

## Appendix C – Relevant Background

### Council Resolution – OZ-8120

June 26, 2013

PenEquity Realty Corporation  
10 Dundas Street E., #1002  
Toronto, ON M5B 2G9

I hereby certify that the Municipal Council, at its session held on June 25, 2013 resolved that the amended clause be referred back to Civic Administration to complete an Environmental Impact Study, which is to include an evaluation and comment on the status of the woodlot and/or wetland; a summary of the net jobs, including a description of that type of jobs that will be created by this proposal; and to permit the applicant an opportunity further consider the potential to retain some, or all of the woodlot, and to report back to the Planning and Environment Committee:

Clause 18 as amended, and referred reads as follows:

18. That, on the direction of Municipal Council, in recognition of the circumstance where these lands have been previously zoned and designated to permit a range of commercial uses, and that an "Unevaluated Vegetation Patch" (Patch 10102) as identified on Schedule "B-1" of the Official Plan is located on a portion of these lands, the following actions be taken with respect to the application of PenEquity Realty Corporation, relating to the property located at 3130 and 3260 Dingman Drive and the rear portion of 4397 and 4407 Wellington Road South:

- a) the proposed by-law, as appended to the staff report dated June 20, 2013, BE INTRODUCED at the Municipal Council meeting to be held on June 25, 2013, to amend the Official Plan as follows:
  - i) by adding a special policy in Chapter 10 – "Policies for Specific Areas" to permit cinema use outside of the downtown area in the New Format Regional Commercial Node; and,
  - ii) by amending Schedule B-1- Natural Heritage Features, to delete "Unevaluated Vegetation Patch";
- b) the proposed revised by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on June 25, 2013, to amend Zoning By-law No. Z.-1, in conformity with the Official Plan as amended in part a) above, **FROM** a Holding Restricted Service Commercial Special Provision/Light Industrial (h\*RSC1(9)/RSC5/LI6) Zone, a Holding Restricted Service Commercial Special Provision (h\*RSC1(9)/RSC3/RSC4(5)/RSC5) Zone which permits a wide range of service commercial uses such as automobile services, home and auto supply, service repair and light industrial uses and a Community Shopping Area (CSA6) which allows for a large range of commercial uses **TO** a Holding Associated Shopping Area Commercial Special Provision (h\*h-5\*h-18\*h-55\*h-103\*h-141\*h(\_)\*ASA3/ASA5/ASA6 (\_)/ASA7(\_)/ASA8(\_)) Zone to allow for commercial retail use, 14,000m<sup>2</sup> of commercial recreational use, 4,000m<sup>2</sup> cinema use, a gas bar use, a hotel use, home improvement and furnishing stores, and liquor, beer and wine stores subject to holding provisions to ensure the provision of municipal servicing, archaeological evaluation be completed, a transportation study be completed, Ministry of Transportation permits be obtained, urban design matters be addressed, and a natural heritage compensation agreement between the City and the applicant be entered into to address the natural heritage compensation measures to be implemented resulting from the removal of the Unevaluated Vegetation Patch (Patch 10102);"
- c) the Site Plan Approval Authority BE REQUESTED to consider the following design issues through the site plan process:
  - ensure a high level of architectural and landscape quality on all portions of the site with visual exposure to Highway 401;
  - ensure that the design of the buildings located along Highway 401 and Dingman Drive are of a high design standard and do not appear as "the back of house";
  - screen all parking areas visible from Highway 401 as well as Dingman Drive using enhanced landscaping;

- create a block pattern on the site in order to allow for future redevelopment;
  - create a high quality main street through the centre of the site that includes:
    - on-street parking;
    - wide sidewalks;
    - street trees;
    - landscaping as well as street furniture (i.e.: lamp posts, signage, benches, garbage bins, etc...);
    - improved pedestrian experience and access throughout the site;
  - locate buildings along the main street that are oriented towards the street with accented main pedestrian entry points, transparent glass, articulated facades and rooflines, in order to create an active frontage;
  - include a key building at the view terminus of the proposed main street (e.g., proposed movie theatre);
  - provision of a variety of high quality materials (such as transparent glass, brick, stone, etc.) on all proposed buildings, in particular the elevations facing Highway 401, Dingman Drive and the mainstreet;
  - create a centralized public space, located along the main street;
  - provide for continuous pedestrian connections through the site;
  - ensure all buildings have a walkway to the proposed on site main street commercial corridor as well as continuous walkways connecting to other buildings on the site;
  - include adequately sized landscape islands to break up large surface parking areas, these landscape islands should include trees as well as enhanced landscaping;
  - submit an updated urban design brief to the Urban Design Review Panel for a more comprehensive review of the final proposal through the site plan process; and,
  - plant three trees for every tree removed, at a location of the applicant's choice, on the property;
- d) the request to amend Zoning By-law No. Z.-1 from a Holding Restricted Service Commercial Special Provision/Light Industrial (h\*RSC1(9) /RSC5/LI6) Zone, a Holding Restricted Service Commercial Special Provision (h\*RSC1(9)/RSC3/RSC4(5)/RSC5) Zone, which permits a wide range of service commercial uses such as automobile services, home and auto supply, service repair and light industrial uses and a Commercial Shopping Area (CSA6) Zone, which allows for a large range of commercial uses to an Associated Shopping Area Commercial Special Provision (ASA3/ASA5/ASA6 ( )/ASA7( )/ASA8) Zone and an Open Space (OS1) Zone, to allow for 50,183m<sup>2</sup> of commercial retail use, 13,564m<sup>2</sup> of commercial recreational use, 3,921m<sup>2</sup> cinema use, a gas bar use and a passive recreational use, BE REFUSED for the following reasons:
- iii) the requested amendment is not consistent with the Provincial Policy Statement, 2005, including Wise Use and Management of Resources policies; and,
  - iv) the requested amendment is not consistent with the Environmental policies of the Official Plan;
- e) the Civic Administration **BE DIRECTED** to determine if there are similar instances where "Unevaluated Vegetation Patches" on Schedule "B-1" of the Official Plan are not shown as "Open Space" or "Environmental Review" on Schedule "A" of the Official Plan, and to initiate an Official Plan Amendment to show these lands as "Open Space" or "Environmental Review" on Schedule "A" of the Official Plan, noting that this would then make these lands subject to the City's Tree Conservation By-law (By-Law C.P.-1466-249);
- f) the Civic Administration **BE DIRECTED** to work with the Applicant to develop the Natural Heritage Compensation Agreement required by the h( ) holding provision for Municipal Council approval that reflects the natural heritage value of the natural heritage feature to be removed, and is consistent with the compensation achieved through the Sovereign Woods resolution, it being noted that the Natural Heritage Compensation Agreement may include both natural heritage lands and lands that may be planted; and,
- g) 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 by-law is consistent with the request of the applicant, is consistent with what was circulated to the public and the changes are minor in nature;

it being pointed out that the Planning and Environment Committee reviewed and received a communication, dated June 17, 2013, from Roslyn Houser, Goodmans, with respect to this matter. (2013-D14A) (AS AMENDED) (18/15/PEC)

C. Saunders  
City Clerk  
/jb

cc: V. White, Glanworth Community Association, By E-mail  
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D. Sheppard, Chair, EEPAC  
J.M. Fleming, Managing Director, Planning and City Planner  
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G. Barrett, Manager, City Planning and Research  
M. Tomazincic, Manager, Planning Review  
C. Smith, Senior Planner  
J. Nethercott, Documentation Services Representative

Bill No.  
2013

By-law No. Z.-1-13 \_\_\_\_\_

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 3130 and 3260 Dingman Drive and the rear portion of 4397/4407 Wellington Road South.

WHEREAS **PenEquity Realty Corporation** has applied to rezone an area of land located at 3130 and 3260 Dingman Drive and the rear portion of 4397/4407 Wellington Road South, as shown on the map attached to this by-law, as set out below;

AND WHEREAS upon approval of Official Plan Amendment Number 553 this rezoning will conform 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 3130 and 3260 Dingman Drive and the rear portion of 4397/4407 Wellington Road South, as shown on the attached map comprising part of Key Map No. A.111, from a Holding Restricted Service Commercial Special Provision/Light Industrial (h\*RSC1(9)/RSC5/LI6) Zone, a Holding Restricted Service Commercial Special Provision (h\*RSC1(9)/RSC3/RSC4(5)/RSC5) Zone and a Community Shopping Area (CSA6) to a Holding Associated Shopping Area Commercial Special Provision (h\*h-5\*h-18\*h-55\*h-103\*h-141\*h-\_\*ASA3/ASA5/ASA6(\_)/ASA7(\_)/ASA8(\_)) Zone.

2. Section Number 24.4 of the Associated Shopping Area Commercial (ASA) Zone is amended by adding the following Special Provisions:

- 3) ASA6( ) 3130 and 3260 Dingman Drive and the rear portion of 4397/4407 Wellington Road South
  - a) Additional Permitted Uses
    - i) Hotel
    - ii) Home improvement and furnishing store
    - iii) Liquor, beer and wine store
  - b) Regulations:
    - i) Commercial Recreational Use – Gross Floor Area: 14,000 square metres (maximum)
  
- 1) ASA7( ) 3130 and 3260 Dingman Drive and the rear portion of 4397/4407 Wellington Road South
  - a) Regulations:
    - i) Cinema Use Gross Floor Area: 4,000 square metre (maximum)
  
- 11) ASA8( ) 3130 and 3260 Dingman Drive and the rear portion of 4397/4407 Wellington Road South
  - a) Additional Permitted Use
    - i) Gas Bar

3. Section Number 3.8(2) of the Holding Provisions Section to By-law No. Z.-1 is amended by adding the following holding provisions:

h- Purpose: A Natural Heritage Compensation Agreement between the City and the Owner be executed prior to the removal of the "h-" symbol, to ensure appropriate natural heritage compensation measures are implemented resulting from the removal of the Unevaluated Vegetation Patch (Patch 10102).

4. 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 June 25, 2013.

Joe Fontana  
Mayor

Catharine Saunders  
City Clerk

First Reading - June 25, 2013  
Second Reading – June 25, 2013  
Third Reading - June 25, 2013

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

