

**24TH REPORT OF THE**  
**PLANNING AND ENVIRONMENT COMMITTEE**

Meeting held on November 12, 2013, commencing at 4:02 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:** Councillor H.L. Usher, J.M. Fleming, M. Davis, M. Elmadhoon, G. Kotsifas, T. Grawey, B. Henry, I. Listar, A. Macpherson, L. Mottram, J. Page, C. Saunders, R. Sharpe, M. Tomazincic, B. Turcotte and J. Yanchula.

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**I. CALL TO ORDER**

1. That it BE NOTED that Councillor N. Branscombe disclosed a pecuniary interest in clause 8 of this report, having to do with the request for a Municipal Council support resolution for a ground mounted solar project under the Feed-In Tariff (FIT) Program on the property located at 1750 Crumlin Road, the London International Airport, by indicating that her spouse owns and operates a business in close proximity to the Airport.

**II. CONSENT ITEMS**

2. 8th Report of the Trees and Forests Advisory Committee

Recommendation: That, the following actions be taken with respect to the 8th Report of the Trees and Forests Advisory Committee from its meeting held on October 23, 2013:

- a) given the potential impact of the Asian Long-Horned Beetle to affect over 40% of London trees, making it worse than the Emerald Ash Borer, the Civic Administration BE REQUESTED to include in the 2014 Budget, funding for the development of a public education program, which would effectively create a citizen-based early detection system for the Asian Long-Horned Beetle; it being noted that the Trees and Forests Advisory Committee (TFAC) heard a verbal report and received a communication dated October 23, 2013, from B. Sandler, with respect to the Veterans Memorial Parkway post planting report, the TFAC Terms of Reference and the Asian Long-Horned Beetle; and,
- b) clauses 2 to 6, inclusive, of the 8th Report of the Trees and Forests Advisory Committee BE RECEIVED.

Voting Record:

Motion Passed

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

Motion to approve part a) of clause 2

Motion Passed

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

Motion to approve part b) of clause 2

Motion Passed

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

3. Properties located at 1607, 1609 (eastern portion), 1611, 1615, 1619, 1623, 1627, 1631, 1635, 1639, 1643, 1649 and 1653 Richmond Street (OZ-7965)

Recommendation: That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the lands on the west side of Richmond Street, between Hillview Boulevard and Shavian Boulevard:

- a) the Civic Administration BE DIRECTED to process an amended Zoning By-law amendment application and to re-initiate discussions with the community regarding the implementation of the proposed development concept for the lands located at 1631, 1635 and 1639 Richmond Street, as appended to the staff report dated November 12, 2013 as Appendix "A"; it being noted that Appendix "A" was developed collaboratively with the property owner (Mr. Farid Metwaly), staff and members of the community and provided the basis for the previously proposed amendments; it being further noted that on January 12, 2012, the Municipal Council resolved to withhold three (3) readings of the enacting by-laws for the previously initiated Official Plan and Zoning By-law amendments until such time as the owner of 1631, 1635 and 1639 Richmond Street obtains site plan approval for these lands to ensure that development proceeds in accordance with the proposed development concept; it being also noted that the Civic Administration has previously initiated an application for Official Plan and Zoning By-law amendments for these lands at the direction of the Municipal Council and prepared a Master Plan to be considered for adoption as a Guideline Document to the Official Plan; and,
- b) the Civic Administration BE DIRECTED to report back to the Planning and Environment Committee at its meeting to be held on December 10, 2013, with respect to re-initiating the Stormwater Infrastructure Improvements along the Richmond Street corridor, as initially approved by the Municipal Council in January, 2012 and subsequently deferred by the Municipal Council in August, 2012 as well as the process and timeline for completion of the project;

it being pointed out that the Planning and Environment Committee reviewed and received the following:

- the attached communication, dated November 11, 2013, from M. Doornbosch, Zelinka Priamo Ltd.; and,
- the attached communication, dated November 11, 2013, from B. Davis, President, Old Masonville Ratepayers' Association. (2013-D14A)

Motion Passed

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

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

Recommendation: That, on the recommendation of the Managing Director, Planning and City Planner, in response to the letters of appeal to the Ontario Municipal Board dated July 26 and July 29, 2013, respectively, submitted by Fred Tranquilli, on behalf of Stan Worbel, Ann Worbel, Ed Dziadura and Peter Dziadura and by Jeffery Brick, on behalf of the Upper Thames River Conservation Authority, relating to Official Plan and Zoning By-law application No. OZ-8114, relating to the properties located at 56 to 82 Wellington Street, 283 to 323 South Street and 69 to 77 Waterloo Street, 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. (2013-D14A/L01)

Motion Passed

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

## 5. Property located at 2825 Tokala Trail (OZ-8115)

Recommendation: That, on the recommendation of the Managing Director, Planning and City Planner, the report dated November 12, 2013, relating to an appeal to the Ontario Municipal Board by Stikeman Elliott, on behalf of 1830145 Ontario Limited (York Developments), relating to Official Plan and Zoning By-law amendment application No. OZ-8115 and the subsequent withdrawal of the appeal BE RECEIVED. (2013-D14A/L01)

Motion Passed

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

## 6. Properties located at 1100 and 1140 North Wenige Drive - Forest Hill Phase 5 - Extension to Draft Plan of Subdivision Approval (39T-10501)

Recommendation: That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the Draft Plan of Subdivision application of Sifton Properties Limited, relating to the properties located at 1100 and 1140 North Wenige Drive:

- a) the Approval Authority BE REQUESTED to approve a three (3) year extension of the draft plan of subdivision submitted by Sifton Properties Limited, prepared by AGM Surveying, certified by Bruce Baker, Ontario Land Surveyor (Drawing No. 1072-B, dated October 2009), as red-line amended, which shows 40 single-detached dwelling lots, one (1) open space block and one (1) neighbourhood park block, served by the continuation of Rollingacres Place SUBJECT TO the revised conditions appended as to the associated staff report dated November 12, 2013 as Schedule "A"; and,
- b) the financing for this project BE APPROVED in accordance with the "Related Estimated Costs and Revenues" as appended to the associated staff report dated November 12, 2013 as Schedule "B". (2013-D12)

Motion Passed

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

## 7. Property located at 1270 Sunningdale Road East (Phase 2) (33M-632/H-8227)

Recommendation: That, on the recommendation of the Planner II, Development Planning, based on the application of Sifton Properties Limited, relating to the property located at 1270 Sunningdale Road East, the attached, revised, proposed by-law BE INTRODUCED at the Municipal Council meeting to be held on November 19, 2013, to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of 1270 Sunningdale Road East FROM a Holding Residential R1 (h-96•R1-5) Zone and a Holding Residential R1 Special Provision (h-96•R1-5 (9)) Zone TO a Residential R1 (R1-5) Zone and a Residential R1 Special Provision (R1-5 (9)) Zone to remove the holding provision. (2013-D14B)

Motion Passed

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

## 8. Request for Municipal Council Support Resolution - Ground Mounted Solar Project Under the Feed-In Tariff (FIT) Program

Recommendation: That, on the recommendation of the Manager, Development Services and Planning Liaison, the following actions be taken with respect to an application for a Category 2 Feed-in Tariff (FIT) project to construct a ground mounted solar project located at 1750 Crumlin Road, on the London International Airport property:

- a) the Applicant BE ADVISED that the Municipal Council supports the construction and operation of this project;
- b) a Municipal Council Support Resolution, in the form appended to the associated staff report dated November 12, 2013 as Appendix "B", BE ISSUED for this project; and,
- c) the Mayor and the City Clerk BE AUTHORIZED to sign the Municipal Council Support Resolution, noted in part b), above;

it being noted that the sole purpose of this resolution is to enable the applicant to receive priority points under the FIT Program and may not be used for any other form of municipal approval in relation to the project. (2013-E06)

Motion Passed

YEAS: J.F. Fontana, D.G. Henderson, B. Polhill, P. Hubert, S.E. White (5)

RECUSED: N. Branscombe (1)

9. Building Division Monthly Report for September 2013

Recommendation: That the Building Division Monthly Report for September 2013 BE RECEIVED. (2013-P06)

Motion Passed

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

**III. SCHEDULED ITEMS**

10. Property located at 1990 Commissioners Road East and 1697 Hamilton Road (Z-8239)

Recommendation: That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the application of Thames Village Joint Venture, relating to the lands located at 1990 Commissioners Road East and 1697 Hamilton Road:

- a) the proposed by-law, as appended to the staff report dated November 12, 2013, BE INTRODUCED at the Municipal Council meeting to be held on November 19, 2013, to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject lands FROM an Urban Reserve UR4 Zone, which permits such uses as existing dwellings, agricultural, conservation and passive recreation uses TO an Urban Reserve Special Provision UR4( ) Zone, to permit the same range of uses together with special provisions for minimum lot area of 1 hectare, a minimum interior side yard of 10 metres and a minimum rear yard depth of 20 metres FROM a Residential R1 (R1-16) Zone and an Urban Reserve UR4 Zone TO an Urban Reserve Special Provision UR4( ) Zone, with special provisions for a minimum lot area of 2 hectares and a minimum lot frontage of 12 metres and FROM a Residential R1 (R1-16) Zone TO a Residential R1 Special Provision (R1-16( )) Zone, with a special provision for a minimum rear yard depth of 12 metres; and,
- b) the request to amend Zoning By-law No. Z.-1 to change the zoning of the subject lands FROM a holding Open Space (h-2•OS4) Zone, which permits such uses as conservation lands, conservation works, golf courses and public parks without structures, and cultivation or use of land for agricultural/horticultural purposes, subject to a holding (h-2) provision requiring an Environmental Impact Study be prepared prior to removal of the "h-2" symbol TO an Urban Reserve Special Provision UR4( ) Zone BE REFUSED as the condition of the holding provision requiring the completion of an Environmental Impact Study has not been satisfied;

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

Voting Record:

Motion Passed

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

Motion to open the public participation meeting.

Motion Passed

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

Motion to close the public participation meeting.

Motion Passed

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

#### 11. Review of Planning Application Fees

Recommendation: That, the Managing Director, Planning and City Planner's report dated November 12, 2013, relating to planning application fees, BE REFERRED back to the Civic Administration for further consideration and to report back at the November 26, 2013 PEC meeting; it being noted that, at the request of J. Page, Solicitor II, the Managing Director, Planning and City Planner's report dated November 12, 2013, relating to planning application fees was referred back to the Civic Administration;

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

- Jim Kennedy, President, London Development Institute – expanding on Councillor Hubert's comments about receiving a communication as you are entering the meeting; indicating that they have had some discussions with staff regarding the fees; noting that some of that discussion was held during the summer with the London Home Builders Association, the London Area Planners and the London Development Institute in attendance; indicating that the Planning and Environment Committee Agenda is posted to the City of London website the Thursday evening prior to the meeting and is also available on Friday when they pick their package up; advising that their communication is outlining that they have previously had discussions with staff, but are unable to speak to the matter again until the Committee meeting; indicating that, approximately one year ago, a communication was jointly submitted by the Urban League of London, the London Chamber of Commerce, the London Development Institute and the London Home Builders Association, relating to the timing of receiving the reports, in order for all them to review the report; indicating that their review of the report raised more questions from their previous discussions, than answers; expressing that he is not sure that this is the right place to run through all of their additional questions; indicating that they are not disputing that there may need to be a fee increase; noting that it is just that some of what they see in the report, such as the increasing requests for pre-application consultations, make it sound like they are asking for increased pre-application consultation; further noting that the City of London has a pre-consultation by-law, so pre-consultation is required; realizing that part of the reason the pre-consultation by-law is required is for the public benefit; advising that, at pre-consultation, the London Development Institute meets with the Planner to have a discussion with the public; advising that there are a number of points in their communication that outline their concerns; advising that there is a reference in the report that the applicant, whether it is a rezoning for a subdivision or a residential or

commercial property, sees added value to having a pre-consultation meeting, but it leaves off the other side of the equation, which is that the City also receives added value through tax assessment increases; indicating that the reason for his letter was, having received the report late on Thursday, to ask for a two-week referral back to the staff to allow the London Development Institute to go through some of the points in the staff report; requesting more clarification from staff; indicating that one of the other issues is that when you compare the cost of a planning application fee going through the City of London to other municipalities, there is an added cost, as evidenced on the bar graph in the staff report, but you do not know what that cost includes; indicating that, to say that this is what another municipality is doing and this is what the City of London is doing, is not the best marker; indicating that the report references that some of the surrounding communities have lower fees than the City of London; advising that the City is being asked to extend servicing to Arva; noting that, by doing so, the City is extending services to Arva that have been paid for, through development in the City of London and taxes based on the City of London's rate; indicating that Arva has lower fees for applications and that is a big factor when people determine where they are going to live and purchase a home; reiterating that they are competing with surrounding municipalities that have not been looked at in the staff report; reiterating that they are asking for a referral for two weeks to review the report with staff; realizing that the Managing Director, Planning and City Planner would like to have these fees in place for January 1, 2014, as outlined in this report; however, two weeks is not going to take a lot of time away; indicating that the issue came up about the site plan cap removal; noting that this is something that was referenced in the report, but there is not a lot of backup discussion; advising that they would like to have some further discussion on this matter; advising that the issue of the two percent increase is another issue that needs to be debated; advising that the magnitude of the fee increases, as shown on Figure 1 of the Staff report, outlines what the current fee is and what the proposed fee is; noting that it does not outline what percentage of an increase it is; indicating that, if you look at the fee for an Official Plan amendment, it is a 66% increase; advising that the fee for a Zoning By-law amendment is a 40% increase; indicating that the combined Official Plan/Zoning By-law Amendment fee is a 43% increase; advising that those increases all get passed through, whether to a single family home purchaser or a commercial development, it goes through the price of the product; indicating that it is not just a small number that they are looking at; noting that it may look like a small number in the overall value of a project, but those cumulative numbers all require whoever is buying the end product, whether it is a house or a commodity, to pay increased the fees; reiterating his request for a two week deferral to look at these items; and noting that they may not agree on everything, but they will have more clarification than they do today. (See attached communication dated November 12, 2013). (2013-CO1)

Voting Record:

Motion Passed

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

Motion to open the public participation meeting.

Motion Passed

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

Motion to close the public participation meeting.

Motion Passed

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

## 12. Properties located at 401 to 463 Platt's Lane (OZ-8203)

Recommendation: That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of the University of Western Ontario, relating to the properties located at 401 to 463 Platt's Lane:

- a) the proposed by-law, as appended to the staff report dated November 12, 2013, BE INTRODUCED at the Municipal Council meeting to be held on November 19, 2013, to amend the Official Plan to change the designation of the subject lands FROM a Multi-family, Medium Density Residential designation TO a Multi-family, High Density Residential designation;
- b) the attached, revised, proposed by-law BE INTRODUCED at the Municipal Council meeting to be held on November 19, 2013, to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan, as amended in part a), above), to change the zoning of the subject property FROM a Residential R5/Residential R8 (R5-6/R8-2) Zone TO a Holding Residential R9 Special Provision (h-  •R9-7(  )•H20•D123) Zone and a Holding Residential R9 Special Provision (h-  •h-95•R9-7(  )•H20•D123) Zone;
- c) the Site Plan Approval Authority BE REQUESTED to consider implementing the following design matters through the site plan process:
  - i) development of this site, which is generally in keeping with the conceptual site plan, landscape plan, and elevations, as appended to the staff report dated November 12, 2013 as Appendix "C", to be consistent with the Beaufort, Irwin, Gunn, Saunby Streets (BIGS) Secondary Plan, with the exception of the proposed 6-storey apartment building located at the northwest corner of the subject site;
  - ii) reorientation of the proposed 6-storey apartment building, located at the northwest corner of the subject site, as appended to the staff report dated November 12, 2013 as Appendix "C", such that the building edges are generally parallel to both Western Road and Platt's Lane to create a street wall and that the corner of the proposed building creates a prominent view terminus at this visible location prior to the removal of the h-95 holding provision;
  - iii) in addition to ii), above, the inclusion of active ground uses (such as entrances, lobbies, amenities common rooms), particularly adjacent to the intersection, within the proposed 6-storey apartment building in order to create an active street edge;
  - iv) provision of an urban landscape treatment rather than a fence, including elements such as structured terraced planters, along Platt's Lane to define the edge of the site; and,
  - v) utilization of varying building designs for the three sections of the 3-storey building in order to provide variation and articulation along the street edge of the pedestrian environment (i.e. making the building appear as though it is three distinct buildings);

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

Voting Record:

Motion Passed

YEAS: N. Branscombe, D.G. Henderson, B. Polhill, P. Hubert, S.E. White (5)

Motion to open the public participation meeting.

Motion Passed

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

Motion to close public participation meeting.

Motion Passed

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

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

13. Properties located at 3924 and 4138 Colonel Talbot Road (39T-12503/OZ-8052)

Recommendation: That Mr. S. Stapleton, Vice President, Auburn Developments, BE GRANTED delegation status at the November 26, 2013 Planning and Environment Committee meeting to discuss the Colonel Talbot Developments Inc. application relating to the properties located at 3924 and 4138 Colonel Talbot Road. (2013-D14A/D12)

Motion Passed

YEAS: N. Branscombe, D.G. Henderson, B. Polhill, P. Hubert, S.E. White (5)

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

14. Property located at 275 Thames Street - Fugitive Slave Chapel

Recommendation: That, the Civic Administration BE DIRECTED to take the following actions with respect to the Fugitive Slave Chapel, currently located at 275 Thames Street:

- a) prepare a report for a heritage alteration permit to allow this heritage building to be relocated to 432 Grey Street;
- b) work with the community, with the assistance of the City's Facilities Services staff, to establish an accurate cost for the Fugitive Slave Chapel Preservation Project to transfer the Chapel to 432 Grey Street, place the building on a full basement foundation, secure the building with an adequate roof, doors and windows, and equip it with basement stairs, heating, plumbing and electrical service, so that the building is adaptable for any future additions, as may be planned at some future date by the Church;
- c) assist with exploring opportunities for in-kind contributions from the development, home building and construction industries that may assist the Church with excavating and constructing the basement foundation, relocating the Chapel and improving the building as described in b), above; and,
- d) before the end of December, 2013, report back to the Municipal Council on the funding gap, if any, between what has been raised by the community by way of financial and in-kind contributions, and the identified costs for constructing the basement foundation, relocating the Chapel and improving the building, as noted above, so that if there is a funding gap, the Municipal Council can give consideration to:
  - i) providing a grant to Beth Emmanuel Church to address the funding shortfall in order to protect this important heritage asset;
  - ii) receiving the Civic Administration's advice as to what conditions should be tied to the grant including, but not limited to, the requirement that further improvements to the interior and exterior of the Chapel would have to be in keeping with good heritage stewardship; and,
  - iii) identifying a potential source of financing for the grant. (2013-R01)



Motion Passed

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

**VI. ADJOURNMENT**

The meeting adjourned at 6:41 PM