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File: OZ-8120
Planner: C. Smith

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: PENEQUITY REALTY CORPORATION 3130 & 3260 DINGMAN DRIVE AND THE REAR PORTION OF 4397/4407 WELLINGTON ROAD SOUTH PUBLIC PARTICIPATION MEETING ON JUNE 18, 2013

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, 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 4397/4407 Wellington Road South:

- a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on June 25, 2013 to amend the Official Plan 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
- b) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on June 25, 2013 to amend the Official Plan to:
 - i) Amend Schedule “A” Land Use to change the designation **FROM** New Format Regional Commercial Node **TO** Open Space to allow for the protection of the existing Significant Woodland;
 - ii) Amend Schedule B-1- Natural Heritage Features, **TO DELETE** Unevaluated Vegetation Patch and **TO ADD** “Significant Woodlands”; and
- c) the proposed 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** an Open Space (OS5) Zone and a Holding Associated Shopping Area Commercial Special Provision (h*h-2*h-18*h-55* h-103*h-141*ASA3/ASA5/ASA6 ()/ASA7()/ASA8()) Zone to allow for 50,183m² of commercial retail use, 13,564m² of commercial recreational use, 3,921m² cinema use, a gas bar use and a passive recreational use, subject to holding provisions to ensure the provision of municipal servicing, an EIS be completed, archaeological evaluation be completed, a transportation study be completed, Ministry of Transportation permits be obtained and urban design issues implemented noting that if the woodland is maintained substantive redesign will be required; and
- d) 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

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- 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; and
 - 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.
- e) 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) 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 50,183m² of commercial retail use, 13,564m² of commercial recreational use, 3,921m² cinema use, a gas bar use and a passive recreational use, **BE REFUSED** for the following reasons;
- i) the requested amendment is not consistent with the Provincial Policy Statement, 2005, including Wise Use and Management of Resources policies; and
 - ii) the requested amendment is not consistent with the Environmental policies of the Official Plan.

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PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of this Official Plan and Zoning change is to allow for the development of a 67,693m² commercial shopping centre.

RATIONALE

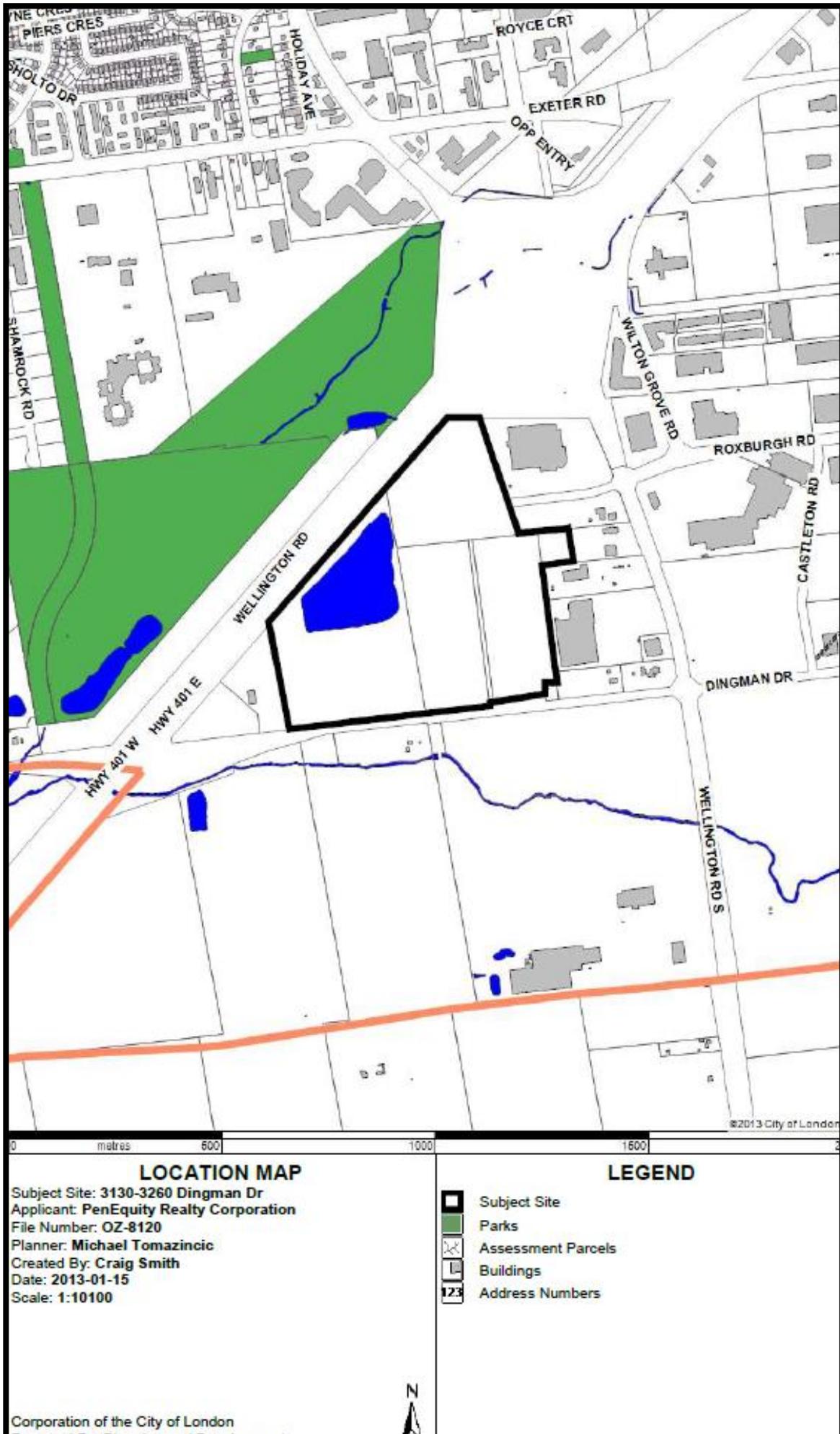
1. The recommended amendments are consistent with the *Provincial Policy Statement, 2005* including the Wise Use and Management of Resources policies.
2. The recommended amendments are consistent with the New Format Regional Commercial Node and the Environmental policies of the Official Plan.
3. The recommended Zoning By-law amendment includes holding provisions for the completion of an Environmental Impact Study, implementation of urban design requirements and the requirement to obtain Ministry of Transportation permits.
4. The proposed amendment will permit a full range of commercial, commercial recreational and cinemas uses that enhance the significant “gateway” location along the 401 corridor.

BACKGROUND

Date Application Accepted: November 6, 2012	Agent: MHBC Planning, Urban Design and Landscape Architecture, c/o Carol Wiebe
REQUESTED ACTION: Possible amendment to the Zoning By-law FROM a Holding Restricted Service Commercial Special Provision/Light Industrial (h*RSC1(9)/RSC5/LI6) Zone and 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 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 ² of commercial retail use, 13,564m ² of commercial recreational use, 3,921m ² cinema use, a gas bar use and a passive recreational use.	

SITE CHARACTERISTICS:
<ul style="list-style-type: none"> • Current Land Use – Agricultural and woodland • Frontage – 606m • Depth – 677m • Area – 31.3 ha • Shape – irregular

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<p>SURROUNDING LAND USES:</p> <ul style="list-style-type: none"> • North - 401 Highway • South - Agricultural, Industrial and Natural heritage (Dingman Creek) • East - Commercial • West - 401 Highway
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<p>OFFICIAL PLAN DESIGNATION: (refer to Official Plan Maps)</p> <ul style="list-style-type: none"> • New Format Regional Commercial Node- Schedule A • Unevaluated Vegetation Patch- Schedule B-1
<p>EXISTING ZONING: (refer to Zoning Map)</p> <ul style="list-style-type: none"> • Holding Restricted Service Commercial Special Provision/Light Industrial (h*RSC1(9)/RSC5/LI6) Zone and a holding Restricted Service Commercial Special Provision (h*RSC1(9)/RSC3/RSC4(5)/RSC5) Zone

PLANNING HISTORY

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

Environment Engineering Services Department

Wastewater and Drainage Engineering Division

WADE has no objection to this rezoning and OP amendment. There is adequate sanitary capacity to service this site.

The Municipal sanitary outlet for the subject lands is to the 450mm diameter sanitary sewer between manhole #WR927 and #WR928 and or the 600mm diameter sanitary sewer further downstream in the municipal sanitary easement located in the northerly portion of the site. This sewer cross the 401 and flows by gravity to the dingman trunk sanitary sewer onward to Dingman drive and wonderland P.S. From here sanitary flows are forced up White Oak Road in a 600mm diameter forcemain to the Gordon Ave. trunk sanitary sewer and onward to Greenway PCP.

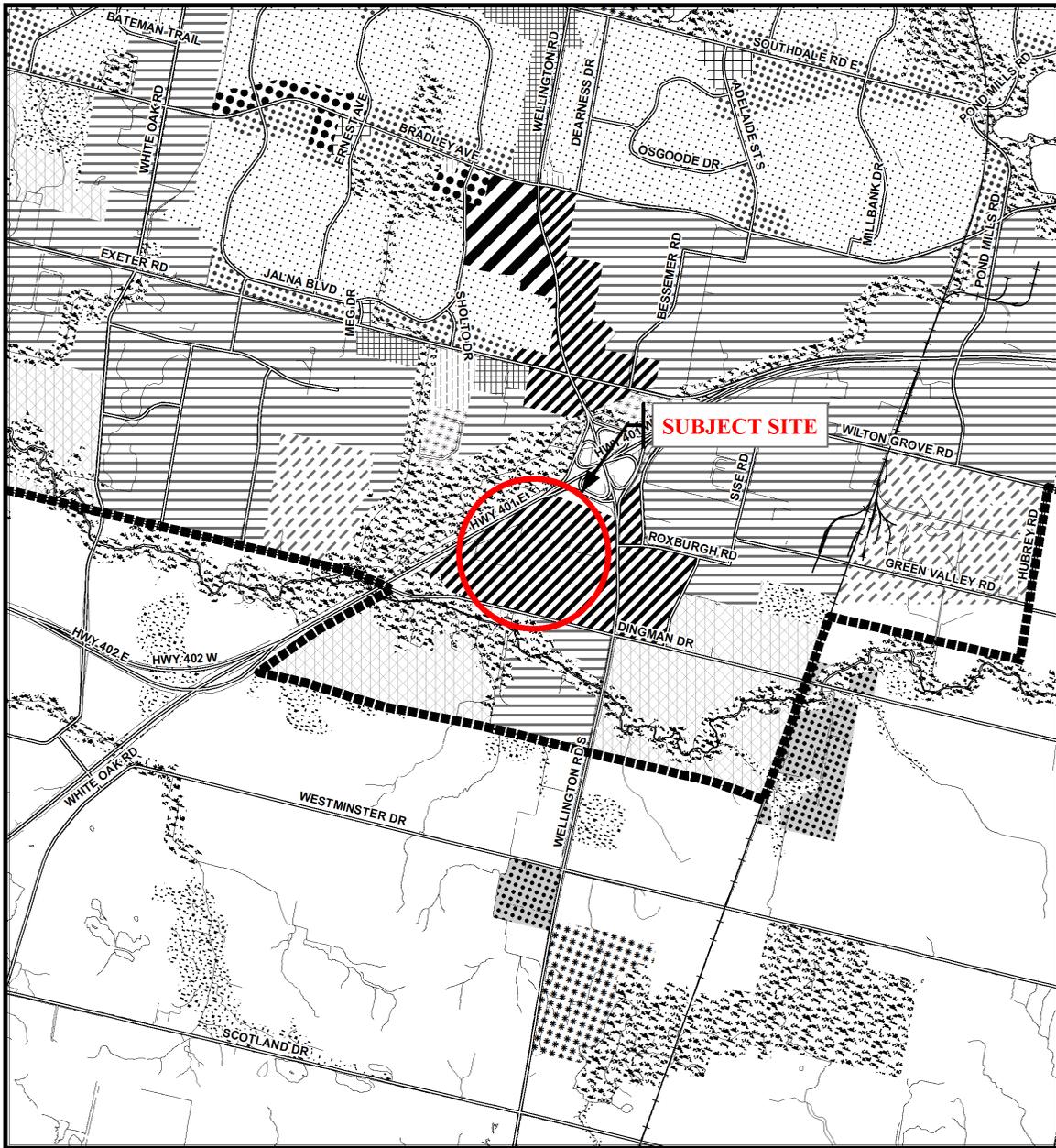
There is also a 300mm diameter municipal sanitary sewer within a municipal easement running northerly through the site from Dingman Drive to manhole #WR928. All structures must be kept out of this easement corridor for future maintenance and replacement. This pipe is not the designated sanitary outlet for the site.

A sanitary inspection manhole to City of London standards will also be required for this site, and is to be shown on the future site servicing drawings at site plan stage

Transportation Planning & Design Division

The Transportation Planning & Design Division has reviewed the transportation impact assessment for the PenEquity commercial development at the intersection of Wellington Rd and Dingman Dr and has the following comments.

- *The study indicates that the development is expected to be built-out by 2015. This site is comprised of approximately 728,000 square feet of commercial floor space and the build-out date seems optimistic based on other commercial development of similar size and type. As such, the growth in background traffic may be higher than forecasted and*

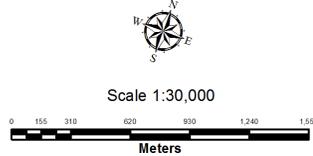


Legend

- | | |
|--|-----------------------------------|
| 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

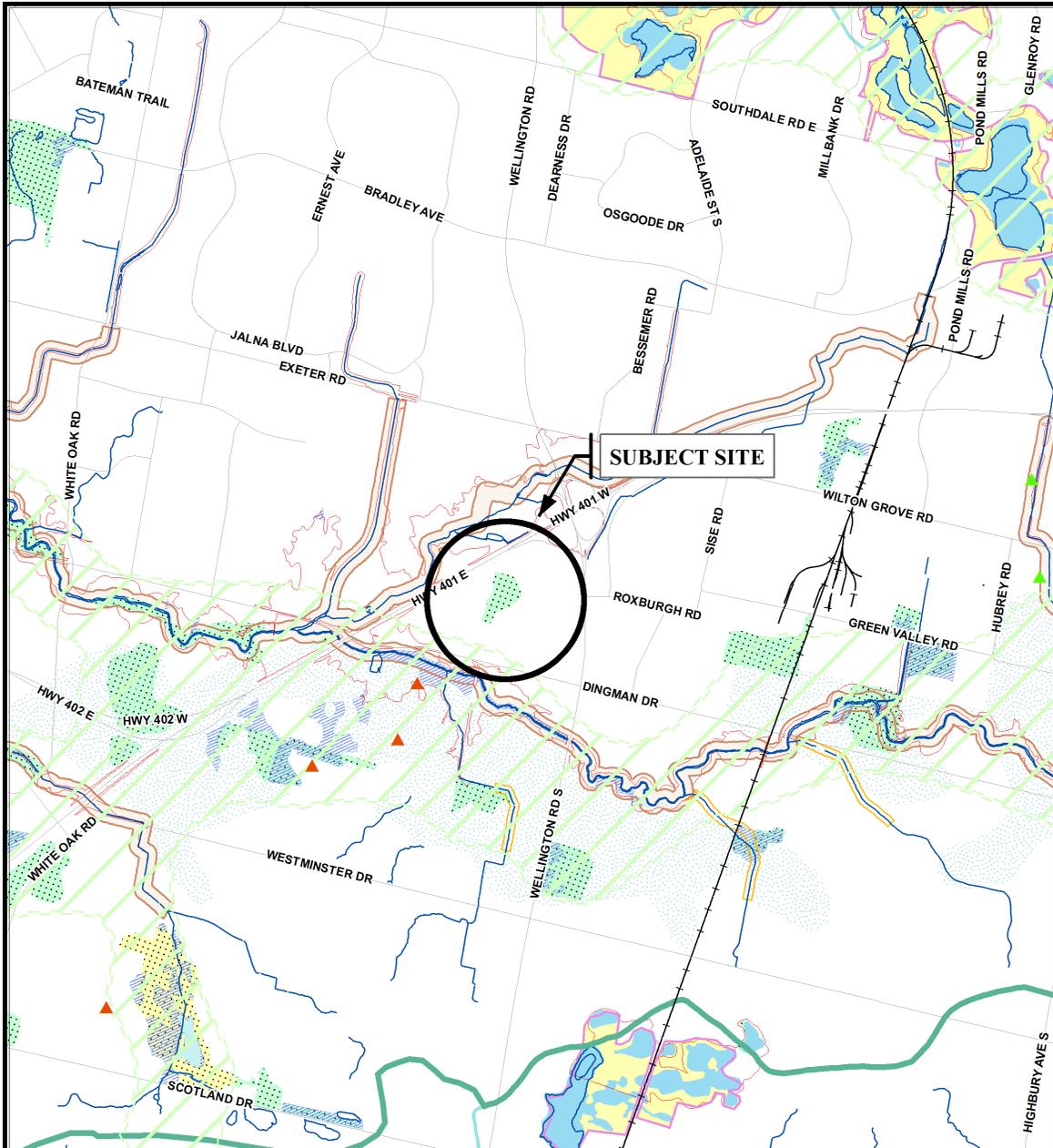


FILE NUMBER: OZ-8120
 PLANNER: CS
 TECHNICIAN: MB
 DATE: 2013/05/15

PROJECT LOCATION: e:\planning\projects\p_officialplan\work\consol00\excerpts\lmd_templates\scheduleA_NEW_b&w_8x14.mxd

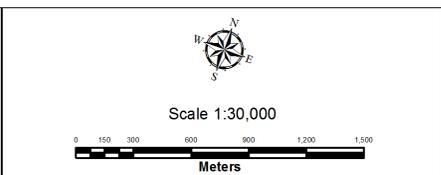
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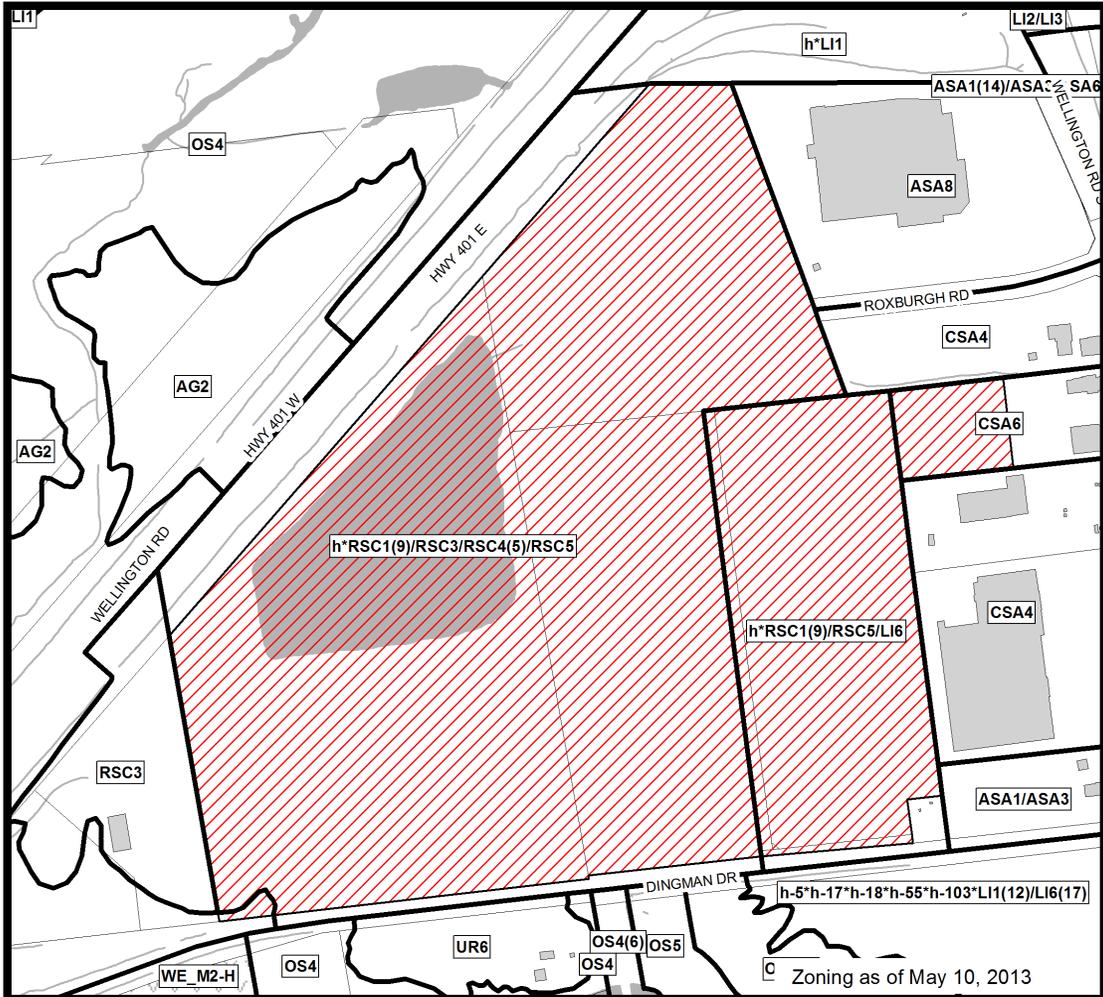
<p>NATURAL HERITAGE SYSTEM</p> <ul style="list-style-type: none"> ESAs Potential ESAs Significant Woodlands Woodlands Unevaluated Vegetation Patches Significant River, Stream, and Ravine Corridors Unevaluated Stream and Ravine Corridors Provincially Significant Wetlands Locally Significant Wetlands Unevaluated Wetlands Potential Naturalization Areas Potential Upland Corridors Ground Water Recharge Areas 	<p>NATURAL HAZARDS</p> <ul style="list-style-type: none"> Maximum Hazard Line <p><small>NOTE 1: Hazard Lines shown on this map are approximate. The precise delineation of hazard line mapping available from the Conservation Authority having jurisdiction.</small></p> <p><small>NOTE 2: Flood Fringe mapping for certain areas of the city is available from the Upper Thames River Conservation Authority.</small></p>
<p>Base Map Features</p> <ul style="list-style-type: none"> Railways Water Courses/Ponds Streets (refer to Schedule "C") Conservation Authority Boundary Subwatershed Boundary Big Picture Meta-Cores and Meta-Corridors 	

CITY OF LONDON
Department of
Planning and Development
OFFICIAL PLAN SCHEDULE B1
- NATURAL HERITAGE FEATURES -
PREPARED BY: Graphics and Information Services



FILE NUMBER: OZ-8120
PLANNER: CS
TECHNICIAN: MB
DATE: 2013/05/15

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COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: h*RSC1(9)/RSC3/RSC4(5)/RSC5 and h*RSC1(9)/RSC5/LI6 and CSA6

1) **LEGEND FOR ZONING BY-LAW Z-1**

- R1 - SINGLE DETACHED DWELLINGS
- R2 - SINGLE AND TWO UNIT DWELLINGS
- R3 - SINGLE TO FOUR UNIT DWELLINGS
- R4 - STREET TOWNHOUSE
- R5 - CLUSTER TOWNHOUSE
- R6 - CLUSTER HOUSING ALL FORMS
- R7 - SENIOR'S HOUSING
- R8 - MEDIUM DENSITY/LOW RISE APTS.
- R9 - MEDIUM TO HIGH DENSITY APTS.
- R10 - HIGH DENSITY APARTMENTS
- R11 - LODGING HOUSE

- DA - DOWNTOWN AREA
- RSA - REGIONAL SHOPPING AREA
- CSA - COMMUNITY SHOPPING AREA
- NSA - NEIGHBOURHOOD SHOPPING AREA
- BDC - BUSINESS DISTRICT COMMERCIAL
- AC - ARTERIAL COMMERCIAL
- HS - HIGHWAY SERVICE COMMERCIAL
- RSC - RESTRICTED SERVICE COMMERCIAL
- CC - CONVENIENCE COMMERCIAL
- SS - AUTOMOBILE SERVICE STATION
- ASA - ASSOCIATED SHOPPING AREA COMMERCIAL

- OR - OFFICE/RESIDENTIAL
- OC - OFFICE CONVERSION
- RO - RESTRICTED OFFICE
- OF - OFFICE

- RF - REGIONAL FACILITY
- CF - COMMUNITY FACILITY
- NF - NEIGHBOURHOOD FACILITY
- HER - HERITAGE
- DC - DAY CARE

- OS - OPEN SPACE
- CR - COMMERCIAL RECREATION
- ER - ENVIRONMENTAL REVIEW

- OB - OFFICE BUSINESS PARK
- LI - LIGHT INDUSTRIAL
- GI - GENERAL INDUSTRIAL
- HI - HEAVY INDUSTRIAL
- EX - RESOURCE EXTRACTIVE
- UR - URBAN RESERVE

2) **ANNEXED AREA APPEALED AREAS**

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

CITY OF LONDON PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES		FILE NO: OZ-8120	CS
ZONING BY-LAW NO. Z.-1 SCHEDULE A		MAP PREPARED: 2013/05/13	
		1:5,000 0 25 50 100 150 200 Meters	
THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS			

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suggest that through lane capacity will be exceeded. What other measures can you suggest be implemented along Roxburgh Rd to mitigate this capacity concern.

- *Based on the impact this development will have within the extended area we request that the intersection of Exeter Rd and Wellington Rd be included in the analysis.*

Stromwater Management Division

The SWM Unit has no objections to the proposed rezoning application. The Stantec's submitted Conceptual Stormwater Management (SWM) Report in principal addressed the proposed storm/drainage and SWM servicing works for Penequity's rezoning application, subject to the proposed woodland preservation water resources mitigation measures (or any modifications that would be required to the proposed storm/drainage and SWM servicing works with these measures) and the following comments that would to be addressed at the site plan approval stage:

- *The subject lands are located in the Tributary O of Dingman Creek Subwatershed. The Owner shall be required to be consistent with the SWM criteria and environmental targets identified in the Dingman Creek Subwatershed Study Update that may include but not be limited to quantity, quality and erosion control and be consistent with the Murray Marr Class EA study in relation to the proposed Murray Marr SWMF #4, subject to the proposed woodland preservation water resources mitigation measures (or any modifications that would be required).*
- *The owner's Consulting Engineer is required to provide the functional proposed Permanent Private System (PPS) storm-drainage and SWM servicing for the subject lands in accordance with the Stantec's Conceptual SWM Report accepted by the SWM Unit, all to the satisfaction of the City Engineer.*
- *The City Design Requirements for storm-drainage and SWM servicing PPS was approved by City Council and is effective as of January 01, 2012. Storm-drainage and SWM 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 and erosion control.*
- *The Owner agrees to promote the implementation of SWM Best Management Practices (BMP's) within this development application and all to the satisfaction of the City Engineer. The acceptance of these measures by the City will be subject to the presence of adequate geotechnical conditions within this plan and all to the satisfaction of the City Engineer.*
- *The subject site currently has a municipal storm sewer running through the land the report indicates that this municipal sewer will be utilized as an outlet for the subject site. Prior to site plan approval an easement shall be conveyed to the city for this storm sewer to municipal standards.*
- *The C value for subject site need to be confirmed based on the finalized site plan. The owner's professional engineer will be required to confirm that the existing storm sewer has the adequate capacity for the proposed development, all to the satisfaction of the City Engineer. The owner's professional engineer shall also update the storm sewer design sheet(s) for the subject lands.*
- *The Owner is required to provide a lot grading and drainage plan that includes, but it is not limited to, minor, major storm/drainage flows that are mostly contained within the subject site boundaries and safely conveys all minor and major flows up to the 250 year storm event that is stamped by a Professional Engineer, all to the satisfaction of the City Engineer.*
- *The Owner and their Consulting Professional Engineer shall ensure the storm/drainage conveyance through the subject lands for any external lands, are preserved, all to the satisfaction of the City Engineer.*
- *The owner shall be required to comply with the City's Drainage By-Laws (WM- 4) and all applicable acts, to ensure that the post-development storm/drainage discharges from the subject lands will not cause any adverse effects to adjacent lands, , all to the satisfaction of the City Engineer.*

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Environmental & Parks Planning Section

On November 26, 2012, the Environmental and Parks Planning Section provided comments on the proposed application and the submitted Subject Land Status Report submitted by AECOM. To our knowledge, the current application has not responded to our comments or concerns but has simply expanded the site to include the rear portion of 4397/4407 Wellington Road South. As such, our comments to the application and the SLSR remain as originally submitted.

Background

As part of recent inquiries on this site, Environmental and Parks Planning had provided preliminary comments on the required process to satisfy Official Plan policies if proceeding with a rezoning application for development. We understand that under the current zoning, the existing woodland has no protection under the City’s Tree Conservation By-law and the trees could be removed.

AECOM’s letter of April 14, 2011 outlined the first steps to examine the patch significance. A site visit with staff and Gary Epp and J. DeMann took place on May 26, 2011.

Our memo of October 26, 2011 identified that while the subject lands are designated as New Format Regional Commercial Node on Schedule A of the Official Plan (and zoned for commercial development), a portion of the site is delineated with an “Unevaluated Vegetation Patch” on Schedule B1. The Memo described the process and next steps including the requirement, purpose and primary goal of a Subject Lands Status Report (SLSR). The final point in the Memo states that if, after applying the criteria for significance set out in 15.4 components of the natural heritage system were: “determined to be significant, develop an Environmental Management Strategy setting out the framework for further analysis and assessment of boundaries, impacts and mitigation measures through completion of an Environmental Impact Study for any proposed development”.

The applicant provided the required SLSR with their application, which was considered to be “complete”. We have reviewed that submission and offer the following comments.

Assessment and Significant Woodland Guidelines

A Subject Lands Status Report was received by E&PP on November 2, 2012 and reviewed for compliance with City policies and guidelines. We agree with AECOM’s conclusion that Patch 10102 is a Significant Woodland, having achieved five “High” Criterion in AECOM’s Subject Lands Status Report for Patch 10102. As Section 15.4.5.1 of the Official Plan states:

A woodland will be considered “Significant” if it achieves a minimum of one High or five Medium criteria scores as determined by application the Guideline Document for the Evaluation of Ecologically Significant Woodlands (March 2006) as listed in Section 19.2.2. A Significant Woodland will be designated as Open Space on Schedule A and delineated as a Significant Woodland on Schedule B. (OPA 403, OMB File No. 0060201/OMB Case No. PL061036)

Further to this Patch 10102 meets three of the Significant Woodland Criteria listed in the Official Plan specifically 15.4.5. i, 15.4.5.ii, and 15.4.5.v which are listed below:

- i) The Woodland contains natural features and ecological functions that are important to the environmental quality and integrity of the Natural Heritage System. These include site protection (hydrology and erosion/slope); and Landscape Integrity (richness, connectivity and distribution).*
- ii) The Woodland provides important ecological functions and has an age, size, site quality, diversity of biological communities and associated species that is uncommon for the planning area.*

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File: OZ-8120
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iii) *The Woodland contains distinctive, unusual or high quality natural communities or landforms.*

Woodlands that are determined to be ecologically significant on the basis of these Official Plan criteria and the application of the Council approved Guideline Document for the Evaluation of Ecologically Significant Woodlands will be designated as Open Space on Schedule "A" and delineated as "Significant Woodlands" on Schedule "B1".

Section 4 of AECOM's SLSR provides 5 factors for "additional consideration". These factors do not change the evaluation of the patch as a Significant Woodland, rather these are factors that would normally be assessed and mitigated through appropriate recommendations in the next step of the planning process - an Environmental Impact Study (EIS), created to protect the significant features and functions of the woodland. The EIS would include a full site plan and a discussion about the location and impacts of any SWM ponds as well, as we understand that servicing this site may greatly alter the current hydrological regime and potentially impact the health of the woods.

Next Steps for Application Processing

An EIS is required to be submitted by the applicant to confirm the boundaries of the Significant Woodland applying the City's Guidelines for Assessing Ecological Boundaries of Vegetation Patches, identify development criteria required to maintain the significant features and functions of the woodland and appropriate ecological buffers to protect the woodland from potential impacts that may occur as a result of development, and to identify any required mitigation and compensation measures.

The SLSR did not include the required maps of Schedule B1 or Schedule A of the Official Plan identifying the subject site. These maps are to be included in the EIS.

External agencies including MNR, UTRCA will likely provide additional comments on the EIS and the development proposal. A UTRCA permit may also be required.

Parkland Dedication

Parkland dedication will be required for commercial development on these lands. The City is open to discussions on how this may occur; land dedication at the Council approved rates within the Parkland Dedication By-law CP-9 (1:27 for hazard lands, 1:16 for woodlands, 1:1 for parkland/tableland) or cash payment at the time of building permit/Site Plan based on 2% of the value of the land the day before the issuance of the building permit, or, a combination of the two.

ADDITIONAL COMMENTS

Proposed Woodland Compensation/Restoration Concept

Section 4 of the SLSR by AECOM suggests that the City's "Guideline Document for the Evaluation of Ecologically Significant Woodlands (March 2006) allows for consideration of options with respect to applications for development on lands containing woodlands". This is correct. The identification and retention of a significant woodland is directed by the City's Woodland Guideline. Three options are presented in the Guideline:

- a) protection of portions of the patch that will maintain functions;*
- b) replacement or compensation of all or portions of the patch;*
- c) identification of the patch as not significant and development permitted without replacement or compensation.*

The removal of portions of a significant woodland can be supported by the general intent of the Guideline, if it can be shown that removals do not impact the significant features and/or functions of the woodland. This has occurred on several development sites to support compact growth and practical site design. Total removal of significant woodland has only occurred once for small woodland (1.7 Ha) where the lands were already zoned for industrial uses. Compensation for the removal of this woodland was provided at a ratio of 1 Ha removed : 5.8

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Ha replacement/compensation in the form of the protection and creation of new wooded lands in the area of the loss, and the protection of a large woodland elsewhere that was previously zoned for removal and development.

AECOM identified 5 factors for “additional consideration” when assessing the vegetation patch and planning for development on this site. They have put forward the opinion that this woodland would not survive full development around it and have provided a Restoration Concept for the property to compensate for the full removal of the woodland.

The restoration concept provides only 2.4 Ha of “restoration-woodland” in the south-west corner of the site as compensation for the removal of 4.2 Ha of Significant Woodland. This is grossly deficient (a ratio of 1Ha:0.6Ha), if we look to the only precedent (above) for total removal of a significant woodland. It also appears that the area proposed for compensation is the location for a component of the SWM system and would therefore not be considered suitable compensation, as full planting of the SWM facility area is already a requirement of the SWM design standards.

If it is the plan for this development application to proceed with the full replacement/compensation” approach in recognition of their current development zoning, rather than the normal EIS process, this double-counting of the compensation/SWM area would not be appropriate.

We would expect that any compensation plan should be similar in scale to the precedent set previously – a ratio of 1 Ha of removed woodland to 5.8 Ha in compensation lands, separate from whatever may be required for landscaping of the storm water management facility.

Environmental and Ecological Planning Advisory Committee

At its meeting held on January 17, 2013, the Environmental and Ecological Planning Advisory Committee (EEPAC) asked that the attached, revised, comments, prepared by the EEPAC Working Group, with respect the application of PenEquity Realty Corporation relating to the properties located at 3130 and 3260 Dingman Drive, be forwarded to Staff for their review and consideration.

Review of: **Subject Land Status Report for Patch 10102**
as prepared by Aecom; undated

Reviewers: L. Nattagh, D. Sheppard, N. Zitani January 2013

Woodland is Significant

- 1) *As supported by the SLSR, Patch 10102 is a significant woodland and should be protected*

Rationale

The report scores FIVE (out of a total of eight) criteria as HIGH; only one criterion needs to meet the standard for high in order for the patch to be determined Significant. Therefore the patch exceeds the one-criterion requirement; therefore, the patch is a significant woodland.

"The conservation and protection of woodlands has been identified as a priority for some time..." states the Executive Summary of Section 4.0 of the Guideline document for the Evaluation of Significant Woodlands of the City of London.

Technical Flaws in the Report

- 2) *It is interesting that the report has notable flaws that if corrected, would undoubtedly add to the data supporting the conclusion of "Significant Woodland".*

Rationale

The floral and faunal surveys are incomplete. It is missing surveys for migratory birds, fish

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File: OZ-8120
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habitat, wetland species, and flora. E.g., field visits in spring 2011 only are not adequate to determine a plant inventory. One field visit on 9 July 2011 is not adequate to determine a breeding bird inventory; site visits in May and June are necessary.

Amphibian survey not complete- only two out of three surveys was done. The second survey wasn't conducted under required weather conditions though the report mentions that it was.

It cannot be concluded that no Species at Risk (SAR) occur on the subject lands (criterion 3.0) when the biodiversity inventory is incomplete.

EEPAC also suspects that the size of the Patch has been under reported by the SLSR. It seems clear that the reported patch size of 4.1 ha (more than enough to be significant on its own) is likely significantly underestimated due to the exclusion of all vegetation communities that do not have 30-60% tree cover. Consultants doing this kind of work for the City of London know well that all vegetation communities are included within the patch unless excluded via application of the Patch Boundary Delineation Guidelines. Excluding vegetation patches in the manner done here is clearly incorrect.

- 3) *As is common in such reports, the maps are of such poor quality as to be unusable.*

Protection of Provincially Uncommon Vegetation Community

- 4) *The provincially uncommon vegetation community SWT should be protected as per City guidelines.*

A Gray Dogwood Mineral Thicket Swamp, SWT 2-9, occurs on the subject lands. It is noted several times in the report that this community is provincially uncommon (S3/S4) "but found throughout the City of London". There is no literature citation or survey data to support the comment.

In actuality, less than 8% of London's vegetation communities comprise SWT (Bergsma and DeYoung 2004). It is clear that those comprising SWT2-9 specifically are in turn far less than common than 8%.

Secondly, if it is true (if they can provide a reference), then this information has an alternate interpretation which is that the presence of this community makes London environmentally unique within the Province, and it should be protected. Furthermore, any community that is provincially rare should be protected.

This is the second time in less than six months that a Gray Dogwood Thicket Swamp has been proposed for destruction (the first time was indicated on agenda item 9b, Stanton Drain Remediation, of the September 2012 meeting). If the City continues to allow destruction of this Provincially rare community then indeed there will be no more Gray Dogwood Thicket Swamp in London.

Extenuating Circumstances

- 5) *EEPAC finds many of the listed 'extenuating circumstances' listed which attempt to convince the reader that despite the woodland achieve top scores on five out of eight criterion to be inappropriate.*

The goal of an SLSR is to inventory and evaluate the woodland according to City requirements. While both the inventory and the evaluation may be incomplete, it is clear the woodland warrants protection under City policy and it is inappropriate to suggest otherwise within an SLSR which does not deal with impacts nor other planning considerations.

As per OP 15.5.2a)

Subject Lands Status Report shall provide an assessment of natural features on the Subject Lands and within that part of the Sub-Watershed catchment area that may be impacted by the

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File: OZ-8120
Planner: C. Smith

new development and including but not limited to those areas designated as Open Space or Environmental Review on Schedule "A" in accordance with the requirements of 15.4.

EEPAC interprets the above as directing the SLSR to provide an ecological evaluation of the features on the subject land. Conclusions beyond, and contrary to, the approved ecological evaluation method would seem to be subjective

EEPAC disagrees with the unfound report statement that the "long-term viability of the patch...is dubious...its isolation from other patches..." There is no evidence that provided to support this claim. Further, it is inappropriate to make such a claim without the benefit of a proper Environmental Impact Study. Only through analyzing impacts can such conclusions be made.

One of the claimed extenuating factors is not even supported by the SLSR findings in that the woodland does not provide "quality habitat" yet the breeding birds survey shows the identification of 30 species of birds within a three hour period and the observation notes also clearly state "a variety of habitats".

Designation and Zoning of Patch 10102

- 6) *Based on the Woodland Evaluation, the full and properly bounded Patch 10102 should be designated Open Space and zoned OS5. Boundary refinements and other protective measures should be determined through a Environmental Impact Study as per OP 15.5.2 b.*

OP 15.5.2 b)

If the Subject Lands Status Report identifies any lands that, in the estimation of the City, may meet the criteria for determining significance set out in Section 15.4 for specific components of the Natural Heritage System, the City shall require the preparation of an Environmental Impact Study for these lands in accordance with the requirements of 15.5.2. Lands that satisfy the criteria for significance shall be designated as Open Space in conjunction with any Official Plan amendment required for the proposed development.

Ministry of Natural Resources

Thanks for your email, when looking at the site MNR also conducted an SAR screening. Please see the information below.

Woodlands

There appears to be a woodland on the subject lands that should be considered for significance.

ANSI

There is no ANSI within the subject lands.

Species at Risk

The Species at Risk in Ontario (SARO) List is Ontario Regulation 230/08 issued under the Endangered Species Act, 2007. The Endangered Species Act, 2007 (ESA) came into force on June 30, 2008 and provides both individual protection (section 9) and habitat protection (section 10) to species listed as endangered or threatened on the SARO List. The current SARO List, issued under the ESA 2007, can be found on e-laws (<http://www.e-laws.gov.on.ca/navigation?file=home&lang=en>). If an activity or project will result in adverse effects to species and/or habitat protected under the ESA, an authorization under the ESA would be required to avoid contravening the act. Please note that authorizations are not guaranteed and that the review timelines for Authorization Request Packages can be several months. Site-specific investigation within and adjacent to the study area may find additional species and/or habitat location on or adjacent to the site.

An initial ESA Screening of 3130 and 3260 Dingman Drive, City of London has been completed. There are no known occurrences of species at risk on the properties or adjacent lands.

In the general area, there are known occurrences for the following species:

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- *Barn Swallow (threatened)* – receives species and general habitat protection under the ESA 2007.
- *Butternut (endangered)* – receives species protection under the ESA 2007.
- *Broad Beech Fern (special concern)*
- *Milksnake (special concern)*

There is also potential for Bobolink (threatened) and Eastern Meadowlark (threatened) to occur in the area.

It should be noted that this is an initial project screening for SAR and the absence of an element occurrence does not indicate the absence of species. The province has not been surveyed comprehensively for the presence or absence of SAR, and MNR data relies on observers to report sightings of SAR. Consequently, the presence of element occurrences is useful to flag the presence of SAR within the project location and surrounding area, but is not an appropriate tool to determine whether a species or habitat is present at the local (property-scale) level.

It is important to note that changes may occur in both species and habitat protection which could affect whether proposed projects may have adverse effects of SAR. The ESA applies to species listed on the SARO List (www.mnr.gov.on.ca/en/Business/Species/2ColumnSubPage/246809.html). The Committee on the Status of Species in Ontario (COSSARO) meets regularly to evaluate species for listing and / or re-evaluate species already listed. As a result, species designations may change, which could in turn change the level of protection they receive under the ESA. Also, habitat protection provisions for a species may change (i.e. if a species-specific habitat regulation comes into effect). The regulation would prescribe the area as the habitat of the species.

Wetlands

The MNR has reviewed the Subject Lands Status Report (attached) for Patch 10102 and the attached Addendum Letter. At this time we would like to provide the following wetland-related comments:

It is stated in the report that community wetland boundaries within Patch 10102 were delineated according to the Ontario Ministry of Natural Resources' Wetland Evaluation Guidelines for Southern Ontario (OWES) (page 6). After reading the report, it appears as if Ecological Land Classification (ELC) was the basis for determining the presence or absence of wetland features (Silver Maple Mineral Deciduous Swamp, Narrow-leaved Sedge Mineral Meadow Marsh, Gray Dogwood Mineral Thicket Swamp...). If an OWES evaluation was completed it must be provided to MNR to review and if appropriate approve.

For a wetland boundary to be considered for approval by the MNR, the following data and information is required to support the proposed boundary:

- *Work must be completed by a trained OWES evaluator, using the approved OWES methodology.*
- *A map showing the location of the proposed boundary.*
- *Demonstration of how the 50% rule was utilized, including field notes justifying the boundary.*
- *A shapefile of the proposed boundary, if available.*

MNR recommends that an OWES evaluation is completed. It is important that the evaluation be provided as MNR is the approval authority for wetland boundaries.

The PPS (2005) Section 2.1.3 states that development and site alteration shall not be permitted in significant wetlands.

Upper Thames River Conservation Authority

The subject lands are regulated by the UTRCA in accordance with Ontario Regulation 157/06, made pursuant to Section 28 of the Conservation Authorities Act. The regulation limit is

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comprised of a riverine flooding hazard associated with Dingman Creek as well as the area of interference surrounding a wetland. The pond is also regulated. The UTRCA has jurisdiction over lands within the regulated area and requires that landowners obtain written approval from the Authority prior to undertaking any site alteration or development within this area including filling, grading, construction, alteration to a watercourse and/or interference with a wetland.

The UTRCA has no objections to this application. We recommend that the applicant contact Mr. Mark Snowsell, Land Use Regulations Officer regarding the Authority's Section 28 permit requirements.

Urban Design Peer Review Panel

The following comments from the Panel are based on the submitted Urban Design Brief and questions asked by the Panellists to the Applicant on January 16, 2013.

- 1) The concept of a "main street" down the middle of the site is a good approach and will help organize pedestrian movement, buildings and view corridors on the site. Ensure the main street creates a pedestrian friendly experience, through the inclusion of street trees, landscaping and lighting in a boulevard manner.*
- 2) The streetscape along Dingman Drive is of high importance and should be developed with the appropriate character and detail to create a successful streetscape.*
- 3) Ensure there are visual focal points within the main street that align with both entry axis' into the site.*
- 4) Align the main street with the axis to the site on Dingman Drive.*
- 5) Reduce the number of vehicular interruptions that are perpendicular to the main street. Focus the design of the spaces between the buildings on the pedestrian experience.*
- 6) Extend the retail component of the main street all the way to Dingman Drive, for a continuous streetscape and pedestrian experience through the site.*
- 7) By placing the theatre component on main street the associated pedestrian activity will spill out on the street and further activate this area of the site at varying hours throughout the day and night.*
- 8) Review the potential of getting public transit onto the site with the City of London. This site could be the turnaround loop for transit at this end of the line.*
- 9) The image of the streetscape on page 16 of the submitted Urban Design Brief shows a good example of a streetscape design.*
- 10) This site and entryway could be highlighted by adding a vertical marker or focal point at the entrance of the site at the end of Roxburgh Road.*
- 11) The pedestrian experience through the extensive parking lots will be important. Adding landscaping and defined pathways through the parking lots will improve this experience and improve pedestrian safety. Consider adding bio-swailes throughout the parking lot to build on the sustainable strategies of the site and add green space to the hard surfaces.*
- 12) The Panel is encouraged by the sustainable strategies mentioned in the Design Brief. Consider using permeable paving on the site as an additional sustainable measure.*
- 13) Consider reducing the number of parking spaces shown by capturing on the overlap of timing for the various commercial functions*

Transportation Advisory Committee

At its meeting held on December 4, 2012, the Transportation Advisory Committee (TAC) reviewed and received a Notice, dated November 16, 2012, from C. Smith, Planner II, with respect to an application submitted by PenEquity Realty Corporation relating to the properties located at 3130 and 3260 Dingman Drive.

The TAC expressed the following concerns:

- the magnitude of the proposed development;*
- the limited street access to the proposed development; and,*
- the lack of current London Transit Commission (LTC) service to the area; it being noted that the LTC has no current plans to extend bus service to this area.*

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PUBLIC LIAISON:	On November 16, 2012, Notice of Application was sent to 14 property owners in the surrounding area. Notice of Application was also published in the <i>Public Notices and Bidding Opportunities</i> section of <i>The Londoner</i> on November 22, 2012. On January 15, 2013 a revised Notice of Application was sent to 14 property owners in the surrounding area and was also published in the <i>Public Notices and Bidding Opportunities</i> section of <i>The Londoner</i> on January 25, 2013, which included the rear lands at 4397/4407 Wellington Road. A “Possible Land Use Change” sign was also posted on the site.	2 replies were received
<p>Nature of Liaison: The purpose and effect of this Official Plan and Zoning change is to allow for the development of a 67,693m² commercial shopping centre.</p> <p>Possible amendment to Amend Schedule ‘B-1’ Natural Heritage Features of the Official Plan TO delete “Unevaluated Vegetation Patch”.</p> <p>Possible amendment to the Zoning By-law 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) 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 50,183m² of commercial retail use, 13,564m² of commercial recreational use, 3,921m² cinema use, a gas bar use and a passive recreational use.</p> <p>Responses: A letter was received from the Glanworth Community Association. In the letter the association expressed concerns with the removal of the unevaluated vegetation patch. The Association agrees with the Subject Land Status Report that states the patch significant and that measures including the completion of an Environmental Impact Study should occur to retain the significant woodland.</p> <p>The association also indicates that the site is an unsuitable commercial development for the location and area in terms of its size and scope, and that many commercial and retail spaces are already sitting empty around the city.</p> <p>An email was received in support of the proposed amendment.</p>		

ANALYSIS

Subject Lands

The subject lands are located on the north side of Dingman Drive east of Wellington Street. The lands are located along the south side of the 401 corridor at the Wellington Street interchange, a prominent gateway into the City of London. The subject lands are designated New Format Regional Commercial Node and zoned for a mix of service commercial and light Industrial uses. Located on the site is vegetation patch 10102 as listed on the City of London, Classification of Patches at the ELC Community Class Level, June 2002. Also located on the site is an existing pond that is a remnant of former way side pit utilized during the interchange construction process.

Nature of the Application

The proposed amendments to the Official Plan and Zoning By-law will provide for:

- 50,183m² of commercial retail use, 13,564m² of commercial recreational use, 3,921m² cinema use and a gas bar use;

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- the retention and enhancement of 4.2ha of significant woodland as identified in the May 12, 2012 Executive Summary of the AECOM Subject Lands Status Report for Patch 10102 report.

Provincial Policy Statement

Part III

A policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The Provincial Policy Statement supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The Provincial Policy Statement 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. A decision-maker should read all of the relevant policies as if they are specifically cross-referenced with each other. While specific policies sometimes refer to other policies for ease of use, these cross-references do not take away from the need to read the Provincial Policy Statement as a whole.

Part V

1.0 Building Strong Communities

1.1.1 Healthy, liveable and safe communities are sustained by:

- 1. promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- 2. accommodating an appropriate range and mix of residential, employment (including industrial, commercial and institutional uses), recreational and open space uses to meet long-term needs;*

1.3 Planning authorities shall promote economic development and competitiveness by:

- 1. providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;*
- 2. planning for, protecting and preserving employment areas for current and future uses;*

2.1 Natural Heritage

2.1.1 Natural features and areas shall be protected for the long term.

2.1.2 The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features

2.1.4 Development and site alteration shall not be permitted in:

- a. significant woodlands south and east of the Canadian Shield.*

The proposed amendment is consistent with the Provincial Policy Statement as it:

- provides balance and addresses the complex inter-relationship between the environmental, economic and social policies;
- provides for an appropriate mix of land uses;
- provides a choice of a suitable site that can permit the development of 50,183m² of commercial retail, 13,564m² of commercial recreational use, 3,921m² cinema use and a gas bar use providing for a large range of employment opportunities;
- provides an opportunity to retain and enhance the significant woodland which includes:
 - creating a buffer between the significant woodland and the proposed commercial development; and
 - maintaining the long term viability of the woodland in the commercial development.

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Official Plan

2.2.1. Official Plan Vision Statement

The City of London Official Plan will provide guidance for the physical development of a healthy community that will contribute to the well-being of all Londoners and that is sustainable for the benefit of future generations. Through the implementation of the Plan, City Council will:

- *manage growth and change so that efforts to foster economic development; protect and enhance nature within the City; provide for the efficient movement of people and goods; and promote attractive, cohesive neighbourhoods, are in balance and supportive of each other;*

2.7.4. Protection of Employment Lands

Council will support the protection of existing employment lands in the City, including lands that are designated for manufacturing, warehousing, offices, and their associated retail and ancillary facilities.

2.9.1. Natural Heritage

The City will seek to improve the quality of the Natural Heritage System over the planning period by strengthening linkages and mitigating the negative impacts of activities that impact on the system.

2.9.3. Environmental Strategies

The City shall encourage innovative development patterns and techniques which support and strengthen the Natural Heritage System.

Municipal Council has adopted the City of London Official Plan land use designations implementing the above Vision Statement. The proposed Official Plan and Zoning By-law amendment is consistent with the Vision Statement as it:

- supports the proposed development of 50,183m² of commercial retail, 13,564m² of commercial recreational use, 3,921m² cinema use and a gas bar use;
- will provide for the protection and enhancement of nature within the City by providing an opportunity to retain and enhance the existing woodland;
- will provide for an opportunity to maintain the long term viability of the woodland in the commercial development; and
- permits the balance of the land to provide employment lands.

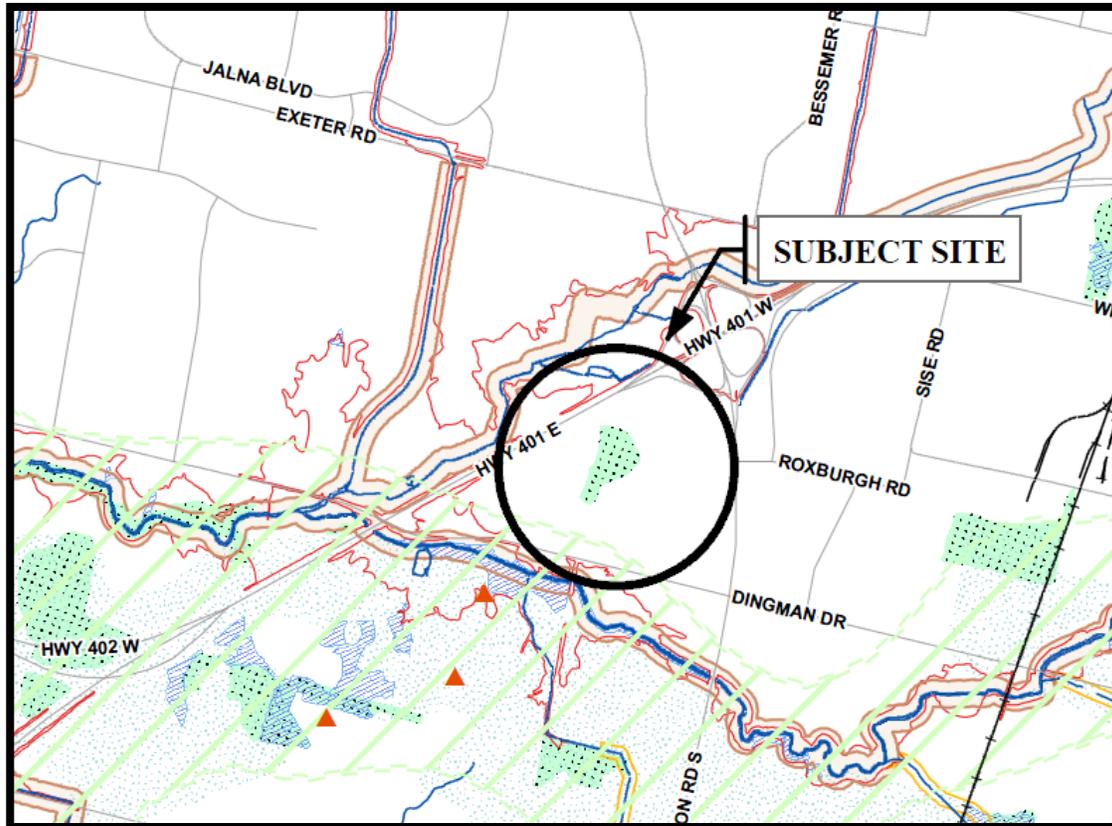
Current Official Plan Designation

The existing Official Plan designation on these lands is New Format Regional Commercial Node (NFRCN). NFRCN designations allow for a wide range of commercial uses in major activity centres and may have trade areas that also extend beyond the municipal boundary. NFRCN are located at the intersection of two arterial roads on sites large enough to accommodate all buildings, parking and loading facilities. This site is located at the 401 and Wellington Street interchange and is approximately 31.5 ha in size, which can sufficiently accommodate the proposed 50,183m² of commercial retail uses, 13,564m² of commercial recreational uses, 3,921m² cinema use and a gas bar use.

Schedule B1 Natural Heritage Features of the City of London Official Plan shows an unevaluated vegetation patch. The current Official Plan designation and Zoning By-law regulation allow for a large range of commercial uses to be developed on the site. The City of London Tree Conservation By-law C.P.-1466-249 does not currently apply to the lands.

The subject lands are regulated by the UTRCA. The UTRCA has jurisdiction over lands within the regulated area and requires that landowners obtain written approval from the Authority prior to undertaking any site alteration or development within this area including filling, grading, construction, alteration to a watercourse and/or interference with a wetland.

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Delineation of the Woodland Boundary

The Official Plan Section 15.4.13 Unevaluated Vegetation Patches states: *Unevaluated Vegetation Patches, as delineated on Schedule “B1”, were identified through the Subwatershed Studies or other environmental studies. These features may include treed areas, swamps, wetlands, savannahs, old field plantations, or other similar natural features. Most large Unevaluated Vegetation Patches are designated Environmental Review on Schedule “A”. Smaller patches may have previously been designated for development or agricultural activity.*

The “Environmental review” designation and “Unevaluated Vegetation Patches” delineation are considered to be interim in nature, until such time as the significance of these patches can be confirmed through the completion of an environmental study of the Environmental Review Lands outside the Urban Growth Boundary as directed by policy 8B.3.1.ii), or an Area Plan, Environmental Impact Study and/or Subject Lands Status Report accepted by the City, and Map Schedules “A” and “B1” have been amended to reflect the final designation and delineation.

In order to establish the limits of development and apply zoning, the maximum extent of the natural feature needs to be evaluated. Section 15.5.1 of the Official Plan requires that an Environmental Impact Study be completed to the City’s satisfaction, in consultation with the relevant public agencies prior to the approval of an Official Plan amendment, Zoning By-Law amendment, subdivision application, consent application or site plan application, where development is proposed entirely or partially within the “trigger” distances adjacent to Natural Heritage Feature.

A Subject Lands Status Report (SLSR) was prepared by AECOM Canada Ltd. May 7, 2012 and submitted as part of the complete application process

Woodland

The submitted Subject Lands Status Report prepared by AECOM Canada Ltd. May 7, 2012 states:

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The evaluation of Patch 10102 resulted in the identification of the woodland within the patch as Significant Woodland based on a score of five (5) high criteria. The scores were based on the following:

- 1. The presence of wetland communities with an area of greater than 2.0 hectares;*
- 2. The presence of greater than 10% woodland cover within a radius of 2 km of the subject lands;*
- 3. The presence of one confirmed breeding Priority Level 1 bird species found within the patch, Brown Thrasher*
- 4. The diversity of plant communities – the patch contained greater than 6 plant community types; and,*
- 5. The presence of a high quality or rare plant community type, the gray dogwood mineral thicket swamp community.*

The SLSR identifies that five (out of a total of eight) criteria for the establishment of a significant woodland were identified as high. The policies for determination of significant woodland require that only one criterion needs to meet as “high” for the patch to be determined Significant. According to the AECOM Study the patch exceeds the one-criterion requirement for establishing the woodland as significant and therefore, the patch is a significant woodland feature.

In the submitted Subject Lands Status Report prepared by AECOM Canada Ltd. May 7, 2012 it further states:

Notwithstanding the evaluation results, the following extenuating factors need to be considered in decisions related to the patch and future options for the subject lands:

- 1. Patch 10102 does not contain any Species at Risk;*
- 2. The ecological functions of the woodland are not considered to be uncommon within the area of London;*
- 3. The woodlands areas of the patch have a high invasive plant cover that compromises the patch;*
- 4. The patch is severed by a sewer easement that has and will be maintained as a cleared area;*
- 5. Given its situation within the landscape and lack of connectedness to other open space, the woodland does not offer an opportunity for open space amenity or passive recreational activities;*
- 6. The SWT2-9: Gray Dogwood Mineral Thicket Swamp Type, while ranked rare to uncommon for the Province of Ontario, is commonly found within the City of London and surrounding areas;*
- 7. The long-term viability of the patch as a functioning woodland is dubious given the following factors:*
 - i) its isolation from other patches,*
 - ii) Separation from the Dingman Creek corridor,*
 - iii) continual and increasing noise disturbance from Highway 401, and*
 - iv) the future commercial development of surrounding lands.*

In January 2013 the City of London Environmental and Ecological Planning Advisory Committee reviewed the SLSR and provided the following:

EEPAC interprets the above as directing the SLSR to provide an ecological evaluation of the features on the subject land. Conclusions beyond, and contrary to, the approved ecological evaluation method would seem to be subjective

EEPAC disagrees with the unfound report statement that the “long-term viability of the patch...is dubious...its isolation from other patches...” There is no evidence that provided to support this claim. Further, it is inappropriate to make such a claim without the benefit of a proper Environmental Impact Study. Only through analyzing impacts can such conclusions be made.

One of the claimed extenuating factors is not even supported by the SLSR findings in that the woodland does not provide “quality habitat” yet the breeding birds survey shows the

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identification of 30 species of birds within a three hour period and the observation notes also clearly state "a variety of habitats".

The Ministry of Natural Resources also provides comments regarding the conclusion of the SLSR:

It should be noted that this is an initial project screening for SAR and the absence of an element occurrence does not indicate the absence of species. The province has not been surveyed comprehensively for the presence or absence of SAR, and MNR data relies on observers to report sightings of SAR. Consequently, the presence of element occurrences is useful to flag the presence of SAR within the project location and surrounding area, but is not an appropriate tool to determine whether a species or habitat is present at the local (property-scale) level.

For a wetland boundary to be considered for approval by the MNR, the following data and information is required to support the proposed boundary:

- *Work must be completed by a trained OWES evaluator, using the approved OWES methodology.*
- *A map showing the location of the proposed boundary.*
- *Demonstration of how the 50% rule was utilized, including field notes justifying the boundary.*
- *A shapefile of the proposed boundary, if available.*

MNR recommends that an OWES evaluation is completed. It is important that the evaluation be provided as MNR is the approval authority for wetland boundaries.

The PPS (2005) Section 2.1.3 states that development and site alteration shall not be permitted in significant wetlands.

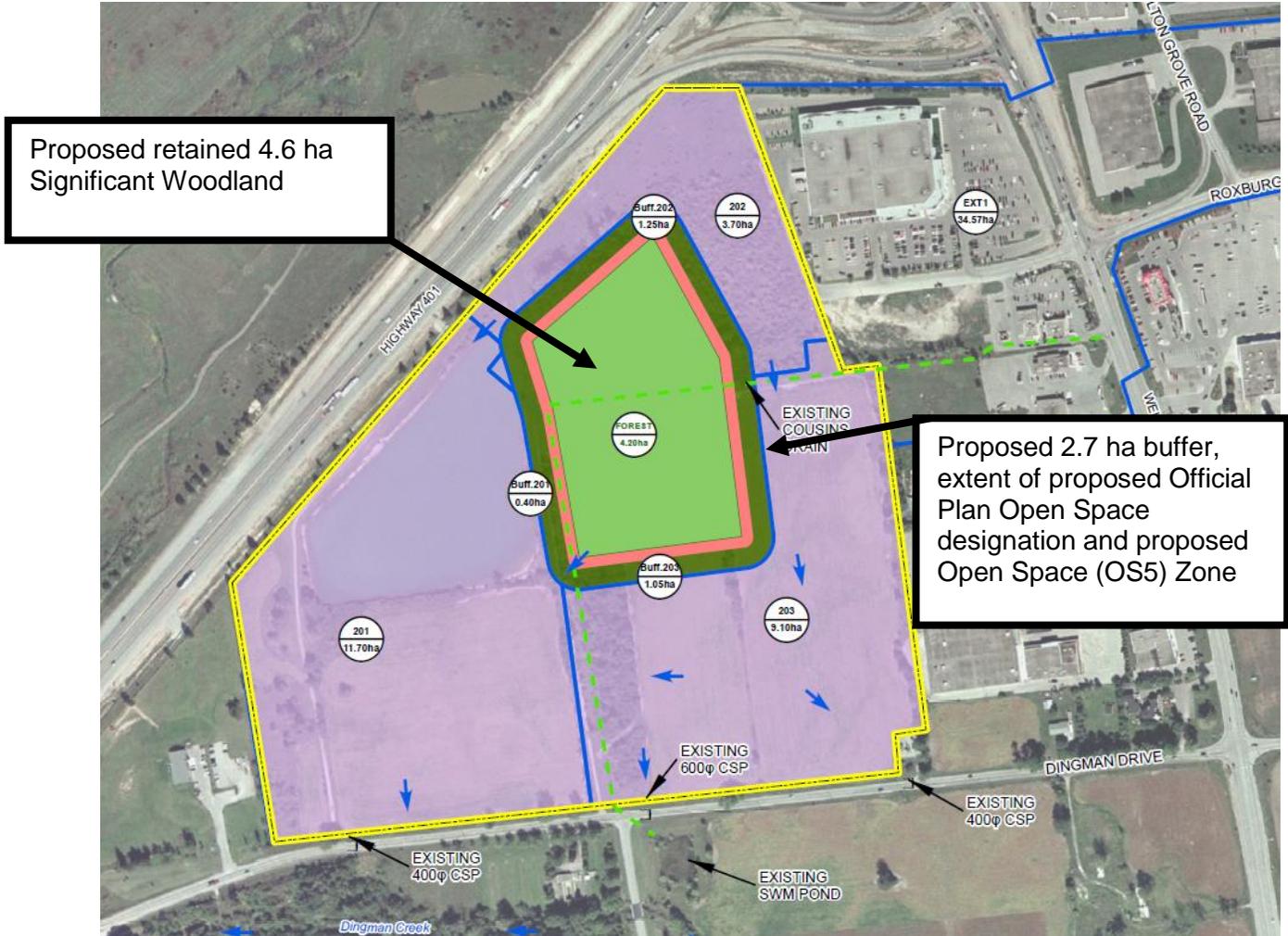
In the applicant's submitted SLSR it states that: *long-term viability of the patch as a functioning woodland is dubious.* To address this comment the City of London retained Golder and Associates to complete a conceptual assessment to determine a viable approach to preserve in a significant manner 4.2 ha of the Significant Woodland.

In Golder's technical memorandum dated May 24, 2013 it states that:

One of the key factors in preserving the Significant Woodland would be to maintain the appropriate volume of surface water flow, in a sustainable manner, into the Woodland, after the Site is developed. The approach suggested by Golder, as one potential conceptual option to achieve this result, utilizes a stormwater management (SWM) rooftop recharge system (or 'third-pipe' roof drain system) that would direct rainfall from a portion of the roof areas on the developed Site to a landscape element referred to as a bioswale that would surround the perimeter of the Significant Woodland, as shown on Figure 2. The bioswale would direct surface runoff to the edge of the Significant Woodland, to create the potential for water to infiltrate into the soils under the Significant Woodland. A bioswale is of the considered water management systems, which in this case, is suggested to consist of a shallow swale with a berm along its outer side and other elements designed to direct water into the Significant Woodland and filter out particles present in the water from the rooftops.

An additional buffer zone extending beyond the bioswale is also a component of the recommended approach, to minimize any stress on the Significant Woodland while providing opportunities to minimize SWM storage requirements and associated costs on the remainder of the Site (if this zone is also utilized for SWM control and conveyance). The bioswale and additional buffer zone would provide an overall buffer width of 30 metres around the Significant Woodland, for a total buffer area of 2.7 ha

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In absence of a completed Environmental Impact Study and based on the findings of Golders and the comments provided by the City of London Environmental & Parks Planning Section, the City of London Environmental and Ecological Planning Advisory Committee and the Ministry of Natural Resources, the above noted lands should be designated as Open Space in the City of London Official Plan and Zoned Open Space (OS5). The proposed designation and zone will protect and enhance the identified Significant Woodland.

Environmental Impact Study Requirements – Options for Re-Zoning

In order to draw a firm zone line between development lands and natural heritage lands, an EIS will have to be completed in its entirety. Based upon the submission of all required studies and a detailed site plan the final development limit can be established.

Based on the findings of the ACOEM SLR and the above comments the proposed zoning by-law amendments include the Holding Provision h-2 that requires: *To determine the extent to which development will be permitted and ensure that development will not have a negative impact on relevant components of the Natural Heritage System (identified on Schedule "B" of the Official Plan), an agreement shall be entered into specifying appropriate development conditions and boundaries, based on an Environmental Impact Study or Subject Lands Status Report that has been prepared in accordance with the provisions of the Official Plan and to the satisfaction of the City of London, prior to removal of the "h-2" symbol.*

Commercial development of these lands is subject to standard parkland dedication requirements under the Planning Act and Official Plan policies, and is implemented by the City's Parkland Conveyance By-law, CP-9. Two percent of the developable lands shall be provided as a land dedication or by cash-in-lieu, if no land is required. Typically, the City acquires all natural heritage features to ensure their long-term protection and management. In this case, retention of the woods along the 401 greatly enhances London's Forest City image at our main gateway

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File: OZ-8120
Planner: C. Smith

to the City – Wellington Road. The City would also request that the woodland have frontage onto a public road to permit access, which could be accommodated by extending Roxburgh Road to abut the woodland. Under By-law CP-9, constrained lands, like a significant woodland are dedicated at a rate relative to their value at \$13,590/Ha or a 16:1 ratio. All of the significant woodland, a possible storm water infiltration swale to direct water to the woods and any buffer lands determined through the EIS process could be acquired by the City as the required parkland dedication for this parcel.

Cinema Uses Outside of the Downtown

Section 4.1.6 states: *Theatres, cinemas, and places of entertainment that have a City-wide or broader service area will be directed to the Downtown to promote the Core as the City's primary entertainment destination place.*

Theatres, cinemas and places of entertainment may be considered for other locations outside of the Downtown, subject to an Official Plan amendment under Chapter 10 of this Plan. Recognizing that such amendments will only be permitted where the proposed use cannot be practically accommodated in the Downtown, applicants will be required to demonstrate that the proposal will satisfy all of the following criteria:

- a) The location of the proposed use outside of the Downtown will not have a negative impact on the ability of the Downtown Area to serve as the City's primary entertainment destination place*
- b) The proposed use will not have an adverse impact on surrounding land uses, exceed the capacity of available municipal services, or unduly interfere with the function of the land use designations applicable to surrounding lands.*

Chapter 10 of the Official Plan allows Council to consider policies for specific areas where one or more of four criteria apply. The applicable criterion is that “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 a site specific use.”

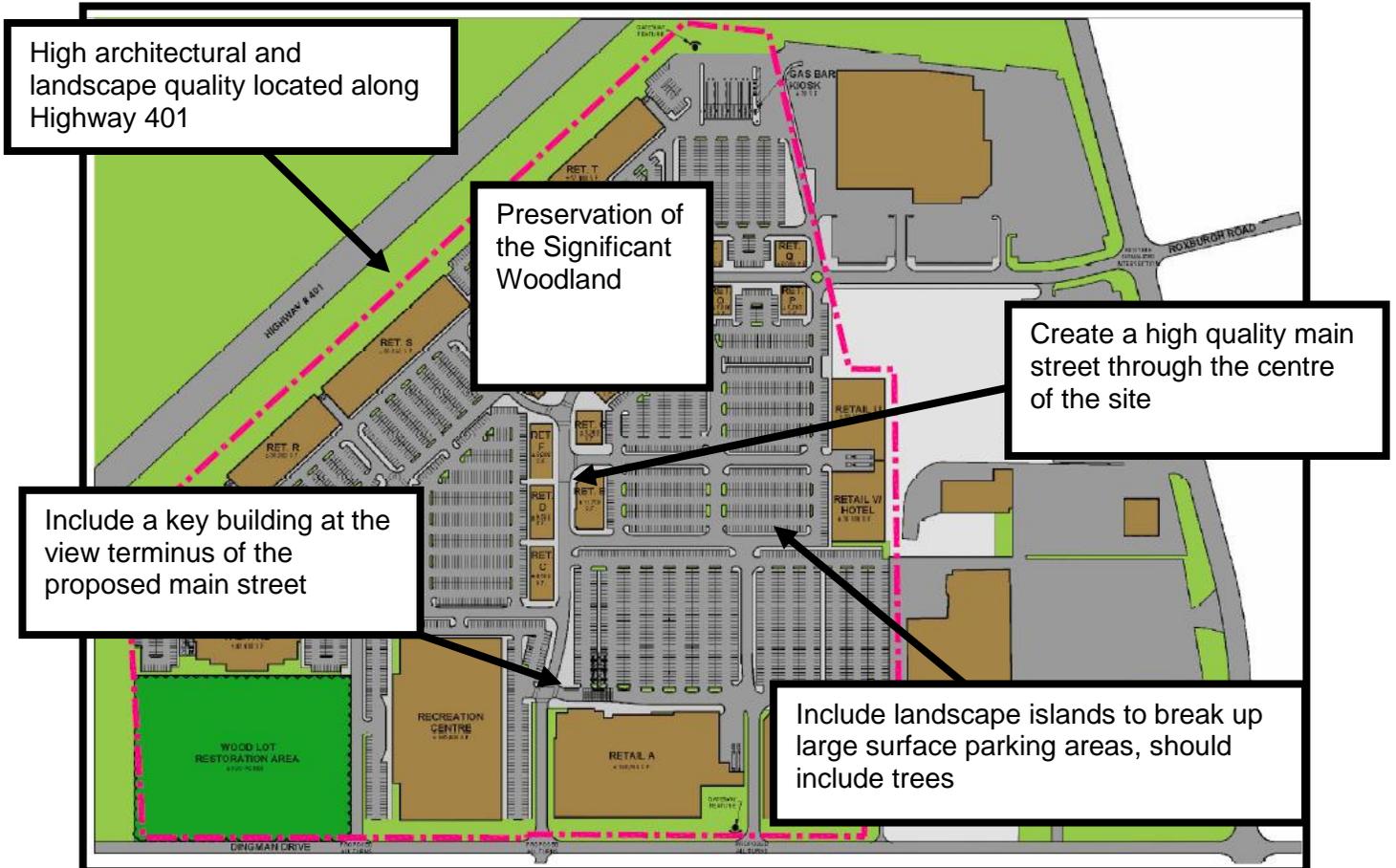
Should Council wish to consider the use of this criterion, it should consider if the proposed use is appropriate as a site specific use within the New Format Regional Commercial Node. The site is intended to serve a large regional population at a significant gateway into the City of London. The proposed development will include a mix of commercial, commercial recreational, hotel, and other auto-oriented commercial service uses at a size and scale to serve the needs of the City and the region. The Official Plan does permit large scale cinema uses to be located outside of the Downtown on lands designated Enclosed Regional Commercial Node and the Western Fairgrounds. The intent of the proposed development is to act as a regional designation and the inclusion of cinema uses at this location will not create a precedent for cinema use in other New Format Regional Commercial Nodes.

The proposed amendment will allow for a large scale cinema use to be located outside of the Downtown. The proposed commercial development will act as a gateway to the City of London and the cinema use will not have a negative impact on the ability of the Downtown Area to serve as the City's primary entertainment destination place.

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Urban Design

Proposed Site Plan



A completed EIS is required to establish the limit of development on the site. The applicant had submitted the above site plan and it was reviewed by the City of London Urban Design Peer Review Panel. It is noted that further refinements to the final development will be required. A Holding Provision is proposed to ensure that urban design is addressed during the site plan process. The Holding provision h-103 states: *a site plan will be approved and a development agreement will be entered into which, to the satisfaction of the General Manger of Planning and Development, incorporates the design objectives as identified in the Council resolution.* A requirement of the site plan submission will include an urban design brief and building elevations which detail how the objectives have been achieved.

The following objectives have been identified to be incorporated into the final site design:

- 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...);

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- 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 (i.e.: 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; and
- include adequately sized landscape islands to break up large surface parking areas, these landscape islands should include trees as well as enhanced landscaping.

Zoning

The site is currently zoned 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) which allows for a large range of commercial uses.

The Associated Shopping Area Commercial Zone ASA8 Zone variation is intended to implement the New Format Regional Commercial Node designation and does not have a maximum gross floor area requirement. The Associated Shopping Area Commercial (ASA 8) zone variation is to implement large format retail developments as is proposed on this site. An Official Plan amendment for a Chapter 10 Special policy is required to permit the cinema use in the Associated Shopping Area Commercial (ASA7) zone variations. The Associated Shopping Area Commercial (ASA7) zone variation is specifically intended to permit theatre uses. Special provisions for gross floor area are required to permit commercial recreational uses and the cinema use as proposed on these lands. The commercial recreational use and the cinema are intended to be key components of the proposed large format retail development. The proposed zoning will allow for the development of the lands at a scale and form that is appropriate for the site.

The Open Space (OS5) Zone variation is applied to important natural features and functions that have been recognized by Council as being of City-wide or regional significance and identified as components of the Natural Heritage System on Schedule "B" of the Official Plan. The submitted SLSR has identified the vegetative patch as a Significant Woodlands. The Open Space (OS5) Zone variation is intended to protect the identified natural features and functions. Development and site alteration is permitted only if it has been demonstrated through an appropriate study that there will be no negative impacts on the features and functions for which the area has been identified. The proposed Open Space (OS5) Zone variation will ensure that the identified Significant Woodland is protected.

The proposed Open Space (OS5) Zone to protect and enhance the Significant Woodland and the Holding Associated Shopping Area Commercial Special Provision (h*h-2*h-18*h-55* h-103*h-141*ASA3/ASA5/ASA6 ()/ASA7()/ASA8()) Zone to allow for 50,183m² of commercial retail use, 13,564m² of commercial recreational use, 3,921m² cinema use, a gas bar use is appropriate at this location and consistent with the Official Plan.

Holding Provisions

The following recommended Holding provisions have been included to further address the concerns raised through the circulation process:

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The h-2, Holding provision is required to address the Official Plan requirements to complete all studies required, including an Environmental Impact Study, to ensure that development will not negatively impact the indentified Natural Feature-Significant Woodland. The holding provision will not be deleted until the completion of the following: *To determine the extent to which development will be permitted and ensure that development will not have a negative impact on relevant components of the Natural Heritage System (identified on Schedule "B" of the Official Plan), an agreement shall be entered into specifying appropriate development conditions and boundaries, based on an Environmental Impact Study or Subject Lands Status Report that has been prepared in accordance with the provisions of the Official Plan and to the satisfaction of the City of London, prior to removal of the "h-2" symbol*

The property is located in an area that is identified as having archaeological resource potential. To ensure that lands are assessed for the presence of archaeological resources prior to development, and that there is no grading or other soil disturbance on the subject property, the h-18 holding provision shall not be removed prior to the issuance of a letter of clearance by the City of London Planning Division.

The h-, h-55 and h-141 Holding provision have been included to address the City of London Environmental Engineering Servicing Departments comments regarding further studies and reports needed to address servicing issues including traffic. The Holding provisions will not be deleted until the following occur:

- adequate provision of municipal services, which includes sanitary and water serving are resolved and development agreement is entered into with the City.
- in order to limit the impact of the development on the existing roadways, a traffic impact study for the entire site is to be completed prior to site plan approval to determine the location and number of access points, the traffic impact on surrounding roads and roadway improvements required to accommodate this development.
- a development agreement is entered into and permits are issued by the Ministry of Transportation as required by the *Public Transportation and Highway Improvement Act*.

The h-103, Holding provision is required to address Urban Design issues. The holding provision will not be deleted until a development agreement is entered into (to the satisfaction of the General Manger of Planning and Development) that incorporates the design objectives as identified in the Council resolution.

CONCLUSION

The proposed Official Plan and Zoning By-law amendment will permit the development of 50,183m² of commercial retail use, 13,564m² of commercial recreational use, 3,921m² cinema use, a gas bar use and the protection of the existing Significant Woodland. The proposed amendment addresses the need to balance the complex inter-relationship between environmental and economic policies. The proposed amendment meets the intent of the commercial and environmental policies of the Official Plan.

Agenda Item # Page #

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File: OZ-8120
Planner: C. Smith

PREPARED BY:	SUBMITTED BY:
C. SMITH COMMUNITY PLANNING AND DESIGN	JIM YANCHULA, MCIP, RPP MANAGER, COMMUNITY PLANNING AND DESIGN
RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER	

JCS/
"Attached"

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(CS)\8120OZPECreport.docx

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

<u>Written</u>
Victoria White President, Glanworth Community Association London, Ontario
Barbara Shore, Vice President, Glanworth Community Association London, Ontario
Stuart Kernohan President Lumberteria Home Hardware 4425 Wellington Rd. S.

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File: OZ-8120
Planner: C. Smith

Mr. Craig Smith

I fully support the application by PenEquity Realty Corp.for 3130 and 3260 Dingman Dr.

Growth in the area near Wellington Rd. S. and Hwy.401 has been stagnant for years. The last major project in the area was over 20 years ago when the Costco property was developed.

This development is good for the area.

Stuart Kernohan
President
Lumberteria Home Hardware
4425 Wellington Rd. S.

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File: OZ-8120
Planner: C. Smith

Comment Submission from: Glanworth Community Association

Re: File OZ-8120, regarding 3130 and 3260 Dingman Drive.

To: Craig Smith, City Planning Department

Thank you for the opportunity to comment on File OZ-8120. With regard to the Application to amend the Official Plan and Zoning By-law, made by PenEquity Realty Corporation, the Glanworth Community Association (GCA), whose boundaries include the properties in question, would like to submit the following comments.

The Application made by PenEquity raises a number of concerns for the GCA.

First, with regard to the possible amendment to Amend Schedule 'B-1' Natural Heritage Features of the Official Plan TO delete "Unevaluated Vegetation Patch" and the statement that "according to the Subject Lands Status Report and related correspondence from AECOM, the woodlot feature is not expected to survive following site development. Removal of this feature will facilitate the extension of Roxburgh Road and development of the central core of this project. The pond, which does not provide any significant hydrological or natural function, will be removed from the site to facilitate development along the Highway 401 interface":

After examining AECOM’s Subject Lands Status Report on Patch 10102, we have issues with the conclusions they have reached.

First and foremost, the evaluation of Patch 10102 actually revealed and resulted in the identification of the woodland within the Patch as a Significant Woodland, and this was based on score of five (5) high criteria and two (2) medium criteria out of the eight (8) ecological criteria. Only in one category did the woodland not receive a score, and that is the category for the presence of Species at Risk, and their statement that “no wildlife Species at Risk were found within the subject lands” is also highly questionable and one that we will also address shortly.

On the basis of this designation alone, and we quote from the Report, “Woodland Patch is a Significant Component of the Natural Heritage System” then no further discussion of the destruction of the woodland in question should be entertained.

Let us not forget the directives of the existing City of London’s Official Plan Policy 15.4.5 with regard to significant woodlands and reports submitted by consultants and developers. The City's Official Plan (land use policies) says in section 15.5.2 b:

“If the Subject Lands Status Report identifies any lands that, in the estimation of the City, may meet the criteria for determining significance set out in Section 15.4 for specific components of the Natural Heritage System, the City shall require the preparation of an Environmental Impact Study for these lands in accordance with the requirements of 15.5.2. Lands that satisfy the criteria for significance shall be designated as Open Space in conjunction with any Official Plan amendment required for the proposed development.”

Clearly the Report indicates that there are sufficient examples to determine that this woodland is indeed significant and therefore, at the very minimum, an Environmental Impact Study (EIS) should be required before any plans to destroy this woodland proceed. There should be no sidestepping of this; rules are rules.

The Glanworth Community Association is asking that all due diligence be applied by the Planning Department and the Planning & Environment Committee to ensure that an Environmental Impact Study (EIS) be undertaken, which will be independent of AECOM’s

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findings, because in addition to the findings of the Report, AECOM’s “Additional Considerations and subsequent “Conclusions” consistently and cleverly downplay the actual ecological richness, variety and value — and surprising biodiversity — contained in such a small area.

They cite seven (7) extenuating factors that, “notwithstanding” the evaluation results, justify the “removal” of the woodland. Each one of the seven factors can be challenged as either opinion, speculation or assumption.

Just as an example, the Report cites that the long-term viability of the patch as a functioning woodland is compromised by the “continual and increasing noise disturbance from Highway 401,” a statement that is meaningless in view of the fact that practically every major road in the rural annexed area of the city, and indeed all along the 401 itself, is in close proximity to or intersects wooded areas, wetlands and wild spaces where mammals, birds and an infinite variety of flora and fauna still use as habitat. It is a ludicrous statement, but it also borders on specious science.

Additionally, we could counter point 5 (“woodland does not offer an opportunity for other open space amenity or passive recreational activities”) by suggesting that they ask birdwatchers, nature groups and science teachers that very question.

Point 6, about the Gray Dogwood Mineral Thicket Swamp type, is probably one of the most offensive statements, in that it suggests that because this type of swamp habitat is common in the London area, it’s expendable. Yet they also note that it is “ranked rare to uncommon for the Province of Ontario.”

Reason enough, we believe, for it to be protected, and it would be interesting to get the Province’s input on the destruction of this rare and uncommon swamp type. Clearly, then, the writers of the report are not taking into consideration that London and area is in the heartland of Canada’s Carolinian region, one of the most threatened regions in the entire country and yet one of the most biodiverse regions in the entire country. Our point being that just because these remaining Carolinian woodlands are already terribly fragmented does not in itself justify the argument that they are not worth saving at all.

Point 2: “The ecological functions of the woodland are not considered to be uncommon within the area of London.” Habitat is habitat, uncommon to an area or not. And clearly, from the number of birds tallied during the field study, this woodland is habitat. The very fact that many chorus frogs were found as well as a number of other frog species also attests to this fact.

In fact, given the size of this small patch of land and its proximity to a major highway corridor and other urban development, the report actually reveals a surprising range of biodiversity within its boundaries, common or not. Yet the report seems to unduly emphasize its “commonness” and its relative disposability as a habitat.

But it is the assumption that there are no species at risk on these lands that we find most disturbing. While the observation and study of the bird population is extremely thorough, not to mention revealing, there is a glaring omission from the Report with regard to reptiles. Birds, amphibians and wildlife have been observed and noted, but there are no remarks regarding reptiles.

Given that over half of Ontario’s snakes are at risk and seven of Ontario’s eight native freshwater turtle species are also currently at risk, not to mention the fact that another reptile, Ontario’s only lizard, is also a species at risk in this province, we find it surprising that the Report makes no mention of any field observation time allotted for reptiles on these lands, yet still manages to claim that there are no species at risk on the property.

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File: OZ-8120
Planner: C. Smith

Therefore, we cannot accept, nor should any environmental committee accept, the statement “no wildlife Species at Risk were found within the subject lands.” Such a statement cannot be accurately made if no effort was taken to observe all possible Classes of living species, in this case specifically, class Reptilia, which, as we have noted is probably one of the most endangered Classes in terms of the number of species that are on Ontario’s endangered and threatened lists.

For that reason, we urge the Planning and Environmental Committee) to carefully examine and consider all aspects of the AECOM report and apply due diligence. Even the issue of invasive plant species, a problem that every municipality, county, province and state on this continent is contending with in some form or another, can be dealt with specific plans in place and it does not on its own justify the destruction of this particular woodland.

Furthermore, the suggestions for compensation for the destruction of this woodlot posed by the Report raise even more concerns.

First, we would like to know if there are any guarantees that PenEquity would even follow through on any of the suggested compensations?

However, it is the suggestions themselves that fall short of any real compensation for the loss of a mature woodland. For one thing, you cannot “relocate” a woodlot. The use of this term is not only misleading, it’s erroneous. Trees cannot be physically uprooted and replanted elsewhere. A woodlot of mature trees is a natural organization and infrastructure that cannot be quickly replicated elsewhere. A couple of trees being planted in a park or on a street does not constitute a new habitat.

In summary, given all of our reasons and more, and we would happily provide further commentary with regard to AECOM’s additional considerations and justifications for the removal of the woodland at a future date, the GCA cannot support the destruction of this woodlot that the proposed development entails.

Second, with regard to possible amendment to the Zoning By-law FROM a Holding Restricted Service Commercial Special Provision/Light Industrial (h*RSC1(9)/RSC5/LI6) Zone and 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 TO an Associated Shopping Area Commercial Special Provision (A5A3/A5A5/A5A6 (J/ASA7(J/ASA8) Zone and an Open Space (OS1) Zone to allow for 50,183m2 of commercial retail use, 13,564m2 of commercial recreational use, 3,921m2 cinema use, a gas bar use and a passive recreational use, and the statement that “this project will substantially enhance the (commercial) node by providing a diverse range of retail commercial, entertainment and recreational activities to support the demands of the regional service area. It is anticipated that completion of this proposal will substantially strengthen the function of this node as both a mixed-use commercial area and a primary gateway into the City”:

To our knowledge, no one within our Association boundaries has been approached or asked for their input on such a proposed development in the vicinity. Therefore, we do not know how the statement “to support the demands of the regional service area” has been arrived at. We doubt that a development of this nature would be high on the list of our demands as the region or neighbourhood most closely associated with this parcel of land.

Second, can PenEquity guarantee that they will be able to fill the proposed commercial centre with tenants? The projected tax revenue benefit to the city is based on full capacity, we might add.

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File: OZ-8120
Planner: C. Smith

Do they have potential leasees ready and willing? Or will this development like so many others sit largely empty, much like the retail development on the other side of the 401 at Exeter and Wellington Roads?

Some figures we would like to throw out for consideration:

1. There are 250 (commercial) buildings for lease right now in London.
2. There are 129 Commercial/Industrial buildings for SALE and
3. There are 40 parcels of vacant land (with same zoning) for sale.

Finally, in terms of this planning impact statement: “The subject lands are surrounded by a retail-commercial corridor and a hydro-electric substation east of the Site, agricultural and future industrial uses to the south, an office use and Highway 401 corridor to the west and the 401 corridor and agricultural and open space uses to the north. Given this locational context, it is our opinion that the proposed commercial development will not impact adversely upon surrounding properties.”

We beg to differ. We believe that it will adversely impact the surrounding properties because the area to the south of the proposed development is still agricultural.

In summary, the proposed development raises many alarms for us south of the 401. We feel that it is an unsuitable commercial development for the location and area in terms of its size and scope, the nature of the development itself, and the fact that so many commercial and retail spaces are already sitting empty around the city. But most of all, it is the way in which the Subject Lands Report downplays the ecological significance of Patch 10102 that prompts us to comment today. An Environmental Impact Study is absolutely essential.

Victoria White
President, Glanworth Community Association
London, Ontario

Barbara Shore,
Vice President, Glanworth Community Association
London, Ontario

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File: OZ-8120
Planner: C. Smith

**Bibliography of Information and Materials
OZ-8034**

The following documents were used in the review of this development proposal:

- Provincial Policy Statement, 2005
- City of London Official Plan
- Zoning By-law Z.-1
- Golder Associates- Technical Memorandum, May 24, 2013
- Subject Lands Status Report for Patch 10102, May 12, 2012 AECOM
- All internal and external correspondence sent to C. Smith as contained in the City of London file OZ-8034
- Complete Application- Submitted by MHBC Planning Urban Design and Landscape Architecture, Carol Wiebe, November 6, 2012- including all attached technical studies and reports.

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File: OZ-8120
Planner: C. Smith

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 3130 and 3260 Dingman Drive and the rear portion of 4397/4407 Wellington Road South.

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.*

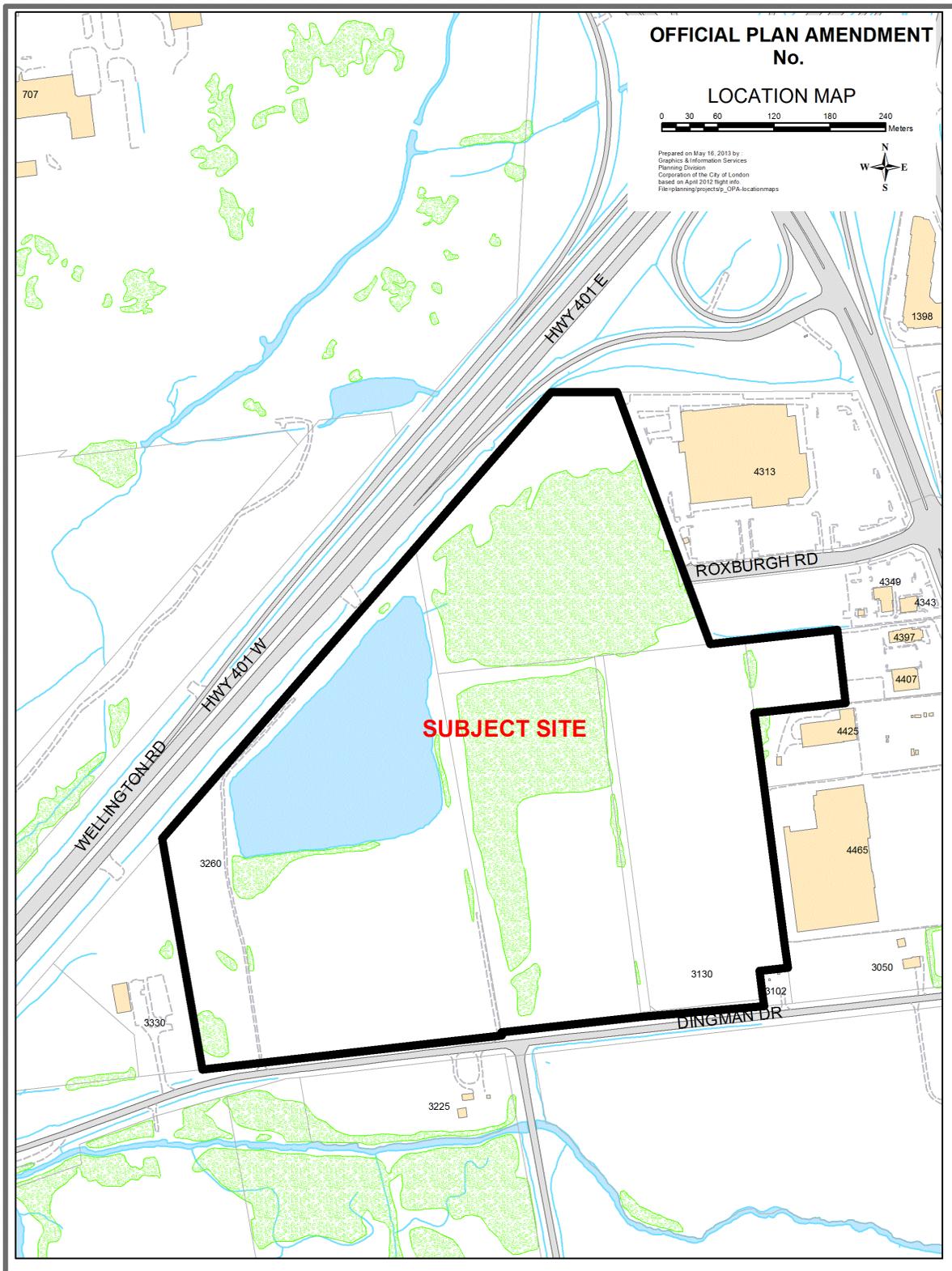
PASSED in Open Council on June 25, 2013.

Joe Fontana
Mayor

Catharine Saunders
City Clerk

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

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AMENDMENT NO.

to the

OFFICIAL PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is:

1. To add a policy in Section 10.1.3 of the Official Plan for the City of London to permit cinema use outside of the downtown area in the New Format Regional Commercial Node.
2. Amend Schedule “A” Land Use to change the designation from New Format Regional Commercial Node to Open Space.
3. Amend Schedule B-1- Natural Heritage Features, to delete Unevaluated Vegetation Patch and to add “Significant Woodlands”.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands located at 3130 and 3260 Dingman Drive and the rear portion of 4397/4407 Wellington Road South in the City of London.

C. BASIS OF THE AMENDMENT

The recommended Official Plan amendment to add a Specific Area Policy (Chapter 10) conforms to the criteria for the adoption of site specific policies under Section 10.1.1 in the Official Plan. Policies for Specific Areas may be applied where the change in land use is site specific and is located in an area where Council wishes to maintain existing land use designation, while allowing a site specific use.

The proposed amendment will allow for a cinema to be located outside of the Downtown. The proposed commercial development will act as a gateway to the City of London and the cinema use will not have a negative impact on the ability of the Downtown Area to serve as the City's primary entertainment destination place.

The amendments are consistent with the policies of the Provincial Policy Statement, 2005 and are consistent with the Commercial and Environmental policies of the Official Plan.

The recommended amendments allow for the development of a 50,182m² gross floor area commercial development and provide for the protection and retention of an existing significant woodland on the property.

D. THE AMENDMENT

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

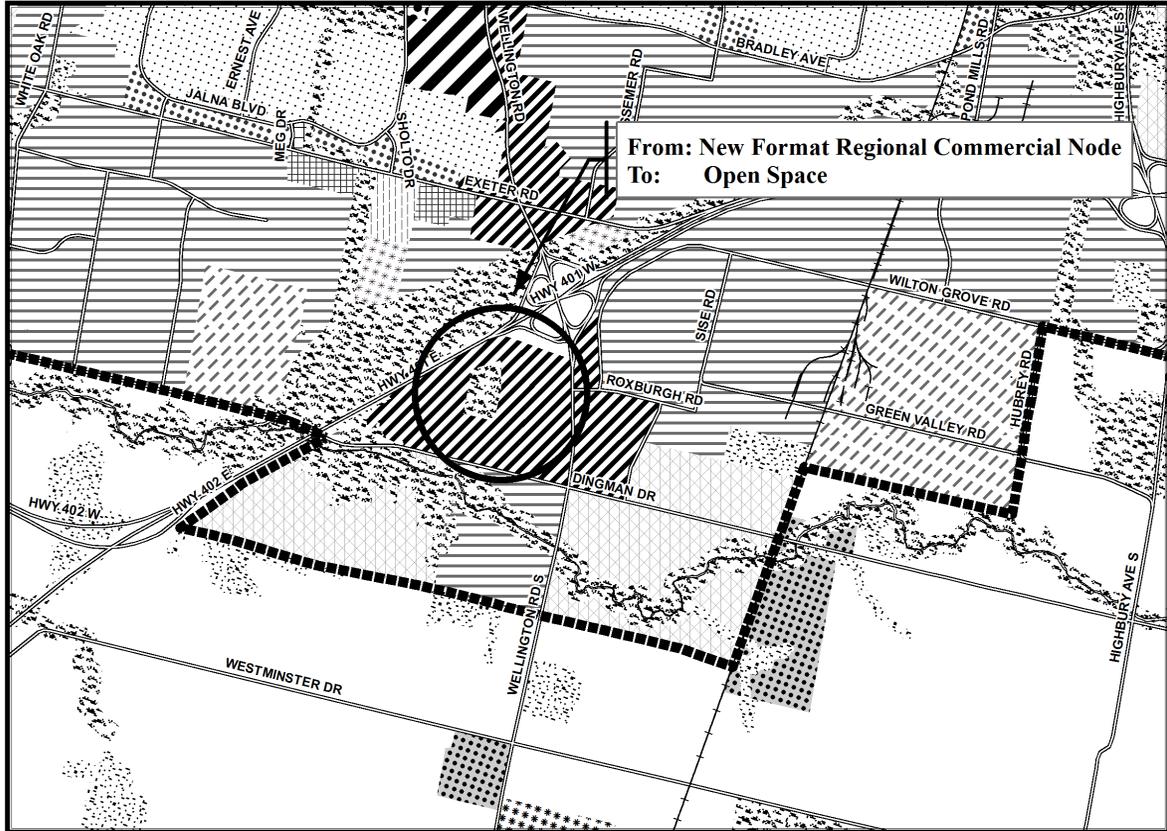
1. Section 10.1.3 – Policies for Special Areas of the Official Plan for the City of London is amended by adding the following:

In the New Format Regional Commercial Node designation at 3130 and 3260 Dingman Drive and the rear portion of 4397/4407 Wellington Road South, a cinema use is permitted outside of the Downtown area
2. Amend Schedule “A” Land Use to change the designation from New Format Regional Commercial Node to Open Space.
3. Amend Schedule B-1- Natural Heritage Features, to delete Unevaluated Vegetation Patch and to add “Significant Woodlands”.

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File: OZ-8120
Planner: C. Smith

AMENDMENT NO:



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

This is an excerpt from the Planning Division's working consolidation of Schedule A to the City of London Official Plan, with added notations.

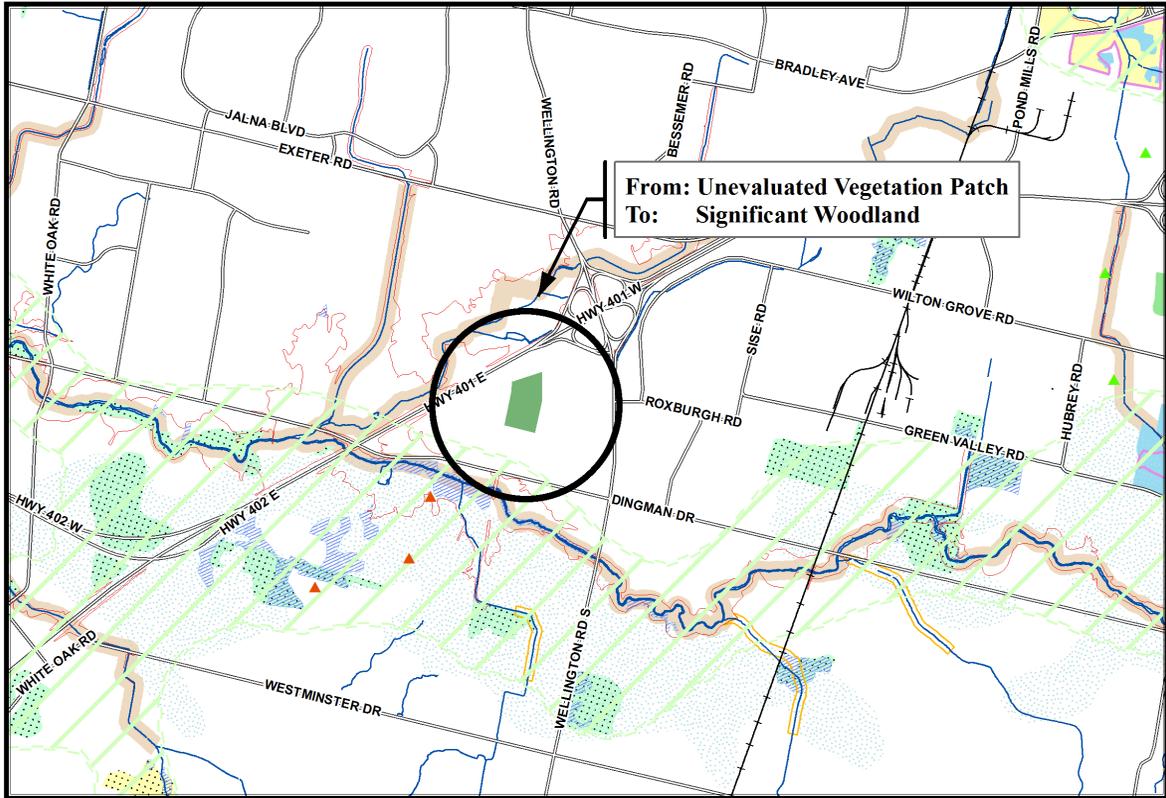
<p>SCHEDULE 1 TO OFFICIAL PLAN</p> <p>AMENDMENT NO. _____</p> <p>PREPARED BY: Graphics and Information Services</p>	<p>Scale 1:30,000</p> <p>0 150 300 600 900 1200 1500 Meters</p>	<p>FILE NUMBER: OZ-8120</p> <p>PLANNER: CS</p> <p>TECHNICIAN: MB</p> <p>DATE: 2013/05/15</p>
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PROJECT LOCATION: e:\planning\projects\p_officialplan\work\consolid\amendments\oz-8120\mxd\scheduleA_NEW_b&w_8x11.mxd

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File: OZ-8120
Planner: C. Smith

AMENDMENT NO:



NATURAL HERITAGE SYSTEM

- ESAs
- Potential ESAs
- Significant Woodlands
- Woodlands
- Unevaluated Vegetation Patches
- Significant River, Stream, and Ravine Corridors
- Unevaluated Stream and Ravine Corridors
- Provincially Significant Wetlands
- Locally Significant Wetlands
- Unevaluated Wetlands
- Potential Naturalization Areas
- Potential Upland Corridors
- Ground Water Recharge Areas

NATURAL HAZARDS

- Maximum Hazard Line
- NOTE 1: Hazard Lines shown on this map are approximate. The precise delineation of hazard line mapping available from the Conservation Authority having jurisdiction.*
- NOTE 2: Flood Fringe mapping for certain areas of the city is available from the Upper Thames River Conservation Authority.*

Base Map Features

- Railways
- Water Courses/Ponds
- Streets (refer to Schedule "C")
- Conservation Authority Boundary
- Subwatershed Boundary
- Big Picture Meta-Cores and Meta-Corridors

This is an excerpt from the Planning Division's working consolidation of Schedule B1 to the City of London Official Plan, with added notations.

**SCHEDULE 2
TO
OFFICIAL PLAN**

AMENDMENT NO. _____

PREPARED BY: Graphics and Information Services



Scale 1:30,000



FILE NUMBER: OZ-8120

PLANNER: CS

TECHNICIAN: MB

DATE: 2013/05/29

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File: OZ-8120
Planner: C. Smith

Appendix "B"

Bill No. (number to be inserted by Clerk's Office)
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 (number to be inserted by Clerk's Office) 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 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 an Open Space (OS5) Zone and a Holding Associated Shopping Area Commercial Special Provision (h*h-2*h-18*h-55*h-103*h-141*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:

) ASA6 () 3130 and 3260 Dingman Drive and the rear portion of 4397/4407 Wellington Road South

b) Regulations:

i) Gross Floor Area: 13,921 square metres
Commercial Recreational (Maximum)
Use

) ASA7 () 3130 and 3260 Dingman Drive and the rear portion of 4397/4407 Wellington Road South

b) Regulations:

i) Gross Floor Area: 3,921 square metres
Cinema use (Maximum)

) ASA8 () 3130 and 3260 Dingman Drive and the rear portion of 4397/4407 Wellington Road South

a) Additional Permitted Use

i) Gas Bar

b) Regulations:

i) Gross Floor Retail Area: 50,183 square metres

Agenda Item # Page #

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File: OZ-8120
Planner: C. Smith

in all ASA Zone (Maximum)
Variations

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.

PASSED in Open Council on June 25, 2013.

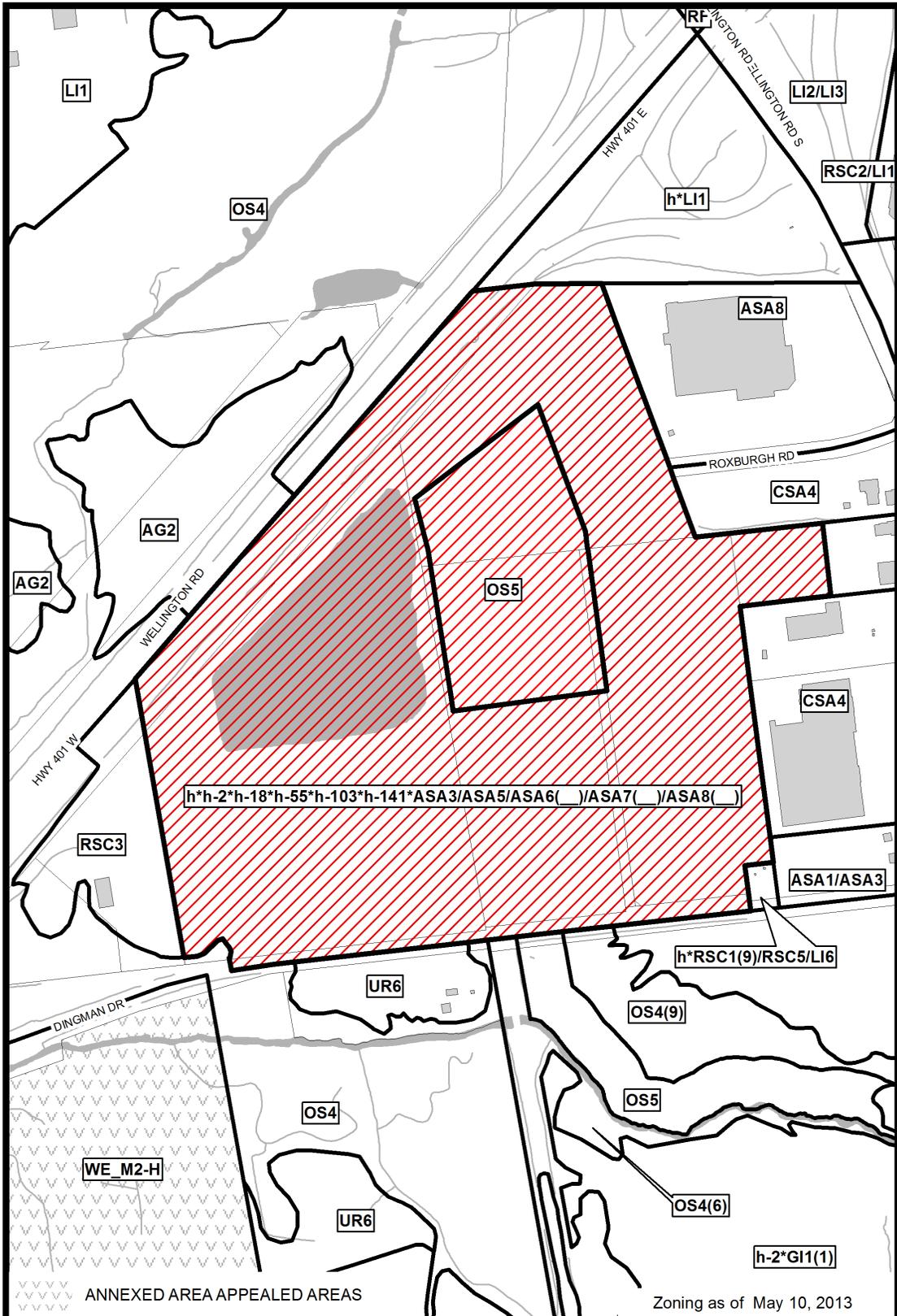
Joe Fontana
Mayor

Catharine Saunders
City Clerk

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

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



<p>File Number: OZ-8120 Planner: CS Date Prepared: 2013/05/27 Technician: MB By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:5,000</p> <p>0 25 50 100 150 200 Meters</p> 
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Geodatabase