

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee

**From:** George Kotsifas P. Eng., Managing director, Development & Compliance Services and Chief Building Official

**Subject:** Local Planning Appeal Tribunal Decision for Southside Group 3234, 3263, and 3274 Wonderland Road South

**Meeting on:** July 22, 2019

## Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the Local Planning Appeal Tribunal decision relating to the properties located at 3234, 3263, and 3274 Wonderland Road South:

- (a) This report **BE RECEIVED** for information,
- (b) The proposed by-law attached hereto as Appendix “A”, which reflects the decision of the Local Planning Appeal Tribunal to approve commercial floor area on the subject lands and also implements the Urban Design policies of the Southwest Area Secondary Plan on the subject lands, **BE ENDORSED**, and **BE FORWARDED** to the Local Planning Appeal Tribunal for Approval.

## Executive Summary

### Summary of Request

This report provides a summary of the Local Planning Appeal Tribunal (LPAT) decision issued on December 24, 2018 with regard to the application by Southside Group for 3234, 3263, and 3274 Wonderland Road South and includes a recommended zoning by-law for the site to be forwarded to the LPAT for approval. City Council had considered this application on June 12, 2018 after it had been appealed by the applicant for no decision within the prescribed time period. At that meeting Council recommended to the LPAT that the application be refused.

A hearing took place in August, 2018 and a decision issued on December 24, 2018. The decision approved the requested Official Plan amendment by allowing up to 18,700m<sup>2</sup> of commercial floor area on the site, determined that a natural heritage feature on the site considered by staff to be a Significant Wildlife Habitat did not warrant protection, and approved commercial zoning on the site in principle, but directed the City and appellant to prepare a by-law to implement the urban design policies of SWAP to the satisfaction of the City based on an acceptable conceptual site plan.

### Purpose and the Effect of Recommended Action

The purpose and effect of the recommendation is to report back to Council on the decision of the LPAT and to endorse and forward the recommended zoning by-law to the LPAT for approval in accordance with the LPAT decision. This by-law conforms to the LPAT decision by permitting the approved amount of commercial floor area and implementing the vision and policies of SWAP as they relate to urban design.

**Rationale of Recommended Action**

This by-law is recommended as it conforms to the decision made by the LPAT and implements the urban design policies of SWAP for development along the Wonderland Road corridor.

**Analysis**

**1. Description of the Application**

A planning application was accepted on January 28, 2016 for 3234, 3263, and 3274 Wonderland Road South that included amendments to the 1989 Official Plan and the Zoning By-law No. Z.-1.

The requested Official Plan amendment was to add a specific policy area to Chapter 10 of the 1989 Official Plan to permit an additional 18,700m<sup>2</sup> of commercial floor area on the subject site beyond the 100,000m<sup>2</sup> maximum established in the Southwest Area Secondary Plan (SWAP) for portions of the WRCEC designation south of Bradley Avenue.

The requested Zoning By-law amendment proposed to change the zone on the property from an Environmental Review (ER) Zone, Urban Reserve (UR1) Zone, Urban Reserve (UR4) Zone, and Holding Light Industrial (h-17●LI1/LI7) Zone to an Associated Shopping Area Commercial (ASA1/ASA3/ASA4/ASA5/ASA8) Zone. The Environmental Review zone requires that lands remain in a natural condition until their significance is determined through the completion of environmental studies. The Urban Reserve zones permit a limited number of uses and is primarily intended to permit and regulate existing uses until the future land uses have been determined through comprehensive planning processes. The Light Industrial zone permits a range of light industrial uses. The requested Associated Shopping Area zones would permit a wide range of commercial uses.

City Council considered this application on June 12, 2018 and recommended to the Local Planning Appeal Tribunal (LPAT) that it be refused.

**2. Description of the Site and Context**

**2.1 Current Planning Information**

- Official Plan Designation – Wonderland Road Community Enterprise Corridor
- The London Plan Place Type – Shopping Area
- Existing Zoning – an Environmental Review (ER) Zone, an Urban Reserve (UR1) Zone, Urban Reserve (UR4) Zone, and a Holding Light Industrial (h-17●LI1/LI7) Zone

**2.2 Site Characteristics**

- Current Land Use – vacant
- Frontage – 164.28m (east portion) & 153.18m (west portion)
- Depth – 210m (east portion) & 242.5m (west portion)
- Area – 7.38ha (18.24ac)
- Shape – rectangular

**2.3 Surrounding Land Uses**

- North – large format commercial uses
- East – open space
- South – large format commercial uses, light industrial uses
- West – open space, hydro corridor



Figure 1 – Location Map of Subject Site

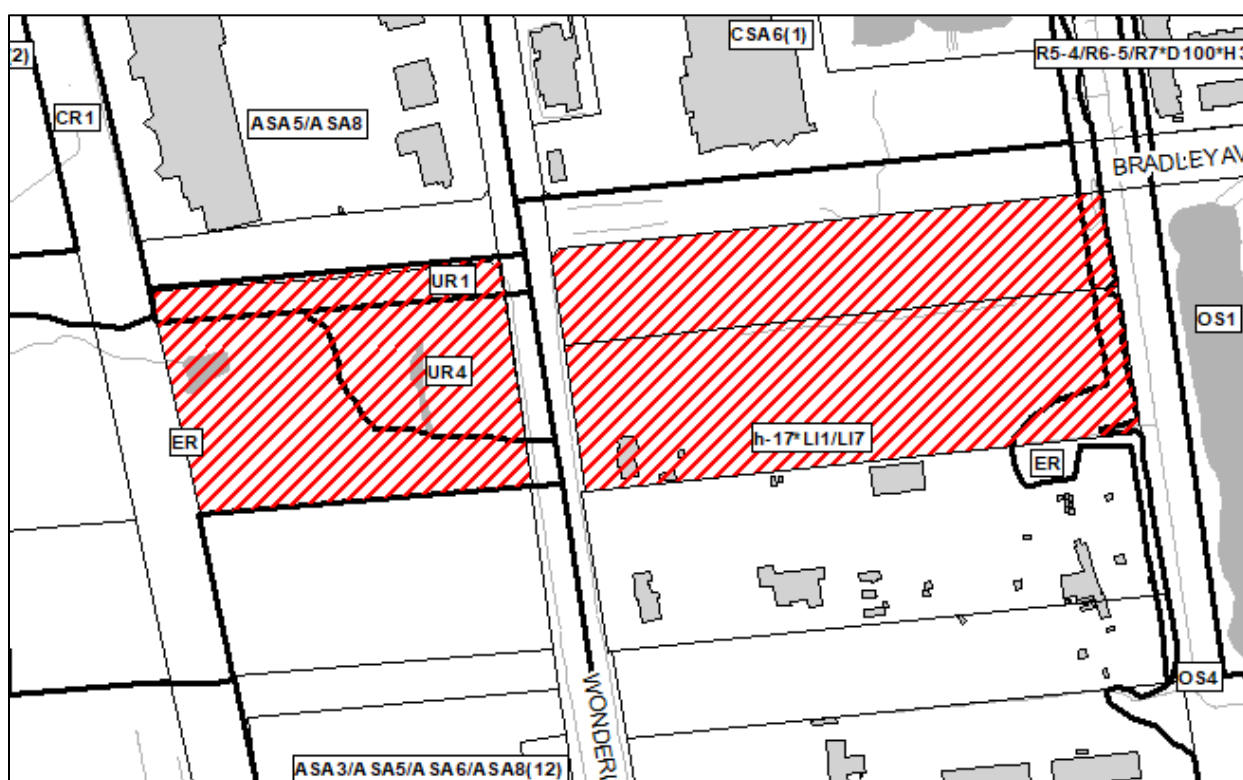


Figure 2 – Current Zoning Map of Subject Site

## 2.4 Application History

The subject lands are within the Wonderland Road Commercial Enterprise Corridor (WRCEC), which is a land use designation within the Southwest Area Secondary Plan (SWAP). A major issue in this hearing, and one that has also been raised in several other applications, is 20.5.6.1. v) a), which states that commercial development within the WRCEC shall not exceed 100,000 m<sup>2</sup>. A summary is provided below of the key events that have occurred with regard to the corridor designation and the application on the subject site.

- November 20, 2012 – Council Approved SWAP, which placed the subject lands within the Wonderland Road Community Enterprise Corridor (WRCEC) land use designation.
- April, 29 2014 – The Ontario Municipal Board approved the SWAP (OMB case PL130020).

- January 28, 2016 – The application was received from Southside Group (OZ-8590). The applicant was advised that the City would undertake a comprehensive review of commercial policies, and if the application were to be brought to Council prior to completion of a comprehensive review, there would be no policy basis to support additional commercial development on the subject lands.
- April 8, 2016 – The Ontario Municipal Board approved a settlement agreement through a separate appeal that allocated all of the remaining floor area under the 100,000m<sup>2</sup> cap on commercial development, resulting in the below allocation and eliminating the remaining commercial gross floor area to other sites, including the subject lands (PL141385/PL150327)
 

Existing commercial development	17,325m <sup>2</sup>
3313-3405 Wonderland R S (York Developments)	59,419m <sup>2</sup>
51 & 99 Exeter Road (Greenhills)	18,556m <sup>2</sup>
3680 Wonderland Rd S (Westbury)	4,700m <sup>2</sup>
<b>Total</b>	<b>100,000m<sup>2</sup></b>
- November, 2016 – The City received a report from Kircher Research Associates regarding the Commercial policies in SWAP and Staff prepared a report recommending several changes to the WRCEC policies, including:
  - Removing the maximum commercial floor area;
  - Reducing maximum and minimum permitted residential intensity;
  - Reducing the maximum office floor area per building; and
  - Re-formatting the policies to be structured by use, intensity, and form.
- June 13, 2017 – City Council approved three of the four recommended changes, with the exception being the removal of the commercial cap. That change was referred back to staff for further analysis (File O-8731).
- February, 2018 – The City received a report from Coriolis Consulting Corp. reviewing the impact of removing the commercial cap, staff proceeded to initiate an application and prepare a report which recommended to Council that the commercial cap be removed.
- April 3, 2018 – City Council decided to maintain the commercial cap which limits commercial development along the corridor to 100,000m<sup>2</sup> (File O-8868).
- July 19, 2017 – An appeal was filed by Southside Group regarding their site-specific amendment (OZ-8590) for failing to make a decision on the Official Plan and Zoning By-law amendments in the prescribed time period in the *Planning Act*.
- June 12, 2018 – City Council considered the application by Southside and recommended to the LPAT that both the Official Plan and Zoning By-law amendments be refused.
- August 13-24, 2018 – A hearing took place before the LPAT with regard to the application.
- December 24, 2018 – the Decision was issued by the LPAT that approved commercial zoning in principle on the subject site and directed the City to prepare a by-law implementing the urban design policies and vision of the SWAP. That by-law was required to be submitted to the LPAT within 6 months (June 24, 2019). On May 21, 2019 the LPAT extended the deadline by two months.

### 3. Summary of LPAT Decision

Throughout the review of this application and in the hearing proceedings there were three major issues under consideration – these were the commercial cap, the protection of a Significant Wildlife Habitat at the northwest corner of the site, and the application of urban design policies in the proposed development.

#### 3.1 Commercial Cap

The City’s evidence with regard to the commercial cap was that the cap should only be considered through comprehensive analysis, which had been completed and presented

to Council who resolved to maintain the cap (Council decision on April 3, 2018). This decision by Council was not subject to an appeal and was not being adjudicated through this hearing. Like all site-specific amendments to the Official Plan, this application was subject to the criteria for site specific policies outlined in chapter 10 of the 1989 Official Plan. The Plan requires that one or more of the following conditions must be met to permit a specific area policy:

- i) *The change in land use is site specific, is appropriate given the mix of uses in the area, and cannot be accommodated within other land use designations without having a negative impact on the surrounding area.*
- ii) *The change in land use is site specific and is located in an area where Council wishes to maintain existing land use designations, while allowing for a site specific use.*
- iii) *The existing mix of uses in the area does not lend itself to a specific land use designation for directing future development and a site specific policy is required.*
- iv) *The policy is required to restrict the range of permitted uses, or to restrict the scale and density of development normally allowed in a particular designation, in order to protect other uses in an area from negative impacts associated with excessive noise, traffic, loss of privacy or servicing constraints (Section 10.1.1).*

The City's evidence was that the application failed to meet these criteria as the application is not consistent with the intent of the policy to limit overall commercial floor area within the WRCEC designation; it is not a unique development or land use; it is not within a unique context that requires special policy consideration, and there is no identified need to protect surrounding uses through a specific area policy.

The LPAT also heard evidence on the need or lack thereof for additional commercial floor area within the Wonderland Road corridor. Evidence from the applicant supported additional commercial floor area above the cap, while evidence provided on behalf of York Developments suggested that the existing commercial cap should be maintained.

The LPAT decision was to allow the Official Plan amendment to permit an additional 18,700m<sup>2</sup> of commercial floor area over and above the maximum of 100,000m<sup>2</sup> established in SWAP. The decision found:

*The Tribunal finds that there is an over-supply of zoning for commercial facilities versus demand, but that the Cap, as found by City Planning staff, is precluding sites in the Corridor from developing in accordance with the Corridor's planned function, that the Cap is forcing inefficient leap-frog development in the Corridor, and that the Cap is creating the unintended effect of preventing a fair, equitable and reasonable distribution of the commercial floor area within the Corridor contrary to the expressed policy in SWAP at section 20.5.16.8.*

*Thus with regard to the Cap, the Tribunal finds that the Cap is actually preventing good and orderly development from taking place and is preventing the accomplishment of the vision of the Corridor (para. 144-145).*

### **3.2 Natural Heritage**

The City's position was that an identified natural heritage feature exists on the subject site, which includes amphibian populations that Staff determined to exceed the threshold for significance. This feature is depicted as area 3a below.

The City's evidence was that because the threshold for significance is met there are Official Plan and Provincial policies that require the feature to be protected. The applicant argued that the amphibian populations did not meet this threshold.

The LPAT decision focuses on the historic process of the designation and zoning and attaches significance to the fact that an environmental feature is not shown on either the draft Land Use or Natural Heritage schedules (prior to the WREC designation being adopted), or the 1989 Official Plan Land Use and B-1 Natural Heritage Schedules. The



LPAT found that the existing Environmental Review zoning was merely a remnant from the original by-law, and that the SWAP policies and designations then superseded any potential for further environmental investigation.



Figure 3 – excerpt from Figure 8 in the applicant's Environmental Impact Study, showing the conceptual site plan overlaid on vegetation communities. Area 3a is identified as an "Anthropomorphic Dug Depression" and includes what City staff concluded to be a Significant Wildlife Habitat.

With respect to the Provincial Policy Statement, 2014 (PPS) for natural heritage features and areas, the Tribunal references the definition for Natural heritage features and areas:

**Natural heritage features and areas:** means features and areas, including significant wetlands, significant coastal wetlands, other coastal wetlands in Ecoregions 5E, 6E and 7E, fish habitat, significant woodlands and significant valleylands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River), habitat of endangered species and threatened species, significant wildlife habitat, and significant areas of natural and scientific interest, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

The decision found that:

*To the Tribunal this remnant pond is not a legacy from the natural landscape of the area and does not meet the definition of natural heritage features and areas which shall be protected for the long term... (para. 113)*

*The Tribunal finds that the dug pond on the Subject Lands is more akin to an infrastructure feature for an agricultural operation than the legacy of the natural landscape of an area. Accordingly, the Tribunal does not find the man-made dug pond to be a natural feature or natural area required to be protected for the long term (para. 114).*

As a result, the Significant Wildlife Habitat identified on the site by City staff will not be preserved.

### 3.3 Urban Design

The final issue is the site design and whether it conforms to the policy direction in SWAP. The City's position in the hearing was that, notwithstanding that it is not appropriate to permit site-specific increases to the commercial cap outside of a comprehensive review, if the commercial zoning were to be approved, then the implementing zoning by-law needs to include provisions to ensure that the urban design policies are reflected.

Evidence by the City included that the vision for the Wonderland Road corridor is for a mixed use, pedestrian scale streetscape with a high quality public realm. As such, buildings should be located at the street with direct access to the sidewalk. The

appellants took the position that zoning provisions are unnecessary to address urban design and the discussion about the built form should occur at the site plan application stage. The conceptual site plan that was submitted with the application is shown below. A modified site plan with only one row of parking in front of the buildings was submitted during the hearing as a possible alternative.

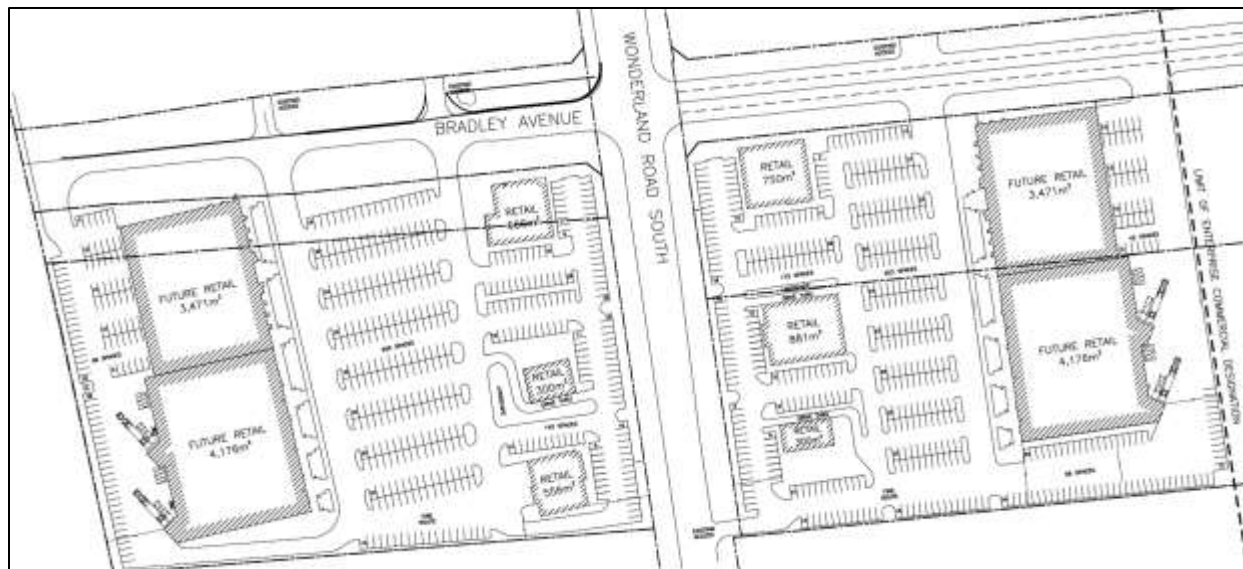


Figure 4 – Conceptual site plan submitted with the original application

The LPAT decision approved the requested commercial zoning in principle, but provided six months to prepare a zoning by-law for the site that implements the policies of SWAP with regard to urban design. The decision states:

*In these circumstances, the Tribunal will not approve the proposed draft Zoning By-law as found in Exhibit 24, Rather, the Tribunal will approve in principle only a commercial zoning for the Subject Lands and allow the applicant and the City a period of six months from the issuance date of this decision to finalize a ZBA that implements the design and vision of SWAP to the satisfaction of the City for the Subject Lands (para. 129).*

In its conclusion, the decision includes by way of summary:

*Accordingly, the Tribunal will allow the appeal of the OPA on a site-specific basis all as set out in Attachment 1 hereto. The Tribunal will approve only in principle the ZBA, and allocate a period of six months from the issuance date of this Decision for the Applicant and the City to resolve an appropriate site plan concept, which will be implemented through a ZBA implementing the urban design principles of SWAP. The revised ZBA is to be provided to the Case Coordinator for issuance by the Tribunal within the six months (para 216).*

In keeping with this decision, staff met with the appellant's representatives on May 8, 2019 to discuss potential development concepts and a draft zoning by-law to implement the urban design policies of SWAP. Consensus with respect to an appropriate site plan concept was not achieved at that time. On May 21, 2019, at the request of the Parties, the LPAT granted a 2-month extension to allow the City and appellant to continue to resolve the matter.

On June 26, 2019 the appellants submitted a modified conceptual site plan depicting a mix of large-format retail buildings constructed at the rear of the sites and smaller commercial pads located at the front of the sites on both sides of Wonderland Road South. The commercial pads located closest to the intersection of Bradley Avenue and Wonderland Road South are located immediately adjacent to both abutting streetlines with the remaining commercial pads setback from the Wonderland Road South streetline to accommodate a drive aisle and minimal parking (see Figure 5).

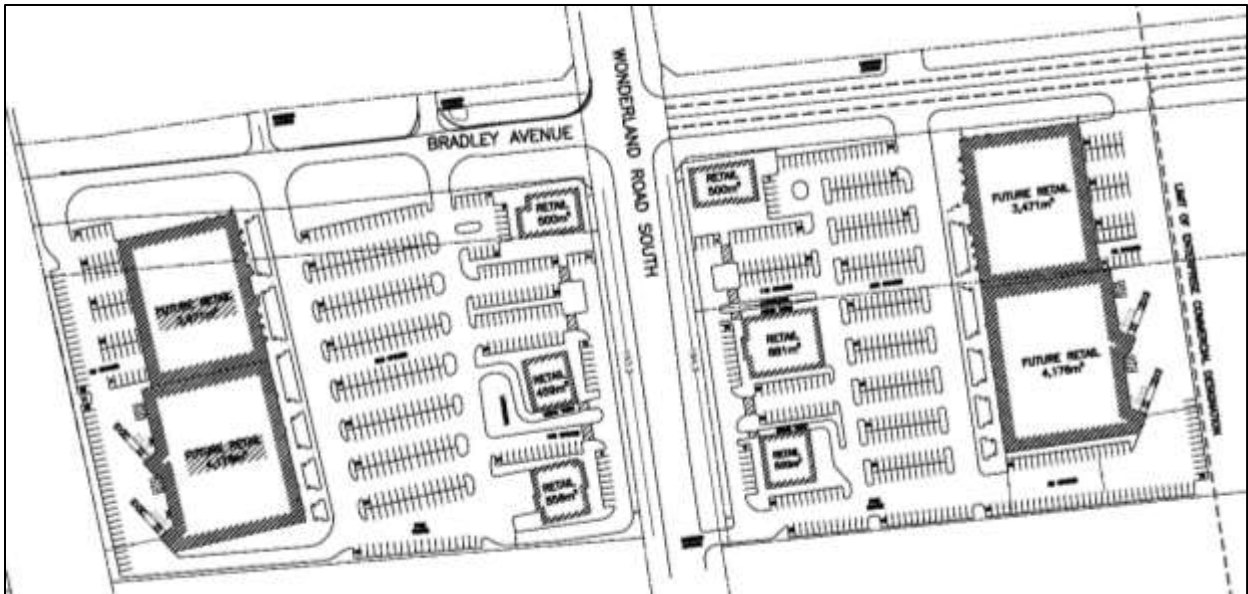


Figure 5 – Modified conceptual site plan submitted in June 2019

As a result, and to obtain direction from Council in advance of the Tribunal’s deadline, the Zoning By-law amendment in Appendix A to this report has been prepared by City staff as an instrument that would implement the urban design principles for Wonderland Road South and allow for the implementation of the above conceptual site plan.

#### 4. Urban Design Policies of SWAP

The SWAP includes a specific urban design vision for the WRCEC designation and for areas where commercial uses are permitted that includes development that achieves a “main street” character. A detailed analysis of the report to the Planning and Environment Committee was prepared by Staff for its meeting on May 28, 2018. This section provides a summary of that analysis.

Policy 20.5.6.1.vi)a) (Built Form) states that, *“Built form may be of a low to mid-rise height, however minimum height and setbacks may be established at the Zoning By-law to ensure that development will result in a strong, street-related built edge...In particular, development will be oriented to a public street.”*

Building on this policy, 20.5.6.1.vi)c) states that, *“...development shall be generally oriented to the street where possible and designed to promote a vital and safe street life and to support early provision of transit. However, where large scale stores are permitted, given that they are not conducive to a pedestrian oriented street setting, design alternatives to address this issue will be utilized. These may include locating these stores in the interior of a commercial or mixed use development block with small-scale stores and other buildings oriented to the surrounding major roads to create a strong street presence. Alternatively, the frontage of the building facing a major road could be lined with small-scale stores and/or have multiple entrances.”*

The conceptual site plan submitted by the appellant implements the above policies. The proposed building heights are consistent with the low to mid-rise vision and the building setbacks are intended to be established in the Zoning By-law amendment attached to this report. The commercial pads located adjacent to Wonderland Road South are oriented toward the public street to create a strong, street-related built edge.

The conceptual site plan also anticipates a mix of large format stores and smaller commercial pads. The large format stores are located in the interior of the commercial block and the smaller-scale commercial pads are oriented towards the surrounding major roads. In particular, placement of buildings immediately adjacent to both the Bradley Avenue and Wonderland Road South corridors creates a strong street presence at the intersection of these major roads.

The recommended Zoning By-law amendment to implement the revised conceptual site plan submitted by the appellant is consistent with Built Form policies of the Wonderland Road Community Enterprise Corridor policies.



Section 20.5.3.9 identifies the Urban Design principles for development in the entire SWAP area. These include:

- *Development should be compact, and pedestrian and transit oriented (20.5.3.9.i.a)*
- *Buildings should be located and scaled to enhance the pedestrian experience on the street by providing a sense of enclosure (20.5.3.9.iii.a)*
- *Commercial development should be in a main street format, where retail is oriented to the street to create a pedestrian shopping experience (20.5.3.9.iii.b).*
- *Commercial development at an intersection of arterial and collector roads should be oriented towards the intersection (20.5.3.9.iii.c)*

The conceptual site plan submitted by the appellant implements the above policies. In particular, the proposed development is compact, pedestrian and transit-oriented. The buildings are located and scaled to enclose the street edge. The orientation of the small-scale commercial pads toward the Wonderland Road South corridor and the pedestrian connections between the buildings facilitate the creation of a pedestrian shopping experience. And, the location of the commercial buildings immediately adjacent to the intersection of Bradley Avenue and Wonderland Road South facilitates the orientation of these buildings toward the intersection in conformity to the policies.

Section 20.5.3.9.iii) b) provides more specific direction for commercial development. This policy includes:

*Where commercial development is permitted it will be encouraged in a “main street” format where retail and service commercial uses are oriented to the street creating a pleasant, pedestrian shopping environment, whether in stand-alone stores or in the ground floor of mixed-use buildings. In these areas:*

- *the principal public entrance shall provide direct access onto the public sidewalk;*
- *the primary windows and signage shall face the street;*
- *buildings facing the street shall be encouraged to have awnings, canopies, arcades or front porches to provide weather protection;*
- *no parking, driveways, lanes or aisles shall be permitted between the buildings and public sidewalks;*
- *buildings shall have a consistent setback and parking lots abutting the street shall be limited and designed in accordance with the parking provisions in subsection g) below;*

In summarizing the above policies, the policies envision: i) the development of a “main street” corridor with street-orientation, ii) principle building entrances oriented toward the sidewalk, iii) street-oriented glazing, iv) buildings constructed immediately at the street edge, v) that buildings have a uniform setback, and vi) limited amounts of parking abutting the street.

On the whole, the revised conceptual site plan implements these policies. It depicts the creation of a “main street” corridor with street-orientation and glazing proposed where buildings front the pedestrian realm. It achieves a mix of buildings that directly abut the streets where there are no parking lots and drive aisles between the building face and the public sidewalk, and a consistent setback for the remaining buildings with limited amount of parking abutting the street.

Subsection g), referenced above, provides additional guidance for the development of off-street parking lots. These policies state that:

*Off-street parking areas shall be designed to reduce their visual impact on both the adjoining streetscape and on people using the site and/or facility by:*

- *screening of the parking lot at the public right-of-way through the use of features such as low fences, walls and landscaping...*

- *locating the parking lot, within commercial or mixed-use developments, to the side or rear of the main building and permitted no or only minimal parking in the front of the main building...*
- *...appropriate buffering shall be provided between parking areas and “back-of-building” functions such as loading/receiving areas and garbage/storage areas and adjacent land uses*
- *Provision of pedestrian walkways adjacent to stores, between building clusters, and to provide pedestrian access to transit stops, public sidewalks and adjacent developments. These walkways may need to cross parking lots to provide the required access.*

The revised conceptual site plan submitted by the applicant achieves these policies by providing only minimal parking in the front of the main building while locating the majority of parking area to the side and rear of buildings. Appropriate buffering has been provided between the parking area and back-of-building functions, and pedestrian walkways adjacent to stores, between building clusters and to public sidewalks has been achieved.

It should be noted that while the revised conceptual site plan has been shown to be consistent with the above policies, additional refinements of the conceptual site plan will be undertaken at the future site plan stage to further implement the policies. Matters such as screening, landscaping, parking area adjustments, pedestrian access to public sidewalks, parking islands, etc. that are beyond the scope of the Zoning By-law will continue to be implemented at subsequent development approval stages.

## 5. Recommended Zoning By-law

The recommended zoning by-law is included in Appendix A to this report. The by-law was prepared as directed by the LPAT to permit the approved commercial floor area of 18,700m<sup>2</sup> on the site and also implement the urban design policies of SWAP.

### 5.1 Permitted Uses

The permitted uses are consistent with the uses requested as part of the initial application and granted by the LPAT. The recommended site-specific zone specifies that the permitted uses will include any use permitted in the ASA3, ASA4, ASA5, and ASA8 zone variations. This is consistent with the WRCEC policy that states “a broad range of retail, service, office, entertainment, recreational, educational, institutional, and residential uses may be permitted” (20.5.6.1.ii).

### 5.2 Regulations

An ASA8 Special Provision zone is proposed for the subject lands. This special provision includes the following site-specific regulations:

- i) Total commercial floor area (maximum) – 18,700m<sup>2</sup> for all lands zoned ASA8( )**

The first site-specific regulation implements the LPAT decision to approve the requested commercial floor area on the site.

- ii) Building setback from the Wonderland Road South lot line (maximum), for a minimum of 10% of the lot line length – 3m**

- iii) Building setback from the Bradley Avenue lot line (maximum), for a minimum of 30% of the lot line length – 3m**

This regulation is included to ensure that the development of buildings on the site include a mix of those that directly front the street edge and those that may be set back from the front lot line consistent with the policies.

By requiring that a portion of the lot frontages be comprised of buildings that are located within 3m of the front lot line will ensure that some buildings will be sited with no parking lots and drive aisles between them and the public sidewalk. This regulation will support the design goals of creating a main street character and facilitate pedestrian activity and access to retail stores and services uses that will be oriented to the street frontage.

By requiring that 10% of the lot line abutting Wonderland Road South and 30% abutting Bradley Avenue be comprised of buildings located close to the street line will allow for the remainder of the site to be developed for large format stores and smaller commercial pods in the interior of the site in conformity with the policies.

**iv) Building Orientation – Primary building façades with dominant signage and primary entrances into commercial units shall face Wonderland Road South**

This regulation addresses building orientation and character, to support an interesting and pedestrian-oriented streetscape. It is necessary that there be primary façade and public entrances oriented towards the street to encourage pedestrians to walk between stores using the internal and public sidewalks.

This regulation utilizes the existing definition for a building façade and requires that they face the public street. The definition for building façade in Zoning By-law Z.-1 reads:

*“BUILDING FAÇADE” – means the front elevation of a main building including the entire width and height of all building parts within the first 6 metres of building depth; and may include multiple building wall surfaces, and excludes stoops, sun decks, porches, verandahs, balconies, exterior steps or architectural adornments (Section 2).*

**v) Commercial Floor Area to be located within buildings having a maximum Gross Floor Area of 1,500 m<sup>2</sup> (%) (minimum) – 20%**

This regulation is intended to ensure that there be a mix of large format stores and smaller commercial pods or adjoined shops located on the site. Recognizing that the policies do allow for large format stores to be constructed on lands within this corridor, the requirement for smaller commercial pods is crucial to the creation of *“...a pleasant, pedestrian shopping environment, whether in stand-alone stores or in the ground floor of mixed-use buildings”*, as stated in the policies.

This regulation requires that 20% of the total gross floor area be constructed in smaller buildings with a footprint of 1,500 m<sup>2</sup> or less thereby allowing for a maximum of 80% of the total gross floor area to be comprised of larger format stores.

**vi) Setback from Wonderland Road South for buildings having a maximum Gross Floor Area of 1,500 m<sup>2</sup> (maximum) – 18 metres (59.1 feet)**

This regulation requires that the small commercial pods or adjoined shops with a gross floor area of 1,500 m<sup>2</sup> or less (as described above) are setback within 18 metres of the Wonderland Road South lot line. The intent of this regulation is to create a main street form along Wonderland Road South, where smaller-scale retail is oriented to the street to create a pedestrian shopping experience.

This regulation is consistent with the policy which states that the *“Built form may be of a low to mid-rise height, however minimum height and setbacks may be established at the Zoning By-law to ensure that development will result in a strong, street-related built edge...”*

**vii) Portion of the primary, street-facing building façade along Wonderland Road South occupied by public entrances and window openings within the first 4m (13.1 feet) of building height (minimum) – 33%**

Having a pedestrian-oriented street requires that the building façades include windows and doors, to create visual interest and ensure character that invites passersby in to shop. 33% is proposed as the minimum requirement to ensure that a substantial portion of the building façades include elements that will improve the main street experience on Wonderland Road South.

**viii) Single-loaded parking aisle is permitted between Wonderland Road South lot line and primary, street facing building façade**

This regulation is intended to create a main street form and a pedestrian-oriented streetscape by limiting the number of rows of parking permitted between the public sidewalk and the building face to one. This consistent with the policy that allows the location of the *“...parking lot, within commercial or mixed-use developments, to the side or rear of the main building and permitted no or only minimal parking in the front of the*

*main building...*” The siting of the buildings in proximity to Wonderland Road South and limiting the amount of laneway and parking area between the public sidewalk and building face will complement the previous regulation that requires the primary building façades and primary entrances into commercial units to face the closest public right-of-way to facilitate a positive pedestrian environment.

**6. Conclusion**

This report has provided a summary of the LPAT decision issued on December 24, 2018 with regard to the application by Southside Group for 3234, 3263, and 3274 Wonderland Road South. The decision granted the request for commercial floor area up to 18,700m<sup>2</sup> on the site, determined that the subject lands did not warrant any additional natural heritage protection, and directed the City and appellant to prepare a by-law to implement the urban design policies of SWAP based on an acceptable concept.

City staff and the Applicant have worked collaboratively to prepare a draft by-law that implements the urban design policies of SWAP based on a revised conceptual site plan submitted by the applicant, in accordance with the Tribunal’s Order. It is recommended that City Council endorse the draft by-law.

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Submitted by:	<b>Paul Yeoman, MCIP, RPP</b> <b>Director, Development Services</b>
Recommended by:	<b>George Kotsifas, P.ENG</b> <b>Managing Director, Development and Compliance Services and Chief Building Official</b>
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services	

July 15, 2019  
MT/mt

Acknowledgements:  
The author would like to acknowledge the contributions of Justin Adema, Jerzy Smolarek and John Fleming in the preparation of this and other reports related to this application and in review of the broader Wonderland Road Community Enterprise Corridor policies.

Appendix A – Zoning By-law

Bill No.(number to be inserted by Clerk's Office)  
2019

By-law No. Z.-1-19\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to  
rezone an area of land located at 3234,  
3263, and 3274 Wonderland Road  
South.

WHEREAS Southside Group applied to rezone an area of land located at 3234, 3263, and 3274 Wonderland Road South, as shown on the map attached to this by-law, as set out below;

AND WHEREAS the Local Planning Appeal Tribunal, by its Interim Order issued on December 24, 2018, in Tribunal file PL170840, approved this rezoning in principle;

AND WHEREAS the Local Planning Appeal Tribunal issued its final Order with respect to this rezoning on [Tribunal to insert date], in Tribunal file PL170840;

THEREFORE the Local Planning Appeal Tribunal enacts as follows:

- 1) Schedule “A” to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 3234, 3263, and 3274 Wonderland Road South, as shown on the attached map comprising part of Key Map No. A111, from an Environmental Review (ER) Zone, Urban Reserve (UR1) Zone, Urban Reserve (UR4) Zone, and Holding Light Industrial (h-17●LI1/LI7) Zone to an Associated Shopping Area Commercial Special Provision (ASA8(\_)) Zone.
- 2) Section Number 24.4 of the Associated Shopping Area Zone (ASA) Zone is amended by adding the following Special Provision:

ASA8(\_) 3234, 3263, and 3274 Wonderland Road South

- a) Permitted Uses
  - i) Permitted uses shall include all uses permitted within the ASA3, ASA4, ASA5, and ASA8 Zones.
- b) Additional Regulations
  - i) Total commercial floor area (maximum) 18,700 m<sup>2</sup> (201,285 sq. ft.)  
for all lands zoned ASA8(\_)
  - ii) Building setback from the Wonderland Road South lot line (maximum), for a minimum of 10% of the lot line length 3 metres (9.8 feet)
  - iii) Building setback from the Bradley Avenue lot line (maximum), for a minimum of 30% of the lot line length 3 metres (9.8 feet)



iv) Building Orientation	Primary building façades with dominant signage and primary entrances into commercial units shall face Wonderland Road South
v) Commercial Floor Area to be located within buildings with a maximum Gross Floor Area of 1,500 m <sup>2</sup> (%) (min)	20%
vi) Setback from Wonderland Road South for buildings with a maximum Gross Floor Area of 1,500 m <sup>2</sup> (maximum)	18 metres (59.1 feet)
vii) Portion of the primary, street-facing building façade along Wonderland Road South occupied by public entrances and window openings within the first 4 metres (13.1 feet) of building height (minimum)	33%
viii) Single-loaded parking aisle is permitted between Wonderland Road South lot line and primary, street-facing building facade	

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.

ENACTED by the Local Planning Appeal Tribunal in proceeding PL170840 on [Tribunal to insert date].

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

