

15TH REPORT OF THE
PLANNING AND ENVIRONMENT COMMITTEE

Meeting held on June 20, 2013, commencing at 4:05 PM, in the Council Chambers, Second Floor, London City Hall.

PRESENT: Councillor B. Polhill (Chair), Councillors D.G. Henderson, P. Hubert and S.E. White and H. Lysynski (Secretary).

ABSENT: Councillor N. Branscombe

ALSO PRESENT: Mayor J.F. Fontana, Councillors M. Brown, J.L. Bryant and H.L. Usher and J.P. Barber, G. Barrett, J. Braam, M. Corby, B. Coxhead, P. Christiaans, B. Debbert, M. Elmadhoon, J.M. Fleming, T. Grawey, B. Henry, G. Kotsifas, B. Krichker, J. Lucas, A. MacLean, A. Macpherson, S. Mathers, L. Mottram, D. Mounteer, M. Ribera, A. Riley, C. Saunders, C. Smith, E. Soldo, B. Turcotte, B. Warner and J. Yanchula.

I. DISCLOSURES OF PECUNIARY INTEREST

1. That it BE NOTED that no pecuniary interests were disclosed.

II. CONSENT ITEMS

2. 5th Report of the Trees and Forests Advisory Committee

Recommendation: That the 5th Report of the Trees and Forests Advisory Committee from its meeting held on May 22, 2013 BE RECEIVED.

3. 6th Report of the Environmental and Ecological Planning Advisory Committee

Recommendation: That the 6th Report of the Environmental and Ecological Planning Advisory Committee from its meeting held on May 16, 2013 BE RECEIVED.

4. 6th Report of the Advisory Committee on the Environment

Recommendation: That the 6th Report of the Advisory Committee on the Environment from its meeting held on June 5, 2013 BE RECEIVED.

5. Hyde Park Meadows Subdivision - Phase 2 (39T-02509)

Recommendation: That, on the recommendation of the Manager, Development Planning, the following actions be taken with respect to entering into a subdivision agreement between The Corporation of the City of London and Drewlo Holdings Inc., for the subdivision of land over Part of Lot 23, Concession 4, (Geographic Township of London), City of London, County of Middlesex, situated on the south side of Fanshawe Park Road West, east of Hyde Park Road, municipally known as 2000 Dalmagarry Road:

- a) the Special Provisions, as appended to the staff report dated June 20, 2013, to be contained in a Subdivision Agreement between The Corporation of the City of London and Drewlo Holdings Inc., for the Hyde Park Subdivision Phase 2 (39T-02509) BE APPROVED;
- b) the financing for the project BE APPROVED in accordance with the "Estimated Claims and Revenues Report" provided as Schedule "B" to the associated staff report, dated June 20, 2013; and,
- c) the Mayor and the City Clerk BE AUTHORIZED to execute this Agreement, any amending agreements and all documents required to fulfill its conditions. (2013-D12)

III. SCHEDULED ITEMS

6. Property located at 1956 Shore Road (Z-8180)

Recommendation: That, on the recommendation of the Senior Planner, Development Services, based on the application of Nicholson Sheffield Architects Inc., relating to the lands located at 1956 Shore Road, the proposed by-law, as appended to the staff report dated June 20, 2013, BE INTRODUCED at the Municipal Council meeting to be held on June 25, 2013, to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject lands FROM a holding Residential R6/Neighbourhood Facility (h•R6-5/NF) Zone, which permits, subject to removal of a holding (“h”) provision, a range of cluster housing and neighbourhood facilities including single detached and semi-detached dwellings, townhouses, low-rise apartment buildings, churches and elementary schools TO a Neighbourhood Facility (NF1) Zone, to permit such uses as churches, elementary schools, community centres, day care centres, libraries, private schools, private clubs, fire stations and police stations;

it being pointed out that there were no oral submissions made at the public participation meeting associated with this matter. (2013-D14A)

7. Property located at 590 Gainsborough Road (Z-8162)

Recommendation: That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of Sherwood Forest Trinity Housing Corporation, relating to the property located at 590 Gainsborough Road:

- a) the proposed by-law, as appended to the staff report dated June 20, 2013, BE INTRODUCED at the Municipal Council meeting to be held on June 25, 2013, to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property FROM a Neighbourhood Facility (NF) Zone, which permits churches and elementary schools TO a Holding Residential R9/Neighbourhood Facility (h-__*h-5*R9-3*H20/NF1) Zone, to permit a wide range of medium and higher density residential developments in the form of apartment buildings along with churches, elementary schools, community centres, day care centres, libraries, private schools, fire stations, private clubs and police stations at a maximum height of 20 metres with two holding provisions to ensure that a public site plan process is undertaken and that onsite parking concerns are appropriately dealt with;
- b) the Site Plan Approval Authority BE REQUESTED to address the following items through the site plan approval process:
 - i) an updated urban design brief to the Urban Design Review Panel for a more comprehensive review of the final proposal be submitted;
 - ii) the orientation of the building to reinforce its corner-site location at the street intersection;
 - iii) the potential for the church to be located in the rear or side yard in order to create a more positive transition between the massing and height of the apartment tower and the massing and height of the adjacent townhomes to the south;
 - iv) the use of pedestrian connections and enhanced landscaping to acknowledge the intersection and strengthen it as a gateway to the community;
 - v) ensure that active building spaces (such as units, lobbies and amenity areas) with windows and doors are located along Gainsborough Road and Limberlost Road creating an active building edge along the street; and,
 - vi) where parking areas are visible from the street, enhanced landscaping should be used in order to screen the parking, as well as, to create a visible edge that defines public and private realm;

- c) the request to amend Zoning By-law No. Z.-1 to change the zoning of the subject property FROM a Neighbourhood Facility (NF) Zone, which permits churches and elementary schools TO a Residential R9 Special Provision/Neighbourhood Facility (R9-3()/NF1) Zone, to permit a wide range of medium and higher density residential developments in the form of apartment buildings along with churches, elementary schools, community centres, day care centres, libraries, private schools, fire stations, private clubs and police stations and a special provision to recognize 53 parking spaces where 68 is required BE REFUSED for the following reason:
- i) the City's Transportation Division has concerns about the lack of parking for the church and day care facility and the potential for it to overflow onto Limberlost Road; it being noted that they have requested a holding provision in order to address the parking concerns, therefore a special provision for parking cannot be recommended;

it being pointed out that at the public participation meeting associated with this matter, the following individuals made oral submissions in connection therewith:

- Erica Greenham, 53-1460 Limberlost Road – indicating that their complex is the one directly south of the applicant's property; advising that she is a member of the board for the Condominium Corporation; and, advising that the owners have expressed concern about parking, traffic, safety and privacy, as well as the fact that they are already in a neighbourhood that has a large degree of affordable housing and it feels like it is becoming the corner for it.
- Malcolm Ross, applicant – advising that they tried to incorporate the existing church into the new development, but were unable to do so; and, indicating that they will be demolishing the church, which allows both areas to have more common space. (2013-D14A)

8. Property located at 1069 Clarke Road (Z-8165)

Recommendation: That, on the recommendation of the Managing Director, Planning and City Planner, based on the application of Champion Life Centre, relating to the property located at 1069 Clarke Road, the proposed by-law, as appended to the staff report dated June 20, 2013, BE INTRODUCED at the Municipal Council meeting to be held on June 25, 2013, to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property FROM a Restricted Service Commercial/Light Industrial (RSC2/RSC4/LI7) Zone, which permits such uses as automobile rental establishments, dry cleaning and laundry depots, convenience stores, bake shops, personal, service establishments, day care centres, building or contracting establishments and automobile repair garages TO a Restricted Service Commercial/Light Industrial Special Provision (RSC2/RSC4/LI3()/LI7) Zone, which permits, in addition to the range of uses noted above, assembly halls, commercial recreation establishments, private clubs and private parks; it being noted that the Special Provision () requires that a minimum of 46 parking spaces be provided for on-site;

it being pointed out that at the public participation meeting associated with this matter, the following individuals made oral submissions in connection therewith:

- Alan R. Patton, Patton Cormier & Associates, on behalf of the applicant – expressing support for the recommendation. (2013-D14A)

9. Draft Old Victoria Hospital Lands Secondary Plan

Recommendation: That, on the recommendation of the Managing Director, Planning and City Planner, the draft Secondary Plan for the Old Victoria Hospital Lands, provided as Appendix "A" to the associated staff report, dated June 20, 2013, BE RECEIVED; it being noted that:

- a) the draft Secondary Plan will serve as the basis for further consultation with the community and identified stakeholders; and,

- b) based on the feedback received through this consultation process and the outcomes of the supporting and informing servicing studies, a revised Secondary Plan and implementing Official Plan amendment will be prepared for the consideration and approval of the Planning and Environment Committee at a future statutory public participation meeting, in the Fall

it being pointed out that the Planning and Environment Committee heard a verbal presentation from Rick Merrill, The Planning Partnership, with respect to this matter. (2013-D19)

10. Properties located at 3313-3405 Wonderland Road South and 1789 Wharncliffe Road South (OZ-7072/OZ-7073)

Recommendation: That, a special meeting of the Planning and Environment Committee BE HELD on Monday, June 24, 2013 at 3:00 PM, to receive a revised recommendation and by-laws, relating to the application of 1279059 Ontario Inc. and 1699259 Ontario Inc. (c/o York Developments), relating to the properties located at 3313–3405 Wonderland Road South and 1789 Wharncliffe Road South;

it being pointed out that at the public participation meeting associated with this matter, the following individuals made oral submissions in connection therewith:

- Jim Harbell, on behalf of the applicant – indicating that the application is for 6700 square feet of retail development; noting that there is the potential for national and North American retailers in home improvement and discount department areas, including a number of other uses, both local and regional; advising that this application has been before staff and the Planning and Environment Committee for eight years; expressing belief that the time has come to deal with the application for the following reason, because the Municipal Council has already approved it; the uses that are before the Committee this evening are all in the South West Area Plan; noting that the uses were recommended by Planning staff, they have been recommended by this Committee and approved by the Municipal Council; indicating that, all they are saying this evening is let them get on with Phase 1, the retail uses; indicating that it is \$120,000,000 of private money; advising that it is approximately 690 construction jobs, approximately 1,300 permanent jobs, \$9,000,000 in development charges, \$500,000 in permit fees and annual property taxes of \$3,600,000; asking that the development get started; indicating that the Committee has to decide that it is good planning; noting that it is more than good jobs, more than investment, the Committee has to decide that it is good planning; advising that the appeals at the Ontario Municipal Board (OMB) for the South West Area Plan (SWAP) are not for any of these uses; reiterating that they did not appeal the uses, no one else has appealed the uses and they are not aware of anyone who is concerned with the uses; indicating that when the OMB does approve the SWAP, which will probably include some technical tinkering on the width of Wonderland Road South and some of the urban design issues, it will come into force and effect on this property and will just layer on; advising that as it provides for office and high density approvals, which may happen in the second and third phase as the economy allows that to happen, that will happen; noting that they are not saying that SWAP is not going to happen on this property, they are just saying kick start it first; reiterating that the request to the Committee is to treat this property exactly like the properties to the north on Wonderland Road South, the Home Depot, the Loblaws and the retail stores; further noting that all of the retail to the north on Wonderland Road South has the same designation that they are requesting of the Committee, the New Format Regional, which will have the SWAP go in on top of it; advising that the people who own where the Home Depot is can build an office building or condominiums on that property, in the future, in accordance with SWAP; reiterating that it is the same thing for this property; advising that they are not asking for any different treatment than this community has already done right up the street and what do you get for it, you get to kick start a lot of economic benefits; advising that it says to them that this application

has the balance of public interest by kick starting the economic development and good planning that has already been approved by this municipality; indicating that there will be issues with the staff on the concept plan, however, the concept plan is not before the Committee this evening; indicating that they are not seeking approval for it; expressing happiness to work with staff to sort that out; advising that one of the things that they are suggesting in the Zoning By-law is to put an “h” across the Wonderland Road South frontage so that if the OMB does something different with respect to the width of Wonderland Road South or the urban design on Wonderland Road South, the “h” will be consistent with that and everyone will have control over that; advising that what they are saying is that the bulk of the \$120,000,000 is on the back side of the property and you might as well get going on that; advising that there are no servicing issues on this property; indicating that they are proposing a private sanitary system exactly like what was put in across the street at the transit centre; advising that they see the need for two signalized intersections to support this development; noting that no one should be surprised by this because staff and the Municipal Council want an intense development on Wonderland Road South; further noting that this is what the Wonderland Corridor is all about; advising that their clients understand that the Municipal Council’s long term vision is for the area to be an urban area; indicating that, over time, the area will be more intense, not less intense; and referencing a communication, dated June 19, 2013, that he prepared with a revised recommendation on it.

- Alan R. Patton, Patton Cormier & Associates, on behalf of the Southside Group of companies – indicating that, on page 170 of the Planning and Environment Committee, his clients owns the properties located at 3263 north to the built portion on the west side of Wonderland Road and the properties located at 3234 and 3274 on the east side of Wonderland Road; indicating that, on page 172, the subject property is in the Urban Reserve Zone, which is important; reading the second paragraph under the “Analysis” on page 182; indicating that this is all under the auspices of the SWAP; indicating that he is nothing but consistent on the position of his client on these matters; requesting that the Committee Members turn to item number 11, which deals with the Sifton Properties lands; noting that the Sifton Properties lands are just around the corner; advising that he said that this should be dealt with under the SWAP; indicating that any justification to change the designation of Mr. Harbell’s clients lands to Regional Format should await the decision on the SWAP; noting that it will just be consistent as it is already there, as the entire SWAP is at the OMB; and indicating that, this is the way to deal with it with a consistent approach.
- Steven Zakem, Aird Berlis, on behalf of Sifton Properties Limited – indicated that the lands are designated Urban Reserve; advising that the policies in the Official Plan indicate that Urban Reserve lands should be the subject of a secondary plan process; noting that the secondary plan process was the SWAP; advising that, through that process, the subject lands were to be designated Wonderland Corridor; advising that on behalf of Sifton Properties Limited, he has expressed comments on the SWAP and is an appellant of SWAP; noting that he does not intend to reiterate those comments this evening; indicating that the staff report does highlight some of the concerns that they have expressed with respect to SWAP, including the inconsistency between the vision for the Wonderland Road Corridor and the inconsistency of that vision with respect to large format retail use permissions; advising that they have also expressed concerns with respect to the lack of phasing direction and the financing of infrastructure; reiterating that the staff report highlights these issues with respect to this application; noting that it does not just apply to this application, but other areas of SWAP that have not been designated for urban purposes like the Sifton Properties Limited lands which have had long-standing land use permissions and are readily available to be serviced and have infrastructure at the doorstep; making it clear, that, with respect to this application, his client does not object to the amount of retail lands proposed on the subject lands provided that the Sifton Properties Limited application, which will be considered later this evening for 350,000 square feet, is permitted and I say that because our clients application has the ability to proceed immediately; advising that you can take all of the numbers that Mr. Harbell threw at you in terms

of economic benefit and use for his clients lands; advising that 350,000 square feet will generate \$65,000,000 in investment, \$5,000,000 in development charges, etc.; and reiterating that they do not take issue with respect to the amount of space proposed provided that it is not to the detriment of his clients proposal. (2013-D14A)

11. Properties located at 1311, 1363 and 1451 Wharncliffe Road South (OZ-8087)

Recommendation: That, the following actions be taken with respect to the application of Sifton Properties Limited, relating to the properties located at 1311, 1363 and 1451 Wharncliffe Road South:

- a) the attached proposed by-law BE INTRODUCED at the Municipal Council meeting to be held 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, (generally bounded by Wharncliffe Road South, Morgan Avenue and the future Bradley Avenue corridor), FROM an Auto-Oriented Commercial Corridor designation and a Multi-Family, High Density Residential designation TO a Community Commercial Node designation, to permit a wide 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;
- b) the Ontario Municipal Board BE REQUESTED to amend the land use designations contained in Official Plan Amendment No. 541 accordingly;
- c) the attached proposed by-law BE INTRODUCED at a future meeting of the Municipal Council, when the Official Plan Amendment noted in part a), above, is in full force and effect, to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan, as amended in part a), 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 permits a wide range of automotive, commercial and service oriented uses, and 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-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 and a maximum height of 12 metres; and,
 - ii) amend Section 22.3 of the Community Shopping Area (CSA) Zone by adding Special Provisions for the CSA 5 Zone, to permit uses in stand-alone buildings which do not form part of a shopping centre and permit a minimum front/exterior side yard depth of 3 metres; and,

- c) 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 the Municipal Council;

it being pointed out that at the public participation meeting associated with this matter, the following individuals made oral submissions in connection therewith:

- Steven Zakem, Aird Berlis, on behalf of the applicant – indicating that the Planning and Environment Committee had a staff report, dated March 19, 2013, recommending approval of their application in a manner acceptable to his client; noting that the Official Plan Amendment and Zoning By-law attached to that report would have adopted an Official Plan Amendment to the in-force Official Plan and a Zoning By-law Amendment on a free-standing basis, similar to what the Committee did on the York Developments application; advising that it was his position, at that time, that no reconsideration was required, for the same reason that the York Developments application was previously approved; noting that there was no reconsideration necessary for the York Developments application despite the fact that it is within SWAP and despite the fact that the Committee will be recommending to the Municipal Council the approval of an Official Plan Amendment; advising that the staff position for the reconsideration, and the staff change in recommendation, appears to be based on the premise that the SWAP decision on his clients lands was not appealed; indicating that this is not correct, that Sifton Properties Limited appealed SWAP in its entirety, even as it applied to Sifton lands; reiterating that the basis on which staff is making this recommendation is based on an incorrect conclusion; advising that I filed the appeal and I know what I said; advising that he has a staff recommendation approving 31,000 square metres of space; and requesting the Committee to ask the Municipal Council to approve the attached document.
- Vicky Blackwell, 3255 Morgan Avenue – advising that she and most of the neighbours living in the neighbourhood were here for the last meeting; noting that, unfortunately, most of the neighbours are unable to attend tonight's meeting; reiterating that this is not something that the neighbourhood wants; advising that they believe that the existing zoning and the existing plans are more than sufficient; indicating that they do not want to see the existing multi-family residential get changed and allow a Wal-Mart or a Lowe's in the area; advising that they previously fought to ensure that the road remained a secondary road, not a primary road; indicating that there is a lot of construction area through there now and it is only going to get worse; indicating that they do not believe that adequate traffic studies have been completed; indicating that they do not want the noise, the light pollution and people coming in and removing garbage in the middle of the night; reiterating that it is not something that they want; advising that they have plenty of grocery stores in the area; reiterating that they do not want a Wal-Mart on the corner; asking the Committee who would like to have a supercenter in your backyard; advising that she would be able to see it from her front steps; advising that it will be a safety concern for children in the neighbourhood; and asking that the application be refused.
- Jim Harbell, Stikeman Elliott, on behalf of York Developments – advising that York Developments does not object to the Planning staff recommendation that is before the Committee this evening; reiterating that York Developments is not objecting to the commercial uses; noting that York Developments has an interest in this matter given that it is another significant commercial matter in the SWAP area; and advising that they do not anticipate that the City's planning process should be used in any way to regulate competition. (2013-D14A)

IV. ITEMS FOR DIRECTION

12. North Routledge Park Industrial Area

Recommendation: That, the communication, dated June 6, 2013, from Councillor Matt Brown, with respect to the North Routledge Park Industrial Area BE REFERRED to the Civic Administration for consideration and to respond directly to Councillor M. Brown. (2013-D14)

13. Property located at 450 Oxford Street West (OZ-8003)

Recommendation: That, the Civic Administration BE DIRECTED to report back at a public participation meeting of the Planning and Environment Committee to be held on September 10, 2013, relating to the application by Bluestone Properties Inc., for the property located at 450 Oxford Street West;

it being noted that the Planning and Environment Committee reviewed and received a communication, dated May 29, 2013, from A.R. Patton, Patton Cormier & Associates and the attached communication, dated June 20, 2013, from C. Creighton, Land Use Planner, Upper Thames River Conservation Authority, with respect to this matter;

it being pointed out that the Planning and Environment Committee heard verbal presentations from A.R. Patton, Patton Cormier & Associates, on behalf of Bluestone Properties Inc. and M. Snowsell, Land Use Regulations Officer, Upper Thames River Conservation Authority, with respect to this matter. (2013-D14A)

14. Special Planning and Environment Committee Meeting - July 25, 2013

Recommendation: That the communication, dated June 10, 2013, from the Committee Secretary, for the holding of a special Planning and Environment Committee on Thursday, July 25, 2013 at 4:00 p.m., BE APPROVED.

15. Near-Campus Neighbourhoods Policy

Recommendation: That, on the recommendation of the Managing Director, Planning and City Planner, relating to the adjournment of the appeal of Adamas Group Inc., for OPA 535 Policy 3.5.19.8 and the appeal of Zoning By-law No. Z.-1-122125 solely as the said policy and provisions of the zoning by-law apply to the lands located at 1461-1465 Oxford Street East and 613-629 First Street, the Ontario Municipal Board BE ADVISED that the Municipal Council consents to an order that permits the appeals of Adamas Group Inc., in part, on the basis that Figure 4.36 of Schedule A to Zoning By-law No. Z.-1-122125 BE AMENDED to exclude these lands from Zoning By-law No. Z.-1-122125, as appended as Appendix 1 to the staff report dated June 20, 2013; it being noted that the Planning and Environment Committee reviewed and received a communication, dated June 18, 2013, from C. Kulchycki, Planner, Zelinka Priamo Ltd., with respect to this matter. (2013-D14A)

16. Heritage Inventory Addition

Recommendation: That, on the recommendation of the Managing Director, Planning and City Planner, the *Inventory of Heritage Resources* BE AMENDED to delete the property located at 131 Pond Mills Road and to add the property located at 130 Pond Mills Road. (2013-R01)

17. Properties located at 56-82 Wellington Street, 283-323 South Street and 69-77 Waterloo Street (OZ-8114)

Recommendation: That, a special meeting of the Planning and Environment Committee BE HELD on Monday, June 24, 2013 at 3:00 PM to receive a revised recommendation and revised by-laws, with respect to the application of the Fincore Group, relating to the properties located at 56-82 Wellington Street, 283-323 South Street and 69-77 Waterloo Street. (2013-D14A)

18. Properties located at 3130 and 3260 Dingman Drive and the rear portion of 4397 and 4407 Wellington Road South (OZ-8120)

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

- a) the proposed by-law, as appended to the staff report dated June 20, 2013, BE INTRODUCED at the Municipal Council meeting to be held on June 25, 2013, to amend the Official Plan as follows:
- i) by adding a special policy in Chapter 10 – “Policies for Specific Areas” to permit cinema use outside of the downtown area in the New Format Regional Commercial Node; and,
 - ii) by amending Schedule B-1- Natural Heritage Features, to delete “Unevaluated Vegetation Patch”;
- b) the proposed by-law, as appended to the staff report dated June 20, 2013, BE INTRODUCED at the Municipal Council meeting to be held on June 25, 2013, to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan as amended in part a), above), FROM a Holding Restricted Service Commercial Special Provision/Light Industrial (h*RSC1(9)/RSC5/LI6) Zone, a Holding Restricted Service Commercial Special Provision (h*RSC1(9)/RSC3/RSC4(5)/RSC5) Zone, which permits a wide range of service commercial uses such as automobile services, home and auto supply, service repair and light industrial uses and a Community Shopping Area (CSA6) which allows for a large range of commercial uses TO a Holding Associated Shopping Area Commercial Special Provision (h*h-5*h-18*h-55*h-103*h-141*h(_)*ASA3/ASA5/ASA6(_)/ASA7(_)/ASA8(_)) Zone, to allow for commercial retail use, 14,000m² of commercial recreational use, 4,000m² cinema use, a gas bar use, and a hotel use, subject to holding provisions to ensure the provision of municipal servicing, archaeological evaluation be completed, a transportation study be completed, Ministry of Transportation permits be obtained, urban design matters be addressed, and a natural heritage compensation agreement between the City and the applicant be entered into to address the natural heritage compensation measures to be implemented resulting from the removal of the Unevaluated Vegetation Patch (Patch 10102);
- c) the Site Plan Approval Authority BE REQUESTED to consider the following design issues through the site plan process:
- ensure a high level of architectural and landscape quality on all portions of the site with visual exposure to Highway 401;
 - ensure that the design of the buildings located along Highway 401 and Dingman drive are of a high design standard and do not appear as “the back of house”;
 - screen all parking areas visible from Highway 401 as well as Dingman Drive using enhanced landscaping;
 - create a block pattern on the site in order to allow for future redevelopment;
 - create a high quality main street through the centre of the site that includes:
 - on-street parking;
 - wide sidewalks;
 - street trees;
 - landscaping as well as street furniture (i.e.: lamp posts, signage, benches, garbage bins, etc...);
 - improved pedestrian experience and access throughout the site;
 - locate buildings along the main street that are oriented towards the street with accented main pedestrian entry points, transparent glass, articulated facades and rooflines, in order to create an active frontage;
 - include a key building at the view terminus of the proposed main street (e.g., proposed movie theatre);
 - provision of a variety of high quality materials (such as transparent glass, brick, stone, etc.) on all proposed buildings, in particular the elevations facing Highway 401, Dingman Drive and the mainstreet;
 - create a centralized public space, located along the main street;
 - provide for continuous pedestrian connections through the site;

- ensure all buildings have a walkway to the proposed on site main street commercial corridor as well as continuous walkways connecting to other buildings on the site;
 - include adequately sized landscape islands to break up large surface parking areas, these landscape islands should include trees as well as enhanced landscaping;
 - submit an updated urban design brief to the Urban Design Review Panel for a more comprehensive review of the final proposal through the site plan process; and,
 - plant three trees for every tree removed, at a location of the applicant's choice, on the property;
- d) the request to amend Zoning By-law No. Z.-1 from a Holding Restricted Service Commercial Special Provision/Light Industrial (h*RSC1(9)/RSC5/LI6) Zone, a Holding Restricted Service Commercial Special Provision (h*RSC1(9)/RSC3/RSC4(5)/RSC5) Zone, which permits a wide range of service commercial uses such as automobile services, home and auto supply, service repair and light industrial uses and a Commercial Shopping Area (CSA6) Zone, which allows for a large range of commercial uses to an Associated Shopping Area Commercial Special Provision (ASA3/ASA5/ASA6 ()/ASA7()/ASA8) Zone and an Open Space (OS1) Zone, to allow for 50,183m² 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;
- e) the Civic Administration **BE DIRECTED** to determine if there are similar instances where "Unevaluated Vegetation Patches" on Schedule "B-1" of the Official Plan are not shown as "Open Space" or "Environmental Review" on Schedule "A" of the Official Plan, and to initiate an Official Plan Amendment to show these lands as "Open Space" or "Environmental Review" on Schedule "A" of the Official Plan, noting that this would then make these lands subject to the City's Tree Conservation By-law (By-Law C.P.-1466-249);
- f) the Civic Administration **BE DIRECTED** to work with the Applicant to develop the Natural Heritage Compensation Agreement required by the h() holding provision for Municipal Council approval that reflects the natural heritage value of the natural heritage feature to be removed, and is consistent with the compensation achieved through the Sovereign Woods resolution, it being noted that the Natural Heritage Compensation Agreement may include both natural heritage lands and lands that may be planted; and,
- g) pursuant to Section 34(17) of the Planning Act, as determined by the Municipal Council, no further notice **BE GIVEN** in respect of the proposed by-law as Insert reason why no further notice is required;

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

V. DEFERRED MATTERS/ADDITIONAL BUSINESS

VI. CONFIDENTIAL

(Confidential Appendix to the 15th Report of the Planning and Environment Committee enclosed for members only.)

The Planning and Environment Committee convened in camera from 9:15 PM to 9:50 PM, after having passed a motion to do so, with respect to the following matters:

- C-1 A matter being considered for the purpose of instructions and directions to officers and employees of the Corporation pertaining to a proposed acquisition of land.
- C-2 A matter being considered pertaining to advice that is subject to solicitor-client privilege, including communications necessary for that purpose, in connection with an application by Sifton Properties Limited for an Official Plan amendment and Zoning By-law amendment for lands located at 1311, 1363, and 1451 Wharnccliffe Road South.

VII. ADJOURNMENT

The meeting adjourned at 9:50 PM