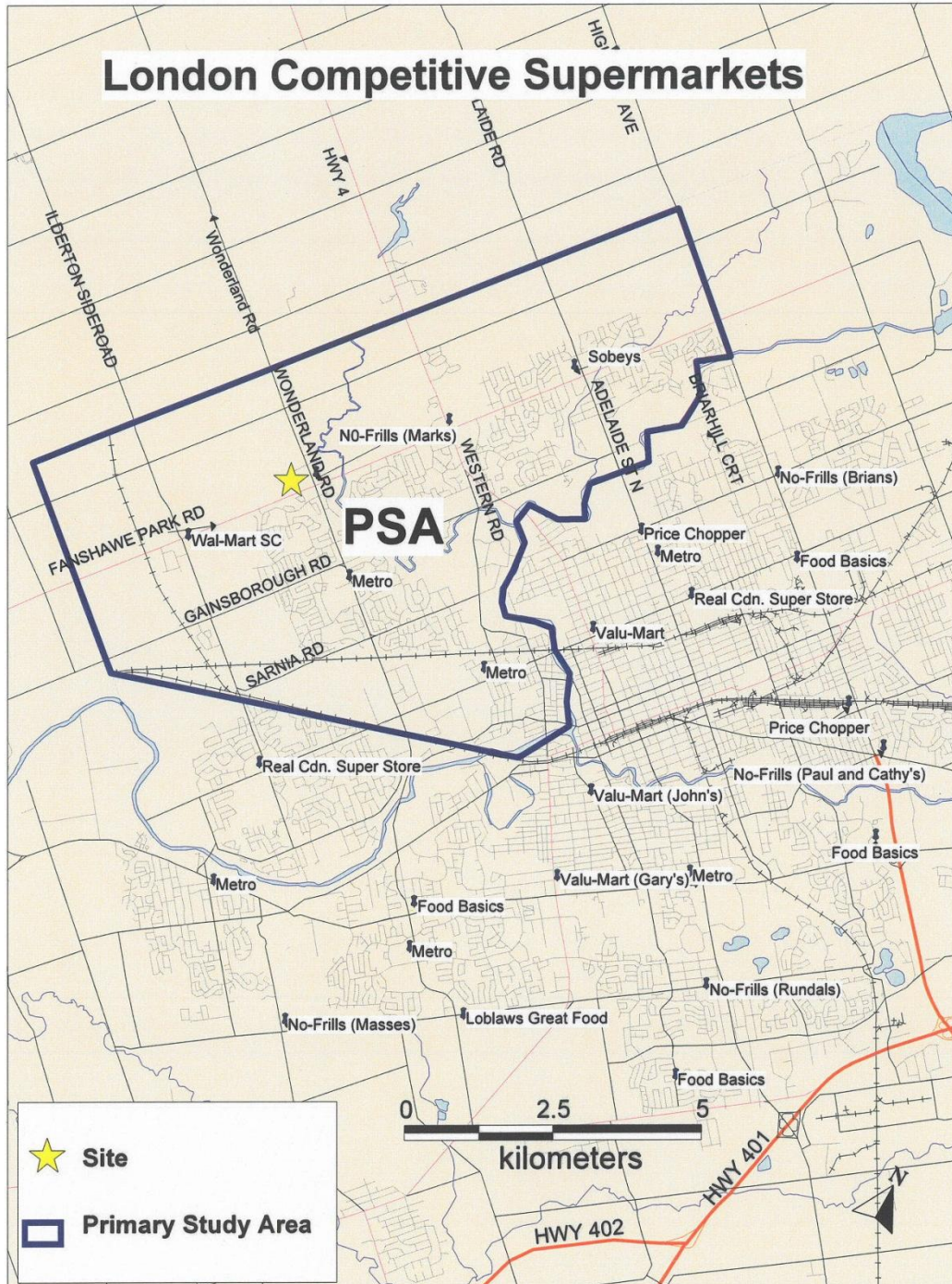


Figure 1 – Existing supermarkets located in context to the Primary Study Area
Source: Supermarket Demand and Impact Evaluation – Robin Dee & Associates (April 2012)

To address “...the availability of other designated lands to accommodate the uses proposed...” the report identified 8 areas within the Primary Study Area with an Official Plan designation which would permit a supermarket. Four of these areas are fully developed and currently contain a supermarket. The ability of the remaining four areas to accommodate a supermarket has been evaluated as follows:

- 1 area is contains less than 2,000m² (0.5 acres) of undeveloped space which is insufficient to accommodate a supermarket of with a gross floor area of approximately 3,700m² (40,000 sq.ft).
- 3 areas have sufficient undeveloped space however their ability to accommodate a supermarket is limited based on the following:
 - 1 area is located at the Fanshawe/Hyde Park power centre where the existence of a Wal-Mart Superstore acts may discourage the construction of new supermarkets
 - 2 areas are located in developing subdivisions where the critical mass of residents required to support a supermarket does not exist at this time.

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Commercial Study Analysis (MHBC file 1094'F)						
Areas with Official Plan designations which permit "Supermarket"						
Area ID	Location	Designation	Total Area of Designation		Total Undeveloped Area	
			ha.	ac.	ha.	ac.
1	Fanshawe Park Rd @ Richmond St. (Masonville area)	Enclosed Regional Commercial Node	39.703 ha.	98.10 ac.	0 ha.	0 ac.
2	Fanshawe Park Rd. W. @ Hyde Park Rd.	New Format Regional Commercial Node	50.361 ha.	124.44 ac.	8.670 ha.	21.42 ac.
3	Richmond St. @ Sunningdale Rd. W.	Community Commercial Node	9.437 ha.	23.32 ac.	9.437 ha.	23.32 ac.
4	Fanshawe Park Rd. E. @ Adelaide St. N.	Community Commercial Node	6.487 ha.	16.03 ac.	0 ha.	0 ac.
5	Fanshawe Park Rd. E. @ Highbury Ave N.	Community Commercial Node	10.452 ha.	25.82 ac.	10.452 ha.	25.82 ac.
6	Wonderland Rd. N. @ Gainsborough Rd. (Sherwood Forest Mall area)	Community Commercial Node	7.999 ha.	19.76 ac.	0 ha.	0 ac.
7	Wonderland Rd. N. @ Oxford St. W.	Community Commercial Node	9.049 ha.	22.36 ac.	0.181 ha.	0.44 ac.
8	Oxford St. W. @ Cherryhill Blvd. (Cherryhill area)	Community Commercial Node	5.452 ha.	13.47 ac.	0 ha.	0 ac.
Total			138.940 ha.	343.3 ac.	28.74 ha.	71.0 ac.

Figure 2 – Existing lands that are designated to accommodate a supermarket within the Primary Study Area
Source: Supermarket Demand and Impact Evaluation – Robin Dee & Associates (April 2012)

To address "...the effect of the change in designation on the supply of commercial lands..." the Commercial Justification Report evaluated the average sales performance of the existing supermarkets within the Primary Study Area and estimated it to be \$63.45 per square metre (\$683 per square foot). This is significantly higher than the industry average of \$46.50-\$51.00 per square metre (\$500-\$550 per square foot) which the Commercial Justification Report equates to excess demand or an undersupplied market for this use. The report further estimates that the average sales performance at the supermarket directly adjacent to the subject site (No Frills) is \$152 per square metre (\$1,638 per square foot) averaging approximately three times higher than the industry average and two and a half times higher than the performance of the supermarkets in the Primary Study Area.

Additionally, the Commercial Justification Report indicated that the high average sales performance attributed to No Frills is the result of its significant market dominance within the Primary Study Area where it captures 34% of all supermarket expenditures while occupying less than 13% of the total gross floor area.

To measure the impact of a new supermarket at the subject site, the report evaluates whether

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any of the existing supermarkets within the Primary Study Area will experience a drop in sales below the base year and, if so, the magnitude and duration of that drop in sales. As a “rule of thumb” the report indicates that a drop in sales above 10% that lasts for more than 2 years likely poses a risk of closure of the existing retail operation and impairs the planned function of that designation. In evaluating the impact, the Commercial Justification Report assumes a “worst case scenario” impact on any existing supermarket operator which involves the development of a 3,700m² (40,000 sq.ft.) discount supermarket on the subject site. The Commercial Justification Report anticipates that this type of development could capture 15% of the total Study Area supermarket sales. It is anticipated that two-thirds of this market share would come at the expense of No Frills with the balance being borne by Wal-Mart, Loblaws, and Metro (Sherwood Forest). The Commercial Justification Report anticipates that the impacts on the other supermarket uses will be negligible.

The impact on sales at the No Frills in the first year is estimated to be -23.5% and a -5.5% impact for each of Wal-Mart, Loblaws, and Metro (Sherwood Forest). While the Commercial Justification Report anticipates that the sales at Wal-Mart, Loblaws, and Metro (Sherwood Forest) will recover after the first year of operation of the new supermarket, the impact on sales will continue at No Frills beyond 2021. However, while this exceeds the “rule of thumb” threshold of -10% over 2 years, the Commercial Justification Report reminds the reader that the performance of the No Frills is still estimated to be \$116 per square metre (\$1,250 per square foot) which is more than double the industry average and is therefore not in risk of closing as a result of a new supermarket use.

To “...determine the need for new commercial floor space in this area ...” the Commercial Justification Report analyses the current shopping patterns of Study Area residents and evaluates the share of retail expenditure potential in the hands of Study Area residents. The report surmises that future retail space opportunities will be a function of:

- population growth
- increases in in per capita expenditures
- the ability of the Primary Study Area to increase the total sales from study area residents, and
- the ability of the Primary Study Area increase the total sales from non-study area residents.

In evaluating the above, the Commercial Justification Report anticipates that the demand for additional supermarket space within the Primary Study Area will be 2,600m² (28,000 sq.ft.) in 2013, 4,250m² (45,800 sq.ft.) by 2015, and 8,500m² (91,600 sq.ft.) by 2021. This additional demand warrants the development of the requested supermarket while also facilitating the ability for the future development of new supermarkets in those vacant areas that are currently designated to permit supermarkets, as the critical mass of residents accumulates over time.

Traffic Impact Assessment Addendum

A Traffic Impact Assessment (TIA) was submitted in September 2010, at the time of the submission of the application, and was reviewed as part of the initial Staff recommendation. However, at that time, Transportation Planning & Design Division expressed concern with the provision of full access to the subject site as illustrated in the applicant’s conceptual site plan. Transportation Planning & Design Division indicated:

Due to the location of this site in relation to other nearby accesses and the intersection of Wonderland Road North at Fanshawe Park Road West transportation has a serious concern with providing a safe full access to this site. A traffic impact study is currently underway to determine a safe and appropriate access to this site. In the absence of an approved traffic study that recommends a safe access acceptable to the City Engineer, we request a holding provision for access be placed on the zoning of this site. The holding provision shall not be lifted until the City Engineer is satisfied with the traffic impact study and recommendation contained therein for access.

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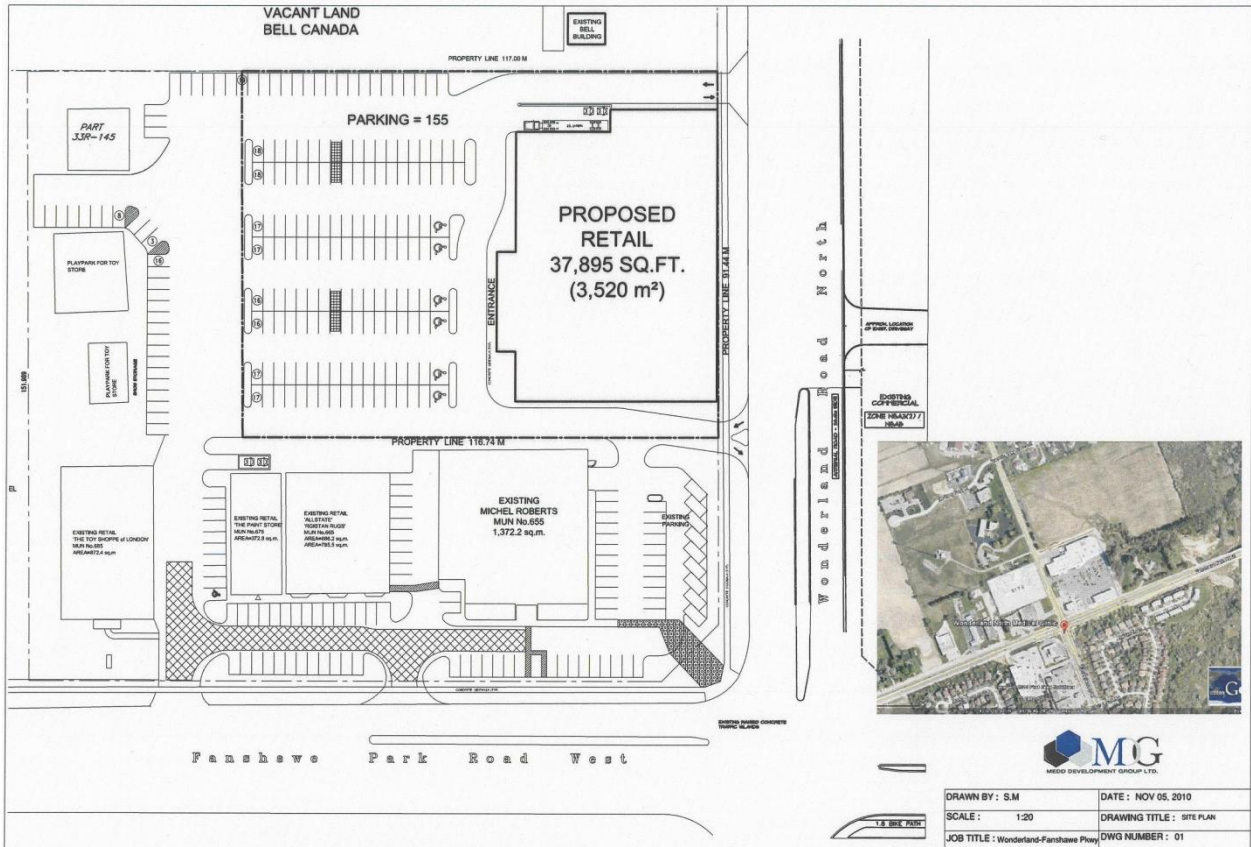


Figure 3 – Conceptual site plan submitted by the applicant in 2010 illustrates full access to the site at the northern driveway

Traffic Impact Assessment Addendum was provided to address the concerns expressed by Transportation Planning & Design Staff relating to the initial proposal. The revised conceptual site plan now depicts the elimination of the “pork chop” at the southerly access to Wonderland Road North and now proposes the use of an extended median to restrict left hand turns into the site, a northerly access that has been reconfigured as a one-way outbound driveway, and an additional access through the lands to the west from which approaching traffic from the south may utilize to gain access to the site. The Addendum also depicts a reduction in the gross floor area from 3,520m² (37,895 sq.ft.) to 3,200m² (34,444 sq.ft.).

The Addendum also updates some of the earlier assessments provided in the initial TIA including, queues on Wonderland Road, recent road improvements in the study area, and consistency with the City’s revised TIA Guidelines. As a result of these changes, Transportation Planning and Design Staff have indicated that they agree with the recommendations regarding access arrangements, whereby the northerly access to the site has been restricted to outbound traffic only, which now addresses the previous safety and capacity concerns regarding a full turn access to the site on Wonderland Road North.

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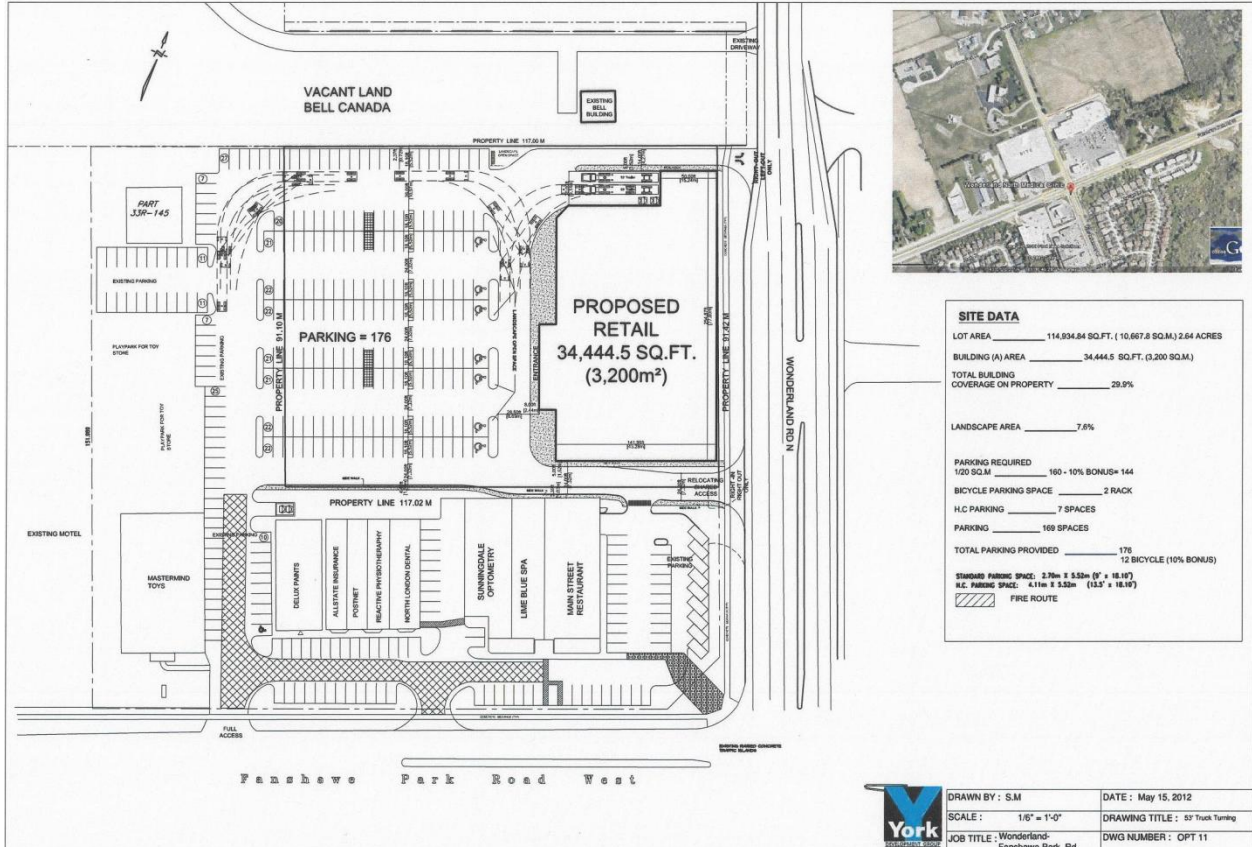


Figure 4 – Revised conceptual site plan submitted by the applicant in 2012 illustrating restricted access to the site at the northern driveway, the extension of the centre median to prohibit left-out movement, and a new internal access from the west.

Planning Justification Report

A Planning Justification Report was submitted in September 2010, at the time of the submission of the application, and was reviewed as part of the initial Staff recommendation. However, that Planning Justification Report was prepared by Dillon Consulting whereas MHBC Planning has now been retained by the applicants.

The Planning Justification Report summarizes the history of this application, provides background information pertaining to the Commercial Justification Report and Traffic Impact Analysis, and provides an expert opinion on the proposal based on a review of the relevant planning documents.

The Planning Justification report concludes that:

- The Site is well suited for use as a retail-commercial centre in terms of its location at the intersection of two existing Arterial Roads and in terms of its physical characteristics;
- The current designation of Office Area reflects a historical orientation of office uses further north along Wonderland Road however with the Official Plan orientation to nodes and corridors, the expansion of the Neighbourhood Commercial Node to incorporate this Site is appropriate ;
- The proposed retail will not generate land use conflicts with adjacent properties;
- The Site can be serviced with the extension of the existing sanitary sewer located at the intersection of Wonderland Road and Fanshawe Park Road;
- The Market Impact Report indicates that there is sufficient market demand to support a supermarket use of approximately 3,716 sq. m. (40,000 sq. ft.) without adverse impact or closure on existing supermarkets within the study area;
- Impacts on road infrastructure are acceptable, as confirmed by the Transportation Impact Study, and safe and efficient access can be provided to the proposed development;
- The proposed developed will result in a well-designed site to complement the existing commercial node and address the goals and objectives of the City of London’s Official Plan;
- The development proposal is consistent with the Provincial Policy Statement;

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- The development proposal complies with the goals, objectives and policies of the City's Official Plan, including those policies that consider expansion of commercial nodes;
- The proposed changes to the Zoning By-Law will appropriately implement the development and the provisions of the Official Plan Amendments, if approved; and
- The applications by York Developments represent good planning and it is recommended that they be approved.

Modification to Official Plan Amendment No. 488

The policies of the Official Plan limit the size of Neighbourhood Commercial Nodes to a gross floor area ranging from 1,000 square metres to 13,000 square metres. The existing Neighbourhood Commercial Node currently exceeds the maximum gross floor area standards outlined in the Official Plan. In fact, this particular Neighbourhood Commercial Node designation had never complied with these new standards since it comprised a gross floor area of 19,500 square metres immediately upon adoption of OPA. 438, wherein these new standards were adopted. And since that time, Council has further expanded this node through the adoption of OPA. 499 by expanding the Neighbourhood Commercial Node designation onto the lands at 751 Fanshawe Park Road West. Through OPA. 499, a new special policy was adopted for this Neighbourhood Commercial Node which recognized the site at 751 Fanshawe Park Road West as being included in this Node without modifying the gross floor area standards of the entire node. This special policy states:

4.3.8.6 Special Policies

- 2) Wonderland Road North/Fanshawe Park Road West *Notwithstanding policy 4.3.8.5, additional commercial development may be permitted at the Neighbourhood Commercial Node on the south portion of commercial lands at 751 Fanshawe Park Road West up to a maximum lot frontage of 72 metres, a maximum lot depth of 91.5 metres, and a maximum lot area of 7,572 square metres.*

Given that this Neighbourhood Commercial Node exceeds the current Official Plan standards and given that Council has shown to be flexible in approving increases to the gross floor area of this Node where the planned function is maintained, Staff propose that Council advise the Ontario Municipal Board that OPA. 488 be amended from:

Notwithstanding policy 4.3.8.5. commercial development within Neighbourhood Commercial Node located at the intersection of Wonderland Road North and Fanshawe Park Road West shall be permitted up to 23,000m² of total gross floor area.

to a policy which simplifies the amendment and recognizes the subject site as being designated Neighbourhood Commercial Node without modifying the Official Plan standards by adding the following sentence to the above special policy 4.3.8.6.(2):

..., and at the lands located at 1761 Wonderland Road North.

The proposed modification would also enable this Node to have just one special policy to guide future development applications rather than two special policies as is currently proposed.

CONCLUSION

Council has received further information and material from the applicant in respect of the appeal before the OMB and Council is being asked to consider whether the information and material could have materially affected its decision.

The submitted Commercial Justification Report indicates that that there is a demand for additional supermarket uses within the study area, the addition of the proposed supermarket use will not alter the planned function of the existing lands in the study area that currently

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accommodate a supermarket use; and that there is a lack of alternative vacant lands that are designated to permit a supermarket use.

The Traffic Impact Assessment Addendum depicts the elimination of left-in access to the site from Wonderland Road North thereby addressing the safety and capacity concerns of Transportation Planning and Design Staff.

The recommended amendment to OPA. 488 simplifies the intended request to expand the existing Neighbourhood Commercial Node onto the subject site while eliminating the necessity for adopting two special policies to guide development within one commercial node.

PREPARED BY:	SUBMITTED BY:
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RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP DIRECTOR, LAND USE PLANNING AND CITY PLANNER	

July 9, 2012
MT/mt

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Bibliography of Information and Materials
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Request for Approval:

MHBC Planning. Planning Justification Report (May 2012)

Robin Dee & Associates. Supermarket Demand and Impact Evaluation (April 2012)

Dillon Consulting Limited. Traffic Impact Assessment Addendum (May 2012)

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Planner: M. Tomazincic

Appendix "A"

AMENDMENT NO.

to the

OFFICIAL PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to modify section 4.3.8.6.(2) of the Official Plan for the City of London to expand the existing Neighbourhood Commercial Node designation by adding the lands at 1761 Wonderland Road North to the existing special policy applied to the Wonderland Road North/Fanshawe Park Road West Neighbourhood Commercial Node.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands located at 1761 Wonderland Road North in the City of London.

C. BASIS OF THE AMENDMENT

This amendment is consistent with the policies of the *Provincial Policy Statement, 2005* which promotes economic development and competitiveness by providing for an appropriate mix and range of employment uses; providing opportunities for a diversified economic base and including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses.

This amendment is also consistent with the policies of the Official Plan Neighbourhood Commercial Nodes which permits the application of Neighbourhood Commercial Nodes to a collection of small stores intended to serve the surrounding neighbourhood.

D. THE AMENDMENT

The Official Plan for the City of London is hereby amended as follows:

1. Section 4.3.8.6.(2) – Wonderland Road North/Fanshawe Park Road West – to the Neighbourhood Commercial Node Policies of the Official Plan for the City of London is amended by adding the following phrase to the end of the existing paragraph:

“, and at the lands located at 1761 Wonderland Road North”