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File: O-8131  
Planner: M. Tomazincic

<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING &amp; ENVIRONMENT COMMITTEE</b>
<b>FROM:</b>	<b>JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER</b>
<b>SUBJECT:</b>	<b>APPLICATION BY: CITY OF LONDON WONDERLAND ROAD NORTH/FANSHAWE PARK ROAD WEST NEIGHBOURHOOD COMMERCIAL NODE AND 1761 WONDERLAND ROAD NORTH PUBLIC PARTICIPATION MEETING ON JANUARY 22, 2013</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of the Managing Director, Planning and City Planner, with respect to the application of the City of London relating to the properties located within the Wonderland Road North/Fanshawe Park Road West Neighbourhood Commercial Node and 1761 Wonderland Road North the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on January 29, 2013 to amend the Official Plan to **DELETE** Special Policy 4.3.8.6.(3) (Wonderland Road North/Fanshawe Park Road West) and **ADD** a new special policy to 4.3.8.6. (Special Policies) stating, *“Notwithstanding policy 4.3.8.5, additional commercial development may be permitted on the lands located at 1761 Wonderland Road North. In addition to the uses permitted in the Neighbourhood Commercial Node designation, a Supermarket is also permitted.”*

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
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December 13, 2010 Report to Built and Natural Environment Committee – 1761 Wonderland Road North – This report recommended that a by-law be introduced to amend the Official Plan to change designation of the subject site from Office Area to Neighbourhood Commercial Node and add a new special policy which applies a maximum gross floor area of 23,000m<sup>2</sup> for commercial development within this node. The report further recommended that the Zoning By-law be amended from a Holding Restricted Office (h-17•RO2) Zone to a Holding Neighbourhood Shopping Area Special Provision (h-17•h-103•h-( ) •NSA5( )) Zone to add a “Supermarket” to the list of permitted uses subject to holding provisions and special zoning regulations.

April 11, 2011 Report to Built and Natural Environment Committee – 1761 Wonderland Road North – In response to the letter of appeal to the Ontario Municipal Board dated February 25, 2011 and submitted by Alan Patton on behalf of Loblaw Properties Limited, FCHT Holdings (Ontario) Corporation, Barest Realty Inc., Sunningdale Developments Inc. and Auburn Developments relating to the recommendation of December 13, 2010, this report recommended that the Ontario Municipal Board be advised that Municipal Council sees no reason to alter its previous decision relating to this matter.

July 16, 2012 Report to Built Planning and Environment Committee – 1761 Wonderland Road North – This report recommended that 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 and considered by Municipal Council and that Municipal Council recommends that the Official Plan amendment before the Board (related to the recommendation of December 13, 2010) be further amended to delete the reference to a maximum gross floor area of 23,000m<sup>2</sup> for commercial development while still permitting additional commercial development on the lands at 1761 Wonderland Road North.

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<b>PURPOSE AND EFFECT OF RECOMMENDED ACTION</b>
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The proposed amendment is to delete the special Official Plan policy 4.3.8.6.(3) for the Wonderland Road North/Fanshawe Park Road West Neighbourhood Commercial Node which permits a maximum of 23,000m<sup>2</sup> of total gross floor area at this node, and add a new special Official Plan policy to 4.3.8.6. of the Official Plan to permit additional commercial development, including a “Supermarket”, on the lands at 1761 Wonderland Road North notwithstanding the Official Plan policy 4.3.8.5 which limits commercial development within a Neighbourhood Commercial Node to a maximum gross floor area of 13,000m<sup>2</sup>.

<b>RATIONALE</b>
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1. The recommended amendment is consistent with the policies of the *Provincial Policy Statement, 2005*.
2. The recommended amendment is consistent with the Neighbourhood Commercial Node policies of the Official Plan.
3. The recommended special policy will facilitate the development of commercial uses on the lands at 1761 Wonderland Road North as permitted by designation.
4. The recommended amendment is consistent with the recommendation of Municipal Council to the Ontario Municipal Board made on July 24, 2012.
5. The recommended amendment is a companion amendment to the Zoning By-law amendment (Z.-1-111997) currently under appeal to the Ontario Municipal Board.

<b>BACKGROUND</b>
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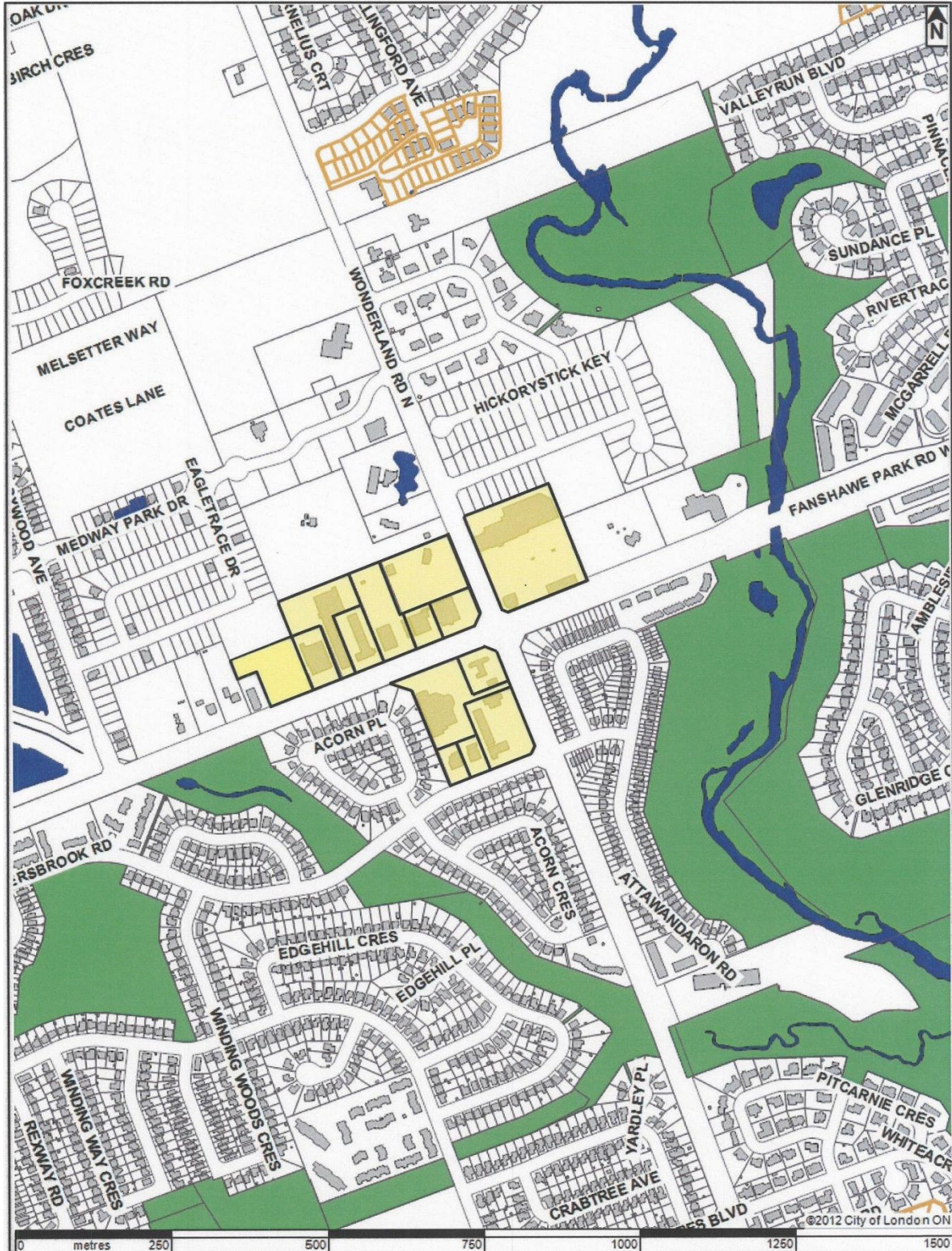
<b>Date Application Accepted:</b> 17 December 2012	<b>Agent:</b> City of London
<p><b>REQUESTED ACTION:</b> Possible amendment to the Official Plan by <b>DELETING</b> Special Policy 4.3.8.6.(3) (Wonderland Road North/Fanshawe Park Road West) and <b>ADDING</b> a new special policy to 4.3.8.6. (Wonderland Road North/Fanshawe Park Road West) stating, “<i>Notwithstanding policy 4.3.8.5, additional commercial development, including a “Supermarket”, may be permitted at the Neighbourhood Commercial Node on the lands at 1761 Wonderland Road North.</i>”</p>	

<p><b>SITE CHARACTERISTICS:</b></p> <ul style="list-style-type: none"> <li>• <b>Current Land Use</b> – Various commercial, retail, office and industrial uses</li> <li>• <b>Frontage (NCN)</b> – Approximate combined Fanshawe Rd W frontage 650m (2,132.5 ft )</li> <li>• <b>Frontage (NCN)</b> – Approximate combined Wonderland Rd N frontage 470m (1,542 ft )</li> <li>• <b>Frontage (1761 Wonderland Road N)</b> – Approximately 91 metres (300 ft)</li> <li>• <b>Area (NCN)</b> – Approximate combined area 10.5 hectares (25.9 acres)</li> <li>• <b>Area (1761 Wonderland Road N)</b> – Approximate area 1.03 ha (2.5 acres)</li> <li>• <b>Shape</b> – Irregular</li> </ul>
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<p><b>SURROUNDING LAND USES:</b></p> <ul style="list-style-type: none"> <li>• <b>North (1761 Wonderland Road N)</b> – Undeveloped lands owned by Bell Canada</li> <li>• <b>South (1761 Wonderland Road N)</b> – Commercial Plaza containing: Restaurant, Optometry, Personal Service Establishment, Home Improvement Store</li> <li>• <b>East (1761 Wonderland Road N)</b> – Commercial Plaza with 3 buildings containing: Pharmacy, Restaurant, Food Store, Personal Service Establishment, Professional Office</li> <li>• <b>West (1761 Wonderland Road N)</b> – Retail Store</li> </ul>
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


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**LOCATION MAP**

Subject Site: Wonderland Road North and Fanshawe Park Road West Neighbourhood Commercial Node and 1761 Wonderland Road North  
 File Number: O-8131  
 Created By: Michael Tomazincic  
 Date: 2012-12-21  
 Scale: 1:7500

**LEGEND**

-  Subject Site
-  Parks
-  Assessment Parcels
-  Buildings
-  Address Numbers



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**OFFICIAL PLAN DESIGNATION:** (refer to Official Plan Map on Page 5)

**NEIGHBOURHOOD COMMERCIAL NODE – SCHEDULE A (LAND USE)** – Permitted uses include small retail stores; food stores; pharmacies; convenience commercial uses; personal services; financial institutions; service-oriented office uses such as real estate, insurance and travel agencies; community facilities such as libraries or day care centres; professional and medical/dental offices; small-scale restaurants; commercial recreation establishments; and similar uses that draw customers from a neighbourhood-scale trade area.

Commercial development within a Neighbourhood Commercial Node shall normally range in size from 1,000 square metres to 13,000 square metres gross floor area.

**EXISTING ZONING:** (refer to Zoning Map on Page 6)

**Highway Service Commercial and Special Provision (HS(2) & HS2 & HS4) – 1701 Wonderland Road North, 2101 & 2121 Aldersbrook Road, 705 & 715 Fanshawe Park Road West**

This Zone provides for and regulates a range of commercial and service uses which cater to the needs of the travelling public. They tend to be located on major arterial roads with high traffic volumes at major entrances to the City. The HS1 (larger assembly uses), HS2 (automotive), HS3 (commercial recreation) and HS4 (hotel/motel) can be applied in appropriate locations.

**Restricted Service Commercial and Special Provision Zones (RSC1 & RSC1(21) & RSC2(7) & RSC2(8) & RSC3 & RSC4 & RSC4(17) & RSC4(19) – 655, 665, 675, 685, 705, & 715 Fanshawe Park Road West, 1695 Wonderland Road North**

This Zone provides for and regulates a range of moderate intensity commercial uses, and trade service uses, which may require significant amounts of land for outdoor storage or interior building space and a location on major streets.

**Neighbourhood Shopping Area and Special Provision Zones (NSA3 & NSA3(2)/NSA5) – 595-615 Fanshawe Park Road West and 725, 735, 745 Fanshawe Park Road West**

This zone provides for and regulates a range of neighbourhood-scale retail, personal service and office uses which are primarily intended to provide for the convenience shopping and service needs of nearby residents. Zone variations of the zone are differentiated based on uses and maximum permitted gross leasable floor area for certain defined uses. Shopping centres are the permitted form of development; however, stand-alone buildings may also be permitted at appropriate locations normally near the perimeter of the property to satisfy urban design goals to create a street edge and screen parking lots.

**Convenience Commercial (CC2) – 2111 Aldersbrook Road**

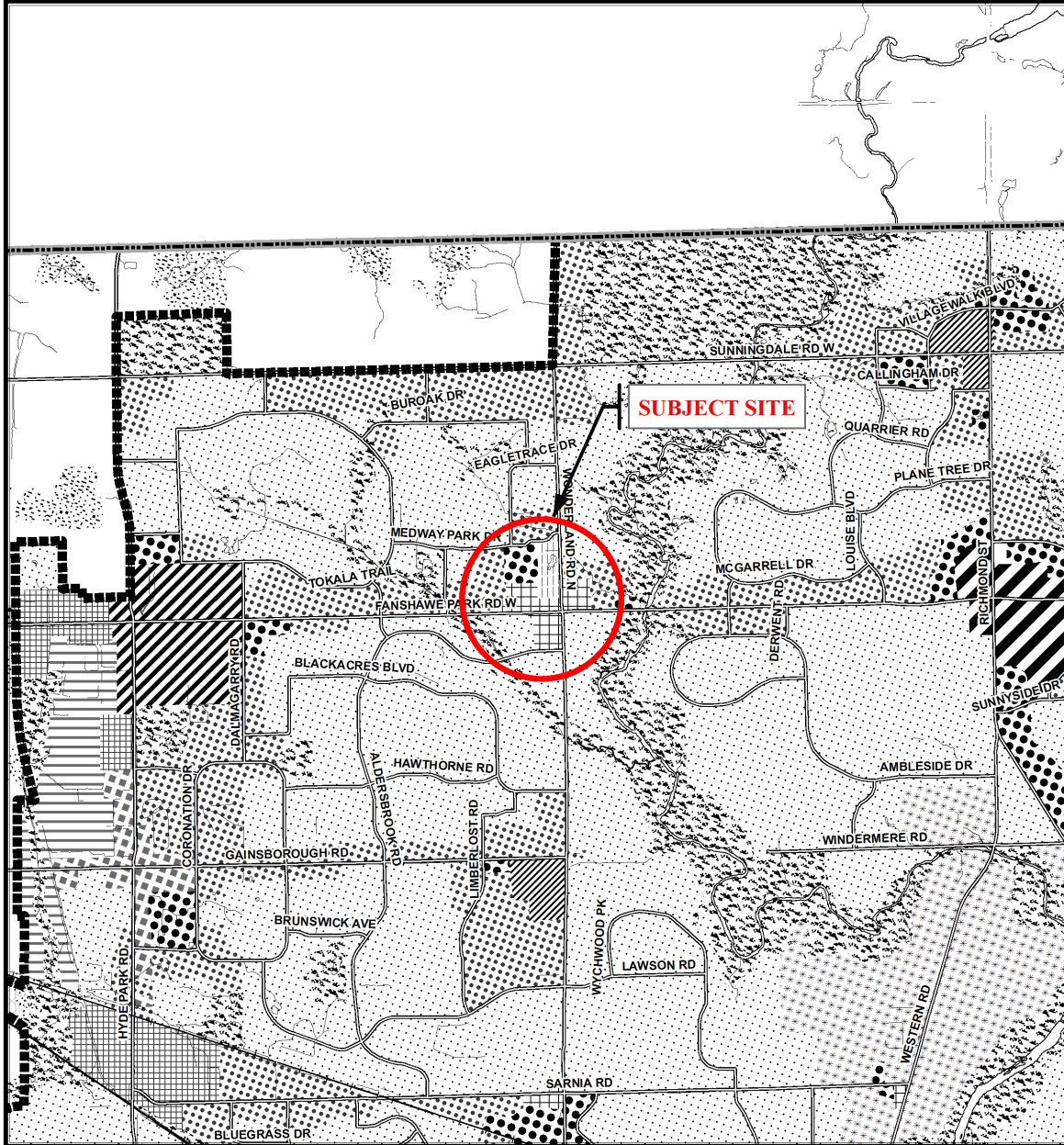
This Zone provides for and regulates a limited range of commercial uses which services the day-to-day convenience needs of the immediate neighbourhood. The main CC Zone variation permits a restricted range of low impact uses which are considered to be appropriate for all Convenience Commercial zone variations. An expanded range of uses is permitted in the other zone variations.

**Holding Restricted Office (h-17•RO2) – 1761 Wonderland Road North**

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. 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.



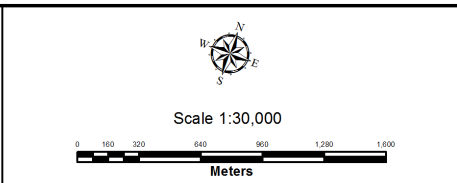
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Legend	
Downtown	Office Business Park
Enclosed Regional Commercial Node	General Industrial
New Format Regional Commercial Node	Light Industrial
Community Commercial Node	Regional Facility
Neighbourhood Commercial Node	Community Facility
Main Street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

**CITY OF LONDON**  
Department of  
Planning and Development  
**OFFICIAL PLAN SCHEDULE A**  
- LANDUSE -

PREPARED BY: Graphics and Information Services



FILE NUMBER: O-8131  
PLANNER: MT  
TECHNICIAN: CK  
DATE: 2013/01/08



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**PLANNING HISTORY**

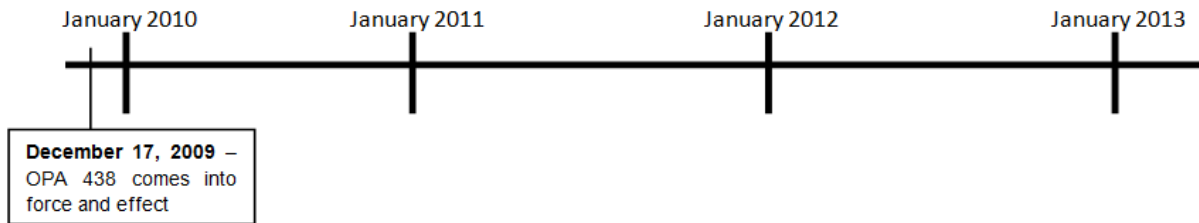
**2006 OFFICIAL PLAN REVIEW – Official Plan Amendment No. 438 (OPA 438)**

Prior to 2010, the area of land which now comprises the Neighbourhood Commercial Node at Fanshawe Park Road West and Wonderland Road North (the “Subject Commercial Node”) had previously been designated “Neighbourhood Shopping Area” on the northeast quadrant, “Restricted/Highway Service Commercial” on the northwest and southwest quadrants, and “Office Area” on the lands at 1761 Wonderland Road North.

The policies of the former “Neighbourhood Shopping Area” designation permitted commercial development ranging in size between 1,000m<sup>2</sup> to 6,000m<sup>2</sup> of gross leasable area. Notwithstanding this policy, in 2004 the City of London Committee of Adjustment granted permission to the owners of 581, 591, and 615 Fanshawe Park Road West, at the northeast quadrant of the intersection, “...to construct a neighbourhood shopping centre with a gross floor area of 7,000m<sup>2</sup> whereas 6,000m<sup>2</sup> maximum is permitted; a gross floor area for a food store of 4,180m<sup>2</sup> whereas 3,200m<sup>2</sup> is permitted and a rear yard setback of 6.0m whereas 8.0m is required.” The applicant’s agent advised the Committee that the minor variances were required so that the proposed commercial development would provide a better service to the community (City of London file number A.149/04).

On December 17, 2009, the Ministry of Municipal Affairs and Housing approved Official Plan Amendment No. 438 (“OPA 438”) which implemented the regulatory 5-year review of the Official Plan. As part of OPA 438, the area of land that had been identified for neighbourhood-scale commercial uses, which had previously been limited to the northeast quadrant of the Subject Commercial Node, had been expanded to include lands on the west side of Wonderland Road North, on the north and south sides of Fanshawe Park Road West, by redesignating lands that had previously been designated “Restricted/Highway Service Commercial” to “Neighbourhood Commercial Node” (“NCN”).

The new NCN policies permit commercial development ranging in size from 1,000m<sup>2</sup> to 13,000m<sup>2</sup> of GFA. The Subject Commercial Node currently exceeds this maximum GFA criterion, and has exceeded this criterion immediately upon adoption of OPA 438, since commercial development within the Subject Commercial Node comprised a gross floor area of approximately 19,500m<sup>2</sup> as of December 17, 2009.





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Figure 1 – The lands designated “Neighbourhood Commercial Node” as of December 17, 2009 as a result of OPA 438 coming into force and effect. Policies stipulate that the maximum GFA for commercial development within the entire commercial node is 13,000m<sup>2</sup>

**1761 WONDERLAND ROAD NORTH (OPA 488 & Z.-1-111977) – 24 January 2011**

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 an expansion of the Subject Commercial Node onto the lands at 1761 Wonderland Road North (the “Subject Site”). On January 24, 2011, Municipal Council amended the Official Plan to:

- change the designation of 1761 Wonderland Road North from Office Area to Neighbourhood Commercial Node, and
- add a special Official Plan policy to permit commercial development within the Subject Commercial Node up to a maximum gross floor area of 23,000m<sup>2</sup>.

Council also amended the Zoning By-law to change the zoning of the Subject Site from a holding Restricted Office (h-17•RO2) Zone to a holding Neighbourhood Shopping Area Special Provision (h-17•h-103•NSA5( )) Zone to implement the above Official Plan amendment.

The effects of these amendments resulted in an expansion in the size of the Subject Commercial Node by 1.03 ha and the addition of a special Official Plan policy to permit a maximum GFA of 23,000m<sup>2</sup> for commercial development within the Subject Commercial Node. This new maximum GFA exceeded the 13,000m<sup>2</sup> maximum GFA permitted by the general NCN policies and facilitated an expansion to the 19,500m<sup>2</sup> of commercial GFA that had existed. The change in zoning resulted in the addition of a broad range of Neighbourhood Shopping Area uses being added to the Subject Site, including the addition of a “Supermarket” as an additional



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permitted use, subject to special regulations which limited the GFA of the “Supermarket” to a maximum of 3,600m<sup>2</sup> and a maximum front yard setback of 3.0m.

On February 25, 2011, a notice of appeal was submitted against Council’s decision to approve the above Official Plan and Zoning By-law amendments. An OMB hearing has been scheduled for February 19-22, 2013.

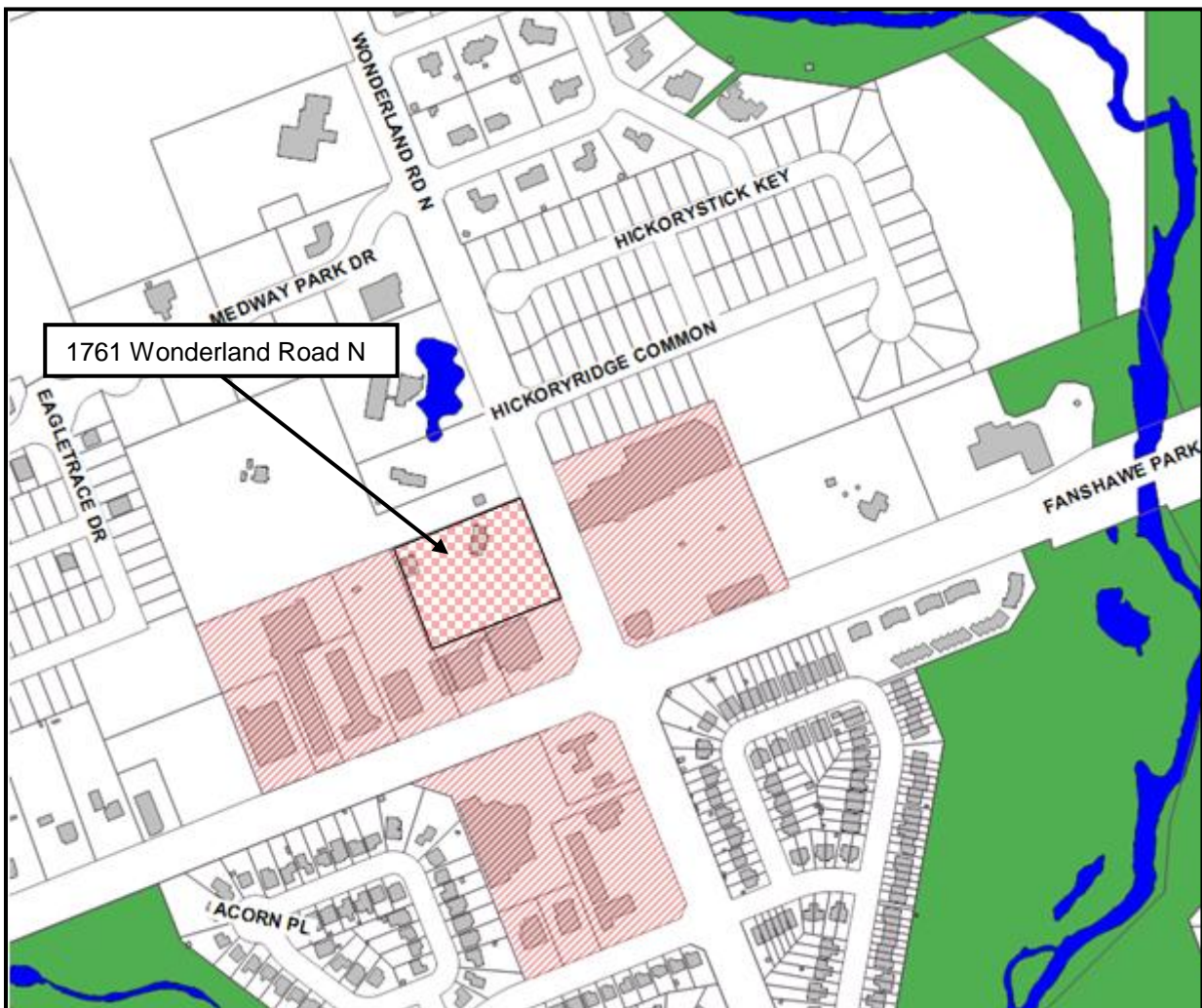
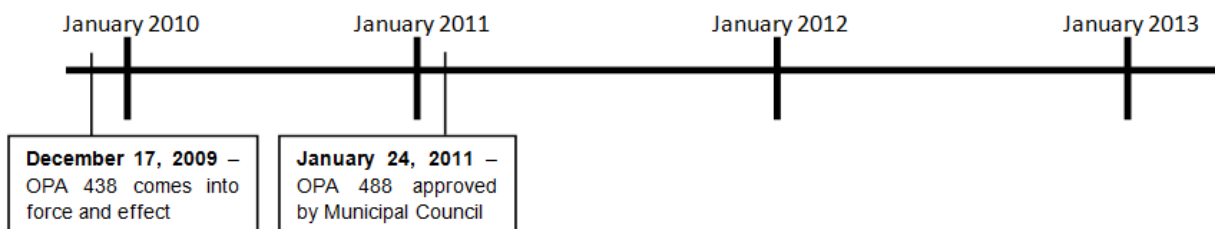


Figure 2 – The expansion of the Neighbourhood Commercial Node designation onto the lands at 1761 Wonderland Road North comprising approximately 1.03 hectares to facilitate the development of a 3,600m<sup>2</sup> “Supermarket”. New special policies are adopted stipulating that the maximum GFA for commercial development within the entire commercial node is 23,000m<sup>2</sup>

**725 AND 751 FANSHAWE PARK ROAD WEST (OPA 499 & Z.-1-112003) – 04 April 2011**

On March 28, 2011, 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 an expansion of the Subject Commercial Node onto a portion of the lands at 751 Fanshawe Park Road West. On April 4, 2011, Municipal Council amended the Official Plan to:

- change the designation of the southern portion of 751 Fanshawe Park Road West from

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**File: O-8131**  
**Planner: M. Tomazincic**

- Multi-Family, Medium Density Residential to Neighbourhood Commercial Node, and
- add a special Official Plan policy to permit additional commercial development, at 751 Fanshawe Park Road West, notwithstanding any maximum GFA policies, without specifying a maximum GFA.

Council also amended the Zoning By-law to change the zoning of the site from a holding Residential R5/R6 Zone (h•h-54•R5-4/R6-5) Zone to a holding Neighbourhood Shopping Area (h•h-54•h-89•NSA3) Zone to implement the above Official Plan amendment.

These amendments were not appealed and came into force and effect on May 10, 2011.

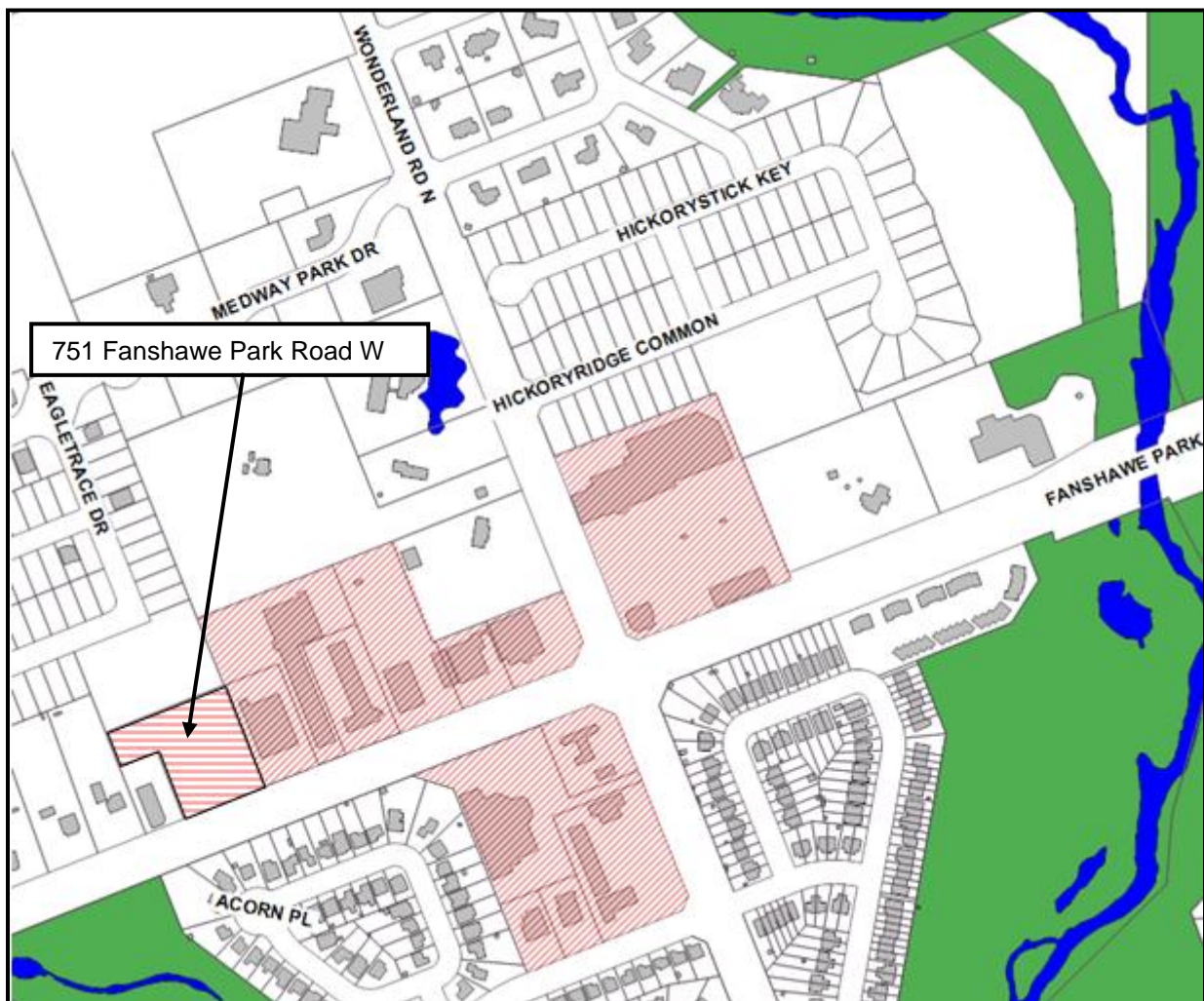
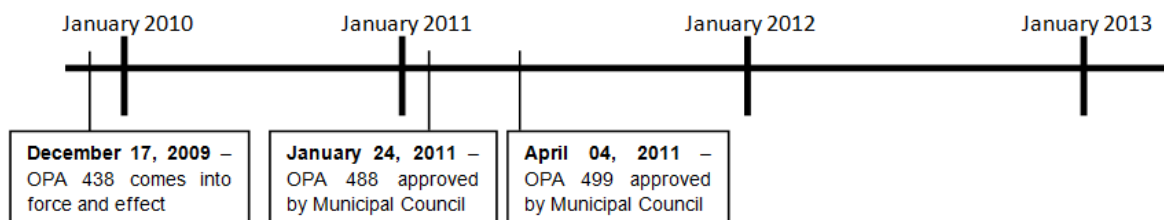


Figure 3 – The expansion of the Neighbourhood Commercial Node designation onto the south portion of the lands at 751 Fanshawe Park Road West comprising approximately 0.77 hectares to facilitate the development of an additional 2,500m<sup>2</sup> of new commercial GFA. New special policies are adopted stipulating that additional commercial development is permitted notwithstanding the maximum GFA policies. NOTE: The land use changes approved for 1761 Wonderland Road were appealed to OMB and were not in force and effect.

**1761 WONDERLAND ROAD NORTH (OPA 488) – Additional Information – 24 July 2012**

As a result of OPA 438 coming into force and effect, new Official Plan policies were introduced which required that applicants submitting applications to expand commercial areas submit a

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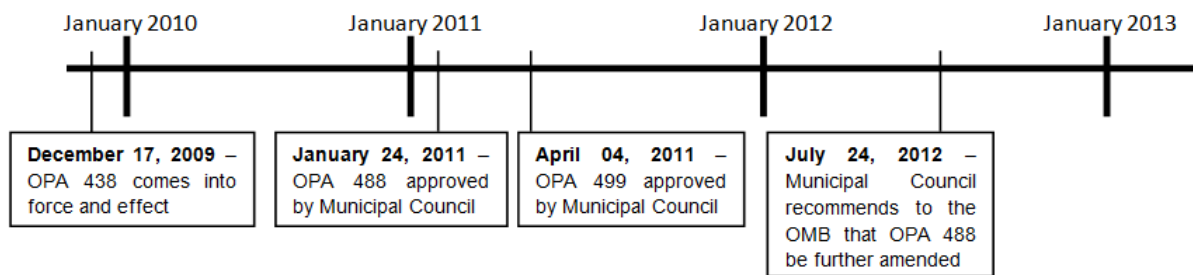
**File: O-8131**  
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Commercial Justification Report, "...which addresses the availability of other designated lands to accommodate the uses proposed, the effect of the change in designation on the supply of commercial lands; and to determine the need for new commercial floor space in this area."

During the time of Pre-application Consultation for the requested land use change on the Subject Site, Planning Staff were under the premise that OPA 438 had not come into force and effect and, as a result, did not request the Commercial Justification Report as part of a complete application. The absence of the Commercial Justification Report was cited as a reason for the appeal to the OMB.

On May 14, 2011, the applicant submitted the required Commercial Justification Report, a Traffic Impact Assessment Addendum, and a Planning Justification Report to support the requested amendments. Given the *Planning Act* prohibition to introduce new information at the OMB, Planning Staff presented this additional information and material at a public meeting of the Planning and Environment Committee on July 16, 2012 to allow Council to consider whether the information and material could have materially affected its decision.

On July 24, 2012, Council reconsidered its decision in light of the information and material and made a written *recommendation* to the Ontario Municipal Board that OPA 488 (see above) be further amended to delete the special Official Plan policy which permits a maximum GFA of 23,000m<sup>2</sup> for commercial development within the Subject Commercial Node and add a sentence to the existing special Official Plan policy adopted in OPA 499 (see above) to permit additional commercial development on the lands at 1761 Wonderland Road North, notwithstanding any maximum GFA policies, and without specifying a maximum GFA.



**SIGNIFICANT DEPARTMENT/AGENCY COMMENTS**

**Water Engineering Division**

*A 450mm PVC watermain is available for 1761 Wonderland Road North*

**Stormwater Management Unit**

- *The City Design Requirements for Permanent Private Stormwater Systems were approved by City Council and is effective as of January 01, 2012. The stormwater requirements for PPS for all medium/high density residential, institutional, commercial and industrial development sites are contained in this document, which may include but not be limited to quantity/quality control, erosion, stream morphology, etc.*
- *The owner and its Engineer to prepare a servicing report for minor, major flows, SWM measure (which are to address water quality, quantity, erosion controls), and identify outlet system in accordance with City of London standards and MOE standards/guidelines.*
- *The owner must allow for conveyance of overland flows from external drainage areas that naturally drain by topography through the subject lands.*

**Upper Thames River Conservation Authority (UTRCA)**

*The UTRCA has no objections to this application.*



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<b>PUBLIC LIAISON:</b>	<p>On 21 December 2012, Notice of Application was sent to 221 property owners in the surrounding area. Notice of Application was also published in the “Public Notices &amp; Bidding Opportunities” section of the Londoner on Thursday, December 20, 2012. A Revised Notice of Application was published in the “Public Notices &amp; Bidding Opportunities” section of the Londoner on Thursday, December 27, 2012. A “Possible Land Use Change” sign was posted on the site on January 10, 2013. Notice of Public Meeting was sent to 221 property owners in the surrounding area. Notice of Public Meeting was published in the “Public Notices &amp; Bidding Opportunities” section of the Londoner on Thursday, January 10, 2013.</p>	<p>2 replies were received</p>
<p><b>Nature of Liaison:</b> Possible amendment to the Official Plan by <b>DELETING</b> Special Policy 4.3.8.6.(3) (Wonderland Road North/Fanshawe Park Road West) and <b>ADDING</b> a new special policy to 4.3.8.6. (Wonderland Road North/Fanshawe Park Road West) stating, <i>“Notwithstanding policy 4.3.8.5, additional commercial development, including a “Supermarket”, may be permitted at the Neighbourhood Commercial Node on the lands at 1761 Wonderland Road North.”</i></p>		
<p><b>Responses:</b> 2 responses received for general information</p>		

**BACKGROUND**

As indicated in the “Planning History” section of this report, the request to expand the Neighbourhood Commercial Node designation onto the Subject Site (OPA 488) and the special Official Plan policy to permit a maximum GFA of 23,000m<sup>2</sup> for commercial development within the Subject Commercial Node had been appealed to the OMB (in addition to the Zoning By-law amendments to implement the policies).

Given that this matter was before the OMB when new information was presented to Municipal Council, the jurisdiction to further amend the above OPA resided with the OMB. It is for this reason that on July 24, 2012, Municipal Council *recommended* to the OMB that OPA 488 be further amended rather than adopting an Official Plan *amendment* to do the same.

However, on December 14, 2012, the appellants withdrew their appeals against Municipal Council’s decision to adopt OPA 488. The withdrawal of this appeal causes the decision of Municipal Council made on January 24, 2011 to come into force and effect and subsequently removes the OMB’s jurisdiction to hear the recommendation of Municipal Council made on July 24, 2012, to further amend OPA 488 (it should be noted that the appeals against Municipal Council’s decision to pass Z.-1-111977 were not withdrawn).

The result of OPA 488 coming into force and effect is that the lands at 1761 Wonderland Road North are now designated Neighbourhood Commercial Node and the policy to permit a maximum of 23,000m<sup>2</sup> GFA is now applied to all commercial development within the Subject Commercial Node. The concern is that this maximum GFA may preclude additional commercial development at 1761 Wonderland Road North given the amount of commercial development that has been approved since the time that this matter has been appealed (see OPA 499).

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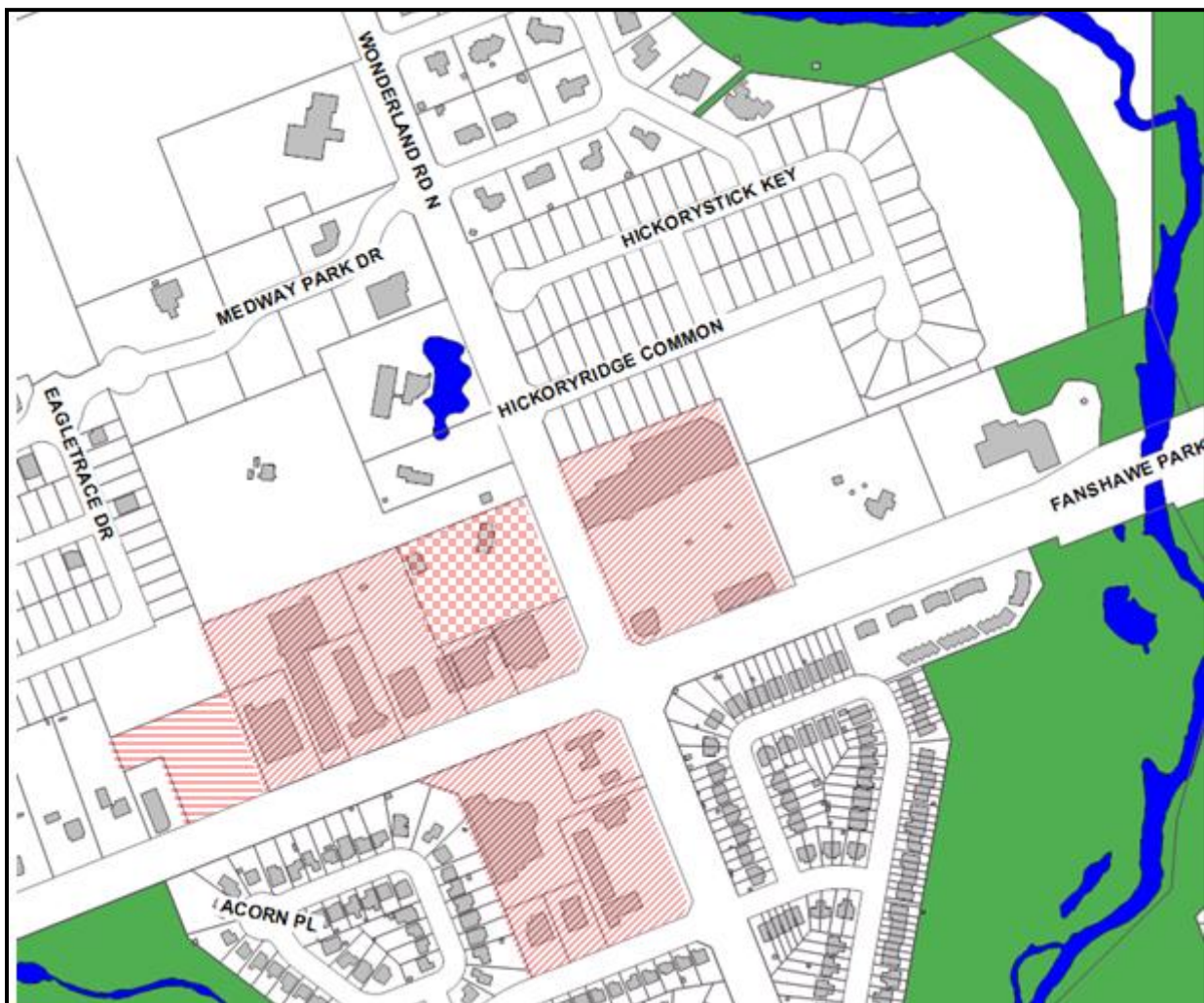
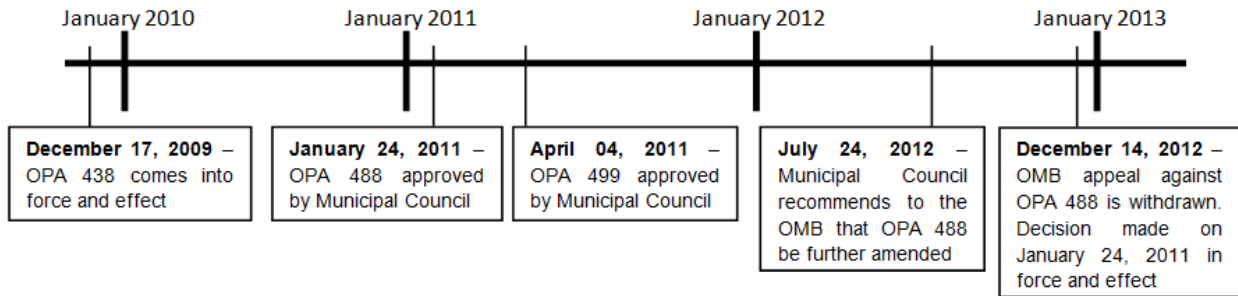


Figure 4 – The appeal against OPA 488 only is withdrawn (Zoning approval still under appeal) and the Official Plan amendments approved by Municipal Council on January 24, 2011 come into force and effect including new special policies stipulating that the maximum GFA for commercial development within the entire commercial node is 23,000m<sup>2</sup> (noting that 2,500m<sup>2</sup> of new commercial development has been approved at 751 Fanshawe Park Road West since the adoption of OPA 488)

Given the removal of the OMB’s jurisdiction to consider the recommendation of Municipal Council, the purpose of this report is to recommend that Municipal Council’s recommendation made on July 24, 2012, is re-instituted by way of an Official Plan amendment.

**ANALYSIS**

**Subject Lands**

The Subject Commercial Node is designated Neighbourhood Commercial Node in the Official Plan and is located at the intersection of Wonderland Road North and Fanshawe Park Road West comprising an approximate combined frontage of 650 metres (2,135 feet) along Fanshawe

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Park Road West, an approximate combined frontage of 470 metres (1,542 feet) along Wonderland Road North, and an approximate area of 10.5 hectares (25.9 acres).

Wonderland Road North and Fanshawe Park Road West are classified as Arterial Roads on Schedule C – Transportation Corridors – to the City of London Official Plan with an average daily Wonderland Road North traffic volume of 9,000 vehicles per day north of Fanshawe Park Road West and 22,500 vehicles south of Fanshawe Park Road West and an average daily Fanshawe Park Road West traffic volume of 28,000 vehicles west of Wonderland Road North and 33,000 vehicles east of Wonderland Road North.

The northeast quadrant of this node comprises a neighbourhood shopping plaza with an approved GFA of 7,000m<sup>2</sup> anchored by a 3,600m<sup>2</sup> “Food store” (with approvals to permit a maximum of 4,180m<sup>2</sup>) and a 1,600m<sup>2</sup> pharmacy.

The northwest quadrant comprises a mix of commercial uses. Until recently, these lands had accommodated service commercial uses such as motels and furniture stores, in conformity to the former Restricted/Highway Service Commercial designation, but many of the buildings have recently been repurposed to accommodate general retail, restaurant, and personal service uses. In addition to Council’s approval to expand the Subject Commercial Node onto the lands at 1761 Wonderland Road North in January 2011, Council also approved additional Official Plan and Zoning By-law amendments within this quadrant in relatively quick succession. In October 2010, Council approved Official Plan and Zoning By-law amendments for the lands at 715 and 725 Fanshawe Park Road West to permit a self-storage establishment with a maximum gross floor area of 8,395m<sup>2</sup>. And in April 2011, Council approved Official Plan and Zoning By-law amendments to expand the Subject Commercial Node westward, onto the southern portion of the lands at 751 Fanshawe Park Road West, comprising a lot area of approximately 7,700m<sup>2</sup>, to accommodate approximately 2,500m<sup>2</sup> of new commercial GFA, notwithstanding Official Plan policies which limit the maximum GFA of commercial development.

The southwest quadrant comprises a commercial plaza fronting the Fanshawe Park Road West corridor, a mix of automotive uses fronting the Wonderland Road North corridor, and mix of convenience commercial uses and a stand-alone animal hospital along the Aldersbrook Road corridor.

The southeast quadrant is comprised of reverse-lotted, low density residential uses separated from the Fanshawe Park Road West and Wonderland Road North corridors by noise attenuation walls.

**Nature of the Application**

The intent of this Official Plan amendment is to re-institute Municipal Council’s recommendation to the Ontario Municipal Board, made on July 24, 2012, by way of Council Resolution, to delete the existing special Official Plan policy which limits commercial development within the Subject Commercial Node to 23,000m<sup>2</sup> and add a new special policy to permit additional commercial development on the lands at 1761 Wonderland Road North, notwithstanding the maximum GFA criterion.

With the deletion of the existing special Official Plan policy, the general NCN policy 4.3.8.5 governs with respect to the scale of development within the Subject Commercial Node. This general NCN policy limits the maximum GFA for commercial development within all NCN designations to 13,000m<sup>2</sup>.

Given that the GFA within the Subject Commercial Node already approaches 23,000m<sup>2</sup>, the existing special policy may no longer facilitate the development of a 3,600m<sup>2</sup> “Supermarket” on the Subject Site, as approved by Council on January 24, 2011, despite the fact that its designation permits neighbourhood commercial uses. Therefore, the proposed amendments are intended to apply a special Official Plan policy to the lands at 1761 Wonderland Road North to permit additional commercial development, including a “Supermarket”, notwithstanding policy



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4.3.8.5 which limits the maximum GFA to 13,000m<sup>2</sup>. A similar approach was used during the approval of OPA 499 which expanded the Subject Commercial Node westward onto the lands at 751 Fanshawe Park Road West.

The intent of this Official Plan amendment is to also clearly articulate that a “Supermarket” is permitted on the Subject Site, consistent with the Zoning By-law amendment (Z.-1-111977) made by Municipal Council on January 24, 2011 (and currently under appeal to the OMB), which added “Supermarket” to the list of permitted uses.

### **Provincial Policy Statement**

The *Provincial Policy Statement, 2005* (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS is more than a set of individual policies. It is intended to be read in its entirety and the relevant policies are to be applied to each situation. As it relates to this application, the PPS provides some direction to this matter.

Policy 1.1.3.1 states that, “*settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted.*”

The Subject Commercial Node is located within the settlement area and the proposed amendment to delete the existing special policy which limits the maximum GFA for commercial development to 23,000m<sup>2</sup> will have no negative impact on the vitality of the existing commercial development. And the proposed amendment provides an opportunity to add vitality to the lands at 1761 Wonderland Road North by permitting additional neighbourhood commercial uses, for which it is designated, including the use of a “Supermarket”.

Policy 1.1.3.7 states that, “*new development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.*”

The proposed amendments will permit new commercial development to occur on the lands at 1761 Wonderland Road North, adjacent to the existing commercial development within the Subject Commercial Node. The lands at 1761 Wonderland Road North effectively “square off” the Subject Commercial Node to create a compact parcel fabric and provides an opportunity to complement the mix of uses within the Node while utilizing the abutting infrastructure.

Policy 1.8.1 states that, “*Planning authorities shall support energy efficiency and improved air quality through land use and development patterns which:*

- *promote compact form and a structure of nodes and corridors;*
- *promote the use of public transit and other alternative transportation modes in and between residential, employment (including commercial, industrial and institutional uses) and other areas where these exist or are to be developed;*
- *focus major employment, commercial and other travel-intensive land uses on sites which are well served by public transit where this exists or is to be developed, or designing these to facilitate the establishment of public transit in the future;*

The Subject Commercial Node currently complies with the first criterion. The development of lands at 1761 Wonderland Road North can be accommodated in a nodal form which utilizes interior vehicular and pedestrian movements between adjacent lands. The Subject Commercial Node and potential commercial development at 1761 Wonderland Road North comprise a mix of uses which create symbiotic opportunities for multiple purpose shopping trips and a destination point for the use of public transit located along Fanshawe Park Road West.

The recommended amendments are consistent with the policies of the *Provincial Policy Statement, 2005*.

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**Fox Hollow Community Plan**

The background studies to the Fox Hollow Community Plan (written by Development Engineering (London) Limited – September 1998) recognized the northwest quadrant of the Subject Commercial Node as a viable commercial node. Although concerns were raised about the size of the commercial/office land within this quadrant, the background studies recommended that the existing size of the commercial/office land be maintained. Furthermore, the background studies also recognized the potential for commercial/office intensification at this quadrant. The Fox Hollow Community Plan implemented these recommendations.

It should be noted that the Subject Lands at 1761 Wonderland Road North are regarded as *commercial* land, not *office*, in the Fox Hollow Community Plan. This is illustrated in the Community Plan map in Figure 5 (below) which superimposes the land use concept onto the parcel fabric.

Therefore, a commercial development on the Subject Site would be consistent with the commercial land use concept of the Fox Hollow Community Plan and could be considered intensification of the commercial land in conformity to the intent of the Community Plan.

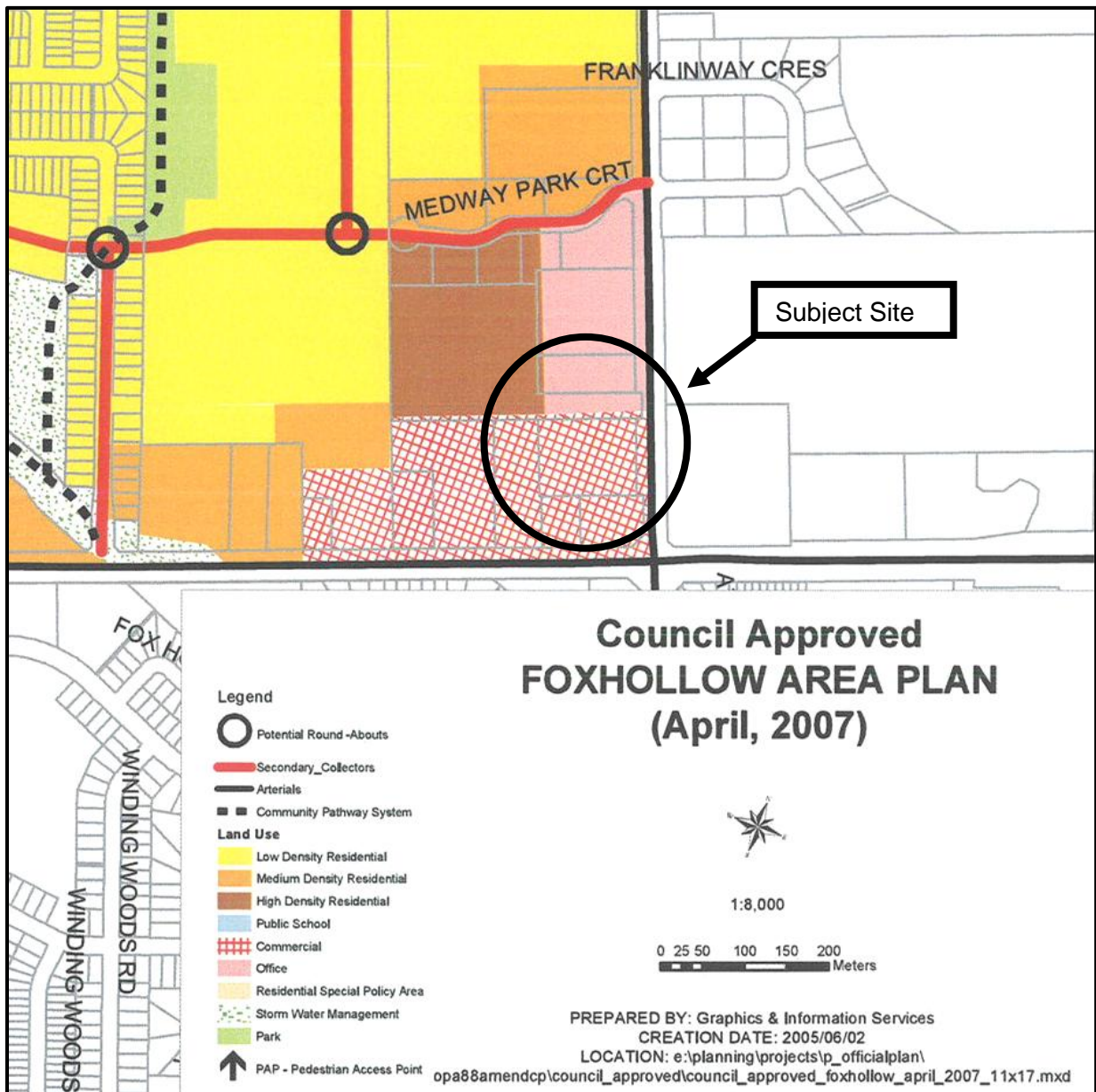


Figure 5 – Fox Hollow Community Plan recommends that the subject site be “Commercial” in intensification of commercial uses is contemplated.

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**Official Plan Policies**

The Official Plan contains Council's objectives and policies to guide the short-term and long-term physical development of the municipality. The policies promote orderly urban growth and compatibility among land uses. While the objectives and policies in the Official Plan primarily relate to the physical development of the municipality, they also have regard for relevant social, economic and environmental matters.

The Subject Commercial Node is designated Neighbourhood Commercial Node ("NCN") on Schedule A – Land Use – to the City's Official Plan. The primary permitted uses in areas designated Neighbourhood Commercial Nodes include: small retail stores; food stores; pharmacies; convenience commercial uses; personal services; financial institutions; service-oriented office uses such as real estate, insurance and travel agencies; community facilities such as libraries or day care centres; professional and medical/dental offices; small-scale restaurants; commercial recreation establishments; and similar uses that draw customers from a neighbourhood-scale trade area.

Part of the recommended amendment seeks to add "Supermarket" to the list of permitted uses on the lands at 1761 Wonderland Road North. While this designation does identify "Food store" as a permitted use it does not specifically identify "Supermarket". It should be noted that the Zoning By-law defines "Food store", "Grocery Store", and "Supermarket" similarly:

*"Food store" means a retail store selling food and associated small household items, and having a gross leasable floor area of less than 2000.0 square metres (21,528 sq. ft.) or as determined by the zone standard.*

*"Grocery store" means a retail store selling food and associated small household items and having a gross leasable floor area of less than 3000.0 square metres (32,292 square feet) or as determined by the zone standard.*

*"Supermarket" means a retail store devoted to the sale of food and associated small household items.*

The above definitions demonstrate that the above three uses provide the same function while the differences between them relate to *scale*. The rationale behind permitting "Food stores" in Neighbourhood Commercial Nodes is to permit a scale of commercial uses that complement the neighbourhood-scale of the node. However, it should be noted that the Zoning By-law, which implements the NCN designation, permits the development of "Food stores" that exceed the maximum scale of "Grocery stores". For example, the Neighbourhood Shopping Area NSA4 and NSA5 Zone variations permit the development of "Food stores" with a maximum GFA of 3,200m<sup>2</sup> as-of-right. And, as previously mentioned in the Planning History section, the City of London Committee of Adjustment granted permission for the development of a "Food store" with a GFA of 4,180m<sup>2</sup> at the northeast quadrant of the Subject Commercial Node (No Frills). It should be noted that in these instances the scale of such "Food stores" are similar to that of "Grocery stores" and "Supermarkets" but their *use* still remains that of a "Food store" as permitted by the Official Plan.

Therefore, although a "Supermarket" use is not explicitly identified in the Official Plan policies, when evaluating the *use* and the *intensity* of a proposed "Supermarket" with a GFA of 3,600m<sup>2</sup> on the lands at 1761 Wonderland Road North the *use* is similar to the definition of a "Food store" and the *intensity* of the "Supermarket" is consistent with the intent neighbourhood-scale commercial nodes which permit "Food stores" with a maximum GFA of 3,200m<sup>2</sup> and noting that the Subject Commercial Node currently permits a 4,180m<sup>2</sup> "Food store".

The Neighbourhood Commercial Node policies (4.3.8.5) also identify the maximum scale of commercial development as a total GFA which does not exceed 13,000m<sup>2</sup>. However, the Subject Commercial Node currently exceeds this criterion and furthermore Council has approved two recent expansions to the total GFA within the Subject Commercial Node. These



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recent expansions are reflected in two special Official Plan policies that apply to the Subject Commercial Node:

- Policy 4.3.8.6.(2) was adopted through OPA 499 (see Planning History) and it permits additional commercial development on the southern portion of commercial lands at 751 Fanshawe Park Road West notwithstanding policy 4.3.8.5 which limits the maximum GFA of commercial development to 13,000m<sup>2</sup>.
- Policy 4.3.8.6.(3) was adopted through OPA 488 (see Planning History) and the policy permits a maximum GFA for commercial development within the Subject Commercial Node of 23,000m<sup>2</sup>. This policy came into force and effect as a result of the withdrawal of the appeal against OPA 488 (see Background) in December 2012

The recommended amendment seeks to delete the latter special policy (4.3.8.6.(3)), given that the amount of approved commercial development within the Subject Commercial Node now approaches this maximum permitted GFA, and replace it with a new special Official Plan policy which allows additional commercial development on the lands at 1761 Wonderland Road North notwithstanding the maximum GFA (similar to policy 4.3.8.6.(2)). The deletion of policy 4.3.8.6.(3) would effectively mean that the maximum GFA for the Subject Commercial Node would be 13,000m<sup>2</sup> (as per the general Neighbourhood Commercial Node policy 4.3.8.5) but the adoption of the proposed special Official Plan policy would permit commercial development on the lands at 1761 Wonderland Road North notwithstanding this maximum GFA.

<b>CONCLUSION</b>
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In January 2010, Council passed Official Plan and Zoning By-law amendments to permit a maximum GFA of 23,000m<sup>2</sup> for commercial development within the Subject Commercial Node and to permit a 3,600m<sup>2</sup> “Supermarket” at 1761 Wonderland Road North. In July 2012, Municipal Council recommended to the OMB that the Official Plan amendment be further amendment to remove maximum GFA of 23,000m<sup>2</sup> for commercial development. In December 2012 the appeal against the Official Plan amendment had been withdrawn prior to the OMB having an opportunity to consider Council’s further amendment.

Given the removal of the OMB’s jurisdiction to consider the recommendation of Municipal Council, the purpose of this report is to recommend that Municipal Council’s recommendation made on July 24, 2012 is re-instituted by way of an Official Plan amendment.

<b>PREPARED BY:</b>	<b>SUBMITTED BY:</b>
<b>MICHAEL TOMAZINCIC, MCIP, RPP MANAGER, PLANNING REVIEW</b>	<b>JIM YANCHULA, MCIP, RPP MANAGER, COMMUNITY PLANNING AND DESIGN</b>
<b>RECOMMENDED BY:</b>	
<b>JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER</b>	

January 14, 2013

MT/mt

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Planner: M. Tomazincic**

**Responses to Public Liaison Letter and Publication in “Living in the City”**

<u>Telephone</u>	<u>Written</u>
	William Church 123 Acorn Place
	Denise Locking 1808 Attawandaron Road

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**Planner: M. Tomazincic**

**Appendix "A"**

Bill No. (number to be inserted by Clerk's Office)  
2013

By-law No. C.P.-1284-\_\_\_\_\_

A by-law to amend the Official Plan for the City of London, 1989 relating to the Fanshawe Park Road West/Wonderland Road North Neighbourhood Commercial Node and 1761 Wonderland Road North.

The Municipal Council of The Corporation of the City of London enacts as follows:

1. Amendment No. (to be inserted by Clerk's Office) to the Official Plan for the City of London Planning Area – 1989, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. This by-law shall come into effect in accordance with subsection 17(38) of the *Planning Act, R.S.O. 1990, c.P.13.*

PASSED in Open Council on January 29, 2013.

Joe Fontana  
Mayor

Catharine Saunders  
City Clerk

First Reading – January 29, 2013  
Second Reading – January 29, 2013  
Third Reading – January 29, 2013



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File: O-8131  
Planner: M. Tomazincic

**AMENDMENT NO.**

**to the**

**OFFICIAL PLAN FOR THE CITY OF LONDON**

**A. PURPOSE OF THIS AMENDMENT**

The purpose of this Amendment is:

1. To delete the special Official Plan policy 4.3.8.6.(3) for the Wonderland Road North/Fanshawe Park Road West Neighbourhood Commercial Node which permits a maximum of 23,000m<sup>2</sup> of total gross floor area of commercial development at this node, and
2. To add a new special Official Plan policy to Section 4.3.8.6. of the Official Plan to permit additional commercial development, including a “Supermarket”, on the lands at 1761 Wonderland Road North notwithstanding the Official Plan policy 4.3.8.5 which limits commercial development within a Neighbourhood Commercial Node to a maximum gross floor area of 13,000m<sup>2</sup>.

**B. LOCATION OF THIS AMENDMENT**

This Amendment applies to lands located at the Wonderland Road North/Fanshawe Park Road West Neighbourhood Commercial Node and to lands located at 1761 Wonderland Road North in the City of London.

**C. BASIS OF THE AMENDMENT**

The basis of these amendments is to permit the development commercial uses on the lands at 1761 Wonderland Road North, as permitted by the Neighbourhood Commercial Node designation, while maintaining the scale of the remainder of the Node, and to implement the recommendation of Municipal Council to the Ontario Municipal Board made on July 24, 2012.

**D. THE AMENDMENT**

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

1. Delete section 4.3.8.6.(3) – Wonderland Road North/Fanshawe Park Road West of the Official Plan for the City of London.
2. Policy 4.3.8.6 (Special Policies) to the Neighbourhood Commercial Node policies of the Official Plan for the City of London is amended by adding the following special policy:

\_\_ ) 1761 Wonderland Road North

Notwithstanding policy 4.3.8.5, additional commercial development may be permitted on the lands located at 1761 Wonderland Road North. In addition to the uses permitted in the Neighbourhood Commercial Node designation, a Supermarket is also permitted.

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File: O-8131  
Planner: M. Tomazincic

**Bibliography of Information and Materials  
O-8131**

**Request for Approval:**

City of London Official Plan Amendment Application Form (17 December 2012)

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)

**Reference Documents:**

Ontario. Ministry of Municipal Affairs and Housing. *Planning Act, R.S.O. 1990, CHAPTER P.13*, as amended.

Ontario. Ministry of Municipal Affairs and Housing. *Provincial Policy Statement*, March 1, 2005.

City of London. *Official Plan*, June 19, 1989, as amended.

City of London. *Zoning By-law No. Z.-1*, May 21, 1991, as amended.

**Agency Review and Public Responses: (located in City of London File No. O-8131 unless otherwise stated)**

**Water Engineering Division**

Moore, R. Water Technologist II. E-mail to M. Tomazincic. 02 January 2013

**Stormwater Management Unit**

Galloway, A. Engineering Technologist. E-mail to M. Tomazincic. 03 January 2013

**Upper Thames River Conservation Authority (UTRCA)**

Creighton, C. Land Use Planner. E-mail to M. Tomazincic. 07 January 2013

**Public Responses**

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**Telephone**

None