

9TH REPORT OF THE
PLANNING AND ENVIRONMENT COMMITTEE

Meeting held on May 13, 2014, commencing at 4:30 PM, in the Council Chambers, Second Floor, London City Hall.

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

ALSO PRESENT: Mayor J.F. Fontana, Councillors D. Brown and S. Orser, M. Elmadhoon, J.M. Fleming, S. Galloway, T. Grawey, M. Henderson, B. Henry, G. Kotsifas, B. Krichker, A. MacLean, L. Pompilii, M. Ribera, C. Saunders, M. Tomazincic, S. Wilson and J. Yanchula.

I. CALL TO ORDER

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

II. CONSENT ITEMS

2. 5th Report of the Environmental and Ecological Planning Advisory Committee

Recommendation: That the 5th Report of the Environmental and Ecological Planning Advisory Committee from its meeting held on April 17, 2014 BE RECEIVED.

Motion Passed

YEAS: D.G. Henderson, P. Hubert, J.L. Baechler (3)

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

Recommendation: That, on the recommendation of the Managing Director, Planning and City Planner, the report dated May 13, 2014, relating to the decision by the Ontario Municipal Board, concerning the appeals by Jeffery Brick, on behalf of Upper Thames River Conservation Authority and by Fred Tranquilli, on behalf of Stan Worbel, Ann Worbel, Ed Dziadura and Peter Dziadura, pertaining to an application for an amendment to the Official Plan and Zoning By-law No. OZ-8114 by the Municipal Council, concerning the properties located at 56 to 82 Wellington Street, 283 to 323 South Street and 69 to 77 Waterloo Street BE RECEIVED. (2014-D14)

Motion Passed

YEAS: D.G. Henderson, P. Hubert, J.L. Baechler (3)

4. Property located at 1671 Fanshawe Park Road East - Cedarhollow Draft Plan - Request for Extension of Draft Approval (39T-03518)

Recommendation: That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the request for extension of the Draft Plan Approval application of Auburn Developments Inc., relating to the property located at 1671 Fanshawe Park Road East:

- a) the Approval Authority BE REQUESTED to approve a three (3) year extension to the Draft Plan Approval for the residential plan of subdivision, as red-line amended, SUBJECT TO the revised conditions appended to the associated staff report dated May 13, 2014, as Schedule "A" 39T-03518; and,
- b) the financing for the project BE APPROVED in accordance with the "Related Estimated Costs and Revenues" as appended to the associated staff report dated May 13, 2014, as Schedule "B" 39T-03518. (2014-D12)

Motion Passed

YEAS: D.G. Henderson, P. Hubert, J.L. Baechler (3)

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

Recommendation: That, on the recommendation of the Senior Planner, Development Planning, the report dated May 13, 2014, relating to the decision by the Ontario Municipal Board, concerning the appeal by Colonel Talbot Developments Inc., pertaining to a proposed residential plan of subdivision, Official Plan and Zoning By-law amendments, concerning the properties located at 3924 and 4138 Colonel Talbot Road BE RECEIVED. (2014-D12)

Motion Passed

YEAS: D.G. Henderson, P. Hubert, J.L. Baechler (3)

6. Southside Construction of Companies - 3804 South Winds Drive – Appeal to the Ontario Municipal Board

Recommendation: That, on the recommendation of the Senior Planner, Development Services, in response to letters of appeal, relating to the property located at 3804 South Winds Drive, 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 DIRECTED to represent Municipal Council's interests in this matter and retain expert witnesses in support of the Municipal Council's position;

it being noted that the following letters of appeal were received for information regarding this matter:

- a communication dated February 10, 2014, submitted by Valerie M'Garry, Valerie M'Garry Law Office, on behalf of Doug Dittmer and Elizabeth MacKinnon; and,
- a communication dated February 7, 2014 submitted by Stephen Gibson, McKenzie Lake Lawyers, on behalf of James Waldie and Joseph Liberatore. (2014-L01)

Motion Passed

YEAS: D.G. Henderson, P. Hubert, J.L. Baechler (3)

III. SCHEDULED ITEMS

7. Properties located at 583, 585 and 589 Oxford Street East

Recommendation: That, on the recommendation of the Manager, Development Services and Planning Liaison, the following actions be taken with respect to the site plan approval application of Salt Clinic Canada Inc. for a new day care building to be located at 583 Oxford Street East and a new commercial building to be located at 589 Oxford Street East:

- a) the Approval Authority BE ADVISED that, at the public participation meeting of the Planning and Environment Committee held with respect to these matters, the following issues were raised:
 - i) urban design guideline requirements; and,
 - ii) tree preservation;

- b) the Site Plan Approval Authority BE ADVISED that the Municipal Council supports the Site Plan Application for a day care at 583 Oxford Street East and a commercial building at 589 Oxford Street East;

it being pointed out that at the public participation meeting associated with this matter, the individual indicated on the attached public participation meeting record made an oral submission in connection therewith. (2014-D11)

Voting Record:

Motion Passed

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

Motion to open the public participation meeting.

Motion Passed

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

Motion to close the public participation meeting.

Motion Passed

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

8. Entertainment on Outdoor Patios (Z-8335)

Recommendation: That, on the recommendation of the Manager, Zoning and Public Property Compliance, based on the direction received by the Municipal Council, relating to amendments to the City's Zoning By-law for Entertainment on Outdoor Patios associated with Restaurants and Taverns, the following actions be taken:

- a) the proposed by-law, as appended to the staff report dated May 13, 2014, BE INTRODUCED at the Municipal Council meeting to be held on May 20, 2014, to amend Zoning By-law No. Z-1, (in conformity with the Official Plan), to permit non-amplified acoustical music; it being noted that this amendment will allow the Civic Administration to assess any impacts of permitting non-amplified acoustical music on outdoor patios for all restaurants and taverns throughout the City for the 2014 patio season and report back on any impacts of the amendment in early 2015;
- b) the Civic Administration BE REQUESTED to report back, at a public participation meeting of the Planning and Environment Committee, in early 2015 with respect to the impact of removing dancing from the by-law;

it being pointed out that at the public participation meeting associated with this matter, the individual indicated on the attached public participation meeting record made an oral submission in connection therewith. (2014-D14)

Voting Record:

Motion Passed

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

NAYS: J.L. Baechler (1)

Motion to open the public participation meeting.

Motion Passed

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

Motion to close the public participation meeting.

Motion Passed

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

IV. ITEMS FOR DIRECTION

9. 4th Report of the Trees and Forests Advisory Committee

Recommendation: The following actions be taken with respect to the 4th Report of the Trees and Forests Advisory Committee (TFAC) from its meeting held on April 23, 2014:

- a) the following actions be taken with respect to a Weed Inspector:
 - i) the Forestry Staff BE REQUESTED to engage the services of the Middlesex-London Weed Inspector to address invasive species concerns on private and public properties, as needed; and,
 - ii) the Forestry Staff BE REQUESTED to report to the appropriate standing committee with respect to local invasive weed species that should be recommended for inclusion as a designated weed under the *Weed Control Act*;
- b) that clauses 2 to 7, inclusive, of the 4th Report of the TFAC BE RECEIVED.

Motion Passed

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

10. Property located at 1103 Adelaide Street North

Recommendation: That, the Civic Administration BE REQUESTED to report back at a future meeting of the Planning and Environment Committee with respect to providing tenants and area residents with notice of any proposed development and/or redevelopment, including, but not limited to, reviewing what other municipalities are doing, placing signs on the property and requesting that owners post notices on bulletin boards; it being noted that the Planning and Environment Committee reviewed and received a communication dated April 29, 2014, from D. Dimitrie, 412-1128 Adelaide Street North, with respect to the redevelopment of the property located at 1103 Adelaide Street North. (2014-D14)

Motion Passed

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

11. Property located at 230 Victoria Street

Recommendation: That the attached presentation and the communication dated May 4, 2014, from K. McKeating and B. Jones, with respect to the property located at 230 Victoria Street BE RECEIVED. (2014-D14)

Voting Record:

Motion Passed

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

Motion to allow delegation status to Mrs. K. McKeating and Mr. B. Jones.

Motion Passed

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

V. DEFERRED MATTERS/ADDITIONAL BUSINESS

VI. ADJOURNMENT

The meeting adjourned at 6:09 PM.