

<b>FROM:</b>	<b>GEORGE KOTSIFAS, P.ENG.</b> <b>MANAGING DIRECTOR, DEVELOPMENT &amp; COMPLIANCE SERVICES</b> <b>&amp; CHIEF BUILDING OFFICIAL</b>
<b>SUBJECT:</b>	<b>APPLICATION BY: SIFTON PROPERTIES LIMITED</b> <b>1311, 1363 and 1451 WHARNCLIFFE ROAD SOUTH</b> <b>PUBLIC MEETING ON JUNE 20, 2013</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of the Manager of Development Services and Planning Liaison, the following actions be taken with respect to the application of Sifton Properties Limited relating to the property located at 1311, 1363 and 1451 Wharncliffe Road South:

- a) pursuant to section 13.7 of the Council Procedure By-law, the actions of the Municipal Council taken at its meetings of October 30, 2013 and November 20, 2012, related to the adoption of clause 2 of the 27th Report of the Planning and Environment Committee, concerning the adoption of the Southwest Area Plan (Official Plan Amendment No. 541), pertaining to the designation shown on Schedule 1-d, for the lands known as 1311, 1363 and 1451 Wharncliffe Road South **BE RECONSIDERED**; and,
- b) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on June 25, 2013 to replace schedule 1-d of Official Amendment No. 541 to change the designation of the lands known as 1311, 1363 and 1451 Wharncliffe Road South, **FROM** an Auto-Oriented Commercial Corridor designation **TO** a Community Commercial Node designation, to permit a range of retail outlets including department stores, home improvement and furnishings stores, supermarkets, food stores and pharmacies; convenience commercial uses; personal services; restaurants; commercial recreation establishments; financial institutions; a limited range of automotive services; service-oriented office uses such as real estate, insurance and travel agencies; community facilities, such as libraries or day care centres; professional and medical/dental offices; commercial and private schools; and limited amounts of office uses and places of entertainment; and the Ontario Municipal Board **BE REQUESTED** to amend the land use designations contained in Official Plan Amendment No. 541, accordingly;
- c) the request to amend the Official Plan designation **FROM** Multi-Family, High Density Residential **TO** a Community Commercial Node designation **BE REFUSED** for the following reasons:
  - (i) the requested amendment would permit additional commercial development that is not supported by the policies or designations of the Southwest Area Plan as adopted by Council; and
  - (ii) the existing Multi-Family, High Density Residential designation would support the function and viability of the proposed Community Commercial Node designation and should be maintained in its current location.
- d) 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 b) above, to:
  - (i) amend the zoning on a portion of lands at 1311, 1363 and 1451 Wharncliffe Road South **FROM** a Holding Restricted Service Commercial Special Provision (h.h-11.h-63.h-82.h-95.h-100.h-105.h-138.RSC1(20)/RSC2(11)/RSC3(17)/RSC4(15)/RSC5/(17)) Zone and a Holding Restricted Service Commercial Special Provision (h.h-11.h-63.h-82.h-95.h-100.h-

105.h-135.RSC1(20)/RSC2(11)/RSC3(17)/RSC4(15)/RSC5/(17)) Zone, which permit a wide range of automotive, commercial and service oriented uses; **TO** a Holding Community Shopping Area Special Provision (h.h-11.h-63.h-82.h-95.h-100.h-105.h-138.CSA4( )) Zone; and a Holding Community Shopping Area Special Provision (h.h-11.h-63.h-82.h-95.h-100.h-105.h-135.CSA4( )) Zone; to permit a wide range of commercial uses including assembly halls, restricted automotive uses, bake shops, cinemas, clinics, commercial recreation establishments, day care centres, financial institutions, offices, medical/dental offices, private clubs, restaurants, retail stores, service and repair establishments, supermarkets and taverns; with a maximum gross floor area of 20,000 square metres; and

- (ii) amend Section 22.3 of the Community Shopping Area (CSA) Zone by adding Special Provisions for the CSA 4 Zone to permit uses in stand-alone buildings which do not form part of a shopping centre; permit a minimum front/exterior side yard depth of 3 metres; and, permit a maximum building height of 12 metres;
- e) the request to amend Zoning By-law No. Z-1 to change the zoning on a portion of the subject property **FROM** a Holding Residential R5/R6/R7/R10 (h.h-54.h-71.h-100.h-134.R5-7/R6-5/R7.D100.H45/R10-3.H45) Zone, which permits a range of multi-family uses including townhouse dwellings, cluster housing, apartment buildings and retirement lodges, **TO** a Holding Community Shopping Area Special Provision (h.h-11.h-63.h-82.h-95.h-100.h-105.h-134.CSA4( )) Zone **BE REFUSED** for the following reasons:
  - (i) the requested Zoning By-law amendment would not be in conformity with the Official Plan, as amended in part b) above; and
  - (ii) the existing zoning on this site implements the policies of the Multi-Family, High Density Residential designation and provides for a range of residential uses that will complement the function and viability of the adjacent Community Commercial Node designation.
- (iii) the Approval Authority **BE REQUESTED** to report back on the modifications required to the Conditions of Draft Approval for Plan 39T-07510, to reflect changes to the Official Plan and Zoning that are approved by Council.

It being noted that this recommendation can be supported on the basis of both the existing Official Plan policies in effect at the time the application was accepted, and the policies and designations adopted by Council as part of the Southwest Area Plan (Official Plan Amendment No. 541).

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
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May 6, 2009 - Report to Planning Committee meeting on subdivision application from Decade Corporation (39T-05509) for property located at 1311 Wharnclyffe Rd. South.

May 6, 2009 - Report to Planning Committee meeting on Andover Trails subdivision application from Sifton Properties Limited (39T-0710) for property located at 1451 Wharnclyffe Rd. South

September 14, 2009 - Report to Planning Committee meeting on subdivision application from Sifton Properties Limited (39T-08508) for property located at 149, 153 and 187 Southdale Rd. West.

June 11, 2011 – Report to Built and Natural Environment Committee meeting on Zoning Amendment application (Z-7850) for property located at 1311 and 1451 Wharnclyffe Road South; 149, 153 and 187 Wharnclyffe Road South.

November 26, 2012 – Report to Planning and Environment Committee meeting recommending special provisions for the subdivision agreement.

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January 5, 2013 – Report to Planning and Environment Committee recommending a one (1) year extension to the lapse date in the event that additional time is required to resolve any outstanding issues and proceed to final plan approval.

March 19, 2013 – Report to Planning and Environment Committee meeting on the current application from Sifton Properties Limited for lands located at 1311, 1363 and 1451 Wharnccliffe Road South (OZ-8087).

<b>PURPOSE AND EFFECT OF RECOMMENDED ACTION</b>
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This report has been prepared by Development Services, in response to a March 26, 2013 Municipal Council resolution relating to an application for Official Plan and Zoning By-law amendments by Sifton Properties Limited. Consideration of the applications, to permit an expansion to the commercial area and an expanded range of commercial uses at 1311, 1363 and 1451 Wharnccliffe Rd. South, was deferred for further consideration and a report back at a future meeting of Planning and Environment Committee. This report provides an evaluation of the application within the context of the policy framework and land use designations established through the adoption of the Southwest Area Plan by Council on November 20, 2013.

<b>RATIONALE</b>
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1. The recommended change in designation from Auto-Oriented Commercial Corridor to Community Commercial Node is supported on the basis of the Official Plan policies in effect at the time the application was submitted;
2. The recommended change in designation from Auto-Oriented Commercial Corridor to Community Commercial Node is consistent with the general intent and purpose of the Southwest Area Plan adopted by Council on November 20, 2013;
3. The recommended Official Plan and Zoning By-law amendments will provide for competition to meet market requirements and will not result in any net change in the amount of land designated and zoned for commercial development within the Southwest Area Plan; and, the range of uses that will be permitted by the recommended amendments, includes many of the same commercial uses that are permitted under current zoning.
4. Amendments to change the designation and zoning on the Multi-Family, High Density Residential component of the site are not supported because they will increase the overall amount of commercial land in the Southwest Area Plan and, as such, could detract from the function and viability of the future commercial area.
5. The recommended holding provisions will ensure that the future development of the site will address all issues relating to traffic, access, noise attenuation, urban design and other site plan matters; will allow development to proceed in accordance with the underlying zoning up to a maximum commercial floor area threshold that reflects existing service infrastructure constraints in accordance with the current conditions of draft approval; and will ensure that there is adequate transportation infrastructure and sanitary pumping & forcemain capacity to accommodate full development build-out.
6. The recommended Official Plan and Zoning By-law amendments are consistent with the policies of the Provincial Policy Statement (2005).

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LOCATION MAP

**BACKGROUND**

The subject lands comprise part of the Andover Trails Phase 4 Draft Plan of subdivision, located within the boundaries of the East Bostwick Area Plan and the Southwest Area Plan. The East Bostwick Area Plan was initiated by the City of London and funded by Sifton Properties Limited in 2003 as a developer-led community plan for the area bounded by Southdale Rd. West, Wharncliffe Rd. South and Wonderland Road South. Most of the lands between Wonderland Road and the Pincombe Drain have previously been developed. The lands bounded by Pincombe Drain, Southdale Road and Wharncliffe Road South, include three large properties which have been the subject of subdivision applications.

In June of 2005, City Council adopted Official Plan Amendment No. 358 for the Sifton (Andover) lands north of the Bradley Avenue extension. Consideration of the balance of land located south of Bradley and the Sifton Bierens subdivision, was deferred pending the resolution of several issues including collector road connections, woodlot designations, and park & school locations. The deferred lands were addressed through the adoption of Official Plan Amendment No. 380 on February 27, 2006, which was subsequently approved by the Ontario Municipal Board (with modifications) on December 11, 2007.

Phase 1 of the Andover Trails subdivision was registered on August 23, 2007 as 33M-579; Phase 2 was registered on December 16, 2008 as 33M-602; and Phase 3 was registered on October 12, 2011 as 33M-634, all under Draft Approved Plan 39T-05506. The subject site is located within Andover Trails Phase 4 Draft Plan 39T-07510.

Application 39T-07510 was accepted on October 10, 2007 and Draft Approval was granted on August 19, 2009, subject to conditions. On July 30, 2012 a 180 day extension of the draft approval was granted administratively and a further one year extension was granted on January 5, 2013, resulting in the current lapse date of February 19, 2014. A report recommending special provisions for the 39T-07510 subdivision agreement was presented to the November 26, 2012 Planning and Environment Committee meeting. The special provisions were endorsed by Council on December 11<sup>th</sup>, together with the Source of Financing Report and the associated Claims and Revenues. Final approval is expected to be granted in the near future.

**Application OZ-8087:**

The Sifton application, accepted by the City on August 3, 2012, applies to 9.8 hectares (24 acres) of land bounded by Wharncliffe Road South, the Bradley Avenue future extension and the Morgan Avenue extension. The subject lands include municipal addresses 1311, 1363 and 1451 Wharncliffe Rd. South, and comprised of the three blocks described below:

Subject Lands	Area in hectares	Current OP Designation	Current Zoning
Block 4 39T-07510	2.92 ha.	Multi-Family, High Density Residential	Holding Residential /R5/R6/R7/R10 (h.h-54.h-71.h-100.h-134.R5-7/R6-5/R7.D100.H45/R10-3.H45)
Block 5 39T-07510	5.49 ha.	Auto-Oriented Commercial Corridor	Holding Restricted Service Commercial Special Provision (h.h-11.h-63.h-82.h-95.h-100.h-105.h-135.RSC1(20)/RSC2(11)/RSC3(17)/RSC4(15)/RSC 5/(17))
Block 84 33M-641	1.39 ha.	Auto-Oriented Commercial Corridor	Holding Restricted Service Commercial Special Provision (h.h-11.h-63.h-82.h-95.h-100.h-105.h-138.RSC1(20)/RSC2(11)/RSC3(17)/RSC4(15)/RSC 5/(17))

(Existing Official Plan designation and Zoning are mapped on the following pages)

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EXISTING ZONING MAP

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The Official Plan policies in the Auto Oriented Commercial Corridor designation support “a broad range of commercial uses that, for the most part, are not suited to locations within Commercial Nodes or Main Street Commercial Corridors because of their building form, site area, access or exposure requirements. Generally, permitted uses cater to vehicular traffic and single purpose shopping trips. Depending on the nature of the use, customers are drawn from passing traffic or a wide-ranging market area. Auto-Oriented Commercial Corridors, while providing for a limited amount of retail use, are not intended to accommodate retail activities that are more appropriately located in the Downtown, Commercial Nodes, or Main Street Commercial Corridor designations”.

The requested Official Plan Amendment proposes to redesignate the “Multi-Family, High Density Residential” and “Auto-Oriented Commercial Corridor” lands, to “Community Commercial Node”. Community Commercial Nodes are intended to provide for a wide range of goods and services which are needed on a regular basis. Community Commercial Nodes are smaller in size than Enclosed and New Format Regional Commercial Nodes, with less emphasis on comparison shopping needs and more emphasis on community specialized services. A supermarket or food store should form an integral part of the node. Their trade areas are subsidiary to the trade areas of Enclosed and New Format Regional Commercial Nodes and primarily consist of the surrounding community, which includes a number of neighbourhoods within convenient driving or walking distance.

The associated Zoning By-law Amendment application proposes to rezone the subject lands to a Holding Community Shopping Area Special Provision (h.h-11.h-63.h-82.h-95.h-100.h-105.h-138.CSA5( )) Zone; and a Holding Community Shopping Area Special Provision (h.h-11.h-63.h-82.h-95.h-100.h-105.h-135.CSA5( )) Zone, to permit a wide range of commercial uses including assembly halls, restricted automotive uses, bake shops, cinemas, clinics, commercial recreation establishments, day care centres, financial institutions, offices, medical/dental offices, private clubs, restaurants, retail stores, service and repair establishments, supermarkets and taverns; with a maximum gross floor area of 30,000 square metres (322,928 sq. ft.) and a maximum height of 12 metres (39 ft.).

**Southwest Area Plan:**

The subject lands are located within the boundaries of the Southwest Area Plan (SWAP), which was adopted by Council as OPA 541 on November 20, 2012. The SWAP, which is currently under appeal and not yet in effect, did not propose any changes to the land use designations that currently apply to the subject lands. The applicant, Sifton Properties Limited, did not appeal the designations proposed in SWAP for the subject lands.

The SWAP established a new land use designation for the lands adjacent to Wonderland Road South, between Southdale Road West and Exeter Road, referred to as the Wonderland Road Community Enterprise Corridor, with the purpose of accommodating a wide range of land uses including up to 100,000 square metres (1,080,000 sq. ft.) of new commercial development. This is in addition to the approximately 90,000 square metres (967,000 sq. ft.) already developed or approved for construction on designated lands located north of the Bradley Avenue extension. Up to 20,000 square metres (215,000 square feet) of new office development would also be permitted within the corridor. This can occur in medium-scale office developments of up to 5,000 square metres (54,000 square feet). Residential and institutional uses that locate within the corridor are not limited in gross floor area.

Within the entire Southwest Area Plan, which includes the existing commercial component of the subject lands, up to 264,000 square metres (2,850,000 sq. ft.) of commercial development could occur on vacant lands currently designated for commercial development. This includes the 120,000 square metres of development proposed within the Wonderland Road Community Enterprise Corridor. Components of SWAP that are under appeal include lands within the designated “Wonderland Road Community Enterprise Corridor”.

A final decision on Official Plan Amendment 541 will ultimately rest with the Ontario Municipal Board. A pre-hearing conference on the SWAP appeals is scheduled to be conducted by the OMB on June 26<sup>th</sup>, 2013.

**Municipal Council Resolution:**



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At its session held on March 26, 2013, Municipal Council referred back the application of Sifton Properties Limited to the Manager of Development Services and Planning and the City Solicitor for further consideration and to report back at a future meeting of the Planning and Environment Committee. The Municipal Council resolution clause and attachments are appended as **Schedule 1** to this report.

A separate report from the City Solicitor's office will address issues concerning the appropriate planning framework within which to evaluate the application.

<b>PLANNING EVALUATION</b>
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**Chronology of Key Events:**

In determining an appropriate planning evaluation context it is important to confirm the background information relating to this application and the broader amendments relating to the Southwest Area Plan. Key dates and decision points relevant to this application are summarized below:

- |                   |  |
|-------------------|--|
| February 23, 2009 | Initiation of Southwest Area Plan approved by Municipal Council  |
| April 26, 2010    | Report to Planning Committee on release of the draft Southwest Area Plan report and associated Background Studies  |
| February 14, 2012 | Pre-consultation meeting (City of London & Sifton Properties Limited) concerning potential Official Plan/Zoning By-law amendment application for commercial development at 1311, 1363 & 1451 Wharnclyffe Rd. South |
| March 2012        | Market Demand Impact Analysis for Retail/Commercial Development at Wharnclyffe Rd. South and Bradley Ave. West (Malone Given Parsons Ltd.) completed for Sifton Properties Limited                                 |
| May 15, 2012      | Retail Market Demand Analysis for the SWAP (Kirchner Research Associates Ltd.) completed for the City of London  |
| June 18, 2012     | Report to Planning & Environment Committee recommending receipt & circulation of the draft Southwest Area Plan   |
| August 3, 2012    | Acceptance of Sifton Properties Limited application relating to 1311, 1363 & 1451 Wharnclyffe Rd. South (File: OZ-8087)  |
| August 21, 2012   | Notice of application OZ-8087 circulated to area residents, municipal departments and public review agencies   |
| November 20, 2012 | Adoption of the Southwest Area Plan (OPA 541) by Municipal Council   |
| January 22, 2103  | Report to Planning & Environment Committee on appeals to OPA 541   |
| March 19, 2013    | Report to Planning & Environment Committee on Sifton Properties Limited applications OZ-8087)  |
| March 26, 2013    | Municipal Council resolution, referring the Sifton Properties Limited application back for further consideration and report back to a future meeting of the Planning and Environment Committee.                    |

**March 19, 2013 Recommendation:**

The site is located within the area encompassed by the Southwest Area Plan (SWAP), which was adopted by Council as OPA 541 on November 20, 2012. The Southwest Area Plan is not in full force and effect as several appeals have been filed and the outcome of these appeals will ultimately be determined through decisions issued by the Ontario Municipal Board. While there were no site specific appeals filed with respect to the subject lands, the entire Secondary Plan is under appeal and under the jurisdiction of the Board.

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The Sifton application was accepted by the City on August 3, 2012 and the general principles that are followed under Ontario Planning legislation provide for the amendments to be assessed against the policy framework that was in place at the time the application is submitted. Therefore, the application was evaluated under the current Official Plan policies and did not substantively consider the designations or policies of OPA 541.

Section 2.1 of the *Planning Act* requires that when an approval authority or the Municipal Board makes a decision that relates to a planning matter, it shall have regard to any decision made under the Act by a municipal council that relates to the same planning matter; and any supporting information and material that the municipal council considered in making the decision. Therefore, consideration was given to the status of the Southwest Area Plan (OPA 541), and the appropriate measures for Council to take so that any site specific amendments associated with the Sifton application would not be inconsistent with a previous Council decision, or subsequently overturned by an OMB decision relating to the Southwest Area Plan.

To address the need for a consistent Council position, the March 19, 2013 report to PEC included two parts to the Official Plan amendment recommendation clause, as follows:

1. Part a) recommended Council reconsideration of the Southwest Area Plan as it applies to the subject lands, pursuant to Section 13.7 of the Council Procedure By-law;
2. Part b) recommended an Official Plan amendment to the land use designations in the Southwest Area Plan (OPA 541) from Auto-Oriented Commercial Corridor and Multi-Family, High Density Residential to Community Commercial Node; and requested the Ontario Municipal Board to amend the land use designations in OPA 541 accordingly.

This course of action would allow the application to be supported by Municipal Council on the basis of Official Plan policies currently in effect, while reconsidering its previous decision to adopt the Southwest Area Plan, as it relates to the subject property.

**Response to Public Submissions:**

Oral and written submissions were received at the March 19, 2013 Planning and Environment Committee public meeting. The March 26, 2013 Municipal Council resolution and written correspondence are appended as **Schedule 1**. Specific comments are summarized in point form below, followed by staff responses in *italics*:

S. A. Zakem, Aird & Berlis (representing Sifton Properties Limited):

- Sifton was advised by staff that this application would be considered outside the SWAP process. In view of the foregoing, we do not believe that approval of our client's (Sifton) application constitutes a reconsideration by Council of its decision of OPA 541 as proposed in Recommendation a).

*Council Procedure By-law A.-41 sets out the rules of order and procedure for the Council of the Municipal Council. Part 13 of the by-law provides clear parameters for the reconsideration of decided matters. The Southwest Area Plan (OPA 541), which was adopted on November 20, 2012 is a decided matter of Council. Any action taken by Council that is not consistent with OPA 541 would require a reconsideration under the Council Procedure By-law.*

- Recommendation b) proposes to adopt an amendment to the current in-force policies of the City of London Official Plan in order to approve the subject application. In our opinion, this is an appropriate mechanism to approve the subject application. The Sifton applications were filed in advance of the approval of OPA 541 and are therefore entitled, in law, to be assessed under the planning regime that existed as of the date the application was made.

*Evaluation of the Sifton applications under the existing (pre OPA 541) planning regime is based on adherence to the "Clergy Principle", which supports the consideration of policies that are in force and effect at the time an application is received. This approach, while widely applied, does not exclude the consideration of Council decisions that are made after an application is received. Evaluation of the Sifton applications under the Planning context of the Southwest Area Plan is discussed further below.*

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- Recommendation c) proposes to introduce a Zoning By-law amendment once the Official Plan is in full force and effect. In fact, the Zoning By-law amendment can be introduced at the same meeting and immediately after the Official Plan Amendment is adopted.

*It is acknowledged that the Zoning By-law amendment can be adopted at the same meeting as the Official Plan amendment since it would be in conformity with the Official Plan (as amended). Typically, both the Official Plan and Zoning By-law amendments are brought forward for adoption at the same meeting of Council and the Zoning would only become effective when the Official Plan amendment comes into full force and effect. Deferral of the Zoning By-law amendment was recommended for this application due to the inconsistencies that first need to be addressed between Official Plan and Southwest Area Plan designations. If Council is prepared to support an Official Plan amendment and reconsideration of the Southwest Area Plan and Official Plan, the Zoning By-law amendment could be brought forward for adoption at the same meeting as the Official Plan amendment.*

D. H. Wood, Wood Bull (representing Greenhills SC Ltd.):

- The Sifton applications are inconsistent with the planning policies in OPA 541, which were adopted after a long and public consultation process, and supported by numerous background studies and analysis.

*The recommendations in the March 19<sup>th</sup> PEC report are substantially based on an evaluation of policies and land use designations of the Official Plan in effect at the time the Sifton application was accepted. While consideration was given to the how a site specific amendment would be implemented within the context of the Southwest Area Plan, the designations and policies of SWAP were not adopted at the time the Sifton application was submitted to the City. Evaluation of the application under both the Official Plan policies that are currently in effect and SWAP has been undertaken in this report.*

- The market study submitted with the Sifton application is out of date.

The market study submitted with the Sifton application (“Market Demand Impact Analysis for Retail/Commercial Development at Wharnclyffe Rd. South and Bradley Ave. West”, Malone Given Parsons Ltd.) was completed in March, 2012 and prior to the completion of the market study for the Southwest Area Plan (Kircher Research Associates Ltd., May 15, 2012).

*It is recognized that the Malone Given Parsons (MGP) study was completed prior to the SWAP Kircher study and prior to adoption of the Southwest Area Plan. While the MGP study concluded that development of the Sifton site would not cause significant impact on the planned function of commercial areas or nodes in the southwest or other areas of London, the report did not fully consider the extent of commercial lands identified in the Southwest Area Plan, as adopted by Council.*

*The Kircher study, which served as a basis for recommendations relating to commercial designations and policies in the Southwest Area Plan, included consideration of existing commercial inventory and forecast demand to the year 2026. The portion of the Sifton site designated “Auto-Oriented Commercial Corridor” was included in the Kircher inventory of existing commercial lands. The Kircher study acknowledged the proposal to expand the range of commercial uses and land area on the Sifton site, as the application was undergoing pre-consultation at the time. The Sifton proposal for an expanded commercial area was not included in the commercial forecast calculations for the Kircher study.*

- Sifton has appealed the SWAP Secondary Plan (OPA 541) and insofar as Sifton has taken the position that market demand is a relevant consideration to the approval of further retail space in the Wonderland Road Community Enterprise Corridor, it would be logical not to approve the additional retail uses (including department stores) until the potential impacts of such approvals on the viability of the Enterprise Corridor have been considered.

*If the Sifton application is evaluated within the context of the Southwest Area Plan, and not the Official Plan policies in effect at the time of the application, it would be reasonable to request an update of the Sifton market study if the application proposes an increase in the amount of lands designated for commercial development. An updated study would be required to take into consideration the full extent of potential commercial development in the adopted Southwest Area Plan.*

- The Market study submitted with the Sifton application does not indicate that there is a

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market for more than one additional department store in its study area, which means that the permission for the department store in the Sifton lands may preclude the achievement of the department store on lands designated Wonderland Road Community Enterprise Corridor. An approval of the applications will permit a duplication of the retail and service commercial uses permitted in the Wonderland Road Community Enterprise Corridor.

*The MGP study prepared for the Sifton application found that “there is a market demand and opportunity to support about 50,000 sq. ft. of supermarket related space which would take the form of a supermarket or the food component of a department store, a department store with about 100,000 sq. ft. of non-food related space, about 90,000 sq. ft. of other department store type merchandise (Other DSTM) space, and a range of service and commercial space on the site.” This finding was made within the context of the policies that were in effect at the time of the application. The finding may have been different if the MGP study was undertaken within the planning context of the adopted Southwest Area Plan since it would be based on additional commercial and residential lands within SWAP.*

V. Blackwell (property owner/resident - 3255 Morgan Avenue):

- In the proposal to change the zoning to CCN, we do not feel that adequate attention has been given to increased traffic flows and issues this will present into the Andover Trails subdivision, which we thought would be a residential area.

*The capacity of transportation infrastructure has been previously addressed as part of the Andover Trails plan of subdivision and there are maximum thresholds imposed on development, pending the completion of transportation studies and works that demonstrate there is sufficient capacity to accommodate projected traffic volumes. The required studies and works will be required to consider land uses that are approved and planned for the area, including any changes to the commercial uses and area.*

- Changing this to a higher intensity commercial zone will result in cut-through traffic in the adjacent Andover Trails subdivision, which is intended for a residential function.

*The issue of cut-through traffic has been raised previously in conjunction with the Andover subdivision. While the current proposal includes an increase in the commercial component, it is anticipated that Wharncliffe Road and the Bradley Avenue extension will serve as the preferred routes for traffic accessing the site. Potential traffic impacts including consideration of cut-through traffic, will be further addressed prior to full site build out.*

- This application contradicts the vision intended for the Wonderland Road corridor and precludes a transition between densities adjacent to the Multi-Family, Medium Density Residential lands north of the Bradley Avenue extension.

*The Wonderland Road Community Enterprise Corridor is not solely intended for commercial development and the vision for this corridor is for a wide range of commercial, office, high density residential and institutional uses. Most of the Sifton lands are already designated for many of the same commercial uses that could be accommodated in the Wonderland Corridor. While a change in designation from Multi-Family, High Density Residential to Community Commercial Node would require careful consideration of site compatibility, the types of commercial uses that would be accommodated by the application are generally more compatible the adjacent residential neighbourhood. For example, the existing Restricted Service Commercial zoning would permit uses such as manufacturing and assembly industries, building or contracting establishments and truck sales & service establishments, which may have greater impacts than most retail and service type uses.*

- With the introduction of this commercial property, we are concerned with increased lighting levels, increased nightly noise with deliveries, garbage pick-up, snow removal and maintenance happening at night. All of these would become a concern as it faces the residential zoning across from the Bradley extension.

*An expansion of the commercial area would require careful consideration of site design requirements to ensure compatibility at the residential/commercial interface and a holding provision should be applied to ensure appropriate design measures will be included in any future development on the subject lands. The current interface between commercial and residential designations is not separated by a road or other intervening land use. The Bradley Avenue corridor would provide a reasonable separation between residential uses to the north and commercial uses to the south.*

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A. Soufan (representing York Developments):

- York submitted an application for development along the Wonderland Road South corridor prior to the Sifton Properties Limited application and York has been working with the Civic Administration on this application since 2010; that the developers went through a rigorous process to establish the community plan; and that reconsideration (of the Sifton lands) will skewer the community plan.

*The Sifton application was submitted prior to adoption of the Southwest Area Plan and was evaluated within the context of the policies that were in effect at the time the application was accepted. In response to a referral back by Council, this report includes consideration of the land use designations and policies of the Council adopted Southwest Area Plan and, as such, addresses the issue that has been raised by York.*

N. Demelo (property owner/resident – 3220 Morgan Avenue):

- People will be using Morgan Avenue if a Wal-Mart or Lowes is built. There are no more than 200 homes in this area and this is a small residential area that does not need the commercial development. There will be an increase in the number of accidents and this is not fair to area residents.

*Most of the subject site is already designated and zoned to permit a broad range of commercial uses. The application proposes to expand the commercial site and range of permitted uses based on demand from the immediate residential neighbourhood and surrounding area. The potential impact of traffic was considered at the time of the subdivision application and a holding provision is proposed with the recommended zoning, which limits the area of commercial development until such time as a traffic impact study has been provided and/or infrastructure improvements have been made to the satisfaction of the City.*

**EVALUATION UNDER THE CURRENT OFFICIAL PLAN:**

The Sifton application was submitted and accepted prior to the adoption of SWAP. Under the generally followed principles that apply under Ontario Planning legislation, commonly referred to as the “Clergy Principle”, the application was evaluated under the Official Plan designations and policies that were in effect when it was received - prior to the adoption of the Southwest Area Plan. While the proposal was evaluated within the context of the policies in force and effect at the time the application was submitted, it was also necessary to consider how a site specific amendment would be implemented, given a conflicting land use designation the Council-adopted Southwest Area Plan, which is under appeal.

An evaluation of the application concluded that a change in designation from Auto-Oriented Commercial Corridor and Multi-Family, High Density Residential to Community Commercial Node could be supported within the context of the existing Official Plan policy framework. The evaluation confirmed that the subject site meets the locational criteria for the Community Commercial Node designation in several respects. It is located on a nodal configuration at the intersection of two arterial roads; centrally located to the surrounding community with good access to public transit; separated from other designated Community Commercial Nodes; and on a site large enough to accommodate all buildings, parking and loading areas, with adequate buffering and setbacks to adjacent residential development.

The Planning Impact Analysis for this application included consideration of the supply of vacant land or buildings in the area designated and zoned for the proposed uses. The evaluation was based on the designations and policies in effect at the time the application was received. The implications for the Southwest Area Plan were considered only in relation to procedural requirements and it was noted in the report that the potential impact of the Community Commercial Node designation on the Wonderland Road Community Enterprise Corridor would be difficult to determine.

The Community Commercial Node designation is intended to serve the shopping needs of surrounding neighbourhoods that are within convenient walking or driving distance whereas the Wonderland Road Community Enterprise Corridor, is a major entryway to the City with direct access from Highways 401 and 402. The Enterprise Corridor is intended to accommodate a mix of land uses (commercial retail, office, residential and institutional) that will develop over a

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number of years; however, specific locations and areas have not been allocated for constituent land uses within the corridor.

The staff evaluation concluded that on the basis of the planning policies and designations in force and effect at the time the application was accepted, the Sifton application should be supported. The full planning evaluation is provided in the March 19, 2013 Planning and Environment Committee report. It is acknowledged that the market study submitted with the Sifton application (Malone Given Parsons, March 2012) did not fully consider the impact of expanding the Sifton commercial area on the Southwest Area Plan and did not consider the findings of the subsequent market study prepared for the Southwest Area Plan (Kirchner Research Associates Ltd., May, 2012).

It was acknowledged in the March 19, 2013 PEC report that the requested amendments would not be consistent with the designations and policies in the Southwest Area Plan, as adopted by Council on November 20, 2012. To address this discrepancy, the staff recommendation proposed several actions, which are summarized as follows:

- a) Reconsideration of the designations proposed for the lands at 1311, 1363 and 1451 Wharncliffe Road south in the Southwest Area Plan (OPA 541), pursuant to Section 13.7 of the Council Procedure By-law;
- b) Adoption of a by-law and request that the Ontario Municipal Board amend the designation of the subject lands in the Southwest Area Plan from “Auto-Oriented Commercial Corridor” and “Multi-Family, High Density Residential” to a “Community Commercial Node” designation;
- c) Introduction of a Zoning By-law amendment at a future meeting of the Planning and Environment Committee to apply Community Shopping Area Zoning on the subject lands to permit a wide range of commercial uses including assembly halls, restricted automotive uses, bake shops, cinemas, clinics, commercial recreation establishments, day care centres, financial institutions, offices, medical/dental offices, private clubs, restaurants, retail stores, service and repair establishments, supermarkets and taverns, with a maximum gross floor area of 30,000 square metres and a maximum height of 12 metres; subject to several holding provisions to address noise attenuation, municipal servicing and urban design requirements; and
- d) Request the Approval Authority to report back on modifications required to the draft conditions for Plan 39T-07510, to reflect changes to the Official Plan and Zoning that are approved by the Municipal Council.

It is recognized that the actions recommended in the March 19, 2013 report to PEC were supported on the basis of the Official Plan policies and designations in force and effect at the time the application was accepted; and, that a different recommendation would have been made based on an evaluation within the context of the Southwest Area Plan.

**EVALUATION UNDER THE SOUTHWEST AREA PLAN:**

The Southwest Area Plan (SWAP) was adopted by Municipal Council on November 20, 2013, after the submission of the Sifton applications. Although the SWAP is under appeal and not yet in effect, it represents City Council’s current position on planning matters and should be considered. The March 26, 2013 Council resolution referred the applications back for to the Manager of Development Services and Planning Liaison and City Solicitor for further consideration. While the previous recommendation was substantially based on the Official Plan designations and policies in effect at the time of the application, a different outcome would result from an evaluation of the application under the designations and policies of the Southwest Area Plan, as adopted by Council.

**Commercial Market Study:**

Recommendations relating to the amount of designated commercial lands identified in the Southwest Area Plan were based, in part, on a Retail Market Demand Analysis report (Kirchner Research Associates Ltd., May 15, 2012). A report to the Planning and Environment Committee meeting on June 18, 2012, summarized the current commercial floor area and projected demand for the Southwest Area Plan as follows:

*The inventory of existing commercial occupied space in the study area is approximately 500,000 square feet, and the total demand identified as being warranted for SWAP is*

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*approximately 570,000 square feet by 2014. The recommendations of the study indicate the total cumulative retail and related service space, by specific target years that would be required, as follows:*

*Target year      2014 – 570,000 square feet  
                          2016 – 685,000 square feet  
                          2021 – 925,000 square feet  
                          2026 – 995,000 square feet*

*The Kircher commercial study states that single use developments (e.g. large format retail) are becoming less desirable over time, and that the trend is leading towards a preference for mixed use developments, and where warranted, increased intensity of mixed use rather than single use projects. Based on the commercial study, refinements to the extent of commercial designated lands were taken into consideration in the revised land use schedules.*

In response to direction from Municipal Council, an expanded area referred to as the “Wonderland Road Community Enterprise Corridor” was proposed along the Wonderland Road corridor, between Southdale Road and Hamlyn Street, to accommodate a broad range of commercial, office, residential and institutional uses. The following commentary was provided in a report to the Planning and Environment Committee meeting on October 15, 2012, relating to this proposed designation:

*In response to Council’s direction, a new land use designation is proposed to be established for the lands adjacent to the Wonderland Road South between Southdale Road West and Exeter Road. This designation is intended to provide for a wide range of land uses, and, rather than geographically distribute these land uses in the Corridor, allow the uses to establish anywhere within the Corridor up to the limits, or caps, as defined in the Plan.*

*To capitalize on the upcoming connection of Wonderland Road South to Highway 401, within the Wonderland Road Enterprise Corridor, up to 100,000 square metres (1,080,000 square feet) of new commercial development may be permitted. This is in addition to the approximately 90,000 square metres (967,000 square feet) already developed or approved/under construction in the corridor on the designated lands generally located north of the Bradley Avenue extension.*

*Within the entire Southwest Area Plan planning area, up to 264,000 square metres /2,850,000 square feet of commercial development could occur on vacant lands currently designated for commercial development. This includes the 120,000 square metres of development proposed within the Wonderland Road Enterprise Corridor.*

*Up to 20,000 square metres (215,000 square feet) of new office development will also be permitted within the corridor. This can occur in office developments of up to 5,000 square metres (54,000 square feet), consistent with the medium scale office policies of the Official Plan.*

*No caps are proposed for residential or institutional uses that locate within the Corridor.*

The market demand analysis in the Kircher study focused on the warranted retail and related service commercial space within SWAP but did not make specific recommendations regarding the preferred location of retail or service commercial uses within the Wonderland Road Community Enterprise Corridor. The Enterprise Corridor, as approved by Council, provides for competition and flexibility in locational choice that allows for competition to meet market demand.

**Allocation of Commercial and Office Development:**

As proposed by the policies in SWAP, applications for Zoning By-law amendments for commercial and/or office development on lands within the Wonderland Road Community Enterprise Corridor shall be considered premature if the required municipal infrastructure to support the development is not scheduled to be provided within three years of the date of the application. The allocation of servicing infrastructure in the area is governed by the Growth Management Implementation Strategy and has not, at this time, been allocated for most of the lands within the corridor. The financial and servicing strategy for infrastructure works in this area will be established through the Development Charges By-law (currently under review) and

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Growth Management Implementation Strategy, which will be updated in 2014.

The Sifton site is located within a draft approved plan of subdivision. Servicing requirements have been established through conditions of draft approval and will be implemented through the subdivision agreement. Water, sanitary and stormwater services are readily available. Transportation infrastructure will be developed through the subdivision servicing requirements. Limitations on the scale of development have been implemented through holding provisions which will apply until it has been demonstrated, to the satisfaction of the City, that suitable infrastructure is available (this will likely include construction of the Bradley Avenue extension, between Wharncliffe Road and Morgan Avenue or Wonderland Road).

It is important to note that the location of future commercial development within the Wonderland Road Community Enterprise Corridor is not predetermined and not all lands within the corridor will be designated for commercial uses. It is also important to note that the policies of SWAP do not propose to restrict competition by placing limitations or prohibitions on specific commercial uses such as department stores, retail stores, food stores or supermarkets. The policies allow for competition to meet market demand and prohibiting department stores or supermarkets on the Sifton site would not be consistent with the intent of the Southwest Area Plan, as adopted by Council.

Auto-Oriented Commercial Corridor Lands:

A change in designation from “Auto-Oriented Commercial Corridor” (AOCC) to “Community Commercial Node” will result in no net change to the commercial land supply within the Southwest Area Plan. The Auto-Oriented Commercial Corridor designation and Restricted Service Commercial Zoning that currently apply to the lands fronting on Wharncliffe Road South currently permit a wide range of commercial uses, many of which would also be permitted in the proposed Community Commercial Node designation.

The Auto-Oriented Commercial Corridor permits a range of commercial uses that cater to the needs of the travelling public. Uses that generate significant amounts of traffic and draw patrons from a wide area may also be permitted. Uses that are considered to be appropriate include hotels, motels automotive uses and services, commercial recreation establishments, restaurants, sale of seasonal produce, building supply outlets and hardware stores, furniture and home furnishings stores, warehouse and wholesale outlets, nursery and garden stores, animal hospitals and other types of service uses that offer a service to the travelling public. Other permitted uses include light industrial uses that have ancillary retail, wholesale or service functions, construction and trade outlets, repair, service and rental establishments, service trades, assembly halls and private clubs. Permitted secondary uses, which would serve employees of adjacent employment areas, include eat-in restaurants, financial institutions, personal services, convenience commercial uses, a limited amount and range of retail uses, day care centres, medical-dental offices and clinics, and similar support offices may also be permitted in appropriate locations.

Many of the same uses that are permitted the AOCC designation, would also be permitted in the Wonderland Road Community Enterprise Corridor, as proposed under the policies of the Southwest Area Plan. While SWAP does not identify a detailed list of permitted uses, the policies for the Enterprise Corridor indicate that permitted commercial uses will include those uses outlined in the “New Format Retail Commercial Node” (NFRCN) designation in the Official Plan. This designation permits all types of large and small-scale retail outlets including supermarkets and food stores, department stores, retail warehouses, building supply and home improvement and furnishings stores, convenience commercial uses, personal services, restaurants, commercial recreation establishments, financial institutions and services, a limited range of automotive services, service-oriented office uses, community facilities and medical/dental offices. Office uses and places of entertainment may be permitted in limited amounts and hotels may be permitted through a Zoning By-law amendment. Commercial development within the NFRCN designation normally ranges from 35,000 square metres to 130,000 square metres of gross floor area.

Notable uses that are permitted in the New Format Regional Commercial Node designation but not permitted in the Auto-Oriented Commercial Corridor designation include all types of large and small-scale retail outlets, department stores, supermarkets, food stores and places of entertainment. With the exception of department stores, food stores and places of entertainment, the proposed amendment from “Auto-Oriented Commercial Corridor” to “Community Commercial Node”, would permit a similar range of uses as is permitted in the “New Format Regional Commercial Node” designation, but at a reduced scale of development,



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typically ranging from 13,000 square metres to 50,000 square metres of gross floor area.

The Sifton application, to redesignate both the Auto-Oriented Commercial Corridor and Multi-Family High Density lands, proposed a Community Shopping Area Zone that permits up to 30,000 square metres (322,928 sq. ft.). If the change in designation is limited to the area currently designated Auto-Oriented Commercial Corridor, there would be no net change in the amount of lands available for commercial development. Such a change can be supported on the basis of the criteria for the Community Commercial Node designation, which provide for sites that are located:

- i) at the intersection of two arterial roads or an arterial road and a primary collector road;*
- ii) centrally, and should be accessible to the community it serves through the provision of sidewalks and pathways;*
- iii) substantially separated from other Community Commercial Nodes so that trade areas do not overlap to a significant extent;*
- iv) on a site(s) large enough to accommodate all buildings plus parking, loading facilities and measures to provide adequate buffering and setbacks from adjacent residential uses; and,*
- v) on a site with good access to public transit service.*

The subject site is located north of Wharnccliffe Road South, an arterial road and south of the future Bradley Ave extension. The proposed change from “Auto-Oriented Commercial Corridor” to “Community Commercial Node” is considered appropriate for this location. The site is located in close proximity (within walking distance) to a large and developing residential area to the north as well as future lands immediately south which are proposed to be redesignated from Industrial Reserve to Residential through the South West Area Plan. The commercial lands that front onto Wharnccliffe, north of Bradley, are designated and developed primarily for auto-oriented uses and do not serve the day-to-day shopping needs of area residents. The subject site has excellent existing and planned access from frontages on Wharnccliffe Road, Bradley Avenue and Morgan Avenue. The site has a nodal configuration and is currently served by public transit.

The impacts associated with a change in designation from Auto Oriented Commercial Corridor to Community Commercial Node would be minimal, since the overall development area would not change. Wharnccliffe Road, Morgan Avenue (south of Bradley) and Bradley Avenue would continue to accommodate traffic accessing the site and the commercial area would be primarily oriented to the Wharnccliffe Road corridor, separated from the residential area north of Bradley.

The Community Commercial Node designation will accommodate commercial uses that provide goods and services needed on a regular basis by residents of the surrounding area. This function is more compatible with existing and planned residential development than the Auto-Oriented Commercial Corridor which is intended to accommodate uses that generate significant amounts of traffic, and draw patrons from a wide area. The AOCC designation also permits light industrial uses, which may be less compatible with residential development than most of the retail or office uses permitted in the Community Commercial Node.

The Restricted Service Commercial Zone variations that currently apply to the Sifton site, permit a wide range of commercial and secondary uses, including home improvement and furnishings stores (i.e. Leons, Sears Furniture Store, Teppermans), pharmacies (i.e. Shoppers Drug Mart), clinics, commercial recreation establishments (i.e. GoodLife), medical/dental offices, convenience stores, financial institutions, restaurants, building supply outlets (i.e. Rona, Home Depot), home & auto supply stores (i.e. Canadian Tire), liquor, beer & wine stores, bake shops, florist shops, day care centres and support offices. Many of these retail uses permit the sale of similar goods and services as would be allowed by the retail store, food store and department store uses permitted in the Community Commercial Node designation.

The Wonderland Road Community Enterprise Corridor, as adopted, provides a maximum upset limit for “commercial” development of 100,000 square metres gross floor area (not including the lands generally located north of the Bradley Avenue extension that are currently developed or approved/under construction as of October 2012. Most of the uses currently permitted in the Auto Oriented Commercial Corridor including building supply and home improvement & furnishings stores, convenience commercial uses, personal services, restaurants, commercial recreation establishments, financial institutions, automotive services, retail stores (pharmacies, liquor, beer & wine stores), restaurants, bake shops and service-oriented office uses, would also be permitted in the Wonderland Road Community Enterprise Corridor. The Southwest Area

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Plan proposes to allow for a significant amount of commercial development within the Enterprise Corridor at appropriate locations to meet market demand and did not propose to restrict or prohibit individual commercial uses.

The existing commercial component of the Sifton site satisfies the criteria for a Community Commercial Node designation and is considered to be suitable for a range of commercial uses that serve the needs of the surrounding community including retail stores and supermarkets, up to a scale that is appropriate for the permitted intensity of development and available site area. Based on the existing commercial site area of 6.9 hectares, and maximum 30% lot coverage requirement in the Community Shopping Area Zone, the total gross floor area should be limited to a maximum of 20,000 square metres (215,285 square feet). This upper limit is established in the regulations for the Community Shopping Area (CSA4) Zone.

As has been stated previously, it was not the intent of the Southwest Area Plan to restrict individual retail uses as a means to prevent competition. The commercial component of the Sifton site satisfies criteria for the establishment of a Community Commercial Node designation and many of the commercial uses that will be permitted in the Wonderland Road Community Enterprise Corridor are currently permitted as-of-right on the Sifton site. Council should reconsider the Auto Oriented Commercial Corridor designation that was adopted as part of the Southwest Area Plan.

If a reconsideration of the land use designation in the Southwest Area Plan is supported, the Zoning should be amended to a Special Provision Community Shopping Area Zone (as was previously recommended) with a reduced maximum gross floor area of 20,000 square metres, and special provisions to permit stand-alone buildings in addition to a shopping centre format, reduced front and exterior side yard setbacks, and maximum 12 metre height limit. These proposed special provisions will provide flexibility that is required in the site design to accommodate street-oriented storefronts and pedestrian-scale boulevards. The recommended zoning should also include several holding provisions, to address requirements relating to vehicular access restrictions, noise attenuation, urban design guidelines, a looped water system, stormwater management measures, sanitary capacity/conveyance restrictions and a traffic impact study, all to the satisfaction of the City.

Multi-Family, High Density Residential Lands:

The proposed change from “Multi-Family, High Density Residential” to “Community Commercial Node” would affect approximately 3 hectares of land that are currently designated and zoned to permit a range of medium and high density residential uses including townhouse dwellings, cluster housing, apartment buildings and retirement lodges, up to a maximum density of 250 units per hectare (103 units per acre) and a maximum height of 45 metres (147 feet). Based on a Community Commercial Node designation and Community Shopping Area zoning, this site could accommodate a commercial gross floor area of up to 8,700 square metres (93,650 square feet).

The existing residential component of the Sifton site was not included as commercial lands in the calculations prepared for the Kircher retail market demand analysis, which provided a basis for the recommendations and amendments for the commercial component of the Southwest Area Plan. A change in designation to permit commercial development on 3 hectares currently designated Multi-Family, High Density Residential is considered significant and would appropriately be evaluated within the context of the policies and land use designations in the Southwest Area Plan, as adopted by Council.

Retaining the Multi-Family, High Density Residential designation does not detract from a change in designation of the commercial area to Community Commercial Node (CCN). Multi-family, high density residential uses and community facilities may be permitted in the CCN designation and the development forms are considered to be compatible with the implementation of appropriate site design measures. Such an integration would be more difficult with the Auto-Oriented Commercial Corridor designation, which permits light industrial and service commercial uses that could create potential nuisance impacts on adjacent land uses.

A change in designation from Multi-Family, High Density Residential to Community Commercial Node cannot be supported within the context of the Southwest Area Plan. Up to 725 residential units would be permitted under the current residential zoning on the Sifton site. Retaining this residential component will support the function and viability of the Community Commercial Node designation, as was intended by the policies of the Southwest Area Plan.

<b>CONCLUSION</b>
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This report has been prepared in response to direction from Council, which referred back an application from Sifton Properties Limited for Official Plan and Zoning By-law amendments to permit an expanded commercial area and range of uses on lands within the Andover Trials subdivision.

The previous recommendation, as presented the March 19<sup>th</sup>, 2013 report to PEC, was based substantially on an evaluation of the planning policies and designations in place at the time the application was received - prior to adoption of the Southwest Area Plan. The matter has been reconsidered in this report and a revised recommendation is being presented based on the current planning regime imposed by the Southwest Area Plan, as adopted by Council on November 20<sup>th</sup>, 2012.

This evaluation concludes that a change in designation from “Auto-Oriented Commercial Corridor” to “Community Commercial Node” is supported by the Official Plan policies in effect at the time of the application, and consistent with the intent of the Southwest Area Plan. The proposed change from “Multi-Family, High Density Residential” to “Community Commercial Node” is not supported within the context of the Southwest Area Plan. To enact this recommended change it is necessary to reconsider the previous Council decision on SWAP as it relates to the subject lands, and request the Ontario Municipal Board to amend OPA 541 accordingly.

<b>PREPARED &amp; RECOMMENDED BY:</b>	<b>REVIEWED BY:</b>
<b>TERRY GRAWAY, MCIP, RPP MANAGER OF DEVELOPMENT SERVICES &amp; PLANNING LIAISON</b>	<b>ALLISTER MACLEAN MANAGER, DEVELOPMENT PLANNING</b>
<b>SUBMITTED BY:</b>	
<b>GEORGE KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT &amp; COMPLIANCE SERVICES &amp; CHIEF BUILDING OFFICIAL</b>	

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## **Bibliography of Information and Materials OZ-8087**

### **Request for Approval:**

City of London Official Plan and Zoning By-law Amendment Application Form, completed by Sifton Properties Limited dated August 3, 2012

### **Reference Documents:**

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

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

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

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

City of London. Reports to Planning Committee

City of London. Bostwick Area Plan, as amended

City of London. South West Area Plan, November 2013.

Commercial Design Guidelines Wharncliffe Road at Bradley Avenue

Urban Design Brief – August 1, 2012

Planning Rationale Report – August 1, 2012

Traffic Impact Study – August, 2012

Market Demand & Impact Analysis – March, 2012

Andover South Commercial Area Sanitary Servicing Report – March 28, 2012

Southwest Area Plan (Official Plan Amendment No. 541) - and all associated background studies including Retail Market Demand Analysis for the Southwest Area Plan (SWAP), City of London, Ontario (Kircher Research Associates Ltd., May 15, 2012)

Report to March 19, 2013 Planning and Environment Committee

### **Correspondence: (in City of London File OZ-8087 unless otherwise stated)**

#### **City of London:**

City of London Transportation Advisory Committee – Letter dated Oct. 16, 2012

City of London Stormwater Management Unit. – Email dated Sept. 13, 2012

City of London Wastewater and Drainage Engineering Division. – Email dated Sept. 10, 2012

City of London Transportation Division. Memo dated December 20, 2012

Smolarek J. City of London Urban Design Unit. Memo dated March 1, 2013

#### **Agencies:**

Urban Design Peer Review Panel. Memo dated January 16, 2013

Raffoul L., Bell Canada. – Letter dated September 10, 2012

#### **Public:**

As cited in written correspondence and attached to March 26, 2013 Municipal Council resolution

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**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 Amendment 541 to the Official Plan for the City of London Planning Area, 1989 relating to 1311, 1363 and 1451 Wharncliffe 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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**Alanna Riley**

**AMENDMENT NO.**

**to the**

**OFFICIAL PLAN AMENDMENT NO. 541  
TO THE OFFICIAL PLAN FOR THE CITY OF LONDON**

**A. PURPOSE OF THIS AMENDMENT**

The purpose of this Amendment is to change the designation of certain lands on Schedule "1-d" to Official Plan Amendment No. 541, as described herein, from Auto Oriented Commercial Corridor to Community Commercial Node on Schedule "A", Land Use to the Official Plan for the City of London.

**B. LOCATION OF THIS AMENDMENT**

This Amendment applies to lands located at 1311, 1363 and 1451 Wharncliffe Road South in the City of London.

**C. BASIS OF THE AMENDMENT**

The Amendment provides for an expanded range of commercial retail uses that will serve the needs of residents within convenient walking or driving distance of the subject site, in accordance with the policies of the Community Commercial Node designation.

The subject site, with a nodal configuration, frontage on two arterial roads and existing transit service, is an appropriate location for the Community Commercial Node designation. The location is well suited to accommodate commercial uses that will provide for a wide range of goods and services. The proposed commercial uses are appropriate for this site in terms of location, function, form, scale and potential impacts. Municipal infrastructure is available and the development is readily accessible to the shopping needs of residents from surrounding neighbourhoods.

This amendment is in conformity with the Official Plan policies in effect at the time the application was submitted; and, is consistent with general intent of Official Plan Amendment No. 541, the Southwest Area Plan, as it maintains the overall amount and delineation of designated commercial lands.

**D. THE AMENDMENT**

Official Plan Amendment 541 to the Official Plan for the City of London Planning Area, 1989 is hereby amended as follows:

Schedule "1-d" to Official Plan Amendment No. 541 is amended by changing the designation of those lands located at 1311, 1363 and 1451 Wharncliffe Road South in the City of London, as indicated on "Schedule 1" attached hereto, from Auto Oriented Commercial Corridor to Community Commercial Node.

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MAP

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## Appendix "B"

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

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

A by-law to amend By-law No. Z.-1, to rezone an area of land located 1311, 1363 and 1451 Wharnccliffe Road South.

WHEREAS Sifton Properties Limited has applied to rezone an area of land located 1311, 1363 and 1451 Wharnccliffe 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:

Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 1311, 1363 and 1451 Wharnccliffe Road South, as shown on the attached map from: a Holding Restricted Service Commercial Special Provision (h.h-11.h-63.h-82.h-95.h-100.h-105.h-138.RSC1(20)/RSC2(11)/RSC3(17)/ RSC4(15)/ RSC5/(17)) Zone, and a Holding Restricted Service Commercial Special Provision (h.h-11.h-63.h-82.h-95.h-100.h-105.h-135.RSC1(20)/RSC2(11)/ RSC3(17)/RSC4(15)/RSC5/(17)) Zone **TO** a Holding Community Shopping Area Special Provision (h.h-11.h-63.h-82.h-95.h-100.h-105.h-138.CSA4( )) Zone; and a Holding Community Shopping Area Special Provision (h.h-11.h-63.h-82.h-95.h-100.h-105.h-135.CSA4( )) Zone.

- 1) Section Number 22 of the Community Shopping Area Zone to By-law No. Z.-1 is amended by adding the following Special Provision:

22 d) CSA4 Zone Variation

\_\_\_ CSA4( ) 1311, 1363 and 1451 Wharnccliffe Road South

a) Regulations:

- |      |                                      |   |
|------|--------------------------------------|---|
| i)   | Building Form                        | Uses may be in stand-alone buildings and not form part of a shopping centre |
| ii)  | Front Yard Setback (Minimum)         | 3.0 metres  |
| iii) | Exterior Side Yard Setback (Minimum) | 3.0 metres  |
| iv)  | Height (Maximum)                     | 12.0 metres   |

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 subsection 34(21) of the *Planning Act, R.S.O. 1990, c. P.13*, either upon the date of the



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passage of this by-law or as otherwise provided by the said subsection.

PASSED in Open Council on June 25, 2013.

Joe Fontana  
Mayor

Catharine Saunders  
City Clerk

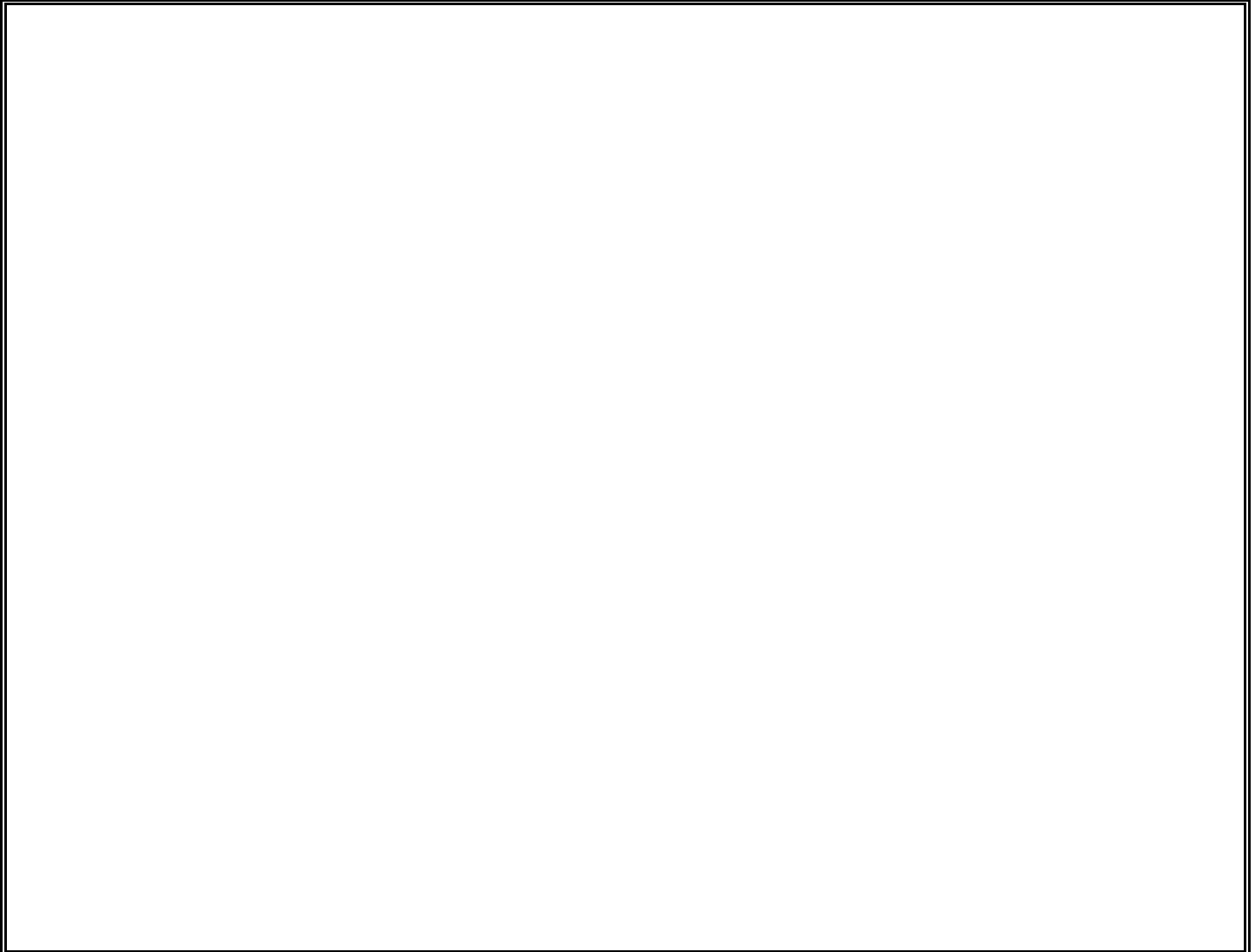
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**AMENDMENT TO SCHEDULE "A"**



Technician:

Scale: 1:5000

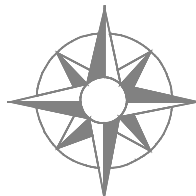
Date Prepared:

Site:



**North**

File Number/Planner:



Agenda Item #

Page #

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**OZ-8087**  
**Alanna Riley**

**SCHEDULE 1**

***MARCH 26, 2013***

***MUNICIPAL COUNCIL RESOLUTION & ATTACHMENTS***