

**21ST REPORT OF THE**  
**PLANNING AND ENVIRONMENT COMMITTEE**

Meeting held on September 24, 2013, commencing at 4:00 PM, in the Council Chambers, Second Floor, London City Hall.

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

**ALSO PRESENT:** Mayor J.F. Fontana and Councillor J.L. Baechler, G. Barrett, G. Belch, B. Bergsma, J. Bruin, M. Davis, J.M. Fleming, T. Grawey, G. Kotsifas, B. Krichker, A. MacLean, D. Menard, J. Page, L. Pompili, M. Ribera, C. Saunders, C. Smith, E. Soldo, M. Tomazincic, B. Warner, A.B. Watson and J. Yanchula.

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**I. DISCLOSURES OF PECUNIARY INTEREST**

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

**II. CONSENT ITEMS**

2. 8th Report of the Advisory Committee in the Environment

Recommendation: That the 8th Report of the Advisory Committee on the Environment from its meeting held on September 4, 2013 BE RECEIVED.

Motion Passed

YEAS: J.F. Fontana, N. Branscombe, D.G. Henderson, B. Polhill, P. Hubert, S.E. White  
(6)

3. Property located at 1140 Southdale Road West (H-8220)

Recommendation: That, on the recommendation of the Senior Planner, based on the application of Zelinka Priamo Ltd., relating to the property located at 1140 Southdale Road West, the proposed by-law, as appended to the staff report dated September 24, 2013, BE INTRODUCED at the Municipal Council meeting to be held on October 1, 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 Neighbourhood Shopping Area (h-5.NSA1/NSA2/NSA5) Zone TO a Neighbourhood Shopping Area (NSA1/NSA2/ NSA5) Zone to remove the h-5 holding provision. (2013-D14B)

Motion Passed

YEAS: J.F. Fontana, N. Branscombe, D.G. Henderson, B. Polhill, P. Hubert, S.E. White  
(6)

4. Properties located at 3189, 3197 Jinnes Street and 3397 Jinnies Way (H-8214)

Recommendation: That, on the recommendation of the Senior Planner, Development Planning, based on the application of Sifton Properties Ltd., relating to a portion of the properties located at 3189 and 3197 Jinnies Street and 3397 Jinnies Way, the proposed by-law, as appended to the staff report dated September 24, 2013, BE INTRODUCED at the Municipal Council meeting to be held on October 1, 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 R1 (h-82.R1-5) Zone TO a Residential R1 (R1-5) to remove the h-82 holding provision. (2013-D14B)

Motion Passed

YEAS: J.F. Fontana, N. Branscombe, D.G. Henderson, B. Polhill, P. Hubert, S.E. White  
(6)

5. Property located on the North Side of North Routledge Park West of Hyde Park Road (39T-78066)

Recommendation: That, on the recommendation of the Senior Planner, Development Planning, the following actions be taken with respect to the application of Doman Developments Inc., relating to the property located on the north side of North Routledge Park, west of Hyde Park Road:

- a) the Approval Authority BE REQUESTED to approve the request for a three (3) year extension to Draft Plan Approval for the residential plan of subdivision, submitted by Doman Developments Inc. (File No. 39T-78066), prepared by Holstead & Redmond Limited (Drawing No.78-0315L), as red-line amended, which shows 10 Blocks, served by an extension of Blue Heron Drive and one (1) new internal road SUBJECT TO the revised conditions appended as Schedule "A" to the associated staff report, dated September 24, 2013; and,
- b) the financing for this project BE APPROVED in accordance with the "Related Estimated Costs and Revenues" appended as Schedule "B" to the associated staff report, dated September 24, 2013. (2013-D12)

Motion Passed

YEAS: J.F. Fontana, N. Branscombe, D.G. Henderson, B. Polhill, P. Hubert, S.E. White (6)

6. Properties located at 1311, 1363 and 1451 Wharncliffe Road South

Recommendation: That, on the recommendation of the Manager, Development Services and Planning Liaison, in response to letters of appeal to the Ontario Municipal Board, dated July 25 and 26, 2013, respectively, submitted by Wood Bull, on behalf of Greenhills SC Ltd. and Stikeman Elliott, on behalf of York Developments, relating to Official Plan Amendment No. 554 and Zoning By-law No. Z.-1-132211, as it relates to the properties located at 1311, 1363 and 1451 Wharncliffe Road South, the following actions be taken:

- a) the Ontario Municipal Board BE ADVISED that the Municipal Council has reviewed its decision relating to this matter and sees no reason to alter it; and,
- b) the City Solicitor BE REQUESTED to represent the Municipal Council's interests in these matters and retain outside expert witnesses in support of the Municipal Council's position. (2013-L01)

Motion Passed

YEAS: J.F. Fontana, N. Branscombe, D.G. Henderson, B. Polhill, P. Hubert, S.E. White (6)

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

Recommendation: That, on the recommendation of the Managing Director, Planning and City Planner, in response to letters of appeal to the Ontario Municipal Board, dated July 25 and 26, 2013, submitted by Wood Bull, LLP, on behalf of Greenhills SC Ltd. and Aird & Berlis, LLP, on behalf of Sifton Properties Limited, relating to Official Plan Amendment No. 553 and Zoning By-law No. Z.-1-132210, as it relates to the properties located at 3313-3405 Wonderland Road South and 1789 Wharncliffe Road South, the following actions be taken:

- a) the Ontario Municipal Board BE ADVISED that the Municipal Council has reviewed its decision relating to this matter and sees no reason to alter it;
- b) the City Solicitor BE REQUESTED to represent the Municipal Council's interests in these matters and retain outside expert witnesses in support of the Municipal Council's position; and,

- c) the Ontario Municipal Board BE ADVISED that the Municipal Council recommends that Official Plan Amendment No. 553 and Zoning By-law Z.-1-132210 be consolidated with the hearing of PL130020, relating to approval of the Southwest Area Secondary Plan. (2013-L01)

Motion Passed

YEAS: J.F. Fontana, N. Branscombe, D.G. Henderson, B. Polhill, P. Hubert, S.E. White (6)

#### 8. Environmental Review Lands Study

Recommendation: That, on the recommendation of the Managing Director, Planning and City Planner, the report dated September 24, 2013, with respect to the Environmental Review Lands Study BE RECEIVED. (2013-E20)

Motion Passed

YEAS: J.F. Fontana, N. Branscombe, D.G. Henderson, B. Polhill, P. Hubert, S.E. White (6)

### III. SCHEDULED ITEMS

#### 9. Properties located at 611-619 Oxford Street East (O-8213)

Recommendation: That, on the recommendation of the Managing Director, Planning and City Planner, based on the Official Plan review relating to the properties located at 611, 613, 615, 617 and 619 Oxford Street East, the proposed by-law, as appended to the staff report dated September 24, 2013, BE INTRODUCED at the Municipal Council meeting to be held on October 1, 2013, to amend the Official Plan to apply a commercial land use designation on the subject lands FROM a Low Density Residential designation TO a Main Street Commercial Corridor designation, to permit a range of mixed-use and street-oriented commercial uses;

it being pointed out that there were no oral submissions made at the public participation meeting associated with this matter. (2013-D08)

Motion Passed

YEAS: J.F. Fontana, N. Branscombe, D.G. Henderson, B. Polhill, P. Hubert (5)

NAYS: S.E. White (1)

#### 10. Property located at 699 Wonderland Road North (Z-8210)

Recommendation: That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of ESAM Construction Ltd., relating to the property located at 699 Wonderland Road North:

- a) the proposed by-law, as appended to the staff report dated September 24, 2013, BE INTRODUCED at the Municipal Council meeting to be held on October 1, 2013, to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property FROM an Associated Shopping Area Commercial (ASA3/ASA4/ASA8) Zone, which permits a range of retail, convenience, personal service and community facility uses TO an Associated Shopping Area Commercial (ASA3/ASA4/ASA5/ASA8) Zone, to permit automobile repair garages, restricted automotive uses and taxi establishments, in addition to the existing permitted uses generally described above; and,
- b) the Site Plan Approval Authority BE REQUESTED to consider the inclusion of a landscape wall, along the Horizon Street frontage, in order to define the street edge and screen the large asphalt area associated with the gas bar use, from the street;

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

Motion Passed

YEAS: J.F. Fontana, N. Branscombe, D.G. Henderson, B. Polhill, P. Hubert (5)

NAYS: S.E. White (1)

11. Property located at 2290 Torrey Pines Way (39CD-13510)

Recommendation: That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the Vacant Land Plan of Condominium application by Sunningdale Developments Inc., relating to the property located at 2290 Torrey Pines Way:

- a) the Approval Authority BE ADVISED that there were no issues raised at the public participation meeting of the Planning and Environment Committee with respect to the application for draft plan of vacant land condominium; and,
- b) the Approval Authority BE REQUESTED to utilize, if possible, one agreement, instead of a separate development agreement and a separate condominium agreement, to address the development of this site. (2013-D07)

Motion Passed

YEAS: J.F. Fontana, N. Branscombe, D.G. Henderson, B. Polhill, P. Hubert (5)

12. Property located at 1103 Adelaide Street North

Recommendation: That on the recommendation of the Manager of Development Services & Planning Liaison, the following actions be taken with respect to the site plan approval application for a commercial building submitted by 2261531 Ontario Limited (York Developments), relating to the property located at 1103 Adelaide Street North:

- a) pursuant to section 13.7 of the Council Procedure By-law, the actions of the Municipal Council taken at its meeting of April 30, 2013, related to the adoption of clause 4 of the 9th Report of the Planning and Environment Committee, concerning the property located at 1103 Adelaide Street North BE RECONSIDERED;
- b) the Approval Authority BE ADVISED that there were no issues raised at the public participation meeting of the Planning and Environment Committee with respect to the Site Plan application for the commercial building at 1103 Adelaide Street North;
- c) the Approval Authority BE ADVISED that the Municipal Council supports the Site Plan application for the commercial building at 1103 Adelaide Street North, with the removal of the prohibition of the entrance/exit onto Huron Street and the road widening to be consistent with the property located at 1135 Adelaide Street North, which is 6.1 metres off the property line;
- d) the Civic Administration BE ASKED to review their request for enhanced landscaping;
- e) the London Transit Commission BE REQUESTED to improve the two subpar bus stops on Huron Street;
- f) the Civic Administration BE DIRECTED to undertake, as a 2014 Capital Project, improvements to Huron Street, including, but not limited to, curbs, gutters, sidewalks, traffic calming measures and a delineation between the road and private property;

- g) the Civic Administration BE DIRECTED to assist York Developments to proceed with a minor variance for the rear yard setback; and,
- h) the Civic Administration BE DIRECTED to proceed with a minor variance application for the property located at 1135 Adelaide Street North;

it being noted that it was the intent of the Municipal Council to interpret the 3.4 metre rear yard setback as the side yard setback; and,

it being further noted that the developer and the community are in agreement with respect to the 3.4 metre side yard setback;

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

- Ali Soufan, York Developments Limited, applicant – indicating that this proposal has been two years in the process; indicating that, when he first started the process, he did not think that, two years later, he would still be talking about the redevelopment of an existing building; noting that the application is for the redevelopment of the former Harry's Automotive; advising that the building was originally 10,000 square feet when they purchased it and, with the demolition of a portion of the building, the building is now 8,500 square feet; indicating that there are four key components that they feel are necessary to have this proposal be successful; advising that one of their concerns is the road widening dedication; noting that there are three road widening lines, the 19.5 metres, as identified in the Transportation Master Plan, the 18 metres as outlined in the existing by-law and their neighbours to the north, the Z Group building located at 1135 Adelaide Street North, which has a smaller set back; advising that the distance between the parking stalls on the east side of the property from the west side of the property is 6.7 metres, which is the minimum distance needed for an access lane for emergency vehicles or two way traffic; advising that the City's proposed widening would eliminate not only the parking spots along Adelaide Street North, but also the drive aisle access; noting that this renders the site non-usable and would put him in contravention of the Act; advising that, what they are proposing is the blue line on his drawing; noting that the blue line represents the same widening as their neighbours to the north; indicating that the 24 spots that are in question, along Adelaide Street, have not been considered in their parking ratio so they meet the test under the Parking by-law; advising that this is a Tim Horton's proposal, and, at certain peak hours, Tim Horton's needs all the parking spots they can get on the site; leading into his next comment relating to the landscaped areas; requesting that the Committee look at the 3D renderings that they have put together; advising that the landscaped areas that they have proposed meet and/or exceed the landscaped open space coverage under the by-law, which is 15%; indicating that their plan outlines tree plantings wherever we can fit the trees in, as well as, planting beds along Adelaide Street North and along the three boundaries, south east and north; indicating that they have made arrangements with their neighbours to the west to do plantings on their property as well as beefing up their plantings; noting that this creates a 360 degree buffer; indicating that, between pedestrian connections and lush landscape implementations, they think that they have met the test; advising that, to increase the landscape coverage on this site and taking away eight or nine parking spots does not meet the test of reasonableness; indicating that the third point has been a little touchy through the process and he can candidly admit that; indicating that the access onto Huron Street was a thought that may have made sense at the time; advising that he thinks that some of the language in the Council resolution talked about considering prohibiting the access onto Huron Street; noting that the word consider tells him that maybe he should study this access a little bit more; advising that they hired Paradym Transportation Solutions who studied many of the intersections in the vicinity and, more specifically, the intersection at Adelaide Street North and Huron Street; advising that Paradym Transportation came up with a summary of findings that could improve the existing situation; indicating that this site has four full access points; noting that they plan on closing

two of the four; further noting that the two access points to remain are the two that are the furthest away from the intersection; advising that the access from Adelaide Street North will be restricted to a rights in/rights out access by the construction of a centre median along Adelaide Street North; indicating that Adelaide Street North carries 36,000+ cars a day; reiterating that, to have a full movements access there does not make sense; however, if you limit the site to one restricted rights in/rights out access, you create a very unsafe situation because you will have people pulling u-turns in the middle of Adelaide Street North to get in and out; noting that this does not make a lot of sense, which is why they prepared the transportation study which has been submitted to the Transportation Department; noting that the Transportation Department has indicated that they feel that it met all the requirements; advising that the fourth item, that he was not really prepared to speak to today, is the 3.4 metre rear yard setback; advising that, based on their interpretation of the Council resolution from March, 2012, they always assumed that the rear yard was the rear yard; noting that the rear yard is located on the west side of the building, which is where their loading doors are located; further noting that the front doors will continue to be where they are currently located; also noting that this is what the Council of the day interpreted as well; advising that when he submitted his site plan application, Mr. Henry, in his wisdom, brought this to his attention; noting that he did not agree with Mr. Henry; indicating that he filed for the variance that Mr. Henry requested in protest; noting that there was a cover letter to the Committee of Adjustment outlining that he was applying for a variance in protest; advising that the Committee of Adjustment hearing was yesterday; indicating that, the Committee, in their respectful right, denied the application; noting that, in all honestly, the application was not denied based on the merits of the variances required; further noting that the discussion got out of control and the Committee of Adjustment started talking about other things on the site; reiterating that this is an infill redevelopment site of an existing building; noting that the City is promoting infill development; advising that this site is currently vacant, raising approximately \$20,000 in taxpayers revenue for the City; noting that, once this site is fully developed, it will the revenue will be increased to approximately \$80,000; advising that they have commitments from Tim Horton's and other companies; indicating that they are about a year behind and the companies are being very patient in working with them; respectfully requesting that the site plan be tailored to render this a useful site; advising that the entire west boundary is a composite wall structure; noting that sometimes the City does not like to see a solid wall go right to the property line because of the visual impact with cars pulling in and out so there is typically a five metre or three metre stretch which they taper down to black wrought iron fencing; further noting that this does not impact any of the noise conclusions in the noise report; advising that he has worked with area residents and understands their concerns; noting that they are living on a subpar urban street with no curbs, no gutters, no sidewalks on one side of the street, gravel shoulders and people treat it like a rural road; advising that he can only do what he can on his property; and indicating that it is up to the City to either step up or not step up to try to work with the residents.

- Chris McDonnell, 525 Huron Street – advising that he lives a few doors to the west of the development, on the south side of the street; expressing concern with the current state of Huron Street, a residential street with an interesting collection of neighbours; advising that he is not concerned with the site plan; advising that his concerns are long standing about the safety issues on the street; indicating that he thinks that the Councillors will recall quite a bit of discussion about the existing traffic problems on Huron Street; noting that Councillor Henderson once mused aloud that Huron Street should be turned into a cul-de-sac, which was a wonderful idea; noting that they are not proposing that; advising that they have worked very hard with the applicant to try to come up with a workable solution for the development; noting that they have received some assurance; indicating that it was the developers' suggestion that they come to the City to see if they can find a win-win for Huron Street to address some of the issues on Huron Street; noting that these concerns include establishing proper curbs, gutters, sidewalks and some traffic calming measures; advising that, currently, it is a free for all, particularly

in the latter part of the afternoon and into the evening; advising that, because there are no curbs or sidewalks on the south side of the street, traffic drives onto their lawns to make an extra lane on the road; noting that there is nothing to impede them; advising that they have met with representatives from the Traffic Department, Mr. Soufan, Councillor Nancy Branscombe and have had some input from Mayor J.F. Fontana, that there would be some expedition to correct the flaws on Huron Street; noting that they undertook these steps to allow the withdrawal of their appeal to the Ontario Municipal Board; advising that they spent one day with the Ontario Municipal Board and provided compelling evidence; noting that the continuance of the appeal was several months away and, in that time, Mr. Soufan had the great idea that they all go together to the City to see if they could get some assurances that their concerns on Huron Street could be addressed, which they were glad to do; advising that they are generally quite satisfied with the site plan for the development, but they are really dissatisfied with what is happening on Huron Street; indicating that they did receive a letter from the Traffic Department, on September 16, 2013, suggesting that the neighbours might wish to put some speed cushions on the street; noting that, without proper curbs or sidewalks, he thinks that gives drivers another reason to drive on their lawns to avoid the speed cushions because there is nothing to define them staying on the roadway and the speed cushions would do nothing to encourage that; further noting that he is agreeable to traffic calming measures; indicating that, when they met with representatives from the Traffic Department, they could not get anything in writing because the Traffic Department needs to consult the other neighbours; advising that nothing had happened until they received a letter last week, which was very disappointing because their discussion was held in early April or possibly May and they did not hear anything until last week; reiterating that it was just a letter asking the neighbours if they wanted these traffic calming measures; indicating that the letter suggested that you might want the traffic calming measures, but keep in mind that you are going to have to drive over them every day and it implies that you can have these if you want them but I would not if I were you; reiterating that there was no consultation and that it was a very discouraging letter; advising that he thinks that the neighbourhood will still accept the traffic calming measures; indicating that he thought that it was interesting that Mayor Fontana thought that maybe Council should take the extra step to address what the rear side yard of the development is; advising that he does not object to that and he thinks that it makes sense; advising that he also thinks that, at the same time, it is very helpful to the development and to the developer to give something to the neighbours on Huron Street who are accepting that this drive through is going to go through; advising that this is going to increase the amount of traffic onto our street and make our street less safe; indicating that Council voted not to consider prohibiting, and there has been a lot of debate about that, but the vote was to prohibit access to Huron Street; recognizing that Huron Street has a problem that needs to be dealt with; reiterating that he is not here to speak to the site plan, which he does not have a problem with, but to request that the needs of Huron Street be addressed at the same time, not six months, a year or never; indicating that some of their older neighbours were actually told, when the curbs were taken out in the late 1970's, that it was only temporary and here we are in 2013, and it has not happened yet, so you can understand why some of them are not too motivated to show up to a City Council meeting to push this along as they have long given up; hoping that we can advocate for the street and that Council can recognize that, as part of this development going through, Huron Street will not suffer because of that, but that we can actually get the improvements and the City agrees that the improvements are needed and are valid concerns; noting that it is only a question of timing; hoping that, because the development has to put in curbs and sidewalks, in tandem with the development, the work could be done on Huron Street; and reiterating that that is why he is here today.

- Beth Hickey, 541 Huron Street – indicating that she lives five houses west of Adelaide Street; advising that if she looks out her front window and turns her head, she can see the Tim Horton's drive through; indicating that there will also be a bus stop in front of her house; indicating that she is here for the same reason as Mr. McDonnell; reiterating that they have been working very hard with the developer; advising that they have compromised quite a bit in accepting that there will be a drive through restaurant on their street; indicating that they have never disagreed with having a commercial development in this location; indicating that they are only opposing the drive through, but they are now accepting that a drive through will be located on that property; advising that they were given very strong assurances that there would be something done to improve the safety of their street as well as the visual beautification of their street, which is what they are here today asking for; and advising that she would like to see safety measures put into place before a Tim Horton's opens because as soon as it opens, they are going to have a lot of traffic.
- Alon Shatil, Or Shalom Synagogue, 534 Huron Street – advising that they have worked with, and had several meetings with, the applicant; advising that they have made arrangements that would mitigate the impact to their property and they are pleased with that; noting that this includes the zero setback that has been discussed today; enquiring about the durawall on the site plan; noting that the durawall is quite clearly written at eight feet high; enquiring about the other aspects of the wall that are just listed as sound wall; requesting clarification as to whether the durawall is length of the west end of the property or if it changes from one wall to another wall; and indicating that they have no objection to the site plan which is in line with what they had discussed previously.

*Secretary's Note: In accordance with section 13.7 of the Council Procedure By-law, the reconsideration of this matter requires the approval of at least two-thirds of the whole Council. (2013-D11)*

Motion Passed

YEAS: J.F. Fontana, N. Branscombe, D.G. Henderson, B. Polhill, P. Hubert, S.E. White  
(6)

13. 9th Report of the London Advisory Committee on Heritage and property located at 275 Thames Street

Recommendation: That, the following actions be taken with respect to the 9th Report of the London Advisory Committee on Heritage (LACH) from its meeting held on September 11, 2013:

- a) the Civic Administration BE ADVISED that the LACH endorses a project to create a digital map of intangible cultural assets in downtown London, as presented to the LACH at its meeting held on September 11, 2013; it being noted that the LACH heard a delegation from R. C. Santoro, University of Guelph and R. Armistead, Manager, Culture and Municipal Policy, with respect to this matter;
- b) notwithstanding the recommendation of the Managing Director, Planning and City Planner with respect to the Heritage Alteration Permit Application of K. Millson, requesting permission for a sign related to the establishment of a new business at the designated heritage property located at 300 Dundas Street, the Civic Administration BE ADVISED that the LACH supports the sign being located on the upper left front of the building, lighted, as proposed, with additional lighting provided by the owner to highlight the name plaque, subject to the diamond shape feature of the plaque not being damaged; it being noted that the LACH heard a verbal delegation from T. Hranka, Applicant, with respect to this matter;



- c) on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the Heritage Alteration Permit Application of C. Thompson, requesting permission for a window alteration to the designated heritage property located at 855 Waterloo Street BE APPROVED; it being noted that the Heritage Planner has reviewed the proposed change and has advised that the impact of such alteration on the heritage features of the property identified in the reasons for designation is negligible; it being further noted that LACH heard a verbal delegation from J. Lyons, with respect to this matter;
- d) notwithstanding the recommendation of the LACH, the Heritage Alteration Permit Application of R. Leach, requesting permission for a main floor window alteration to the designated heritage property located at 366 Central Avenue BE APPROVED; it being noted that the Heritage Planner has reviewed the proposed change and has advised that the impact of such alteration on the heritage features of the property identified in the reasons for designation is negligible; it being further noted that the LACH's recommendation relates only to the window feature of the application as other elements in the planner's report were withdrawn by the applicant;
- e) that clauses 5 to 12, inclusive, of the 9th Report of the LACH BE RECEIVED;
- f) the Municipal Council BE REQUESTED to issue a Notice of Intention to designate the property located at 275 Thames Street under Section 29.(1.1) of the *Ontario Heritage Act* as a property of cultural heritage value or interest for the reasons provided to the LACH at its meeting held on September 11, 2013; and,
- g) the Civic Administration BE DIRECTED to review the current risks and barriers related to the long-term conservation of this building and its historic significance and report back to a future Planning and Environment Committee meeting with respect to the following:
  - i) the completion of the archaeological work;
  - ii) the removal of the chapel building to its proposed new site;
  - iii) the securing and stabilizing the chapel on its new site;
  - iv) the interpretation of the site at 275 Thames Street and the historic neighbourhood; and,
  - v) the identification of the costs associated with items i) to iv), above, including community contributions;

it being pointed out that the Planning and Environment Committee heard verbal presentations from W. Kinghorn, Chair, LACH and R. Leach, 366 Central Avenue, with respect to these matters.

Motion Passed

YEAS: J.F. Fontana, N. Branscombe, D.G. Henderson, B. Polhill, P. Hubert, S.E. White  
(6)

- 14. Properties located at 2250 Blackwater Road and 660 and 670 Garibaldi Avenue (Z-8190)

Recommendation: That, notwithstanding the recommendation of the Managing Director, Planning and City Planner, the application of Drewco Development Corporation, relating to the property located at 2250 Blackwater Road, 660 & 670 Garibaldi Avenue BE REFERRED back to the Civic Administration for consultation with the developer and the community on issues related to, but not limited to, height, density and setbacks;

it being noted that the Planning and Environment Committee received a communication, dated September 16, 2013, from S. Webster, 560 Garibaldi Avenue, with respect to this matter;

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

- Laverne Kirkness, Kirkness Consulting, on behalf of the applicant - commending the Planner for her thorough presentation; assuring the residents that Drewco has been doing a lot of work to accomplish three main objectives; namely, respecting the urban design guidelines by getting the buildings up close to the major roads, being sensitive to the Garibaldi residents by getting his buildings as far away from them as they can so the height of the buildings would not have an adverse impact on them and to achieve the planning objective of providing a choice of housing in this Uplands community; noting that it is virtually all single detached dwellings with some townhouses; indicating that the addition of apartment buildings in this community would be seen as sound land use planning from a textbook point of view as well as from the City of London Official Plan point of view; indicating that people could remain in this community if they do not want to live in their single family dwelling and want to move to an apartment form of housing; indicating that they are a part of community plans that have been prepared over the last 15 years; noting that they are in the Uplands community; further noting that on the west side of Adelaide Street is the Stoneycreek community, if you proceed further west, you will get to the Sunningdale community and if you go further west, you will get to the Fox Hollow community and some of the Councillors at the meeting tonight were part of those decision making plans, throughout the late 1990's and the early part of the last decade; indicating that, one of the major criticisms of the community plans is that none of them really had any high-density residential designations for taller apartment buildings in them whatsoever, except for a little bit around Masonville; noting that the Masonville high-density residential designation may have been introduced by a spot zoning application; further noting that he is referring to the Tricar building at the top of Arva hill; advising the public that high density means twelve storey buildings at 150 units per hectare, medium density can go up to half the amount of high density, 75 units per hectare and four stories and low density is 30 units per hectare and are usually singles or semi's; reiterating that low density is what most of the community plans were; indicating that this is what the developers proposed and what the market was commanding, and still does; advising that, at the same time we have the Provincial Policy Statement and the City of London Official Plan that says that we need to use the land more efficiently, we need to have more compact urban form, which supports public transit and does a number of other things in support of sound urban planning; indicating that when you look at the zoning of this medium density block, which was only zoned at half of what it could be through the Official Plan; noting that, looking back, which is always easy to do, you see that all of the community plans have hardly any apartment type density at all of four stories or greater, you would find that what was designated, being this block, that it would have been 75 units per hectare and at least four stories; suggesting that maybe we are correcting a wrong from the past; advising that they changed the address of the middle building from 670 Garibaldi to 2230 Blackwater Road as the driveway will be accessing Blackwater Road; indicating that this is important as it shows that Drewco has been sensitive, through its own traffic impact study to get the access off of Garibaldi for that middle building and take it out to Blackwater Road, which is closer to the arterial; advising that the main entrance off of Sunningdale Road is a pedestrian entrance, which is located in an amenity area located between the two buildings; using an elliptical photo to show a 30 to 40 foot wide planting strip that will contain some swale and drainage but it will be a green space separation between the rear yards of the homes along the north side of Garibaldi Avenue and the parking lot to the north of that; noting that it will be planted and it is at a slope of approximately three to one; further noting that the parking lot is approximately two metres about some of the rear yards; advising that there is approximately a 22 metre fall from the northwest corner to the southeast corner of the site, there is approximately a 14 metre fall from west to east from building 1 to building 2; reiterating that they have tried to understand not just the terrain of this site, but the terrain of the surrounding area; indicating that this means that building 1 is one storey

below the elevation at the Sunningdale Road and Blackwater Road intersection; indicating that building 2 is half a storey below and the central parking area is approximately 20 metres below Sunningdale Road; advising that building 1, at the corner of Sunningdale Road and Blackwater Road is sufficiently set out from the retaining walls and the grades that are trying to be overcome to provide adequate separation for the first floor of units along the north, south and west sides of the building; indicating that there is also a 10 metre landscaped open space; advising that the closest the building comes to the residential area is 35 metres; indicating that, with Garibaldi Avenue on the left side, walking north to the apartment building at the corner of Blackwater Road and Sunningdale Road, there is a 100 foot distance between the rear yards of the homes and the apartment building; indicating that they have introduced one four storey building, which the lands are already zoned for, and respected the side yard that is required to the rear yard, which is approximately six metres; establishing that the existing zoning could propose a worst case scenario than what Drewco is proposing; and noting that the six storey buildings are two storeys higher but they are further away from the residences. (see attached presentation).

- Drew Smith, 2151 Blackwater Road – see attached submission.
- Stan Brown, President, Stoneybrook Heights / Uplands Residents Association, 75 Pine Ridge Grove – indicating that he resides outside of the 120 metre radius; noting that he does represent the affected residents as part of the Association; expressing concern with the application; indicating that if someone looked at the cross sections, the first storey of each of those buildings was at the roof line of all of the houses that are below them indicating that the topography of this area has a tremendous influence; noting that the residents would live six feet below the parking lot; indicating that these buildings will absolutely dominate this area; advising that the area is very hilly in two directions; enquiring as to why, if you are going to put the 18 metre building out near Sunningdale Road, why you would not put the 12 metre building out near Sunningdale Road; indicating that the site line issue is a non-starter; expressing appreciation for the Huron Street application where the community, the developer and the City came to an agreement on an issue; advising that that is exactly what happened here 15 years ago; noting that the developer, the community and the Planning Department were in favor of a 12 metre building, now they are looking at a building that is approximately 50 percent higher and a population density which is virtually double what was initially agreed to by the community, the developer and the City; indicating that the only thing that has changed in that area is that there is now a subdivision with single family housing adjacent to that land; enquiring as to why you would go from 12 metres to 18 metres in height; realizing that the Official Plan takes precedence over the community plan, which he finds bothersome as the community are the people who live in the area; reiterating that the community and the Planners spent a lot of time creating a plan that the developer was in favor of; indicating that these people bought houses in this area with the absolute understanding that the highest building in this area would be 12 metres; advising that, 10 or 15 years later, they are being told that, we have changed our minds; indicating that this is why people in the community do not trust the City; noting that the City continues to ask for community involvement; reiterating that these people put a lot of time and effort into this 15 years ago; noting that they are now being told that it does not matter; advising that, to the community, these things do matter; and advising that, if you want the respect and the trust of the people, of the community, then what is expedient is not as important as what is right.
- Greg and Anna Mayea, 807 Garibaldi Avenue – see attached submission. (*Secretary's Note: A petition signed by approximately 18 people is on file in the City Clerk's Office*).
- Clint Curry, 652 Garibaldi Avenue – indicating that their property is affected by buildings 2 and 3; advising that they purchased their home based on what was to be built beside them; noting that their property is immediately beside the vacant property and it was a financial decision for them as they were purchasing the home; changing the development or the zoning comes across as a bait and switch; noting that they were sold one thing and now they are given another; comparing the height of the 12

metre building at a 6 metre set off from the properties versus an 18 metre building 55 metres further out, that is like saying that across the street we might as well build a 30 storey building and up at Medway we can build a 100 storey building because the property site line is going to be the same; requesting that the Committee compare apples with apples; enquiring as to, if they are talking about a six metre line, is there something in the zoning change that is going to specify a 55 metre setback; advising that, if not, the worst case scenario is that the residents get an 18 metre building six metres off the property line as there is no discussion about where it is going to be put, they are just asking to put it higher; advising that the design is nice and the fly by looked nice; and enquiring that, if they get the zoning change, is there any guarantee that they are even going to build this or are the residents of this community going to deal with another bait and switch.

- Tabitha Thompson, 2164 Blackwater Road – enquiring as to whether or not there is enough green space for the park; noting that there is not enough room to hold all of the equipment, even for their children; and enquiring as to whether or not the children are going to have to change schools.
- Hugh Henry, 2177 Blackwater Road – indicating that people keep talking about the height and the topography and he does not believe that it can be overstated; indicating that, from the plan that was shown at the meeting, it is a 22 metre rise, which is a seven storey difference from the bottom of the site to the top of the site; indicating that if you add a six storey apartment and an extra floor of HVAC to the top, which you would not have with a three or four storey apartment building, you are going to end up with the equivalent of about 13 or 14 storeys; believing that the developer is trying to play a sleight of hand by showing pictures of apartment buildings that were all in flat places; noting that every single picture they saw of apartment buildings in London were all in flat zones; noting that it does not make sense to build on top of a hill because you are just exaggerating the height of these buildings and their impact; and indicating that, if you stand right next to a building, it will seem tall but if you drew the person further back from the neighbourhood, it is quite obvious that the taller building pushed further up the hill would have a huge visual impact relative to any four storey building.
- Linda Groke, 642 Garibaldi Avenue – indicating that they are the third house from building 3; expressing concern with where the snow would be piled in the winter; advising that their basement has already flooded twice due to the runoff in the vacant lot; indicating that with the proposed parking being so close, her presumption is that they are going to pile the snow closest to her backyard and when the snow melts, it is going to run downhill; advising that people up the road from them have also had flooded basements; advising that the stormwater management pond for their subdivision overflows whenever there is any type of rainfall; enquiring as to where the extra water is going to go when everything is paved; advising that the developer is talking about medium density in the area and today, in the mail, they received a zoning proposal for the land located on the northwest corner of Adelaide Street North and Sunningdale Road; noting that this is the third proposal for there; indicating that they are proposing high rises; enquiring as to why they need them in their backyard; and expressing support for Mr. Smith's comments.
- Rick de Jong, 620 Garibaldi Avenue – indicating that there has been a lot of discussion about by-laws; indicating that this is not a by-law or engineering problem; indicating that this is about their lifestyles; advising that there are people concerned about snow in their backyards, the doubling of the density and the doubling of the traffic going through their neighbourhood; indicating that none of this is acceptable to the residents; indicating that there are plenty of apartment buildings within a four kilometer radius; noting that there are several new apartment buildings that have been built on Richmond Street and by Home Depot; reiterating that there is a lot of high density development in that area; advising that he moved out of the downtown and he does not want an apartment building near him; indicating that with the pictures of the apartment buildings close to their homes, those people knew what they were getting into; noting that the apartment buildings in the photographs are 50 years old; indicating that they purchased new homes without apartment

buildings; indicating that the residents were advised that executive condominiums were to be built on the property; indicating that this is about the extra six metres and doubling the density; enquiring as to what is going to be next; noting that they have already heard about rezoning across the road; enquiring as to whether or not we really want to create a high density node at this corner and at the YMCA, where it is otherwise single detached housing; advising that out of the 61 people who have been sitting at this meeting for the last three and a half hours waiting to speak to this and the 174 respondents, we need you to make a decision; and requesting that you make a decision for the community.

- Michelle Febraro, 614 Garibaldi Avenue – indicating that she lives behind where Drewco and the City would like to build the apartment buildings; indicating that they chose this area because they knew what it would give them; advising that they would not have invested their lifetime savings to have an 18 metre building behind them; noting that the building is going to seem more like 20 metres because they are going uphill; indicating that this is a disgrace and should not have even made it before the Committee; recommending that the plans that were agreed on be implemented; and indicating that if someone wants to make money they should go out and not change what was previously agreed upon.
- John Zanin, 698 Clearwater Crescent – listening to the well thought out and pertinent arguments; indicating that their home is a brand new home, their first major purchase and they started to invest money into their home; noting that they have built a new fence, a deck and have finished the basement; indicating that they love the area and their neighbours; indicating that to more than double the current density of 35 hectares per unit changes the flavor of the neighbourhood and makes it incompatible; advising that they were told by the builders agent that residential townhomes were going to be built at this location; enquiring as to what has changed; indicating that Drewco knew what they were getting into, that they knew the topography, probably better than any of the residents did; noting that Drewco signed off that they agree to the plan for a four storey building; indicating that the only thing that has changed is that Drewco would like to do something different; advising that Drewco's argument is that they have looked at it and it is not economically viable at four storeys; reiterating that nothing has changed; indicating that when they signed off on the community plan in 1999, they figured they could make a go of it; indicating that they were either wrong then or they have decided that they would like to do something different; advising that they are doing something different at the residents expense; and urging the Committee members to come out and see their subdivision.
- Judy McArthur, 769 Garibaldi Avenue – reiterating what has been said and the impact that it is going to have on their neighbourhood; advising that there are kids on the street skateboarding and playing road hockey; noting that this development is going to have a huge impact on that; and suggesting that the Committee drives through the neighbourhood before making a decision. (2013-D14A)

Motion Passed

YEAS: J.F. Fontana, N. Branscombe, B. Polhill, P. Hubert, S.E. White (5)

NAYS: D.G. Henderson (1)

#### 15. Stoney Creek Open Space System

Recommendation: That, the following actions be taken with respect to the City-owned property known as the Stoney Creek Open Space System:

- a) lands described as Block 26, Plan M-249, Part 'A', being a triangular shaped parcel at the rear of 25 and 29 Stoneycreek Crescent, containing approximately 1,050 square feet, the subject property referred to as Part 'A', as appended to the staff report dated September 24, 2013, BE DECLARED surplus;

- b) the subject property referred to as Part 'A', as appended to the staff report dated September 24, 2013, BE OFFERED for sale to the abutting property owners at fair market value in accordance with the Sale and Other Disposition of Land City Policy;
- c) the Civic Administration BE DIRECTED to work with the Upper Thames River Conservation Authority and area residents on potential land acquisition relating to the lands along the south side of the Stoney Creek Open Space System;
- d) the Pathway Options Study presented in this report BE RECEIVED;
- e) the Civic Administration BE DIRECTED to proceed with a 'consult' level public engagement process, as outlined in the City of London Community Engagement Policy, to present the path options study and seek input into the preferred option for extending the Stoney Creek pathway system east of Trossacks Avenue, ensuring that there is no pathway along the properties located at 25 to 57 Stoneycreek Crescent; and,
- f) the Civic Administration BE DIRECTED to report back at a future meeting of the Planning and Environment Committee with options for a potential pathway on the north side of Stoneycreek;

it being noted that the Planning and Environment Committee reviewed and received the attached presentation from S. Evoy, 29 Stoneycreek Crescent and J. Mederios, 25 Stoneycreek Crescent, with respect to this matter. (2013-R04)

Motion Passed

YEAS: J.F. Fontana, N. Branscombe, D.G. Henderson, B. Polhill, P. Hubert, S.E. White  
(6)

#### **IV. ITEMS FOR DIRECTION**

None.

#### **V. DEFERRED MATTERS/ADDITIONAL BUSINESS**

None.

#### **VI. CONFIDENTIAL (Confidential Appendix enclosed for Members only.)**

*(See Confidential Appendix to the 21st Report of the Planning and Environment Committee enclosed for Members only.)*

The Planning and Environment Committee convened in camera from 4:22 PM to 4:45 PM after having passed a motion to do so, with respect to the following matter:

- C-1. A matter pertaining to litigation or potential litigation with respect to the application of Liahn Farms Limited to the Ontario Superior Court of Justice, Divisional Court, in connection with By-law C.P.-1466-249, the Tree Conservation By-law; advice that is subject to solicitor-client privilege, including communications necessary for that purpose, in connection with the application of Liahn Farms Limited to the Ontario Superior Court of Justice, Divisional Court, in connection with By-law C.P.-1466-249, the Tree Conservation By-law; and to give instructions or directions to officers or employees of the municipality in connection with an application filed in the Ontario Superior Court of Justice, Divisional Court, by Liahn Farms Limited.

#### **VII. ADJOURNMENT**

The meeting adjourned at 10:50 PM